Kingston upon Hull Corporation Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 **Ch. xliii**

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SCHEDULE—Apportionment and recovery of expenses of constructing sewers.

An Act to empower the lord mayor aldermen and citizens of the city and county of Kingston upon Hull to construct a bridge across the river Hull and other works in the city to make further provision in reference to lands and the supply of water and the improvement health local government and finances of the city and for other purposes. [1st August 1952.]

WHEREAS the city of Kingston upon Hull and county of the same city (hereinafter called "the city") is a county borough under the management and local government of the lord mayor aldermen and citizens of the city (hereinafter called "the Corporation"):

And whereas it is expedient to authorise the Corporation to execute the works referred to in this Act and to acquire lands in the city for the purpose of such works and for other purposes and to confer further powers upon the Corporation in regard to lands:

And whereas it is expedient to extend the period limited by the Kingston upon Hull Corporation Act 1933 (as extended by certain orders) for the construction of certain waterworks:

And whereas by the County of York East Riding Review Order 1935 the boundaries of the city were extended on the first day of April nineteen hundred and thirty-five and it is expedient to provide that as from that day the limits within which the Corporation are authorised to supply water shall be deemed to have been extended so as to include certain of the areas added to the city by the said order:

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

And whereas it is expedient to make further provision in regard to the finances of the city:

And whereas it is expedient to transfer to and vest in the Corporation the rights of the Hull and East Yorkshire River Board and the Cottingham Drainage Trustees and other persons in certain watercourses within the city:

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 estimates have been prepared by the Corporation for and in connection with the following purposes:—

The construction of the works authorised by this Act and the demolition of the existing Drypool Bridge	£389,000

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

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

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:

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Kingston upon Hull Corporation Act 1952.

(2) The Kingston upon Hull Corporation Acts 1854 to 1936 and this Act may together be cited as the Kingston upon Hull Corporation Acts 1854 to 1952.

PART I —*cont.*

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Drypool Bridge.
Part IV.—Water.
Part V.—Streets.
Part VI.—Sanitation and buildings.
Part VII.—Nuisances.
Part VIII.—Food.
Part IX.—Public order and public safety.
Part X.—Sale of coal coke and wood fuel.
Part XI.—Finance superannuation and rating.
Part XII.—Miscellaneous.
Part XIII.—General.

Incorporation of Acts.

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

(*a*) the Lands Clauses Acts except section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845;

(*b*) the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:

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

(2) In the application of the provisions of the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

(*a*) " the company " means the Corporation;

(*b*) " the railway " means the works; and

(*c*) " the centre of the railway " means any part of the works.

Interpretation.

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

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

" the Act of 1901 " " the Act of 1903 " and " the Act of 1906 " mean respectively the Kingston-upon-Hull Corporation Act 1901 the Kingston-upon-Hull Corporation

PART I —*cont.*

Act 1903 and the Kingston-upon-Hull Corporation Act 1906 ;

" the Act of 1933 " " the Act of 1936 " " the Act of 1937 " and " the Act of 1947 " mean respectively the Local Government Act 1933 the Public Health Act 1936 the Local Government Superannuation Act 1937 and the Town and Country Planning Act 1947 ;

" the added water limits " means so much of the city as is not included within the existing water limits ;

" the appointed day " has the meaning assigned to that expression by section 102 (The appointed day) of this Act ;

" 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 bridge " means the opening bridge and approaches and the works in connection therewith authorised by Part III (Drypool Bridge) of this Act ;

" the city " means the city and county of Kingston upon Hull ;

" the commission " means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

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

" contributory employee " " employing authority " " service " " contributing service " and " non-contributing service " have the meanings assigned to those expressions respectively by the Act of 1937 ;

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

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

" the council " means the council of the city ;

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

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

PART I —*cont.*

" the existing water limits " means the limits within which the Corporation were immediately before the passing of this Act authorised to supply water ;

" financial year " means the period of twelve months ending on the thirty-first day of March ;

" food " has the same meaning as in the Food and Drugs Act 1938 ;

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

" the Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 and by this Act ;

" the Minister " means the Minister of Housing and Local Government ;

" the regulations " means the National Health Service (Superannuation) Regulations 1950 ;

" the river " means so much of the river Hull as lies within the boundary of the city as for the time being constituted ;

" the river board " means the Hull and East Yorkshire River Board and includes that board acting as the Holderness internal drainage board ;

" 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 authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

" the town clerk " " the engineer " " the medical officer " " the surveyor " and " the sanitary inspector " mean respectively the town clerk the engineer the medical officer of health the surveyor and any sanitary inspector of the city ;

" the tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance

PART I —*cont.*

of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949 ;

" the works " means the works authorised by Part III (Drypool Bridge) of this Act.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the city delineated on the deposited plan and described in the deposited book of reference as may be required for the purposes of the works and for the improvement and development of frontages or of any lands abutting on any street within the limits of deviation shown on the deposited plan and for preventing the erection of buildings on such lands.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of five years from the first day of December nineteen hundred and fifty-two.

Correction of errors in deposited plan and book of reference.

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

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

(3) Any such certificate shall be deposited with the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

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

PART II —*cont.*

Acquisition of part only of certain properties.

7.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(*a*) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory ; or

(*b*) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

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

Power to expedite entry.

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

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

Power to enter for survey or valuation.

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

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

PART II —*cont.*

Disregard of recent improvements and interests.

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

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

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

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

Extinction of private rights of way.

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

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Grant of easements by persons under disability.

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

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

Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

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

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

PART II —*cont.*

Allowances to displaced persons.

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

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

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

Agreements with adjoining owners.

16.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

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

Proceeds of disposal of surplus land.

17.—(1) Any capital money received by the Corporation on the resale or exchange of or by leasing any land may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land.

(2) Any capital money so received and not so applied shall (subject to the provisions of section 52 (Consolidated loans fund) of the Kingston upon Hull Corporation Act 1933 and section 77 (Capital fund) of this Act) be applied in or towards the extinguishing of any loan raised by the Corporation under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Corporation otherwise directs and subject in that event to such conditions as he may impose be in addition to and not in substitution for such method of extingushing the loan as may have been adopted by the Corporation under any enactment.

(4) Section 24 (Proceeds of sale of surplus lands) of the Act of 1901 is hereby repealed.

Extension of power to develop lands.

18. Section 11 (Power to develop lands) of the Kingston upon Hull Corporation Act 1930 shall have effect as if after the word "offices" wherever it occurs there were inserted "factories".

PART II —*cont.*

Loans for erection etc. of buildings.

19.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Corporation by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

(*a*) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935;

(*b*) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;

(*c*) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;

(*d*) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;

(*e*) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);

(*f*) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;

(*g*) require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the

Corporation when required the receipts for the premiums paid in respect of the insurance; or

PART II —*cont.*

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf; and

(*h*) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

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

PART III

DRYPOOL BRIDGE

Power to construct works.

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

Work No. 1 An opening bridge across the river together with approaches thereto including widenings and improvements of Alfred Gelder Street and Clarence Street;

Work No. 2 A tunnel or tunnels under the river for the purpose of carrying pipes cables works apparatus and conveniences.

Power to deviate.

21. The Corporation in constructing the works may deviate from the lines thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate from the levels shown on the deposited section to any extent not exceeding five feet either upwards or downwards but shall not as respects any work affecting the navigation of the river deviate downwards from those levels:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Minister of Transport.

PART III —*cont.*

Power to make subsidiary works.

22. Within the limits of deviation shown on the deposited plan the Corporation in connection with and as part of the works may execute or do any of the following works or things:—

(*a*) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or repairable by the inhabitants at large) intersected or interfered with by or contiguous to the works and divert widen or alter the line or alter the level of any such existing street for the purpose of connecting the same with the works;

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

(*c*) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;

(*d*) alter or remove any monument drinking trough lamp-post refuge railings or other structure erected upon any street or land; and

(*e*) raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

and shall make compensation for any damage done by them in exercise of the powers of this section.

Subsidiary works in river.

23.—(1) The Corporation may make on or in the banks bed soil and foreshore of the river and elsewhere in connection with the works and at or near any works or erections to be made or put up by the Corporation for or connected with the construction user and maintenance of the works and may place and keep in the river and elsewhere permanently all such mooring posts and bollards and temporarily all such piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs subways buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction maintenance or use of the works:

Provided that the Corporation shall ensure that any such temporary works shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water.

(2) On the completion of Work No. 1 and Work No. 2 authorised by this Part of this Act the Corporation shall remove all temporary works placed by them in the river under the powers

PART III —*cont.*

of this section and shall at their own expense keep repaired any other works placed by them in the river under the powers of this section.

(3) If any works placed by the Corporation in the river under the powers of the last preceding section or this section shall at any time become redundant the Corporation shall remove the same.

Underpinning of houses near works.

24. Whereas in order to avoid in the execution and maintenance of the works injury to the houses and buildings within one hundred feet of the works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days' notice shall except in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk:

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an arbitrator (in this section referred to as " the referee "):

(4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or

PART III —*cont.*

building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:

(6) (*a*) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Corporation may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Corporation on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration;

(*b*) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided that the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

PART III —*cont.*

Removal of existing bridge.

25. The Corporation may take down and remove the existing bridge over the river known as Drypool Bridge including the foundations abutments and timber protective works and any other works used in connection therewith:

Provided that the Corporation shall—

(1) on the completion of Work No. 1 and Work No. 2 authorised by this Part of this Act remove such of the said foundations abutments and timber protective works as may be in the river and above a level of twelve feet below ordnance datum (Newlyn);

(2) so far as practicable ensure that any such taking down and removal shall not unnecessarily obstruct the navigable waterway of the river or otherwise interfere with or impede navigation.

Stopping up of highways.

26. The Corporation may stop up the whole or such portion or portions as they think fit of so much of Alfred Gelder Street and Clarence Street as is shown on the deposited plan as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the highways stopped up.

Laying out and repair of carriageways and footways.

27. The Corporation may lay out the works or any part thereof for carriageways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and may from time to time execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the works as they may from time to time think proper for preserving repairing or improving the works and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking open.

No mains or pipes to be laid in bridge.

28. Notwithstanding anything contained in the Public Utilities Street Works Act 1950 or in any other enactment no person shall enter upon break up or interfere with the bridge or the carriageways and footways of the same for the purpose of laying down any main pipe or wire or executing any work therein thereon or thereunder except with the consent of the Corporation and in accordance with such reasonable terms and conditions as the Corporation may determine.

PART III —*cont.*

Power to sell materials.

29. The Corporation may sell or dispose of all matters or things excavated or obtained in the construction of the works and the removal of the existing Drypool Bridge (including the foundations abutments and timber protective works and any other works used in connection therewith) and all building and other materials of any houses buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act and also all matters or things in under or upon any road street or other place altered by them for the purposes of this Act and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act.

Times of opening of bridge.

30.—(1) For the space of three hours before high water and two hours after high water at the Albert Dock Hull as shown by the official tide table (except on Sundays Christmas Day and Good Friday) the bridge shall be opened whenever necessary for the passage of vessels in such manner that vessels shall be as little as possible delayed in passing the bridge and that preference and priority shall be given so far as reasonably possible to vessels requiring to pass through the opening span of the bridge over road traffic requiring to use the bridge but this provision shall not apply to vessels which are able to pass under the span of the bridge (or any part thereof) The Corporation shall provide at their own expense such officers or servants as they may consider necessary for properly and efficiently opening and shutting the bridge at all times whether by night or day when necessary in accordance with the provisions of this Part of this Act:

Provided that—

(*a*) if the owner of or any other person interested in any vessel shall give to the engineer not less than twenty-four hours' notice that such owner or other person requires the bridge to be open for the passage of such vessel within a period of time on a Sunday Christmas Day or Good Friday mentioned in such notice and such owner or other person shall pay or give security to the satisfaction of the engineer for payment of all expense which will be reasonably incurred by the Corporation in or in connection with complying with such notice as aforesaid then the Corporation shall make all such arrangements as may be necessary in order that the bridge be opened within such period of time on such Sunday Christmas Day or Good Friday as aforesaid and shall cause the bridge to be opened accordingly for the passage of the said vessel;

PART III —*cont.*

(*b*) in the case of storm tempest emergency or tidal or other circumstances affecting the safety or needs of shipping the person having charge of the bridge or other officer or servant of the Corporation authorised in such behalf may when deemed by him to be necessary or advisable in consequence thereof direct that the bridge be opened on days and at times other than such as are specified in this section or in any byelaws made or applied under the next succeeding section.

(2) No vessel shall be entitled to the benefit of this section unless the byelaws made under or applied by the next succeeding section are and have been complied with by the master or other person having command or charge thereof.

Byelaws as to bridge.

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

(*a*) for regulating controlling and limiting the use of the opening span of the bridge and the time and mode of vessels passing through the same and the notice to be given by the master or other person having command or charge of any such vessel ;

(*b*) for preventing injury and damage to the bridge ;

(*c*) for regulating the conduct of all persons using the bridge ;

(*d*) for regulating the duties and conduct of all persons and the officers and servants of the Corporation who shall be employed in connection with the bridge and for requiring the person in charge of the bridge to comply with section 30 (Times of opening of bridge) of this Act ;

(*e*) for preventing persons navigating vessels from negligently or wilfully obstructing the working of the opening span and for preventing any person from negligently or wilfully obstructing the approaches to the opening span or doing anything to hinder or interfere with the proper working thereof ;

(*f*) for regulating the traffic along over through and under the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages and vehicles or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed ;

(*g*) for prohibiting the conveyance upon the bridge of any goods which may in the opinion of the Corporation

PART III —*cont.*

be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the working thereof or the passenger and other traffic carried thereon; and

(*h*) generally for regulating and controlling the use of the bridge.

(2) Until the coming into operation of any byelaws made by the Corporation under subsection (1) of this section the provisions of section 12 (Regulations as to opening bridge) and section 13 (Penalty for breach of byelaws) of the Hull (Drypool) Bridge and Improvements Act 1885 and any byelaws made by the Corporation under the said section 12 shall apply to the bridge.

Works below high-water mark to be subject to approval of Minister of Transport.

32.—(1) Subject to the provisions of this Act any work authorised by this Part of this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Minister of Transport and subject to such restrictions and regulations as the Minister of Transport may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister of Transport may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt.

Provision against danger to navigation.

33.—(1) In case of injury to or destruction or decay of the works 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 for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of 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 on summary conviction to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

PART III —*cont.*

Abatement of work abandoned or decayed.

34.—(1) Where any work constructed by the Corporation under the powers of this Part 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 Minister of Transport may by notice in writing either require the Corporation 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 said Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister of Transport may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Minister of Transport may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Survey of works by Minister of Transport.

35. If at any time the Minister of Transport deems it expedient for the purposes of this Part of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Part of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt.

Permanent lights on works.

36.—(1) After the completion of the works the Corporation shall on each side of the bridge 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 of Deptford Strond shall from time to time direct.

PART III —*cont.*

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Lights on works during construction.

37.—(1) The Corporation shall at or near such part of the works 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 Minister of Transport 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 on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

For protection of river board.

38. For the protection of the river board the following provisions shall unless otherwise agreed in writing between the Corporation and the river board apply and have effect:—

(1) (*a*) The foundations of the bridge Work No. 1 authorised by this Part of this Act shall be constructed at such a level as to permit the bed of the river contiguous to the bridge to be dredged to a level of fifteen feet below ordnance datum (Newlyn) without endangering the safety of the bridge;

(*b*) If the river board dredge the bed of the river contiguous to the bridge to a level not lower than fifteen feet below ordnance datum (Newlyn) they shall not in the absence of negligence be liable for any damage caused to the structure of the bridge by so doing:

(2) The Corporation shall as nearly as practicable maintain the bed of the river under the opening span of the bridge so as to maintain a uniform gradient in the bed of the river:

(3) If at any time the river board carry out any general improvement of the river involving the lowering of the bed of the river under the bridge to a level not lower than fifteen feet below ordnance datum (Newlyn) the Corporation shall pay to the river board any additional expense reasonably incurred by the river board in so doing which may be caused by the presence of the bridge:

(4) Any difference or dispute which may arise under this section between the Corporation and the river board shall be referred to arbitration:

PART III —*cont.*

(5) Except as expressly provided by this Act nothing in this Part of this Act shall be construed to take away lessen prejudice alter or affect any of the rights privileges powers or authorities of the river board or any of the internal drainage boards within the area of the river board.

For protection of Postmaster-General.

39.—(1) For the purposes of the Telegraph Acts 1863 to 1951 any tunnel constructed under the powers conferred by section 20 (Power to construct works) of this Act shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878.

(2) The Corporation shall in constructing any such tunnel or tunnels provide for the telegraphic lines of the Postmaster-General such reasonable accommodation as shall be sufficient for ten cables the external diameter of each cable not to exceed two decimal seven inches The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General:

Provided that—

(*a*) if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same;

(*b*) any extra cost which the Corporation may reasonably incur in complying with the provisions of this subsection shall be borne and paid by the Postmaster-General.

(3) Nothing in this Act contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General in relation to the approaches to the bridge under the provisions of the Telegraph Acts 1863 to 1951.

PART IV

WATER

Extension of time for construction of waterworks.

40. Subsection (1) of section 14 (Period for completion of waterworks) of the Kingston upon Hull Corporation Act 1933 (which as amended by the Kingston upon Hull (Extension of Time) Order (No. 2) 1945 the Kingston upon Hull (Extension of Time) Order 1947 and the Kingston upon Hull Water Order 1950 requires Works Nos. 1 2 and 10 authorised by the said Act of 1933 to be completed within twenty-one years and six calendar months from the thirty-first day of December nineteen hundred

PART IV —*cont.*

and thirty-three) shall have effect as if for the words " twenty-one years and six calendar months " there were substituted the words " forty-one years and six calendar months ".

Extension of water limits.

41.—(1) As from the first day of April nineteen hundred and thirty-five the limits within which the Corporation may supply water shall be deemed to have included the added water limits.

(2) The enactments relating to the water undertaking of the Corporation and the supply of water by the Corporation shall apply and as from the said date shall be deemed to have applied to the added water limits as they apply to the existing water limits and the Corporation shall accordingly in the added water limits have and as from the said date be deemed to have had the same powers and be and as from the said date be deemed to have been subject to the same obligations with respect to the supply of water and in any way incidental or relating thereto as they have and are subject to within the existing water limits.

PART V

STREETS

Trees grass verges and gardens.

42.—(1) Subject to the provisions of this section the Corporation shall have power—

(*a*) to plant trees or shrubs in any street in the city or in tubs placed by them for the purpose in any such street;

(*b*) to provide baskets of plants or flowers and attach the same to posts or standards in any such street;

(*c*) to lay out grass verges or gardens in any such street;

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

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

(*f*) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden:

Provided that the Corporation shall not under the powers of paragraph (*b*) of this subsection attach a basket to any post or standard (other than a post or standard provided by them) except with the consent of the owner thereof.

(2) Any such notice as is referred to in paragraph (*f*) of the foregoing subsection shall be conspicuously posted on or in

proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(3) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in the Corporation or upon land so vested which forms part of such a street:

Provided that when carrying out in any street or any part thereof any works under section 150 of the Public Health Act 1875 or the Private Street Works Act 1892 if the Corporation adopt that Act the Corporation may exercise any such power in the street or that part thereof with the consent of two-thirds in number and rateable value of the owners of land abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

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

(5) Section 1 of the Roads Improvement Act 1925 shall cease to apply to the Corporation and anything done by the Corporation under that section before the passing of this Act shall be deemed to have been done under this section.

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

(7) Nothing in this section shall affect any rights of the river board over any street for the purpose of land drainage.

Direction signs.

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

(2) At least one month before exercising their powers under this section the Corporation shall give to the owner of the building structure or land notice of their decision so to do together with particulars of the size design and position of the sign proposed and any person aggrieved by the decision of the Corporation may appeal to a court of summary jurisdiction.

(3) If any person wilfully and without the consent of the Corporation removes obliterates alters defaces or obscures any such sign otherwise than in the course of demolishing or altering

PART V —*cont.*

the building or structure or executing work on the land he shall be liable to a penalty not exceeding forty shillings and the Corporation may recover from him the expenses of replacing or making good the sign.

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

Evasion by owners of private street works expenses.

44.—(1) If—

(*a*) any owner of land fronting adjoining or abutting on a private street in the city transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(*b*) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that part; and

(*c*) the Corporation are unable to recover those expenses in whole or in part from the person to whom that part or portion of the part was transferred or by the sale thereof; and

(*d*) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works;

then the expenses so apportioned or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from the said owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

(2) In this section the following expressions have the following meanings:—

"private street" means—

(*a*) a street to which section 150 of the Public Health Act 1875 applies; or

(*b*) (if the Corporation adopt the Private Street Works Act 1892) a street within the meaning of that Act; or

(*c*) land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947;

"private street works" means works executed under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 (if the Corporation adopt that Act) or in relation to land which is deemed to be a

PART V —*cont.*

private street as aforesaid works executed under the said section 150 or (as the case may be) the said Act of 1892 as applied by subsection (3) of the said section 48;

" transfer " includes any disposal of land whether by way of sale lease exchange gift or otherwise and " transfers " shall be construed accordingly.

Construction of secondary means of access.

45. The Corporation may make byelaws prescribing specifications for the construction of new streets exceeding six feet in width and intended to be used as secondary means of access to premises.

PART VI

SANITATION AND BUILDINGS

Recovery of expenses of sewering public highway.

46.—(1) Where the council—

(*a*) resolve to construct a sewer in a street or part of a street in the city being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and

(*b*) include in the resolution a declaration that the construction of the sewer will in the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

then the provisions of the schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Corporation in a local newspaper circulating in the city and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) Either—

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

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

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

PART VI —*cont.*

Recovery of expenses of sewering prospective street.

47. Where land in the city in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the length of sewer:

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

Prevention of evasion of liabilities under last two preceding sections.

48.—(1) If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

(*a*) that by reason of any transfer of land any part of any premises (hereafter in this section referred to as "the severed part")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one preceding section applies; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last preceding section applies or has ceased to be included in premises fronting adjoining or abutting on such a street; and

(*b*) that the transfer was intended for the purpose of evading liability under the schedule to this Act imposed by the last but one preceding or the last preceding section as the case may be;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

(*a*) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order;

PART VI —*cont.*

(*b*) that for the purposes of sub-paragraph (*a*) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;

(*c*) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (*a*) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders under any provision of subsection (2) of this section may be made on separate complaints made by the Corporation at different times.

(5) For the purposes of this section the expression " transfer " includes any disposal of land whether by way of sale lease exchange gift or otherwise.

Recovery of cost of maintaining public sewers.

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

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

Delegation of power to examine and test drains etc.

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

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

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

PART VI —*cont.*

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

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

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

Summary power to remedy stopped-up drains etc.

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

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

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

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

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

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

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

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

Ruinous and dilapidated buildings and neglected sites.

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

PART VI —*cont.*

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

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

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

as may be necessary for remedying the cause of complaint.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the city is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

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

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

(6) In this section the expression "building" includes any structure.

Height of new chimneys.

53.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Corporation and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the Corporation shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

(*a*) the purpose of the chimney ;

(*b*) the position and description of buildings near thereto ;

(*c*) the levels of the neighbouring ground ; and

(*d*) any other matters requiring consideration in the circumstances.

PART VI —*cont.*

(2) If the Corporation reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

Power to order alteration of domestic chimneys.

54.—(1) If a court of summary jurisdiction is satisfied upon a complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the city is prejudicial to the health of any of the inhabitants of the city or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

(*a*) to cause it to be raised to a height so specified ; or

(*b*) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit :

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order will not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Food storage accommodation.

55.—(1) Every house erected in the city after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the city not so provided shall if reasonably practicable be so provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(2) Any person aggrieved by a requirement imposed by a notice under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The owner of any house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

PART VI —*cont.*

(5) For the purposes of this section—

(*a*) the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

(*b*) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and

(*c*) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

Repeal of section 41 of Act of 1903.

56. Section 41 (Power of surveyor on inspecting) of the Act of 1903 shall be repealed on the date on which byelaws made by the Corporation under the Act of 1936 with respect to the subject-matter of that section come into operation.

Prohibition of sale of verminous articles.

57.—(1) No dealer shall in the city—

(*a*) prepare for sale;

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

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

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

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

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

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

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

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

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

PART VI —*cont.*

(5) For the purposes of this section—

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

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

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

PART VII

NUISANCES

Smoke and dust from industrial furnaces.

58.—(1) As from the appointed day no person shall instal in any premises in the city any furnace for steam raising or for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke or dust.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if after there has been a conviction of an offence of installing a furnace in contravention of those provisions any person uses that furnace he shall unless it has been altered so as to comply with those provisions be liable to a penalty not exceeding five pounds for each day on which he so uses the furnace:

Provided that a person so using such furnace shall not be liable to the last-mentioned penalty unless he himself was convicted of the said offence or if he was not so convicted unless prior to such use or the continuance of the use he had received notice from the Corporation that there had been a conviction in respect of the installation of such furnace.

(3) If a person before installing in any premises a furnace to which this section applies submits to the Corporation a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the Corporation may within six weeks from the receipt of the plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

(*a*) if the notice states that they are so satisfied; or

(*b*) if they do not serve any notice under this subsection before the expiration of the said six weeks;

no proceedings shall be taken against that person under this section in respect of the installation of the furnace in accordance with the plan specification and information so submitted and furnished.

PART VII —*cont.*

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the Corporation shall consult the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated as aforesaid—

(*a*) a court in any proceedings under this section; and

(*b*) the Corporation on considering a plan specification and other information received under subsection (3) of this section;

shall have regard to cost and to local conditions and circumstances.

Silencers for internal combustion engines.

59.—(1) A stationary internal combustion engine shall not be used in the city unless an effectual silencer is provided and used on the exhaust of the engine.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the Corporation may give him notice that the engine is being or has been so used and if after the elapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(3) An authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have the right—

(*a*) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section; and

(*b*) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require such silencer to be taken off and removed;

and any expenses incurred under this subsection by any such officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof:

Provided that this subsection shall not apply to any premises belonging to railway undertakers and used by them for the purpose of their railway undertaking.

PART VII —*cont.*

Noise nuisance.

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

Provided that—

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

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

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

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

PART VIII

FOOD

Registration of hawkers of food and their premises.

61.—(1) As from the appointed day the following provisions shall have effect in the city:—

(*a*) No person shall sell or offer or expose for sale any food from or upon a stall or a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless he is registered by the Corporation :

(*b*) No premises shall be used as storage accommodation for food intended for sale from or upon a stall or a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless the premises are registered by the Corporation:

Provided that nothing in this subsection shall apply—

(i) to the sale or offer or exposure for sale of food by a person keeping open shop for the sale of food or by a person employed and in the course of his employment by such a person or to the use by a person so keeping open shop or by a person employed and in the course of his employment by such a person of any premises as storage accommodation for food intended for sale by him or his employer as the case may be ;

PART VIII —*cont.*

(ii) to the sale or offer or exposure for sale of food by a dairyman registered under regulations for the time being in force under Part I of the Food and Drugs (Milk Dairies and Artificial Cream) Act 1950 or having effect by virtue of subsection (2) of section 36 of that Act as if they had been made under the said Part I or by a person employed and in the course of his employment by such a dairyman or to the use by any person as storage accommodation for food of a dairy so registered ;

(iii) to the use by any person as storage accommodation for food of premises registered under section 14 of the Food and Drugs Act 1938 ;

(iv) to the sale or offer or exposure for sale of food by any person on premises owned or occupied by him or his employer or to the use by any person of any premises owned or occupied by him or his employer as storage accommodation for food intended for sale by him or his employer on those or any other such premises ;

(v) to the sale or offer or exposure for sale of food by any person or to the use of any premises as storage accommodation for food intended for sale if the profits of the sale are devoted to a religious or charitable purpose.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the occupier or intending occupier thereof.

(4) If it appears to the Corporation—

(*a*) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or

(*b*) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of subsection (1) of section 13 of the Food and Drugs Act 1938 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

PART VIII —*cont.*

the Corporation shall serve on that person or on the person applying for the registration of the premises or in the case of premises which are registered the occupier of the premises a notice—

(i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is proposed that a committee of the council shall take the matter into consideration ; and

(ii) informing him that he may attend before the said committee with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse to register him or the premises or revoke his or their registration as the case may be.

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

(6) Any person aggrieved by a decision of the Corporation under the last preceding subsection may appeal to a court of summary jurisdiction.

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

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

Byelaws as to meat for feeding animals.

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

(*a*) for prohibiting the sale or offer or exposure for sale of animal feeding meat for consumption by dogs cats or other animals unless such animal feeding meat has been sterilised in such manner as may be prescribed by the byelaws ;

(*b*) for requiring the exhibition at premises at which animal feeding meat is sold or offered or exposed for sale for consumption by dogs cats or other animals of a notice in such manner and in such premises as the byelaws may prescribe so as to indicate that the animal feeding meat is not for human consumption :

PART VIII —*cont.*

Provided that no such notice shall be necessary or required in the case of animal feeding meat sold offered or exposed for sale as aforesaid—

(i) in a container bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only ; or

(ii) as an ingredient in dog biscuits or other articles of a similar nature ; and

(*c*) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale for consumption by dogs cats or other animals and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is supplied to a zoological garden or to a menagerie for consumption by carnivorous animals and which has been examined and passed as fit for animal food by an authorised officer.

(2) In this section—

the expression " authorised officer " means any officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act relating to unsound food ; and

the expression " animal feeding meat " means any flesh of cattle horses asses mules swine sheep or goats which is not sold or intended for sale for human consumption and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance ; and

the expression " flesh " includes any part of an animal.

PART IX

PUBLIC ORDER AND PUBLIC SAFETY

Barriers in streets.

63.—(1) For the purpose of securing public order or public safety or preventing congestion of traffic the Corporation may in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street in the city will be thronged or obstructed cause barriers to be erected in any street in the city and kept in position for so long as may be necessary for that purpose :

PART IX —*cont.*

Provided that the Corporation shall not exercise the powers of this subsection—

(*a*) as respects any trunk road without the consent of the Minister of Transport; or

(*b*) in any street belonging to or repairable by any railway dock canal or inland navigation undertakers and forming the approach to any station dock wharf or depot of those undertakers or so as to obstruct the access to or exit from any station dock wharf or depot of those undertakers without the consent of those undertakers; or

(*c*) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) The consent of any undertakers under proviso (*b*) to the preceding subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) For the purpose of erecting barriers in a street under this section the Corporation may provide slots or sockets in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier erected under this section he shall be liable to a penalty not exceeding five pounds.

Pleasure fairs and roller-skating rinks.

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

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

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

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

(2) In this section—

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

(i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and

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

PART IX —*cont.*

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

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

(*a*) circuses;

(*b*) exhibitions of human beings or of performing animals;

(*c*) merry-go-rounds roundabouts swings switchback railways;

(*d*) coconut shies hoop-las shooting galleries;

(*e*) dodgems or other mechanical riding or driving contrivances;

(*f*) automatic or other machines intended for entertainment or amusement; and

(*g*) anything similar to any of the foregoing.

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

(*a*) any fair held by statute royal charter royal licence letters patent or ancient custom; or

(*b*) any place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place; or

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

(*d*) any entertainment the profits whereof are devoted to a religious or charitable purpose; or

(*e*) any entertainment in any permanent premises in respect of which a licence under the Cinematograph Act 1909 is for the time being in force.

(5) The Corporation shall—

(*a*) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws; and

(*b*) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Corporation in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

PART IX —*cont.*

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

Amendment of section 4 of Act of 1907.

65. Subsection (5) of section 4 (Penalty for keeping obscene pictures &c. for sale) of the Kingston-upon-Hull Corporation Act 1907 is hereby repealed.

Provisions as to motor vehicles let for hire.

66. The provisions of the Town Police Clauses Act 1847 section cxv (Byelaws for regulating porters &c.) of the Kingston-upon-Hull Improvement Act 1854 the Kingston-upon-Hull Order 1889 and Part XI (Hackney carriages) of the Act of 1903 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

PART X

SALE OF COAL COKE AND WOOD FUEL

Definitions in this Part of Act.

67. In this Part of this Act—

"coke" includes coke and any solid fuel derived from coal or of which coal or coke is a constituent;

"the Act of 1889" means the Weights and Measures Act 1889.

PART X —*cont.*

Application of Part II of Act of 1889 to coke and wood fuel.

68. In their application to the city sections 20 to 22 and 24 to 29 of the Act of 1889 shall extend to coke and (except section 28) to wood fuel subject to and in accordance with the following provisions:—

(*a*) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweights shall include references to any quantity of coke or wood fuel exceeding two hundredweights;

(*b*) The reference in section 24 to coal in any quantity not exceeding two hundredweights shall include a reference to coke in any quantity not exceeding two hundredweights and to wood fuel in any quantity exceeding fourteen pounds but not exceeding two hundredweights;

(*c*) Any other reference to coal in the said sections 20 to 22 and 24 to 29 shall include a reference to coke and (except in section 28) to any quantity of wood fuel exceeding fourteen pounds;

(*d*) In relation to coke and wood fuel such of the said sections as are hereinafter mentioned shall be construed as if the words "within the city and county of Kingston upon Hull" were inserted—

(i) in subsection (1) of section 20 after the word "sold" where it first occurs;

(ii) in subsection (1) of section 21 after the word "delivered" where it first occurs;

(iii) in subsection (1) of section 22 after the word "conveyed";

(iv) in section 24 after the word "delivers";

(v) in subsection (1) of section 25 after the word "delivery";

(vi) in section 27 at the beginning of subsection (1); and

(vii) in subsection (1) of section 29 after the word "place" where it first occurs and after the word "coal" where it secondly occurs.

Byelaws relating to wood fuel.

69. The Corporation may make byelaws—

(1) regulating for the purposes of this Part of this Act and of the Act of 1889 the sale of wood fuel in quantities exceeding fourteen pounds but not exceeding two hundredweights;

PART X —*cont.*

(2) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried on any vehicle in which wood fuel is carried for sale or delivery to a purchaser; and

(3) prescribing the distance beyond which wood fuel is not to be required to be carried for the purpose of being weighed or re-weighed in pursuance of section 27 of the Act of 1889 as applied by this Act.

Penalty for fraud.

70. If any person wilfully makes any false statement as to the weight of any coke or wood fuel or any part thereof or as to the tare weight of any vehicle from which coke or wood fuel is being sold delivered or offered or exposed for sale or wilfully increases the weight of any such coke or wood fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coke or wood fuel is or may be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Amendment of section 27 of Act of 1889.

71. Proviso (*a*) to section 27 of the Act of 1889 in its application to the city shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Vehicles carrying coal etc. for sale or delivery on sale.

72.—(1) Every vehicle carrying coal coke or wood fuel for sale or for delivery on sale by retail shall have the seller's name and place of business clearly marked and visible on such vehicle:

Provided that vehicles belonging to or used by the National Coal Board or by the North Eastern Gas Board shall sufficiently comply with the provisions of this section if the words "National Coal Board" or "North Eastern Gas Board" are clearly marked on such vehicles and visible from the near side thereof.

(2) Any person who in the city uses a vehicle to which this section applies and which is not in conformity therewith shall be liable to a penalty not exceeding five pounds.

Sale in sacks of coal etc. exceeding two hundredweights.

73.—(1) Where—

(*a*) any quantity of coal coke or wood fuel exceeding two hundredweights is delivered by means of any vehicle to a purchaser; or

(*b*) any person sells or intends to sell or exposes or offers for sale coal coke or wood fuel from or on any vehicle in quantities exceeding two hundredweights;

PART X —*cont.*

and such coal coke or wood fuel is carried on such vehicle in sacks the net weight of coal in any one sack shall be ten stones and the net weight of coke or wood fuel in any one sack shall be equal to one of the following weights (that is to say) one two four six or eight stones and each sack shall be legibly marked so as to show the net weight of coal coke or wood fuel carried in such sack:

Provided that this section shall not apply when the complete load of a vehicle is delivered to one purchaser at one point of delivery and there is stated on the ticket or note referred to in section 21 of and the Third Schedule to the Act of 1889 the number of sacks to which the ticket or note refers.

(2) In addition to the matters which in accordance with the said section 21 of and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to therein there shall in cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks to which the ticket or note refers and the net weight of coal coke or wood fuel in each of such sacks and the said section 21 in its application to the city shall be read and have effect accordingly.

(3) If default is made in complying with any of the requirements of the preceding subsections or the net weight of coal coke or wood fuel in any sack where subsection (1) of this section applies is less than the weight shewn thereon or stated on the ticket or note the seller of the coal coke or wood fuel and the person responsible for loading the coal coke or wood fuel on such vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds.

Commencement of this Part of Act.

74. The provisions of this Part of this Act shall come into operation on the appointed day.

PART XI

FINANCE SUPERANNUATION AND RATING

Power to borrow.

75.—(1) Subject to the provisions of this Act the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay any sum so borrowed within such period as the Corporation may determine

PART XI —*cont.*

not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose	Amount	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing
(*a*) The purchase of lands and easements for the purposes of this Act	The sum requisite	Sixty years.
(*b*) The construction of the works and the demolition of the existing Drypool Bridge	£389,000	Fifty years.
(*c*) The payment of the costs charges and expenses of this Act	The sum requisite	Five years from the passing of this Act.

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

Saving for powers of Treasury.

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

Capital fund.

77.—(1) The Corporation may (if they think fit) establish a fund to be called " the capital fund " to which they may pay—

(*a*) any sums derived from the sale of any property of the Corporation;

(*b*) the surplus of the revenue income over the revenue expenditure of the general rate fund (not required by law to be applied to or carried forward for any other purpose) on the thirty-first day of March in any year; and

(*c*) such other sums from the revenue of the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of that fund to the purposes authorised)

as the council may by resolution direct not being moneys directed by law to be applied to any other purpose: PART XI —*cont.*

Provided that—

(i) the aggregate amount paid to the capital fund under paragraphs (*b*) and (*c*) of this subsection (in addition to the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of four times the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925; and

(ii) payments into the capital fund shall not be made whenever that fund amounts to three hundred thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Corporation may apply the moneys in the capital fund in defraying any expenditure to which capital is properly applicable or in providing money for repayment of loans (but not in making the annual payment required to be made therefor):

Provided that the amount to be expended under this subsection shall not exceed the sum of twenty thousand pounds in any one transaction unless a greater sum shall in any case be allowed by the Minister.

(3) (*a*) Pending the application of moneys in the capital fund to the purposes authorised by the last preceding subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

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

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

(5) Any sum derived from the sale of any corporate land of the Corporation as defined in section 305 of the Act of 1933

PART XI —*cont.*

and paid to the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

(6) Nothing in this section shall affect the operation of paragraph (*a*) (*b*) or (*c*) of subsection (1) of section 8 of the Local Authorities Loans Act 1945 in any case in which the moneys in the capital fund are used in pursuance of that section.

Renewal and repairs fund.

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

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

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

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

Extension and modification of Act of 1937.

79.—(1) Any person who—

(*a*) at the date of the passing of this Act is ; or

(*b*) after the date of the passing of this Act becomes ;

a contributory employee in relation to the superannuation fund maintained by the Corporation but is not such an employee as

is mentioned in paragraph (*a*) (*b*) or (*c*) of regulation 47 (1) or in regulation 51 of the regulations may within one year after the date of the passing of this Act or the date on which he becomes a contributory employee (as the case may be) give notice in writing to the Corporation that he desires that this section shall apply to him and thereupon the following provisions of this section shall extend and apply in relation to him for so long as he remains a contributory employee in relation to the superannuation fund maintained by the Corporation A person who gives notice under this subsection is hereinafter in this section referred to as an " electing employee."

(2) The Act of 1937 shall extend and apply in relation to any electing employee as if in consideration of the contributions required thereby there were substituted for any title accruing in respect of service reckonable thereunder to a superannuation allowance lump sum retiring allowance injury allowance or death gratuity a title to such benefits as are conferred by regulations 7 to 9 inclusive (as modified by regulation 34) and regulation 12 of the regulations and as if there were conferred by the Act of 1937 in addition to any benefits or in substitution for any similar benefits to which any electing employee might become entitled thereunder in respect of service reckonable under the Act of 1937 the benefits conferred by regulations 10 11 and 13 of the regulations and the Act of 1937 shall have effect accordingly with any necessary modifications:

Provided that—

(*a*) in the application of regulation 7 of the regulations for the purposes of this subsection that regulation shall be read and have effect as if the following provisions were substituted for sub-paragraph (ii) of paragraph (*a*) thereof:—

" (ii) he has attained the age of sixty years and completed forty years' service ; or

(iii) he has attained the age of sixty-five years and completed ten years' service " ;

and as if in paragraph (*b*) thereof the words " sixty-five years " were substituted for the words " sixty years " ;

(*b*) in the application of any regulation in Part I of the regulations for the purposes of this subsection—

(i) references to pensionable age shall be construed as references to the age of compulsory retirement ;

(ii) references in regulations 6 (1) (*a*) and 19 (1) to such an age as is thereinafter mentioned shall be construed as references to the age of compulsory retirement ; and

PART XI —*cont.*

(iii) references to forty-five years or forty-five-eightieths respectively shall be construed as references to forty years and forty-eightieths respectively.

(3) The amount of any retiring allowance to which an electing employee may become entitled shall be increased as nearly as may be in accordance with the provisions of regulation 29 (3) of the regulations.

(4) (*a*) The Act of 1937 in its application to any electing employee shall be further modified to provide that the employing authority may on any annual pension lump sum retiring allowance or death gratuity becoming payable to or in respect of the electing employee resolve that in respect of every year of non-contributing service there shall be substituted a fraction of his average remuneration larger than one-one-hundred-and-sixtieth but not exceeding one-eightieth:

Provided that any extra charge resulting from any resolution passed by an employing authority under this subsection shall be repaid by that authority to the superannuation fund maintained by the Corporation.

(*b*) For the purposes of the application of Part III of the Second Schedule to the Act of 1937 the reference in paragraph (*c*) of that part to proviso (i) to paragraph (*b*) of subsection (2) of section 8 of that Act shall be construed as a reference to paragraph (*a*) of this subsection.

(5) The Act of 1937 in its application to any electing employee shall be further modified so as to confer a right on him by making payments similar to those provided for by the Third Schedule to the regulations to reckon any period of non-contributing service as a period of contributing service and shall have effect as if the provisions of the said Third Schedule (except so much of sub-paragraph (*d*) of paragraph 3 thereof as follows the word "cease" where that word occurs for the second time sub-paragraphs (*e*) and (*f*) of paragraph 3 and paragraph 4) were incorporated therein with the modification that the reference therein to the calculation of interest at the rate of two and one-half per centum with yearly rests shall be construed as a reference to the calculation of interest at the rate of three per centum per annum with half-yearly rests and with any other necessary modifications.

Annulment or amendment of regulations.

80. If the regulations are annulled or are amended the Minister on the application of the Corporation may make such order as may be necessary in reference to the last foregoing section in consequence of such annulment or amendment and if

no such order is made the regulations for the purposes of this Act shall be deemed not to have been annulled or amended (as the case may be).

PART XI —*cont.*

Payment of pension etc. of person of unsound mind.

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

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

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such employee former employee or pensioner shall not exceed one hundred pounds in any year.

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

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as

PART XI —*cont.*

from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

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

Payments due to deceased employees.

82.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance pension gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of subsection (1) of section 46 of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Provided that—

(*a*) the Corporation may (notwithstanding the receipt of a notice under proviso (*b*) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;

(*b*) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of the preceding subsection (except under proviso (*a*) thereof) to

any person other than the personal representative of the deceased employee the Corporation shall require either— PART XI —*cont.*

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

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

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

Superannuation of telephone service employees.

83.—(1) For the removal of doubt it is hereby declared that the provisions of the Act of 1937 shall not apply to the officers and servants employed by the Corporation in connection with their telephone undertaking (in this section referred to as " telephone service employees ") during such period as those officers and servants are entitled to benefits under a trust deed dated the twenty-seventh day of January nineteen hundred and twenty-five and made between the Corporation of the one part and Edwin Ombler Thomas Hayes Toogood and Thomas George Milner of the other part or any amendment or modification thereof or any new trust deed substituted therefor.

(2) Section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 shall apply in relation to a person becoming or ceasing to be a telephone service employee as if the employment of that person during the period mentioned in subsection (1) of this section were pensionable employment for the purpose of the said section 2.

(3) Where a person ceases to be a telephone service employee in such circumstances that rules made in accordance with subsection (2) of this section apply the Corporation shall pay a transfer value calculated in such manner as may be approved by the Minister out of the fund referred to in the said trust deed.

Recovery of rates etc. from persons removing.

84. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water rate or charge which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a

PART XI —*cont.*

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

Recovery of rates from certain owners.

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

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

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments in the case of the general rate to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of resolutions of the council.

Expenses in connection with ceremonies etc.

86. The Corporation may make reasonable payments for or in connection with—

(1) the provision of public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing;

(2) the arrangement and conduct of ceremonies relative to or arising out of any statutory functions of the Corporation;

(3) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the city and persons representative of or connected with local government or other public services and the supply of information to any such persons;

(4) visits by way of official courtesy by or on behalf of the Corporation;

including payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of

the Corporation in connection with such visits as are referred to in the foregoing paragraph (4):

PART XI —*cont.*

Provided that the expenditure under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925.

PART XII

MISCELLANEOUS

Agreements to maintain graves and tombstones.

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

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

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

(*c*) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Corporation may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment;

(*d*) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery.

(2) In this section—

the expression "cemetery" includes a burial ground and a crematorium;

the expression "grave" includes a grave space niche or urn;

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

Extension of power to maintain burial grounds.

88.—(1) The powers of the Corporation in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and

PART XII —*cont.*

keep in order any grave or tombstone therein and to remove the kerbs surrounding any grave therein subject to the following provisions:—

(*a*) Before exercising the powers of this section the Corporation shall give notice of their intention so to do—

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

(ii) by displaying the notice in a conspicuous position in the burial ground;

(*b*) Any such notice shall—

(i) contain a description of the works intended to be executed; and

(ii) specify the date on which it is intended that those works will be commenced which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid; and

(iii) state the effect of paragraph (*c*) of this subsection;

(*c*) If notice of objection to the execution of any such works and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the works to which the objection relates shall not be executed without the consent of the Minister.

(2) All kerbs removed by the Corporation under the powers of this section shall remain the property of the owner of the grave from which they have been removed and if such owner does not claim them within a period of three months after the first publication of the advertisement referred to in subsection (1) of this section the Corporation may put the kerbs to such use as they may deem appropriate or they may destroy them.

(3) Where any kerbs constitute a memorial the Corporation shall after consultation with any known next of kin at their own expense in substitution therefor erect a memorial stone of a value not exceeding twenty-five pounds at the head of the grave.

(4) The Corporation shall cause to be made a record of any kerb surrounding a grave removed under the powers of this section showing the particulars respecting each kerb so removed as a separate entry and a copy of such record shall be deposited

at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General. PART XII —*cont.*

(5) In this section—

the expression " burial ground " includes a cemetery ;

the expression " grave " includes a grave space ;

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

Personal weighing machines.

89.—(1) In this section the expression " personal weighing machine " means any weighing machine in the city which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

(*a*) for the use of which a charge is made or is proposed to be made ; or

(*b*) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Corporation may make byelaws—

(*a*) generally with respect to the examination on verification and to the inspection of personal weighing machines and the distinguishing marks to be affixed to personal weighing machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled ;

(*b*) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines ;

(*c*) for fixing the limits of error to be allowed on verification and inspection of any personal weighing machine ;

(*d*) for fixing the fees to be paid to the Corporation for the examination and marking of personal weighing machines submitted for verification or for the examination of such personal weighing machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

PART XII —*cont.*

(4) On and after the expiration of the said period a personal weighing machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and such stamp has not been cancelled and on or after the expiration of the said period the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(5) If any person forges or counterfeits or removes any such stamp or distinguishing mark as is referred to in the last preceding subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing machine on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (*a*) Any inspector of weights and measures of the Corporation may at all reasonable times examine and inspect any personal weighing machine which is used or exposed for use and may seize and detain any personal weighing machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing machine which he is authorised to examine and inspect.

(*b*) Any person who neglects or refuses to produce for such examination and inspection any such personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine or inspect the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence to a penalty not exceeding ten pounds.

(7) For the purpose of this section a personal weighing machine shall not be deemed to be stamped by reason of its bearing a cancelled stamp.

(8) A personal weighing machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably

practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used or exposed for use under this section. PART XII —*cont.*

(9) (*a*) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating within the city.

(*b*) No evidence shall be required in any proceedings that the provisions of this subsection as to public notice have been complied with.

Removal of sunk stranded or abandoned vessels.

90.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the river or in or near any approach thereto (not being waters within the jurisdiction of the Humber Conservancy Board) the Corporation may if they think fit cause the vessel or any part thereof to be raised removed blown up or destroyed.

(2) The Corporation may cause any such vessel and the furniture and tackle and apparel thereof or any part thereof respectively which shall be raised or salved and also all or any part of the cargo goods chattels and effects which may be raised or salved from any such vessel to be sold in such manner as they may think fit and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of the sale in trust for the persons entitled thereto:

Provided that the Corporation shall before selling any such cargo goods chattels or effects as aforesaid pay any duties and purchase tax which may be payable in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties and purchase tax so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of the sale are insufficient to reimburse the Corporation for the aforesaid expenses and duties and purchase tax the Corporation may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the owner of any such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction.

PART XII —*cont.*

(4) If on demand being made under this section for payment of any deficiency the owner of the vessel is dissatified with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Minister of Transport who shall appoint an arbitrator to determine and award whether any and if so what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Minister of Transport that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The Corporation shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying any vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention so to do and if within twelve hours after the expiration of such notice the owner gives to the Corporation notice of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Corporation:

Provided that if the owner gives any such notice as last aforesaid—

(*a*) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Corporation for the purpose of preventing interference with navigation; and

(*b*) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Corporation shall be at liberty to cause the vessel to be raised removed blown up or destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(6) The Corporation shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel or any part thereof or any part of the cargo goods chattels and effects thereof under the provisions of this section give to the owner seven days' notice of their intention so to do.

(7) Any notice given by the Corporation pursuant to subsection (5) or subsection (6) of this section shall be given by delivering the same to the owner or by posting a prepaid letter

addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Corporation then by exhibiting such notice at the guildhall in the city for twenty-four hours in the case of a notice given under the said subsection (5) or for seven days in the case of a notice given under the said subsection (6).

(8) In this and the following section the expression—

"owner" in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of the vessel at the time of the sinking stranding or abandonment thereof;

"vessel" includes a seaplane and other aircraft.

(9) The powers conferred on the Corporation by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks.

(10) Except for the purpose of removing any obstruction to the river nothing in this section shall entitle the Corporation to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Corporation shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

(11) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or re-insurer under a contract of insurance or re-insurance for any expenses incurred by the Corporation except where such consent is given as is provided for in section 91 (As to vessels in which the Crown have an interest) of this Act and the vessel was not such a vessel as aforesaid at any such time as is mentioned in subsection (8) of this section.

(12) This section shall not apply to that part of the river which is comprised within the distance of fifty yards of the centre of the entrance from the old harbour of the Victoria Dock referred to in section 82 (Limits of dockmaster's authority) of the Hull Docks Act 1861.

PART XII —*cont.*

As to vessels in which the Crown have an interest.

91.—(1) The Corporation shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Act or by any other enactment give to the Admiralty and to the Minister of Transport notice of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister of Transport gives to the Corporation—

(*a*) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest that the Corporation should take possession of the vessel or that the vessel should be raised removed blown up or destroyed; or

(*b*) a notice that the exercise by the Corporation of the rights of recovery conferred by subsection (2) of section 90 (Removal of sunk stranded or abandoned vessels) of this Act would render the Crown liable directly or indirectly otherwise than as an insurer or re-insurer under a contract of insurance or re-insurance for all or a substantial proportion of the expense incurred by the Corporation:

the Corporation shall not without the consent in writing of the authority by whom the certificate was issued or the notice given take possession of raise remove blow up or destroy such vessel:

Provided that in any case which in their opinion is a case of emergency the Corporation may take possession of raise remove blow up or destroy any vessel without giving notice of their intention so to do to the Admiralty or to the Minister of Transport and in that event the Corporation shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

(2) If the Corporation shall mark light watch buoy control or give warning to shipping of the presence of any vessel in respect of which the Admiralty or the Minister of Transport have refused their consent under subsection (1) of this section the Corporation shall not be entitled to recover the expenses of so doing from the owner of the vessel.

Corporation sworn meters and weighers.

92.—(1) The Corporation may appoint a sufficient number of persons to be members of the association within the city known as Corporation sworn meters and weighers and may remove any such persons in case of inefficiency misconduct or other good and sufficient cause:

PART XII —*cont.*

Provided that notwithstanding anything contained in this section the members of the association shall not be deemed to be officers servants or agents of the Corporation.

(2) The rules and regulations made by the association or any amendment thereof with regard to—

(*a*) the rates and charges to be levied for the weighing and measuring of goods by members of the association; and

(*b*) the government and regulation of the association and its members;

shall be subject to the approval of the Corporation.

(3) Section 100 (Byelaws as to corn and other meters and weighers) of the Hull Extension and Improvement Act 1882 is hereby repealed.

Fares and charges on trolley vehicles.

93.—(1) Section 32 (Passengers' fares) of the Act of 1906 as applied to trolley vehicles by section 11 (Application to trolley vehicles of enactments relating to tramways) of the Kingston upon Hull Corporation Act 1936 and any order made under section 13 (Minister may authorise new routes) of the said Act of 1936 shall have effect as if for the words "one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than twopence" there were substituted "such fare as the council shall from time to time by resolution prescribe".

(2) Section 34 (Charges for parcels) of the Act of 1906 as applied to trolley vehicles as aforesaid shall have effect as if for the words from "not exceeding" to the end of the section there were substituted "such rates as the council shall from time to time by resolution prescribe for that purpose".

(3) Section 37 (Cheap fares for labouring classes) of the Act of 1906 as applied to trolley vehicles as aforesaid shall have effect as if in subsection (1) for the words "one halfpenny for every mile or fraction of that distance" there were substituted "such fares as the council shall from time to time by resolution prescribe for that purpose".

(4) Section 39 (Power to fix stages) of the Act of 1906 as applied to trolley vehicles as aforesaid shall have effect as if for the words "one penny per stage and for this purpose the fraction of a stage shall be deemed a stage" there were substituted "such fares rates or charges as the council shall from time to time by resolution prescribe for that purpose".

PART XII —*cont.*

(5) (*a*) The following provisions of the Act of 1906 as applied to trolley vehicles as aforesaid are hereby repealed:—

Section 36 (As to fares on Sundays or holidays);

The Second Schedule.

(*b*) The following enactments are hereby repealed:—

Section 25 (Periodical revision of fares and charges) of the Kingston upon Hull Corporation Act 1936; and

The Kingston upon Hull Corporation Trolley Vehicles (Increase of Charges) Order 1951.

Amalgamation of parishes.

94. On the first day of April nineteen hundred and fifty-three the parish of Sculcoates and the parish of Holy Trinity and Saint Mary in the city shall be united to form a parish to be known as "the parish of Kingston upon Hull":

Provided that nothing in this section shall alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment.

Robes of office.

95. The Corporation may provide and maintain robes of office and headdresses for the use of the lord mayor sheriff aldermen and councillors for the time being of the city:

Provided that the robes and headdresses provided by the Corporation under the powers of this section shall remain the property of the Corporation.

Dispensation with bonds by theatre managers.

96.—(1) Except in any case in which the Corporation otherwise require so much of section 7 of the Theatres Act 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in that section shall cease to have effect as respects licences granted by the Corporation under that Act.

(2) (*a*) If the licensee of a theatre licensed by the Corporation under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Corporation thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

(*b*) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Corporation.

(3) (*a*) The Corporation shall within three months after the passing of this Act give public notice of the foregoing provisions of this section by advertisement in two or more newspapers

circulating in the city and otherwise in such manner as the Corporation think sufficient. PART XII —*cont.*

(*b*) No evidence shall be required in any proceedings that the provisions of this subsection have been complied with.

Information centres.

97. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the city and its neighbourhood.

Maintenance of buildings of architectural interest.

98.—(1) Where a building preservation order is in force as respects any building in the city and it appears to the Corporation that reasonable steps are not being taken for properly preserving the building the Corporation may with the consent of the Minister make such contribution as they may think fit towards the cost of the maintenance of such building.

(2) In this section the expression "building preservation order" has the meaning assigned to it by section 29 of the Act of 1947.

Restriction on use of city armorial ensigns.

99. If any person without the consent of the Corporation uses in connection with any trade business calling or profession the armorial ensigns of the city (or armorial ensigns so closely resembling the same as to be calculated to deceive) in such a manner as to be calculated to lead to the belief that he is duly authorised so to use the armorial ensigns of the city he may at the suit of the Corporation be restrained by injunction from continuing to use the same:

Provided that nothing in this section shall be construed as affecting the right (if any) of the proprietor of a trade mark registered under the Trade Marks Act 1938 and containing such armorial ensigns to continue to use such trade mark.

Transfer of certain watercourses to Corporation.

100.—(1) In this section—

(*a*) "the watercourses" means the watercourses which are shown and coloured red on the map signed in triplicate by the Right Honourable the Earl of Drogheda 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 office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

(*b*) "the trustees" means the Cottingham Drainage trustees.

(2) All rights and obligations of the river board and the trustees in each of the watercourses or any part or parts thereof shall be transferred to and vest in the Corporation as and when the river board or the trustees (as the case may be) agree with the Corporation that such watercourse or part or parts thereof has or have become redundant in consequence of sewerage works constructed or other operations undertaken by the Corporation:

PART XII —*cont.*

Provided that no rights or obligations of the river board in any of the watercourses which is shown as part of the main river on the map as approved or varied by the Minister of Agriculture and Fisheries in accordance with section 6 of the River Boards Act 1948 shall be transferred or vested under this section until the said Minister shall have varied the said map so as to exclude such watercourse from the main river.

(3) (*a*) The Corporation may be authorised by the Minister to purchase compulsorily any rights of any persons other than the river board or the trustees in any of the watercourses or any part or parts thereof which the river board or the trustees shall have agreed has or have become redundant as aforesaid.

(*b*) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this subsection were an enactment contained in a public general Act and in force immediately before the commencement of that Act and as if the said rights were land.

(4) On and after the vesting in the Corporation of all rights in any of the watercourses or any part or parts thereof the Corporation may—

(*a*) use such watercourse or part or parts and the bed and banks and the site thereof for the purposes of any of their undertakings powers or duties;

(*b*) fill up or alter such watercourse or part or parts; and

(*c*) sell lease exchange or otherwise dispose of such watercourse or part or parts and the bed and banks and the site thereof.

PART XIII

GENERAL

Confirming authority for byelaws.

101. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

1	2
31 (Byelaws as to bridge)	Minister of Transport.
62 (Byelaws as to meat for feeding animals) ...	Minister of Food.
64 (Pleasure fairs and roller-skating rinks) ...	Secretary of State.
66 (Provisions as to motor vehicles let for hire)	Secretary of State.
69 (Byelaws relating to wood fuel)	Board of Trade.
89 (Personal weighing machines)	Board of Trade.

The appointed day.

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

PART XIII —*cont.*

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

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

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

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

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

(4) Either—

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

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

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

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

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

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

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 104 (Appeals) of this Act.

Restriction on right to prosecute.

103. Proceedings in respect of an offence created by or under this Act (except Part X (Sale of coal coke and wood fuel) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

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

PART XIII —*cont.*

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

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

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

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

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

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

Apportionment of expenses in case of joint owners.

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

In executing works for owner Corporation liable for negligence only.

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

Damages and charges to be settled by court.

107. 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. PART XIII —*cont.*

108. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration. Application of Arbitration Act.

109. 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. Determination of compensation.

110. The Minister the Minister of Transport and the Minister of Fuel and Power may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly. Inquiries by Ministers.

111.—(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):— Application of provisions of Act of 1936.

Section 271 (Interpretation of " provide ");

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

Section 276 (Power of local authority to sell certain materials);

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

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

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

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

PART XIII —*cont.*

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

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

Section 293 (Recovery of expenses &c.);

Section 294 (Limitation of liability of certain owners);

Section 295 (Power of local authority to grant charging orders);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative);

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

Provided that the said sections 277 287 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part V (Streets) Part VI (Sanitation and buildings) Part VII (Nuisances) and Part VIII (Food) 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 city 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.);

Application of provisions of Act of 1901.

112. The following provisions of the Act of 1901 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those provisions were re-enacted in this Act (namely):—

Section 15 (Temporary stoppage of streets); and

Section 23 (Power to retain sell &c. lands).

For protection of certain area boards.

113. For the protection of the North Eastern Gas Board and the Yorkshire Electricity Board (each of whom is in this section referred to as " the area board ") the following provisions

shall unless otherwise agreed in writing between the Corporation and the area board concerned apply and have effect:— PART XIII —*cont.*

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

"apparatus" means—

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

(*b*) in relation to the Yorkshire Electricity Board all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to such board;

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

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

"position" includes depth:

(2) Whenever by virtue of the provisions of section 26 (Stopping up of highways) of this Act any part of Alfred Gelder Street or Clarence Street in which any apparatus is situate is stopped up the area board may and (if so requested by the Corporation) shall—

(i) remove the apparatus and relay or replace the same; or

(ii) provide and lay or place other apparatus in lieu of such existing apparatus;

in Alfred Gelder Street or Clarence Street (as the case may be) as widened and improved under the powers of this Act or in such other position as the area board may reasonably determine:

(3) The Corporation shall repay to the area board—

(*a*) the reasonable expenses incurred by the area board in or in connection with the removal and relaying or replacing of any apparatus or the provision and laying or placing of any new apparatus under the provisions of subsection (2) of this section; and

(*b*) the reasonable costs of and incidental to—

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

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

PART XIII —*cont.*

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 which imposes limitations on undertakers' rights to payments shall so far as applicable extend and apply to any payments to be made by the Corporation under paragraph (*a*) of this subsection as if the works therein mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in the said subsection (3) the words "and the placing of apparatus of that type dimensions or capacity or the placing of apparatus at that depth as the case may be had not been specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" were omitted therefrom:

(4) The area board shall not be entitled to any payment in connection with the exercise of the powers of section 26 (Stopping up of highways) of this Act if the existing apparatus of the area board was laid or placed within two years immediately preceding the stopping up of parts of Alfred Gelder Street or Clarence Street and if notice in writing of their intention to exercise the powers of the said section 26 was given by the Corporation to the board within eight days from the date on which the intention to lay or place the apparatus was signified to the Corporation by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the Public Utilities Street Works Act 1950 applied or by notice under section 6 of that Act if such laying or placing was not such a work:

(5) The Corporation shall not unreasonably withhold their consent under section 28 (No mains or pipes to be laid in bridge) of this Act on an application made to them by the area board to enter upon break up or interfere with the approaches to the bridge for the purpose of laying down any apparatus or executing any works in the said approaches and where such consent is given any question whether any terms and conditions attached thereto are reasonable shall be referred to arbitration:

(6) If—

(i) the Corporation construct the tunnel (Work No. 2 authorised by Part III of this Act); and

(ii) the area board make application to the Corporation for their consent to the laying down by the area board of apparatus in the tunnel;

PART XIII —*cont.*

the Corporation shall not unreasonably withhold their consent but may grant their consent subject to such terms and conditions (including terms and conditions requiring the payment by the area board to the Corporation of a charge rental or wayleave payment) as the Corporation may reasonably determine:

(7) The Corporation shall not under the powers of section 29 (Power to sell materials) of this Act sell or dispose of any apparatus which can reasonably be identified as apparatus of the area board:

(8) The Corporation shall so exercise the powers of section 42 (Trees grass verges and gardens) of this Act as not to cause damage to or obstruct or render less convenient the access to any apparatus of the area board:

(9) In exercise of the powers of subsection (3) of section 59 (Silencers for internal combustion engines) of this Act in relation to any premises occupied or used by the area board in connection with the manufacture storage or supply of gas or electricity (as the case may be) an authorised officer of the Corporation shall observe any precautions reasonably required by the area board in the interests of safety and for preventing interference with the supply of gas or electricity:

(10) The Corporation shall so exercise the powers of section 63 (Barriers in streets) of this Act as not so far as reasonably practicable to render less convenient the access to any apparatus:

(11) (*a*) Any difference which may arise between the Corporation and the area board under this section shall be referred to arbitration;

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

Saving for town and country planning.

114. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Crown rights.

115. 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

PART XIII —*cont.*

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 or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of Acts.

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

SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in the city multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a court of summary jurisdiction and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(*a*) shall order the Corporation to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and

(*b*) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as it thinks just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Corporation subject to and in accordance with the following provisions:—

(*a*) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

SCH. —*cont.*

Provided that where a sum has become payable under sub-paragraph (*c*) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land;

(*b*) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal;

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand:

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

(*c*) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein;

(*d*) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected:

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Corporation with respect to any such remission may appeal to a court of summary jurisdiction.

SCH. —*cont.*

8.—(1) The sum apportioned on any premises under this Schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provisions of this schedule—

(*a*) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;

(*b*) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

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

(*b*) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such an extent that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building) ;

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

(iii) the conversion of any premises into a factory shop or place of public resort ;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the revelant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date ;

(*c*) the expression " the relevant date " means—

(i) in relation to an apportionment under section 46 (Recovery of expenses of sewering public highway) of this Act

SCH. —*cont.*

in pursuance of a resolution of the council the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 47 (Recovery of expenses of sewering prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Kingston-upon-Hull Improvement Act 1854 ...	17 & 18 Vict. c. ci.
Hull Docks Act 1861	24 & 25 Vict. c. lxxix.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Hull Extension and Improvement Act 1882 ...	45 & 46 Vict. c. cxv.
Hull (Drypool) Bridge and Improvements Act 1885	48 & 49 Vict. c. clxxi.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Kingston-upon-Hull Order 1889 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1889) ...	52 & 53 Vict. c. cvii.
Lunacy Act 1890	53 Vict. c. 5.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Kingston-upon-Hull Corporation Act 1901 ...	1 Edw. 7. c. cxxiv.
Kingston-upon-Hull Corporation Act 1903 ...	3 Edw. 7. c. ccxlvi.
Kingston-upon-Hull Corporation Act 1906 ...	6 Edw. 7. c. clxxxix.
Kingston-upon-Hull Corporation Act 1907 ...	7 Edw. 7. c. cvi.
Cinematograph Act 1909	9 Edw. 7. c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Land Charges Act 1925	15 Geo. 5. c. 22.
Administration of Estates Act 1925	15 Geo. 5. c. 23.
Roads Improvement Act 1925	15 & 16 Geo. 5. c. 68.
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5. c. 11.
Legitimacy Act 1926	16 & 17 Geo. 5. c. 60.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Kingston upon Hull Corporation Act 1930 ...	20 & 21 Geo. 5. c. clxxv.
Kingston upon Hull Corporation Act 1933 ...	23 & 24 Geo. 5. c. lxxvii.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Housing Act 1935	25 & 26 Geo. 5. c. 40.
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