CHAPTER 32.

An Act to amend the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and the Acts amending the same respectively.

[22d July 1878.]

WHEREAS the provisions of the several Acts now in force within the Metropolis are insufficient for duly regulating the erection and extension of houses and buildings in close proximity to certain roads, passages, and ways, and it is expedient that for such purpose further and better provisions should be made:

And whereas with a view to protect the public frequenting theatres and music halls within the Metropolis from danger from fire it is expedient that provisions such as are in this Act contained should be made for empowering the Metropolitan Board of Works (in this Act referred to as "the Board") to cause alterations in existing theatres and music halls to be made in certain cases, and to make regulations with respect to the position and structure of new theatres and certain new music halls:

And whereas it is expedient to make provisions with respect to the making, filling up, and preparation of the foundations and sites of houses and buildings to be erected within the Metropolis, and with respect to the quality of the substances to be used in the formation or construction of the sites, foundations, and walls of such houses and buildings with a view to the stability of the same, the prevention of fires, and for purposes of health:

And whereas it is expedient to make further and better provisions with respect to the payment of expenses incurred by the Board in relation to dangerous structures:

And whereas for the purposes aforesaid it is expedient to amend the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and the Acts amending the same respectively: 18 & 19 Vict. c. 120. 18 & 19 Vict. c. 122.

Be it therefore 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,)

Preliminary.

1. This Act may be cited for all purposes as the Metropolis Management and Building Acts Amendment Act, 1878. Short title.

2. This Act shall extend and apply to the Metropolis as defined by the Metropolis Management Act, 1855. Limits of Act. 18 & 19 Vict. c. 120.

3. This Act shall consist of three parts. Division of Act into three parts.

PART I.

4. In this part of this Act— Interpretation.

The term "roadway" in relation to any road, passage, or way shall mean the whole space open for traffic, whether carriage traffic and foot traffic or foot traffic only: "Roadway."

The term "centre of the roadway" in relation to any road, passage, or way existing at the time of the passing of this Act or thereafter formed shall mean the centre of the roadway of such road, passage, or way as existing immediately before the time when first after the passing of this Act or the formation of the same any house or building fronting towards or abutting upon such road, passage, or way was begun to be constructed or extended: "Centre of the roadway."

The term "the prescribed distance" shall mean twenty feet from the centre of the roadway where such roadway is used for the purpose of carriage traffic, and ten feet from the centre of the roadway where such roadway is used for the purposes of foot traffic only. "The prescribed distance."

Metropolis Management Acts and this part of Act to be construed as one Act.

18 & 19 Vict. c. 120. 57 G. 3. c. xxix.

5. The Metropolis Management Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act: Provided always, that nothing in this Act shall be held to limit or restrict the powers now vested in the Commissioners of Sewers of the city of London, or in any body or person elsewhere within the Metropolis, by an Act passed in the session of Parliament held in the fifty-seventh year of the reign of King George the Third, intituled "An Act for better paving, improving, and regulating "the streets of the Metropolis and removing and preventing nuisances and obstructions "therein."

As to erection of houses or buildings at less than prescribed distance from centre of roads, passages, or ways being highways.

6. From and after the passing of this Act no house or building begun to be constructed after the passing of this Act shall be constructed or begun to be constructed, and no house or building shall be extended or begun to be extended, in such manner that the external wall or front of any such house or building, or, if there be a forecourt or other space left in front of any such house or building, the external fence or boundary of such forecourt or other space, shall be at a distance less than the prescribed distance from the centre of the roadway of any road, passage, or way, whether a thoroughfare or not, being a highway, without the consent in writing of the Board: Provided always, that the Board may, in any case where they think it expedient, consent to the construction, formation, or extension of any house, building, forecourt, or space at a distance less than the prescribed distance from the centre of the roadway of any such road, passage, or way, and at such distance from the centre of such roadway, and subject to such conditions and terms (if any) as they may think proper to sanction.

In every case where any such house, building, forecourt, or space is constructed, formed, or extended, or is begun to be constructed, formed, or extended, in contravention of the provisions of this section, at a distance from the centre of the roadway of any such road, passage, or way as aforesaid less than the prescribed distance, or than such other distance as may have been sanctioned by the Board, or contrary to the conditions and terms (if any) subject to which such sanction was obtained, the Board may serve a notice upon the owner or occupier of the said house, building, forecourt, or space, or upon the builder or person engaged in constructing, forming, or extending the same, requiring him to comply with the provisions of this section, and to cause such house, building, forecourt, or space, or any part thereof, to be set back so that the external wall of such house or building, or the external fence or boundary of such forecourt or space, shall be at a distance not less than the prescribed distance from the centre of the roadway of such road, passage, or way as aforesaid, or at such distance and according to such conditions and terms (if any) as the Board may have sanctioned.

Provided always, that the preceding provisions of this section shall not affect the construction or extension of any house or building within the limits of any area which may have been lawfully occupied by any house or building at any time within two years before the passing of this Act, or the construction or extension of any house or building lawfully in course of construction or extension at the time of the passing of this Act; and provided also, that the construction or extension of any house or building in or abutting upon any street existing, formed, or laid out for building at the time of the passing of this Act may be begun and completed in like manner in every respect as if the preceding provisions of this section had not been made.

As to erection of houses or buildings at less than prescribed distance from centre of roads, passages, or ways not being highways.

7. Where after the passing of this Act any house or building begun to be constructed after the passing of this Act is constructed or is begun to be constructed, or any house or building is extended or begun to be extended, in such manner that the external wall or front of any such house or building, or, if there be a forecourt or other space left in the front of any such house or building, the external fence or boundary of such forecourt or space, is at a distance from the centre of the roadway of any road, passage, or way (not being a highway) less than the prescribed distance or less than such other distance as may have been sanctioned by the Board as herein-after provided, or where, in relation to any such house, building, or forecourt, or space constructed, formed, or extended at such less distance than the prescribed distance with the sanction of the Board as aforesaid, the conditions or terms, if any, subject to which such sanction was obtained have not

been complied with, or the time during which such sanction was limited to continue has expired, then and in every such case, where it is intended that such road, passage, or way shall become a highway, a written notice to that effect shall be served upon the Board, and thereupon the Board may at any time within two months after the receipt of such notice serve a notice upon the owner or occupier of such house, building, forecourt, or space, or the builder or person engaged in constructing, forming, or extending the same, requiring him to cause the same, or any part thereof, to be set back so that the external wall or front of such house or building, or the external fence or boundary of such forecourt or space, shall be at a distance not less than the prescribed distance from the centre of the roadway of such road, passage, or way, or at such distance and according to such conditions and terms (if any) as the Board may have sanctioned, and unless and until such first-mentioned notice has been given to the Board and such last-mentioned notice (if any) has been complied with, such road, passage, or way shall not become a highway.

The Board may consent to the construction, formation, or extension of any house, building, forecourt, or space at any lesser distance than the prescribed distance from the centre of the roadway of any such road, passage, or way (not being a highway) as aforesaid, to be specified in such consent, or to the continuance of any house, building, forecourt, or space constructed, formed, or extended at such lesser distance, or to the continuance thereof for a limited time only, to be specified in such consent, in such cases and subject to such terms and conditions (if any) as they may think proper.

Provided always, that the preceding provisions of this section shall not affect the construction or extension of any house or building within the limits of any area which may have been lawfully occupied by any house or building at any time within two years before the passing of this Act, or the construction or extension of any house or building lawfully in course of construction or extension at the time of the passing of this Act.

Proceedings in case of default in compliance with requirements of notice.

8. In case any owner, occupier, builder, or person during twenty-eight days after the service of any notice under the preceding provisions of this part of this Act neglects or refuses to comply with the requirements of such notice, or after the expiration of such period fails to carry out or complete the works necessary for such compliance with all reasonable despatch, the Board may cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons, requiring such owner, occupier, builder, or person to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice shall make an order in writing on such owner, occupier, builder, or person directing him to comply with the requirements of such notice within such time as such justice may consider reasonable, and such justice shall also make an order for the payment of the costs incurred up to the time of hearing, and of hearing; and in case such owner, occupier, builder, or person makes default in complying with the requirements of such notice within the time limited by such order, he shall be liable to a penalty of not less than forty shillings and not more than five pounds, and to a further penalty of not less than ten shillings and not more than forty shillings for each day during which such default continues after the first day after the expiration of the time limited by such order for compliance with the requirements of such notice: Provided always, that this section shall not apply to any noncompliance with the notice of the Board in the case of an intended highway where the same shall not be opened as a highway.

Streets, roads, &c. formed for foot traffic not to be used without consent of Board for carriage traffic unless widened.

9. No street, road, passage, or way (being a highway) formed or laid out for foot traffic only after the passing of this Act shall, except with the consent of the Board, be used for the purposes of carriage traffic, unless the space open for foot traffic and carriage traffic be of the full width of forty feet where there are houses or buildings on each side thereof, or, where there are houses or buildings only on one side thereof, unless there be a distance of not less than twenty feet from the centre of the space open for foot traffic and carriage traffic and the external walls or fronts of such houses or buildings, or, if there be forecourts or other spaces left in front of such houses or buildings, the external fences or boundaries

of such forecourts or other spaces; and in case any person alters any such street, road passage, or way, so that it may be used for any traffic other than foot traffic, contrary to the provisions of this section, or takes up or removes any post, bar, rail, flagstone, or knowingly does any act, matter, or thing to facilitate the use of the same for traffic other than foot traffic, contrary to the provisions of this section, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Streets, roads, &c. formed for foot traffic before passing of Act not to be used without consent of justice for carriage traffic unless widened.

10. No street, road, passage, or way (being a highway) formed or laid out for foot traffic only before the passing of this Act shall be used for the purposes of carriage traffic for any longer period than seven consecutive days without the consent of a justice, unless the space open for foot traffic and carriage traffic be of the full width of forty feet where there are houses or buildings on each side thereof, or where there are houses or buildings only on one side thereof, unless there be a distance of not less than twenty feet from the centre of the space open for foot traffic and carriage traffic and the external walls or fronts of such houses or buildings, or, if there be forecourts or other spaces left in front of such houses or buildings, the external fences or boundaries of such forecourts or other spaces, and any justice may grant such consent as aforesaid, or may do so subject to such terms and conditions as he may think fit; provided that twenty-eight days previous notice of any such application to a justice shall be served upon the Board, and the Board may appear at the time and place fixed for hearing such application and be heard thereon. In case any person alters any such street, road, passage, or way, so that it may be used for any traffic other than foot traffic, contrary to the provisions of this section, or to any conditions imposed by any such justice as aforesaid, or takes up or removes any post, bar, rail, flagstone, or knowingly does any act, matter, or thing to facilitate the use of the same for traffic other than foot traffic, contrary to the provisions of this section, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to Board in certain cases to require proprietors of theatres and certain music halls in use at the time of the passing of this Act to remedy structural defects.

11. Whenever it appears to the Board that any house or other place of public resort within the Metropolis which was at the time of the passing of this Act authorised to be kept open for the public performance of stage plays, and which is kept open for such purpose, under the authority of letters patent from her Majesty, her heirs and successors or predecessors, or of a license granted by the Lord Chamberlain of Her Majesty's Household for the time being, or by justices of the peace, or that any house, room, or other place of public resort within the Metropolis, containing a superficial area for the accommodation of the public of not less than five hundred square feet, which was at the time of the passing of this Act authorised to be kept open, and which is kept open, for dancing, music, or other public entertainment of the like kind, under the authority of a license granted by any court of quarter sessions, is so defective in its structure that special danger from fire may result to the public frequenting the same, then and in every such case the Board may, with the consent of the Lord Chamberlain in the case of theatres under his jurisdiction, and of Her Majesty's Principal Secretary of State in all other cases, if in the opinion of the Board such structural defects can be remedied at a moderate expenditure, by notice in writing require the owner of such house, room, or other place kept open for any of the purposes aforesaid, under such authority as aforesaid, to make such alterations therein or thereto as may be necessary to remedy such defects, within a reasonable time to be specified in such notice; and in case such owner fails to comply with the requirements of such notice within such reasonable time as aforesaid, he shall be liable to a penalty not exceeding fifty pounds for such default, and to a further penalty of five pounds for every day after the first day after the expiration of such reasonable time as aforesaid during which such default continues: Provided always, that any such owner may, within fourteen days after the receipt of any such notice as aforesaid, serve notice of appeal against the same upon the Board, and thereupon such appeal shall be referred to an arbitrator to be appointed by Her Majesty's First Commissioner of Works at the request of either party, who shall hear and determine the same, and may, on such evidence as he may think satisfactory, either confirm the notice served by the Board, or may confirm the same with such modifications as he may think proper, or refuse to confirm the same, and the decision of such arbitrator with respect to the requirements

contained in any such notice, and the reasonableness of the same, and the persons by whom and the proportions in which the costs of such arbitration are to be paid, shall be final and conclusive and binding upon all parties.

In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

Power to Board to make regulations with respect to new theatres and certain new music halls for protection from fire.

12. The Board may from time to time make, alter, vary, and amend such regulations as they may think expedient with respect to the requirements for the protection from fire of houses or other places of public resort within the Metropolis to be kept open for the public performance of stage plays, and of houses, rooms, or other places of public resort within the Metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, to be kept open for public dancing, music, or other public entertainment of the like kind, under the authority of letters patent from Her Majesty, her heirs or successors, or of licenses by the Lord Chamberlain of Her Majesty's Household, or by any justices of the peace, or by any court of quarter sessions, which may be granted for the first time after the passing of this Act; and may by such regulations prescribe the requirements as to position and structure of such houses, rooms, or places of public resort which may, in the opinion of the Board, be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof; provided that the Board may from time to time in any special case dispense with or modify such regulations, or may annex thereto conditions if they think it necessary or expedient so to do.

The Board shall, after the making, altering, varying, or amending of any such regulations, cause the same to be printed, with the date thereof, and a printed copy thereof shall be kept at the office of the Board, and all persons may at all reasonable times inspect such copy without payment, and the Board shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment by such person of any sum not exceeding five shillings for every such copy.

A printed copy of such regulations, dated and authenticated by the seal of the Board, shall be conclusive evidence of the existence and of the due making of the same in all proceedings under the same, without adducing proof of such seal or of the fact of such making.

From and after the making of any such regulations it shall not be lawful for any person to have or keep open any such house, room, or other place of public resort for any of the purposes aforesaid, unless and until the Board grant to such person a certificate in writing under their seal, to the effect that such house, room, or other place was on its completion in accordance with the regulations made by the Board in pursuance of the provisions of this Act for the time being in force, and in so far as the same are applicable to such house or other place, and to the conditions (if any) annexed thereto by the Board.

In case any such house, room, or place of public resort is opened or kept open by any person for any of the purposes aforesaid, contrary to the provisions of this enactment, such person shall be liable to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid.

Provisional license for new premises.

13. A person interested in any premises about to be constructed, or in course of construction, which are designed to be licensed and used within the Metropolis for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind, may apply to the licensing authority for the grant of a provisional license in respect of such premises. The grant of such provisional license shall, in respect of the discretion of the licensing authority and procedure, be subject to the same conditions as those applicable to the grant of a like license which is not provisional. A provisional license so granted shall not be of any force until it has been confirmed by the licensing authority; but the licensing authority shall confirm the same on the production by the applicant of a certificate by the Board that the construction of the premises has been

completed in accordance with the regulations and conditions made by the Board as herein-before provided, and on being satisfied that no objection can be made to the character of the holder of such provisional license.

PART II.

Interpretation.

"Foundations."

"Site."

14. In this part of this Act—

The term "foundations" shall mean the space immediately beneath the footings of a wall:

The term "site" in relation to a house, building, or other erection shall mean the whole space to be occupied by such house, building, or other erection between the level of the bottom of the foundations and the level of the base of the walls.

18 & 19 Vict. c. 122., &c., and this part of this Act to be construed as one Act.

15. The Metropolitan Building Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act.

Power to Board to make bye laws with respect to sites and foundations.

16. The Board may from time to time make, alter, vary, amend, and repeal such byelaws as they may think expedient with respect to the following matters; (that is to say,)

(1.) The foundations of houses, buildings, and other erections, and the sites of houses, buildings, and other erections to be constructed after the passing of this Act, and the mode in which and the materials with which such foundations and sites shall be made, formed, excavated, filled up, prepared, and completed for securing stability, the prevention of fires, and for purposes of health:

18 & 19 Vict. c. 122. s. 12.

(2.) The description and quality of the substances of which walls are authorised to be constructed by section twelve of the Metropolitan Building Act, 1855, for securing stability, the prevention of fires, and for purposes of health:

(3.) The duties of district surveyors in relation to such foundations and sites and substances, and for the guidance and control of such district surveyors in the exercise and discharge of such duties:

(4.) The regulation of the amounts of the fees to be paid to such district surveyors in respect of any duties imposed upon them by any such byelaws or by this Act.

The Board may further provide by any byelaw that in any case in which the Board think it expedient they may dispense with the observance of any byelaw made under the authority of this part of this Act, subject to such terms and conditions, if any, as they may think proper; and such terms and conditions may be enforced in like manner in every respect as if the same had been enacted by such byelaw.

The Board may, subject as herein-after mentioned, further provide for the due observance of such byelaws by enacting therein such provisions as they think fit as to the deposit of plans and sections of public buildings, and buildings to which section fifty-six of the

18 & 19 Vict. c. 122. s. 56.

Metropolitan Building Act, 1855, applies, which shall be constructed after the passing of this Act, and as to inspection by the district surveyor or other officer of the Board of houses, buildings, and other erections to be constructed after the passing of this Act, and of the plans and sections relating thereto, and as to the power of the Board to cause the removal, alteration, or pulling down of any house, building, or other erection or work done or begun in contravention of any such byelaw, and by imposing such reasonable penalties as they think fit, not exceeding five pounds, for each breach of any such byelaw, and in case of a continuing offence a further penalty not exceeding forty shillings for each day after notice of such offence from the Board or district surveyor.

Any byelaw made in pursuance of this section, and any alteration, variation, and amendment made therein, and any repeal of a byelaw, shall not be of any validity until it has been confirmed by one of Her Majesty's Principal Secretaries of State.

A byelaw made under this section shall not, nor shall any alteration, variation, or amendment therein or repeal thereof, be confirmed by one of Her Majesty's Principal Secretaries of State until the expiration of two months after a copy of the byelaw, together with notice of the intention to apply for confirmation of the same, has been published by

the Board, once at least in each of two consecutive weeks, in two or more newspapers circulating in the Metropolis, and copies of such byelaw and notice have been delivered at the office of the Royal Institute of British Architects and of the Institution of Surveyors, and to such other societies and persons as such Principal Secretary of State may direct; and any person affected by any such proposed byelaw, or alteration, variation, or amendment in or repeal of any byelaw, may forward notice of his objection to such Secretary of State, who shall take the same into consideration.

All the provisions contained in sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, as to the making, publication, and evidence of byelaws made by the Board under the authority of the said Act, and as to penalties for breach of the same, and the remission of such penalties, shall extend and apply to the making, publication, and evidence of byelaws made by the Board under the authority of this Act, and to penalties for breach of any such byelaws, and to the remission of such penalties. 18 & 19 Vict. c. 120. ss. 202, 203.

Provisions as to buildings, &c. not erected on foundations or are as conformable with byelaws, &c.

17. In case any house, building, or other erection begun to be constructed after the passing of this Act is constructed or begun to be constructed upon any foundations or site or with any substances which have not been made, filled up, and prepared, or which are not in description and quality in accordance with the provisions of the byelaws relating thereto made under the authority of this Act, or in accordance with the terms and conditions subject to which the Board may have dispensed with the observance of any such provisions, the district surveyor may forthwith, by notice to be served on the occupier of such house, building, or other erection, or on the builder, owner, or other person engaged in constructing any such house, building, or other erection as aforesaid, require him to alter, pull down, or remove such house, building, or other erection or any part thereof as he may think proper; and in case any such occupier, builder, owner, or other person, during twenty-eight days after the service of such notice, fails to comply with the requirements of such notice, he shall be liable to a penalty of not less than ten shillings and not more than forty shillings for every day from the time of the service of such notice as aforesaid until such house, building, or other erection, or such part thereof, is altered, pulled down, or removed in accordance with the terms of such notice, and every such penalty shall be in addition to any other penalty for breach of any byelaw.

Provided always, that, notwithstanding the imposition and recovery of any penalty, the Board at any time after default in compliance with the requirements of such notice, if they think proper, may cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons requiring such occupier, builder, owner, or other person to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice may make an order in writing authorising the Board to enter and alter, pull down, or remove such house, building, or other erection, or any part thereof, and do whatever may be necessary for such purpose, and also to remove the materials of which the same was composed to a convenient place, and (unless the expenses of the Board be paid to them within fourteen days) subsequently sell the same as they think proper; and all expenses incurred in respect of such entering and altering, pulling down, or removing any such house, building, or other erection, and in disposing of the said materials, may be deducted by the Board out of the proceeds of such sale, and the balance, if any, shall be paid by the Board to the person entitled thereto; and in case such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from such occupier, builder, owner, or other person, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this Act.

Power to appeal.

18. Any person affected by any notice under the preceding provisions of this part of this Act may, within seven days after the service of the same, appeal to the Board.

18 & 19 Vict. c. 120. s. 212.

All such appeals shall stand referred to the Committee of Appeal appointed by the Board under and in pursuance of section two hundred and twelve of the Metropolis Management Act, 1855, for hearing appeals, who may hear and determine the same, and may order the district surveyor, or any other surveyor, to inspect any foundations, site, house, building, or other erection, and may, on such evidence as they think satisfactory, either confirm the notice served by the district surveyor, or may confirm the same with such modifications as they think proper, or refuse to confirm the same.

In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

Amendment of s. 74 of 18 & 19 Vict. c. 122. with respect to sale of dangerous structures.

19. Where under the provisions of the Metropolitan Building Act, 1855, and the Acts amending the same, with respect to dangerous structures, any structure is sold for payment of the expenses incurred in respect thereof by the Board in manner prescribed by section seventy-four of the said Act, the person to whom the same is sold (hereinafter referred to as "the purchaser"), his agents and servants, may enter upon the land whereon such structure is standing for the purpose of taking down the same and of removing the materials of which the same is constructed, and any person who refuses to admit the purchaser, his agents or servants, upon such land, or impedes him in removing such materials, shall be liable on conviction to a penalty not exceeding ten pounds, and to a further penalty of five pounds for every day after the first day during which such refusal continues.

Where the proceeds of the sale of any such structure under the said seventy-fourth section are insufficient to repay the Board the amount of the expenses incurred by them in respect of such structure, no part of the land whereon such structure stands or stood shall be built upon until after the balance due to the Board in respect of such structure shall have been paid to the Board.

Part II. of Act not to apply to city of London.

20. Provided always, that the provisions of Part II. of this Act shall not extend or apply to the city of London.

PART III.

Power for architect and persons authorised by Board, and district surveyor, to enter and inspect theatres, music halls, buildings, and works.

21. The architect of the Board, and any other person authorised by the Board in writing under their seal, may at all reasonable times after completion or during construction, enter and inspect any house, room, or other place kept open or intended to be kept open for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind affected by any of the provisions of this Act, or of any regulations made in pursuance thereof; and the district surveyor of any district may at all reasonable times during the progress and the three months next after the completion of any house, building, erection, or work in such district affected by and not exempted from any of the provisions of this Act, or by any byelaw made in pursuance of this Act, or by any terms or conditions upon which the observance of any such provisions or any of such byelaws may have been dispensed with, enter and inspect such house, building, erection, or work; and if any person refuses to admit such architect, person, or surveyor, or to afford him all reasonable assistance in such inspection, in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds.

Power to owners, &c. to enter houses, &c. to comply with notices or order.

22. For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner, builder, or person in respect of any house, building, or other erection, room, or place, such owner, builder, or person, his servants, workmen, and agents, may, after giving seven days notice in writing to the occupier of such house, building, or other erection, room, or place, and on production of such notice or order, enter such house, building, or other erection, room, or place, and do all such works, matters, and things therein or thereto, or in connexion therewith, as

may be necessary; and if any person refuses to admit such owner, builder, or person, or his servants or workmen or agents, or to afford them all reasonable assistance, such person shall incur for each offence a penalty not exceeding twenty pounds.

Recovery of penalties.

23. Every penalty imposed by Part I. and Part III. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855, and the Acts amending the same; and every penalty imposed by Part II. of this Act, or by any byelaw made in pursuance thereof, may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Building Act, 1855, and the Acts amending the same: Provided always, that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act or of any byelaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings.

18 & 19 Vict. c. 120.

18 & 19 Vict. c. 122.

Exceptions from Metropolis Management Acts extended to this Act.

24. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolis Management Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

18 & 19 Vict. c. 120.

Exceptions from Metropolitan Building Acts extended to this Act.

25. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolitan Building Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

18 & 19 Vict. c. 122.

Act not to apply to the Inner and Middle Temple, &c.

26. Nothing in this Act, or in any byelaw of the Board thereunder, shall apply to the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, Staple Inn, Furnival's Inn, or the close of the collegiate church of Saint Peter, Westminster.

Saving rights of the Crown and the Duchy of Lancaster.

27. Nothing contained in this Act, or in any byelaw thereunder made, shall apply to or shall authorise or empower the Board, or any vestry, district board, or district surveyor, to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights of whatsoever nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of her Crown, or in right of her Duchy of Lancaster, without the consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, in right of her Crown, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), or without the consent in like manner of the Chancellor of the said Duchy, on behalf of Her Majesty, in right of her said Duchy; neither shall anything contained in this Act, or in any byelaw thereunder made, extend to divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors, in right of her Crown, or in right of her said Duchy; and nothing contained in Part I. of this Act shall apply to the extension of Savoy Street or the bridge which the Chancellor and Council of the said Duchy are by the Metropolitan Board of Works (Various Powers) Act, 1875, empowered to make and construct, or to any house or building within the precinct of the Savoy, or upon the land mentioned in section six of the last-mentioned Act, constructed or extended after the passing of this Act, in or abutting upon any road, passage, or way existing, formed, or laid out at the time of the passing of this Act.

38 & 39 Vict. c. 65.