CHAPTER xxxix

An Act to make further provision for the improvement health local government and finances of the city of Oxford and for other purposes. [31st July 1953.]

WHEREAS—

(1) The city of Oxford (in this Act called "the city") is a county borough under the local government of the mayor aldermen and citizens of Oxford (in this Act called "the Corporation"):

(2) It is expedient to make further provision in relation to the health local government and improvement of the city:

(3) It is expedient to make further provision in regard to the finances of the city:

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

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

(6) 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 Oxford Corporation Act 1953.

PART I —*cont.*

(2) The local Acts as defined in section 3 (Interpretation) of this Act and this Act may be jointly cited as the Oxford Corporation Acts 1771 to 1953.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Streets.
Part III.—Sanitation and buildings.
Part IV.—Nuisances smoke etc.
Part V.—Public order and public safety.
Part VI.—Weights and measures.
Part VII.—Finance.
Part VIII.—Miscellaneous.
Part IX.—General.

Interpretation.

3.—(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 1933" "the Act of 1936" and "the Act of 1947" mean respectively the Local Government Act 1933 the Public Health Act 1936 and the Town and Country Planning Act 1947;

"the appointed day" has the meaning assigned to it by section 68 (The appointed day) of this Act;

"the city" means the city of Oxford;

"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;

"the Corporation" means the mayor aldermen and citizens of Oxford;

"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;

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

PART I —*cont.*

"the general rate fund" means the general rate fund of the city;

"the local Acts" means the local Acts specified in Part I of the First Schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders except any part of any such Acts or Orders repealed by any subsequent Act or Order including this Act;

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

"public service vehicle" has the same meaning as in the Road Traffic Acts 1930 to 1947;

"revenues of the Corporation" includes all such funds rates contributions and revenues receivable by the Corporation as are mentioned in section 218 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 medical officer" "the surveyor" "the treasurer" and "the sanitary inspector" mean respectively the town clerk the medical officer of health the surveyor the treasurer and any sanitary inspector of the city.

(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

STREETS

General

Interpretation of this Part of Act.

4.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

"street byelaws" means any byelaws for the time being in force in the city with respect to the level width and construction of new streets;

"structure" means a wall fence hoarding or similar erection but for the purpose of this definition the expression "wall" does not include a wall forming part of a permanent building.

PART II —*cont.*

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

New streets

Termination of new streets.

5.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) Where in pursuance of a notice under subsection (1) of this section any structure existing at the passing of this Act is removed the owner of such structure shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove the structure and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Rounding or splaying off corners at street junctions.

6.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purposes of safety by notice require that the corners formed at the junction of the new street with another street (whether existing or intended but not being a trunk road) shall be rounded or splayed off in such manner as may be specified in the notice.

PART II —*cont.*

(2) Any such notice—

(*a*) shall be given to the person by whom or on whose behalf the plan and sections were deposited; and

(*b*) shall be binding on successive owners of the land to which it relates.

(3) The Corporation shall pay compensation to any person injuriously affected by the exercise of the powers conferred by this section and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Improvement of streets

Trees grass verges and gardens.

7.—(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.

PART II —*cont.*

(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 and the next following 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 a street:

Provided that when carrying out in any street or any part thereof any works under the Private Street Works Act 1892 the Corporation may exercise any such power in the street or that part thereof with the consent of the majority 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 (except the powers conferred by paragraph (*f*) of subsection (1)) may be exercised by the Corporation upon any land acquired by them for the purposes of the construction or improvement of a street or of preventing the erection of buildings detrimental to the view from the street notwithstanding that the land does not form part of a street.

(5) 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.

(6) Section 1 of the Roads Improvement Act 1925 shall cease to apply to roads maintainable by the Corporation and any such land as is referred to in subsection (4) of this section and anything done by the Corporation under that section with respect to such roads or such land before the passing of this Act shall be deemed to have been done under this section.

(7) 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.

Adjustment of boundaries of streets.

8.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the city not being a trunk road for the adjustment of the boundary of the street.

PART II —*cont.*

(2) For the purposes of this section the Corporation—

(*a*) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange ; and

(*b*) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

(3) As from the date of any such exchange as aforesaid all public rights over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the city.

(5) During the said period of one month any four ratepayers of the city may appeal to a court of summary jurisdiction against the proposal to enter into the agreement.

(6) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the Corporation in any case in which the consent of that department would have been required if this Act had not been passed.

(7) In this section the expression " ratepayer " means a person who is liable to any rate in respect of property in the city entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

(8) Where in pursuance of this section the Corporation enter into an agreement with a person having a legal interest in land adjoining a street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Public Utilities Street Works Act 1950 shall have effect in relation to those powers :

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

PART II —*cont.*

(9) As between the Corporation and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Public Utilities Street Works Act 1950 or the rights of the Postmaster-General and the Corporation thereunder.

(10) In this section the expressions " alteration " " alter " and " telegraphic line " have the same meanings as in the Telegraph Act 1878.

Shelters etc. for passengers on public service vehicles.

9.—(1) In any street in the city or on land belonging to the Corporation and abutting on any such street the Corporation may subject to the provisions of this section erect and maintain at stopping places on the routes of public service vehicles shelters and other accommodation for persons intending to travel by such vehicles.

(2) The Corporation shall not exercise the powers of this section—

(*a*) without the consent of the Minister of Transport in any street being a trunk road or on land abutting on any such street ; or

(*b*) without the consent of the undertakers concerned—

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street ; or

(ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers ; or

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers ; or

(*c*) without the consent of the owner of the land or premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any land or premises abutting on such street.

(3) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the Corporation shall remove any shelter or other accommodation either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(4) Any question arising as to whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of

any shelter or other accommodation has been unreasonably required shall— PART II —*cont.*

(*a*) in the case of a consent of the Minister of Transport be referred to and determined by arbitration ;

(*b*) in any other case be referred to and determined by the Minister of Transport.

(5) The Corporation may enter into and carry into effect agreements with any person authorised to run public service vehicles within the city in relation to the erection maintenance and use of any such shelter or other accommodation and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(6) In this section the expression " transport undertakers " means any railway dock canal inland navigation or passenger road transport undertakers.

Protection and repair of streets

Application of building line to walls etc.

10.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in the city any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding five pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction alteration repair or maintenance of any building or works :

Provided that if any such temporary structure is not removed when the construction alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

(4) Where any person is convicted of an offence under any of the foregoing provisions of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

(*a*) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues ; and

PART II —*cont.*

(*b*) the Corporation after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the structure.

(5) Where after the expiration of five years from the passing of this Act there is on any site in the city a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

(*a*) the Corporation may by notice stating the effect of paragraphs (*b*) and (*c*) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with those provisions;

(*b*) if the owner or occupier complies with the said notice the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;

(*c*) if the owner or occupier fails to comply with the said notice the Corporation at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the expression "building line" in relation to any land means—

(*a*) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(*b*) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 140 of the Housing Act 1936; or

(*c*) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

(7) The provisions of this section shall not apply to any wall erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purposes of their railway dock canal or inland navigation undertaking.

PART II —*cont.*

Crossings over footways.

11.—(1) Where the owner or occupier of any premises in the city which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the Corporation may by notice to the owner or occupier as the case may be either—

(*a*) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice; or

(*b*) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified; or

(*c*) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified:

Provided that the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport or otherwise than in accordance with any conditions attached by him to his consent.

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

(3) If the Corporation make any requirement under paragraph (*a*) or paragraph (*b*) of subsection (1) of this section they may but no other person shall execute such works as may be necessary to secure compliance with that requirement and may recover the expenses of so doing from the owner or occupier.

(4) If the Corporation impose any condition under paragraph (*c*) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

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

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall not be declared to be in force in the city and the following provisions of this subsection shall have effect as respects streets in the city which are repairable by the inhabitants at large:—

(*a*) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to

PART II —*cont.*

strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the Corporation giving particulars of the work proposed ;

(*b*) The Corporation may approve the work proposed either with or without modifications or propose alternative work or reject the application :

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport ;

(*c*) The Corporation shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them ;

(*d*) The applicant may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work ;

(*e*) As soon as practicable after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the applicant as the case may require.

(7) Section 49 (Crossings for horses or vehicles over footways) of the Oxford Corporation Act 1890 is hereby repealed.

Fencing of forecourts.

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

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

Awnings over footways.

13.—(1) No part of any awning over the footway of a street in the city being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

PART II —*cont.*

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

(4) If an awning placed before the passing of this Act would if placed after the passing thereof have contravened the provisions of subsection (1) of this section the Corporation may give to the owner or occupier of the premises to which the awning is appurtenant not less than one month's notice to remove the awning or to alter it so as to comply with the said provisions.

(5) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under subsection (3) or subsection (4) of this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(6) In this section the expression "awning" includes a blind shade or other covering.

Urgent repairs of private streets.

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

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed fifteen pounds for each one hundred yards of the length of the street.

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

Evasion by owners of private street works expenses.

15.—(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 land; 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 land was transferred or by the sale thereof; and

PART II —*cont.*

(*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 within the meaning of the Private Street Works Act 1892; or

(*b*) 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 the Private Street Works Act 1892 or in relation to land which is deemed to be a private street as aforesaid works executed under that Act 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.

Miscellaneous

Means of access to buildings.

16.—(1) Where the plans of any new building intended or adapted for use as a house have been deposited with the Corporation in pursuance of building byelaws they may by notice prohibit either the erection of the building or the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(*a*) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936; or

(*b*) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

PART II —*cont.*

(3) If it appears to the Corporation to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Decorations in streets.

17.—(1) The Corporation may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street.

(2) If any person wilfully removes or damages any flag-pole pylon socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport.

Restriction on buildings under footways.

18.—(1) After the passing of this Act no part of any building (including the foundations) shall except with the consent of the Corporation be constructed so as to extend under the footway of any street in the city at a less depth than six feet below the surface of such footway.

(2) Any person aggrieved by the refusal of the Corporation to give their consent under this section may appeal to a court of summary jurisdiction.

(3) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(4) Where any person is convicted of an offence under subsection (1) of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove or alter the part of the building so that it no longer contravenes the provisions of this section and if he fails to comply with the order—

(*a*) he shall be liable to a penalty not exceeding forty shillings for each day on which the failure continues; and

PART II —*cont.*

(*b*) the Corporation after giving him notice of their intention so to do may remove the part of the building concerned and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the part of the building.

(5) Nothing in this section shall extend or apply to the construction of any building (not being a house or a building to be used as offices) by any railway canal or inland navigation undertakers in exercise of their statutory powers.

Dangerous trees.

19.—(1) If it appears to the Corporation that any tree within the city is in such a condition as to be dangerous to persons or buildings in or on premises adjoining the premises on which such tree is growing the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to remove top lop or prune the tree within twenty-one days so as to prevent such danger.

(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 person fails to comply with a notice served on him under this section the Corporation may themselves carry out the requirement of their notice and recover from that person the expenses reasonably incurred by them in so doing.

Removal of trees etc. from streets.

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

Removal of furniture from streets.

21.—(1) The Corporation may remove and store any furniture articles goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any street in the city and which—

(*a*) may have remained there for more than forty-eight hours; or

(*b*) are likely to cause an obstruction;

and the Corporation shall not be liable for any loss or damage caused by such removal or storage.

(2) If the Corporation remove any furniture articles goods or materials under the powers of this section—

(*a*) they shall if and as soon as it is reasonably practicable so to do notify the person whom they believe to be the owner thereof; and

PART II —*cont.*

(*b*) they shall not exercise any power to sell any such furniture articles goods or materials whether under section 276 of the Act of 1936 or otherwise until after the expiration of fourteen days from the date of such notification or three months from the day on which they removed the furniture articles goods or materials whichever shall first occur.

Mixing of mortar in streets.

22.—(1) No person shall mix mortar or any like substance in any street in the city repairable by the inhabitants at large except upon such board or in such receptacle as will protect the street from such mortar or substance:

Provided that this section shall not apply to the mixing in any street of mortar or like substance for the purposes of making up maintaining repairing altering or improving such street.

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

PART III

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Recovery of expenses of sewering public highway.

23.—(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 Second 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

PART III —*cont.*

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

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

Recovery of expenses of sewering prospective street.

24. 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 Second 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.

25.—(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 Second 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

PART III —*cont.*

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;

(*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.

26. 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 surveyor 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."

Separate sewers for foul water and surface water.

27. For the purpose of facilitating the disposal of sewage the powers of the Corporation under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in the city to provide separate sewers for foul water drainage and surface water drainage respectively.

PART III —*cont.*

Delegation of power to examine and test drains etc.

28.—(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

(*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.

Power to repair drains and private sewers.

29.—(1) If any drain or private sewer in the city—

(*a*) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation ; and

(*b*) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds ;

the Corporation may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine :

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

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

(*a*) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable ; and

(*b*) whether any apportionment made by the surveyor was fair ;

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

PART III —*cont.*

Provided that the court shall not revise any apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(3) In this section the expression "person concerned" in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

(4) Section 58 (As to repair of private drains) of the Oxford Corporation Act 1925 is hereby repealed.

Penalty for improper construction or repair of water-closet etc.

30.—(1) If a water-closet drain or soil pipe in the city is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) A person charged with an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

(*a*) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and

(*b*) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

(*a*) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

PART III —*cont.*

Closet accommodation for separate dwellings.

31.—(1) For the purposes of section 44 of the Act of 1936 any part of a building in the city being a part occupied as a dwelling shall be treated as a separate building and where two or more parts of such a building are occupied as dwellings by separate families each such part shall be treated as a separate building.

(2) Section 67 (Closet accommodation in houses occupied by more than one family) of the Oxford Corporation Act 1933 is hereby repealed.

Power to cleanse drains etc.

32. The Corporation may on the application in writing of the owner or occupier of any premises in the city undertake the cleansing of any drains water-closets sinks or gullies in or connected with the premises and may make such charge (if any) for so doing as they think fit.

Provision of sanitary conveniences at places of amusement.

33.—(1) The Corporation may by notice require the owner or occupier of any premises or place at which any exhibition performance amusement game or sport to which the public are admitted and which is run for profit is held given or provided to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition performance amusement game or sport in a suitable position such number of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) Any person aggrieved by a requirement made under subsection (1) of this section may appeal to a court of summary jurisdiction.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period not being less than twenty-eight days after the date of the service of the notice as may be specified therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The foregoing provisions of this section shall not apply to any premises or place to which the provisions of any byelaws made under section 52 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act apply.

(5) Section 89 of the Act of 1936 shall have effect in its application to the city as if for the words " refreshment-house or place of public entertainment " there were substituted the words " or refreshment-house ".

Abandoned drains to be cut off.

34.—(1) Where after the passing of this Act any person shall—

(*a*) reconstruct any drain which communicates with any sewer or other drain ;

PART III —*cont.*

(*b*) lay such drain in a new position ; or
(*c*) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain ;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end.

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

Buildings and structures

Ruinous and dilapidated buildings and neglected sites.

35.—(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.

(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.

PART III —*cont.*

Height of new chimneys.

36.—(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.

(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.

37.—(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 in any proceedings under subsection (1) of this section it appears to the court that the complaint is due to a reason other than—

(*a*) the height of such chimney flue or pipe ; or

(*b*) a structural defect in such building or structure ;

the court shall make an order requiring the person responsible for the nuisance to remedy the cause of complaint :

Provided that the court shall not make an order under this subsection in respect of any person other than the defendant in

PART III —*cont.*

the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(3) 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.

Cellars and rooms below subsoil water level.

38.—(1) No person shall in or in connection with any house shop or office in the city construct without the consent of the Corporation any cellar or room the floor level of which is lower than the ordinary level of the subsoil water on under or adjacent to the site of the house shop or office.

(2) Any consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein and any such conditions shall be binding on successive owners of the house shop or office.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under this section or by any conditions attached to such consent may appeal to a court of summary jurisdiction.

(4) If any person constructs a cellar or room in contravention of subsection (1) of this section or any conditions attached to any consent under this section—

(*a*) he shall be liable to a penalty not exceeding twenty pounds ; and

(*b*) the Corporation may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the Corporation may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

(5) If any person uses a cellar or room in contravention of any such conditions he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(6) The provisions of the last two foregoing subsections shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as to the avoidance for want of registration as a local land charge of any prohibition or restriction imposed by virtue of any such conditions.

(7) Nothing in this section shall apply to the construction of any cellar or room in connection with any shop or office which forms part of a railway station.

PART III —*cont.*

Extension of powers under section 9 of Housing Act 1936.

39.—(1) A house in the city which is occupied or is of a type suitable for occupation by persons of the working classes shall be deemed for the purposes of section 9 of the Housing Act 1936 to be not in all respects fit for human habitation—

(*a*) if it is not kept repaired and painted sufficiently to prevent the dilapidation thereof and to secure reasonable amenities for the occupiers thereof; or

(*b*) if the interior surface of the walls thereof is not papered or painted with oil-bound water paint or distempered with washable distemper sufficiently as aforesaid.

(2) On an appeal to the county court under section 15 of the said Act by a person aggrieved by a notice requiring the execution of works to remedy the defects referred to in the preceding subsection the court shall take into consideration—

(*a*) in the case where the person aggrieved is a lessee or agent for a lessee the length of the unexpired period of the lease;

(*b*) the period for which the house is likely to continue occupied;

(*c*) the expenditure incurred on the house during the preceding three years by the person having control of the house or the owner thereof;

(*d*) in the case of any house the rent of which is subject to control in pursuance of the Rent and Mortgage Interest (Restrictions) Acts 1920 to 1939 the financial return accruing to the owner in respect of his ownership of the house; and

(*e*) whether the condition of the house is or is not due to the wilful default or neglect of the occupier.

(3) In this section the expressions "house" "owner" and "person having the control of the house" have the same meanings as in the Housing Act 1936.

Demolition of buildings.

40.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the city without first giving notice to the Corporation of his intention so to do and the Corporation may require such person to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

(*a*) the shoring up of adjacent buildings; and

(*b*) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site:

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

PART III —*cont.*

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

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

(3) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the applicant may agree in writing to allow they give notice to him that they have decided to the contrary.

(4) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(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) All expenses incurred by the Corporation under subsection (4) of this section may be recovered by the Corporation from the owner of the site of the demolished building.

(7) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(8) Nothing in this section shall apply in relation to—

(*a*) any poultry-house greenhouse coal shed or cycle shed or other similar structure; or

(*b*) any building belonging to any statutory undertakers and held by them for the purposes of their undertaking:

Provided that the exemption conferred by paragraph (*b*) of this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

Provision of bathrooms.

41.—(1) Where plans of a house are in accordance with building byelaws deposited with the Corporation the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath.

PART III —*cont.*

(2) If the Corporation reject the plans for non-conformity with 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 rejected on account of such non-conformity.

Further provision for public and other buildings.

42.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

(*a*) the apparatus or fittings for lighting or heating the building require alteration or renewal ; or

(*b*) the arrangement of the chairs and seating requires alteration ; or

(*c*) any floor requires strengthening in order to prevent overloading ;

the Corporation may by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary :

Provided that—

(i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 is for the time being in force ;

(ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section.

Filthy or verminous premises or articles

Cleansing of filthy or verminous premises.

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

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

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

(*b*) are verminous ;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as

may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them and by either—

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

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

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

Prohibition of sale of verminous articles.

44.—(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.

(5) For the purposes of this section—

(*a*) the expression " dealer " means a person who trades or deals in any household article ;
(*b*) the expression " household article " means an article of furniture bedding or clothing or any similar article ;
(*c*) the expression " preparation for sale " shall not include disinfestation.

PART IV

NUISANCES SMOKE ETC.

Smokeless areas.

45.—(1) The Corporation may by order confirmed by the Minister prohibit the emission of smoke from premises to which the order applies.

(2) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order under this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds:

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted—

(*a*) arose solely from a furnace stove or other appliance suitable for burning an authorised fuel and properly maintained and used ; and

(*b*) so arose either—

(i) by burning that authorised fuel therein ; or

(ii) by burning any other type of fuel therein unless it is proved by the prosecutor that the authorised fuel was available to the defendant at the time the smoke was emitted.

In this subsection the expression " authorised fuel " means coke anthracite or any other fuel specified in the order as being an authorised fuel for the time being approved by the Corporation.

(3) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of an order under this section.

(4) An order under this section may contain provisions—

(*a*) for enabling the tenant of any premises incurring such expense as aforesaid and the owner of those premises to enter into and carry out an agreement making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred and to other relevant circumstances ;

(*b*) for enabling any such tenant who has been unable to make such an agreement to apply to the county court for an order making such variations of the terms of the tenancy as aforesaid and for enabling the court to make such an order.

(5) An order under this section shall subject to the provisions of this section apply to all premises situated in such area or areas as may be specified in the order being either the whole of the city or any part or parts thereof:

PART IV —*cont.*

Provided that as respects any particular premises or premises of any class so situated any such order may provide—

(*a*) that they shall be excluded from the application of the order ; or

(*b*) that the application of the order to them shall be deferred until such date as may be so specified.

(6) Before submitting an order to the Minister for confirmation under this section the Corporation shall publish in the London Gazette and in a local newspaper circulating in the city a notice stating—

(*a*) that the order has been made and is about to be submitted to the Minister for confirmation ;

(*b*) the area within which the order applies and the general effect of the order ; and

(*c*) that within twenty-eight days beginning with a date specified in the notice (not being earlier than the publication of the notice in the local newspaper) any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of the notice of his objection to the town clerk.

The Corporation shall also send a copy of the said notice to the Southern Gas Board.

(7) If no objection is duly made or if every objection so made is withdrawn the Minister may (if he thinks fit) confirm the order either with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry and may then confirm the order either with or without modification.

(8) If at any time after the passing of this Act any person owning or occupying premises in the city by application to the town clerk specifying his name and address and the premises to which the application relates requests the Corporation to serve upon him a copy of any notice published in pursuance of subsection (6) of this section relating to an order affecting any premises so specified the Corporation shall—

(*a*) register the name address and premises so specified in a register kept for the purpose ; and

(*b*) serve upon him at the address entered in the register a copy of any such notice :

Provided that the accidental omission to serve a copy of a notice relating to any particular order on any person on whom it should have been served under paragraph (*b*) of this subsection shall not invalidate or prejudice the making or confirmation of the order.

PART IV —*cont.*

(9) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister in like manner and subject to the like provisions.

(10) An order under this section may also be varied by another order made by the Minister on the application of the British Electricity Authority or the Southern Gas Board in relation to any premises intended to be used by the said electricity authority as an electricity generating station or by the said gas board as a gas works (as the case may be) for the purposes of their respective undertakings:

Provided that—

(*a*) before making application to the Minister for an order under this subsection the British Electricity Authority or the Southern Gas Board (as the case may be) shall give notice to the Corporation of their intention to make the application stating the general effect of the order proposed; and

(*b*) before making the order the Minister shall consider any representations which may be made by the Corporation and shall give the Corporation an opportunity of being heard thereon.

(11) As soon as may be after an order under this section has been confirmed by the Minister the Corporation shall—

(*a*) publish in a local newspaper circulating in the city a notice stating that the order has been confirmed and that a copy of the order may be inspected at all reasonable hours at a place in the city specified in the notice; and

(*b*) serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the local inquiry in support of his objection.

(12) An order under this section shall not come into operation before the expiration of six months from the date of the publication of notice of its confirmation under the last preceding subsection but shall come into operation on such date thereafter as may be specified in the order.

(13) Either—

(*a*) a copy of any newspaper containing a notice published therein in pursuance of this section; or

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

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

PART IV —*cont.*

(14) Nothing in any order under this section shall apply to smoke emitted from a railway locomotive.

(15) The Minister shall not confirm an order under this section applying as from any date to premises used for any of the following processes that is to say:—

(*a*) the working of a mine;

(*b*) the smelting of ores and minerals;

(*c*) the calcining puddling and rolling of iron and other metals;

(*d*) the conversion of pig iron into wrought iron or the re-heating annealing hardening forging converting and carburising of iron and other metals;

if he is satisfied on an objection duly made under subsection (6) of this section that the application of the order to those premises as from that date would obstruct or interfere with that process.

Silencers for internal combustion engines.

46.—(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 the silencer to be taken off;

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 IV —*cont.*

Noise nuisance.

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

Provided that—

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

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

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

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

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Regulation of traffic.

48.—(1) The powers of the Corporation to make orders under section 21 of the Town Police Clauses Act 1847 shall be extended so as to include power to make orders for regulating or prohibiting the stopping of all vehicles or of vehicles of any class or description in any street in the city either at all hours or at any particular hours:

Provided that any such regulation or prohibition shall not apply to—

(*a*) the stopping of any vehicle to load or unload goods or merchandise—

(i) on a Sunday Christmas Day Good Friday or bank holiday; or

(ii) on any other day except during a period or periods not exceeding four hours in the aggregate between the hours of ten in the morning and four in the afternoon;

(*b*) any vehicle owned 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 whilst such vehicle is being used as part of a funeral cortege or otherwise in connection with a funeral.

PART V —*cont.*

(2) Before making any order under this section the Corporation shall consult with the Oxford Chamber of Trade the National Road Transport Federation Limited and the commission.

(3) This section shall not apply to the stopping of public service vehicles at their regular stopping places.

Barriers in streets.

49.—(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:

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*) as respects any street belonging to or repairable by any railway dock canal inland navigation or passenger road transport undertakers and forming the approach to any station dock wharf or depot of those undertakers without the consent of those undertakers or so as to obstruct or interfere with the access to or exit from any station dock wharf or depot 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 slot or socket erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

Notice of street processions.

50.—(1) No procession shall pass through the streets of the city unless notice stating the route by which and the time at which it will so pass has been delivered at the office of the town clerk and the principal police station in the city at least thirty-six hours (exclusive of Sunday) before the time so stated.

(2) If any procession passes through the streets of the city in contravention of the preceding subsection or by a route or at a time other than that stated in the notice delivered with

PART V —*cont.*

respect thereto under that subsection any person organising or conducting the procession shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression " procession " means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to any public or ceremonial procession habitually held.

Boxing and wrestling entertainments.

51.—(1) As from the appointed day the provisions of Part IV of the Public Health Acts Amendment Act 1890 shall in their application to the city extend to any place ordinarily used for any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music:

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

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

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

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

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

Byelaws as to pleasure fairs and roller-skating rinks.

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

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

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

(*c*) for the prevention and suppression of nuisances and 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

PART V —*cont.*

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

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

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

(*a*) circuses;

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

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

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

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

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

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

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

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

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

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

(*d*) any entertainment in any permanent premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 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.

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

PART VI

WEIGHTS AND MEASURES

Amendment of section 27 of Act of 1889.

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

Drivers to take vehicles to weighing-machines on request.

54.—(1) The driver of any vehicle loaded with any goods (except coal) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures or other officer appointed for the purpose by the Corporation take such vehicle to be weighed with or without the loading thereof (as may be specified in such request as aforesaid) by any weighing-machine stamped by an inspector of weights and measures:

Provided that no such vehicle shall be required to be taken for that purpose for any distance greater than two miles out of the direct road by which it would otherwise be necessary to pass.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would otherwise be necessary to pass than one half-mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All charges made under subsection (2) of this section together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to such weighing-machine as hereinbefore is directed or shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) For the purposes of this section the word "driver" includes the owner driver or person in charge of any vehicle.

(6) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle loaded with goods to be sold as aforesaid and consigned for delivery within the city.

PART VI —*cont.*

Penalties on persons committing frauds.

55.—(1) Any person who in regard to the weighing of any vehicle at any weighing-machine or any instrument stamped by an inspector of weights and measures—

(*a*) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof;

(*b*) shall alter any ticket denoting the weight of any such vehicle or of the loading of the same;

(*c*) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly tender a false statement to a weighing-machine keeper respecting the weight of any such vehicle or the loading thereof;

(*d*) after the weighing of such vehicle with the loading of the same shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket;

(*e*) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;

(*f*) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof; or

(*g*) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be again weighed at the same machine;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding six months.

(2) Section 23 of the Weights and Measures Act 1889 shall cease to have effect with reference to any vehicle in which coal is carried in the city or the person in charge of such vehicle.

Further offences in relation to weighing-machines.

56.—(1) Any person who knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or

PART VI —*cont.*

acting as a keeper of a weighing-machine to denote the weight of a different vehicle or loading shall be liable to a penalty not exceeding five pounds.

(2) Any person in charge of a vehicle who in regard to the weighing of such vehicle at any weighing-machine refuses after being requested so to do by any person keeping or who acts as a keeper of the weighing-machine to give his name and address or who wilfully gives an incorrect name or address shall be liable to a penalty not exceeding five pounds.

Commencement of this Part of Act.

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

PART VII
FINANCE

Power to borrow.

58.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay the sum so borrowed within such period as the Corporation may determine not exceeding 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.

Capital fund.

59.—(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 or any part of 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 as the council may by resolution direct not being moneys directed by law to be applied to any other purpose :

Provided that—

(i) the aggregate amount paid to the capital fund under paragraphs (*b*) and (*c*) of this subsection shall not except

PART VII —*cont.*

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 one hundred and fifty 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 fifteen 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 capital fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (ii) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital 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 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) When the Corporation establish the capital fund in pursuance of this section section 116 (Lands fund) and section 117 (Capital reserve fund) of the Oxford Corporation Act 1933 shall be repealed and all moneys in those funds shall form part of the fund to be established in pursuance of this section.

PART VII —*cont.*

Renewal and repairs fund.

60.—(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 the water undertaking of the Corporation 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 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 one 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 by any enactment 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.

(4) When the Corporation establish the renewal and repairs fund in pursuance of this section section 118 (Renewal and repairs fund) of the Oxford Corporation Act 1933 shall be repealed and all moneys in that fund shall form part of the fund to be established in pursuance of this section.

Payments due to deceased employees.

61.—(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

PART VII —*cont.*

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 (as amended by the Intestates Act 1952) 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—

(*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.

PART VIII

MISCELLANEOUS

Application of Lands Clauses Acts to purchases by agreement.

62.—(1) For the purpose of any enactment empowering the acquisition by the Corporation of land by agreement for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily the Lands Clauses Acts (except the provisions relating to access to the special Act and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845) shall so far as concerns any such acquisition be deemed to be incorporated with such enactment and in construing those Acts for the purposes of this section such enactment shall be deemed to be the special Act and the Corporation shall be deemed to be promoters of the undertaking.

(2) The powers exercisable under this section shall be in addition to the powers exercisable under any other enactment.

Registration of hawkers of food and their premises.

63.—(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 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 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;

(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;

PART VIII —*cont.*

(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 ;

(vi) to the sale or offer or exposure for sale of food by any person at the meat market and the cattle market in the city where such person shall be entitled to trade by virtue of payment by himself or by his employer of a toll stallage or rent or to the use of any premises in such markets as storage accommodation for food intended for sale by a person at such market.

(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 ;

the Corporation shall serve on that person or on the person applying for the registration of the premises or in the case of

PART VIII —*cont.*

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.

Entry into premises in case of notifiable disease.

64.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

(*a*) that in any premises in the city there is a person who is or has been suffering from a notifiable disease ; and

(*b*) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry ;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon :

Provided that no such warrant shall authorise the medical officer—

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

PART VIII —*cont.*

(ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(4) In this section the expression " notifiable disease " means—

(*a*) any notifiable disease as defined by section 343 of the Act of 1936 ; and

(*b*) any infectious disease to which section 144 of that Act for the time being applies in the city by virtue of regulations made under section 143 thereof.

School agreements.

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

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

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

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

False statements to obtain rent rebate etc.

66.—(1) If any person for the purpose of obtaining for himself or any other person the occupation of any house belonging to the Corporation or a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any payment due to the Corporation under the Education Acts 1944 to 1948 or any regulations made thereunder—

(*a*) knowingly makes to the Corporation or any of their employees a false statement or false representation

PART VIII —*cont.*

relating to his or that other person's need for accommodation or ability to pay the rent or make the payment ; or

(*b*) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such penalty and imprisonment.

(2) If any person is convicted of an offence under this section the court may order him to pay to the Corporation the amount of the rebate or reduction so obtained or (as the case may be) may terminate the tenancy of the house.

PART IX

GENERAL

Confirming authority for byelaws.

67. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 52 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act the confirming authority shall be the Secretary of State.

The appointed day.

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

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

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

PART IX —*cont.*

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or 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 licence or 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 70 (Appeals) of this Act.

Restriction on right to prosecute.

69. Proceedings in respect of an offence created by or under this Act (except Part VI (Weights and measures) 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.

70.—(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.

(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

PART IX —*cont.*

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.

In executing works for owner Corporation liable for negligence only.

71. 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.

Application of Arbitration Act.

72. 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.

Inquiries by Ministers.

73. The Minister and the Minister of Transport 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.

Application of section 265 of Public Health Act 1875.

74. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the city as if the same were re-enacted therein.

Application of provisions of Act of 1936.

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

Section 271 (Interpretation of "provide");

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

PART IX —*cont.*

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 etc.) ;

Section 284 (Authentication of documents) ;

Section 285 (Service of notices etc.) ;

Section 287 (Power to enter premises) ;

Section 288 (Penalty for obstructing execution of Act) ;

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

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

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

Section 293 (Recovery of expenses etc.) ;

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 etc.) ;

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 277 287 289 291 292 295 and 329 shall only apply to the provisions contained in Part II (Streets) Part III (Sanitation and buildings) and Part IV (Nuisances smoke etc.) of this Act and in section 63 (Registration of hawkers of food and their premises) and section 64 (Entry into premises in case of notifiable disease) of this Act.

(2) Section 284 (Authentication of documents) of the Act of 1936 shall extend and apply in relation to any enactment for the time being in force in the city as if that section were enacted in that enactment and in terms made applicable thereto.

PART IX —*cont.*

For protection of Southern Gas Board.

76. For the protection of the Southern Gas Board (in this section referred to as " the gas board ") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

(1) In this section—

" apparatus " means mains pipes or other works and apparatus belonging to or maintained by the gas board and includes any structure constructed for lodging apparatus therein;

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

" position " includes depth:

(2) Whenever the Corporation in the exercise of the powers of section 8 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land and there is in such first-mentioned land any apparatus the Corporation shall give notice to the gas board of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the gas board shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street or the gas board may and (if reasonably so required by the Corporation) shall alter the position of such apparatus to such other position in the street as altered under the said powers as may be reasonable:

Provided that nothing in this subsection shall extend or apply the provisions of the Public Utilities Street Works Act 1950 to the exercise of any such powers or rights in any case in which those provisions would not have applied if this subsection had not been enacted:

(3) The gas board shall within twenty-eight days after the receipt of any such notice from the Corporation pursuant to subsection (2) of this section give to the Corporation notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) and shall at the same time deliver to the Corporation a plan and section of the proposed alteration If such plan and section be not disapproved by the Corporation within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:

PART IX —*cont.*

(4) The Corporation shall repay to the gas board the reasonable expenses incurred by the gas board of or in connection with the alteration of the position of any apparatus under subsection (2) of this section and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 which impose limitations on undertakers' rights to payment shall so far as applicable extend and apply to any payment to be made by the Corporation under this subsection as if the works therein mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 76 (For protection of Southern Gas Board) of the Oxford Corporation Act 1953":

(5) In exercise of the powers of subsection (3) of section 46 (Silencers for internal combustion engines) of this Act in relation to any premises occupied or used by the gas board in connection with the manufacture storage or supply of gas an authorised officer of the Corporation shall give reasonable notice of his intended entry into such premises and shall observe any precautions reasonably required by the gas board in the interests of safety and for preventing interference with the supply of gas:

(6) Notwithstanding the exercise of any of the powers of section 48 (Regulation of traffic) of this Act the gas board their officers engineers and workmen shall at all times have all such rights of access with vehicles carts or otherwise to along or over any street in respect of which the powers of the said section 48 are exercised as may be necessary or expedient for the purpose of inspecting maintaining repairing renewing or removing any apparatus in such street or of laying any new apparatus therein:

(7) The Corporation shall so exercise the powers of the following sections of this Act as not (so far as reasonably practicable) to cause any damage to or to

PART IX —*cont.*

obstruct or render unreasonably inconvenient the access to any apparatus:—

Section 7 (Trees grass verges and gardens);

Section 9 (Shelters etc. for passengers on public service vehicles);

Section 17 (Decorations in streets);

Section 49 (Barriers in streets):

(8) (*a*) Any difference which may arise between the Corporation and the gas board under this section shall be referred to arbitration:

(*b*) In settling any difference under this section the arbitrator 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.

Costs of Act

77. 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.

SCHEDULES

FIRST SCHEDULE

PART I

LOCAL ACTS

Session and chapter	Short title
11 Geo. 3 c. 19 ...	An Act for amending certain of the Mileways leading to Oxford for making a commodious Entrance through the Parish of Saint Clement for rebuilding or repairing Magdalen Bridge for making commodious Roads from the said Bridge through the University and City and the Avenues leading thereto for cleansing and lighting the Streets Lanes and Places within the said University and City and the Suburbs thereof and the said Parish of Saint Clement for removing Nuisances and Annoyances therefrom and preventing the like for the future for empowering Colleges and Corporations to alienate their Estates there for removing holding and regulating Markets within the said City and for other Purposes.
21 Geo. 3 c. 47 ...	An Act to amend and enlarge the Powers of an Act passed in the Eleventh Year of his present Majesty's reign for performing several Works and making Improvements within the University and City of Oxford and the Suburbs thereof and in the adjoining Parish of Saint Clement.
5 & 6 Will. 4 c. lxix ...	An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King George the Third for amending certain Mileways leading to Oxford and making Improvements in the University and City of Oxford the Suburbs thereof and adjoining Parish of Saint Clement and for other Purposes in the said Acts mentioned.
38 & 39 Vict. c. xli ...	Oxford (Corporation) Waterworks Act 1875.
44 & 45 Vict. c. xxxix...	Oxford Police Act 1881.
48 & 49 Vict. c. xxiv ...	Oxford (Corporation) Waterworks Act 1885.
53 & 54 Vict. c. ccxxiii...	Oxford Corporation Act 1890.
15 & 16 Geo. 5 c. xxviii	Oxford Corporation Act 1925.
18 & 19 Geo. 5 c. xxix...	Oxford Corporation (Water &c.) Act 1928.
18 & 19 Geo. 5 c. lxxxiv	Oxford Extension Act 1928.
23 & 24 Geo. 5 c. xxi...	Oxford Corporation Act 1933.

1ST SCH. —*cont.*

PART II

ORDERS AND CONFIRMATION ACTS

Session and chapter or statutory instrument	Confirmation Act	Order
28 & 29 Vict. c. cviii.	Local Government Supplemental Act 1865 (No. 5).	Order dated the 31st day of May 1865 relating to the Oxford District.
52 & 53 Vict. c. xv.	Local Government Board's Provisional Orders Confirmation Act 1889.	City of Oxford Order 1889.
59 & 60 Vict. c. cv.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896.	Oxford Order 1896.
62 & 63 Vict. c. cxii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1899.	Oxford Order 1899.
10 Edw. 7 & 1 Geo. 5 c. lxxxv.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1910.	Oxford Water Order 1910.
16 & 17 Geo. 5 c. xxi.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1926.	Oxford Order 1926.
17 & 18 Geo. 5 c. cxi.	Ministry of Health Provisional Orders Confirmation (No. 10) Act 1927.	Oxford Order 1927.
22 & 23 Geo. 5 c. lv.	Ministry of Health Provisional Order Confirmation (Oxford) Act 1932.	Oxford (Water) Order 1932.
25 & 26 Geo. 5 c. lxxv.	Ministry of Health Provisional Order Confirmation (Oxford) Act 1935.	Oxford (Water) Order 1935.
S.R. & O. 1947 No. 1662.	—	Oxford Water Order 1947.
S.I. 1950 No. 283.	—	Oxford Water Order 1950.
S.I. 1952 No. 561.	—	Oxford Water Order 1952.

SECOND 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:

Provided that where a sum has become payable under sub-paragraph (*c*) of this paragraph in respect of the frontage

2ND SCH. —*cont.*

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.

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.

2ND SCH. —*cont.*

(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 relevant 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 23 (Recovery of expenses of sewering public highway) of this Act in pursuance of a resolution of the council the date when the resolution became operative; and

(ii) in relation to an apportionment under section 24 (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 other than those included in the First Schedule

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
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.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 5.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
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 & 16 Geo. 5 c. 22.
Administration of Estates Act 1925	15 & 16 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.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Food and Drugs Act 1938	1 & 2 Geo. 6 c. 56.
Education Act 1944	7 & 8 Geo. 6 c. 31.
National Insurance Act 1946	9 & 10 Geo. 6 c. 67.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Arbitration Act 1950	14 Geo. 6 c. 27.
Food and Drugs (Milk Dairies and Artificial Cream) Act 1950	14 Geo. 6 c. 35.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Intestates Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 64.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.

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