CHAPTER xlv

An Act to authorise the lord mayor aldermen and citizens of the city of Portsmouth to construct quay works and street improvements to purchase lands compulsorily for those and other purposes to make provision with regard to lands streets and buildings and the local government health welfare improvement and finances of the city to confer further powers upon them and to make further provision with reference to their Camber Dock and Flathouse Wharf undertakings and Langstone Harbour and for other purposes.

[29th July 1959.]

WHEREAS—

(1) The city of Portsmouth (hereinafter referred to as "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is under the management and local government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

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

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

(4) It is expedient to make further and better provision in reference to lands streets and buildings and to the local government health welfare and improvement of the city and the finances of the Corporation and to confer on the Corporation the further powers contained in this Act:

(5) It is expedient that further and better provision should be made and that further powers should be conferred on the Corporation in connection with their Camber Dock and Flathouse Wharf undertakings and the portion of Langstone Harbour which is within the city:

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

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

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

	£
(*a*) The construction of the quay works authorised by this Act and works in connection therewith	182,000
(*b*) The construction of the street improvements authorised by this Act	117,000

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

(10) 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:

(11) Plans and sections showing the lines or situations and levels of the works authorised by this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city which plans sections and book of reference are in this Act referred to respectively as " the deposited plans " " the deposited sections " and " the deposited book of reference ":

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by

and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Portsmouth Corporation Act 1959.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Works.
Part IV.—Streets.
Part V.—Public health.
Part VI.—Fire prevention.
Part VII.—Police.
Part VIII.—Movable dwellings.
Part IX.—Finance and rating.
Part X.—Cultural activities.
Part XI.—Dock and harbour etc. provisions.
Part XII.—Miscellaneous.
Part XIII.—Protective provisions.
Part XIV.—General.

Interpretation.

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

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

"Act of 1839" means the Act 2 & 3 Vict. c. lxxii intituled "An Act for enlarging the Town Quay of the Borough of Portsmouth and for improving that Portion of the Harbour of Portsmouth called The Camber";

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

"Act of 1868" means the Portsmouth Camber Quays Act 1868;

"Act of 1883" means the Landport Wharf Act 1883;

"Act of 1931" means the Portsmouth Corporation Act 1931;

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

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

"Act of 1947" means the Town and Country Planning Act 1947;

PART I —*cont.*

"appointed day" has the meaning assigned to it by section 126 (The appointed day) of this Act;

"Camber Dock and Flathouse Wharf undertakings" means the respective undertakings relating to the Inner and Outer Camber and Flathouse Wharf and Quay carried on by the Corporation in pursuance of the powers of the Act of 1839 the Act of 1868 the Order of 1898 and the Order of 1911 within the areas coloured pink and blue on the Inner and Outer Camber signed plan and the Flathouse Wharf and Quay signed plan;

"city" means the city of Portsmouth;

"commission" means the British Transport Commission;

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

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

"council" means the council of the city;

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

"electricity board" means the Southern Electricity Board;

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

"Flathouse Wharf and Quay" means that part of the Camber Dock and Flathouse Wharf undertakings of the Corporation which is shown coloured pink on the Flathouse Wharf and Quay signed plan;

"Flathouse Wharf and Quay signed plan" "Inner and Outer Camber signed plan" and "the harbour map" mean the plans and map marked respectively "Flathouse Wharf and Quay" "Inner and Outer Camber" and "Langstone Harbour" and signed in quadruplicate by the Lord Merthyr the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of each of which has been deposited at the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons one copy at the Ministry of Transport and Civil Aviation and one copy at the office of the town clerk;

"food" has the same meaning as in section 135 of the Food and Drugs Act 1955;

"gas board" means the Southern Gas Board;

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

"generating board" means the Central Electricity Generating Board;

PART I —*cont.*

" the harbour " means that part of Langstone Harbour within the city which is shown coloured blue on the harbour map;

" Inner and Outer Camber " means that part of the Dockyard Port of Portsmouth which is coloured blue on the Inner and Outer Camber signed plan;

" Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by the Lands Tribunal Act 1949 by the Town and Country Planning Acts 1947 to 1959 and by this Act;

" limits of deviation " means the limits of deviation shown on the deposited plans;

" magistrates' court " has the same meaning as in subsection (1) of section 124 of the Magistrates' Courts Act 1952;

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

" Minister of Transport " means the Minister of Transport and Civil Aviation;

" 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 the Act of 1936 for the time being applies in the city by virtue of regulations made under section 143 thereof;

" Order of 1898 " means the Portsmouth Camber Quays Order 1898 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1898;

" Order of 1911 " means the Portsmouth Camber Dock and Flathouse Wharf Order 1911 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1911;

" private street " means a street to which section 150 of the Public Health Act 1875 applies or which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947;

" public service vehicle " has the meaning assigned to that expression by section 39 of the Road Traffic Act 1956;

" quay works " means Works Nos. 1 2 3 and 4 authorised by this Act together with the works subsidiary thereto authorised by this Act;

" Queen's harbour master " means the person for the time being appointed to be Queen's harbour master of the Dockyard Port of Portsmouth under the Dockyard Ports Regulation Act 1865;

PART I —*cont.*

" the specified lands " means the lands numbered 4 to 13 17 and 24 on the deposited plans;

" street improvements " means Works Nos. 5 6 7 8 and 9 authorised by this Act together with the works subsidiary thereto authorised by this Act;

" telegraphic line " has the same meaning as in the Telegraph Act 1878;

" town clerk " " medical officer " " surveyor " and " public health inspector " mean respectively the town clerk the medical officer of health the surveyor and any public health inspector of the city and include any person duly appointed by the Corporation to discharge temporarily the duties of any of those officers;

" transport undertakers " means any railway canal or inland navigation undertakers or any passenger road transport undertakers providing a regular service or services of public service vehicles;

" tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;

" the undertakers " means the electricity board the gas board the generating board and the water company or any of them;

" vessel " includes—

(*a*) every description of vessel used in navigation however propelled and any aircraft designed to manoeuvre on the water;

(*b*) in sections 86 and 87 of this Act any aircraft;

" water company " means the Portsmouth and Gosport Water Company.

(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.

(4) All distances and lengths stated in any description of works powers or lands shall be construed as if the words " or thereabouts " were inserted after each such distance and length.

Incorporation of Acts.

4.—(1) The Lands Clauses Acts except section 92 and sections 127 to 133 150 and 151 of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act:

PART I —*cont.*

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

(2) The Act of 1847 (except sections 6 to 13 16 to 19 25 to 27 31 49 50 67 79 80 to 82 84 to 90 and 95 and so much of the proviso to section 83 as follows the words " the special Act ") shall—

(*a*) be deemed to be incorporated with the Act of 1839 the Act of 1868 the Order of 1898 and the Order of 1911; and

(*b*) (so far as the same is applicable for the purposes and is not inconsistent with the provisions of this Act) is hereby incorporated with this Act:

Provided that—

(i) the word " vessel " wherever used in the provisions of the Act of 1847 so incorporated shall have the meaning assigned to it in subsection (2) of section 3 (Interpretation) of this Act;

(ii) nothing in the Act of 1847 or this Act shall in any circumstances require or authorise the harbour master or other officer to require the dismantling of any aircraft designed to manoeuvre on the water or any part thereof or the making of any alteration whatever of the structure or equipment of such aircraft;

(iii) the provisions of the Act of 1847 (except sections 28 29 30 33 and 47) so incorporated with this Act shall not apply in respect of the harbour;

(iv) section 28 of the Act of 1847 (which section exempts certain vessels from the provisions of the Act) in its application to the Act of 1839 the Act of 1868 the Order of 1898 and the Order of 1911 shall have effect as if in the said section for the words from " or any packet boat " to " any such packet boat or packet " there were substituted the words " or any vessel employed by or under the authority of the Postmaster-General for the conveyance under contract of postal packets as defined by the Post Office Act 1953 not being a vessel also conveying passengers or goods for hire or reward or any mail bag as so defined conveyed by any such vessel ".

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the city delineated on the deposited plans and described in the deposited book of reference as may be required for—

(*a*) the quay works;

PART II —*cont.*

(*b*) the street improvements;

(*c*) the improvement and development of frontages and of any lands abutting on or adjacent to any street; and

(*d*) (as regards the specified lands) the purposes of section 14 (Provision of car park) of this Act.

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

(3) The Minister of Transport may by order from time to time extend the period for the exercise of all or any of the powers for the compulsory purchase of lands referred to in subsection (1) of this section so far as it relates to the street improvements.

(4) An order made by the Minister of Transport under subsection (3) of this section shall be subject to special parliamentary procedure.

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the city for the correction thereof.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office House of Commons and with the town clerk and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

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

Acquisition of part only of certain properties.

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

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a

PART II —*cont.*

house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

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

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

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

Power to expedite entry.

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

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

Power to enter for survey or valuation.

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

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

Disregard of recent improvements and interests.

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

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

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

PART II —*cont.*

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

Extinction of private rights of way.

11.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

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

Grant of easements by persons under disability.

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

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

Agreements with adjoining owners.

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

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

Provision of car park.

14.—(1) The Corporation may upon the whole or any part of the specified lands provide maintain and manage a parking place together with all necessary buildings conveniences and appurtenances and may from time to time vary the position and size of such parking place upon the specified lands.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section the Corporation may exercise the following powers upon and in respect of the whole or any part of the specified lands:—

(*a*) they may lay out those lands and adapt the same for use as a parking place and may construct and provide roads paths ramps steps and gardens;

PART II —*cont.*

(*b*) they may provide and maintain cloakrooms waiting-rooms refreshment rooms shelters offices information bureaux and displays lavatories and conveniences;

(*c*) they may make reasonable charges for the use of the parking place or any building or structure;

(*d*) they may make byelaws as to the use of the parking place and in particular as to the vehicles or class of vehicles which may be entitled to use the same and the conditions upon which such parking place may be used;

(*e*) they may set aside part of the specified lands to be used as stands for hackney carriages and as offices and shelters in connection therewith.

(3) So much of the specified lands as is in accordance with paragraph (*e*) of subsection (2) of this section for the time being set aside to be used as a stand or stands for hackney carriages and is by notice boards or in some other manner clearly designated as having been so set apart shall not be deemed to form part of the parking place for the purposes of paragraph (*d*) of that subsection but for the purposes of the Town Police Clauses Act 1847 shall be deemed to be a stand fixed by the council in accordance with section 68 of that Act.

(4) The Corporation may upon such terms and conditions and subject to such restrictions and for such period as they may think fit lease to any person the right to collect and retain such reasonable charges for the use of the said parking place buildings or structures as the Corporation may approve.

(5) Notwithstanding anything in this section the Corporation may upon such terms and conditions and subject to such restrictions and for such period as they may think fit grant to the commission the exclusive use for such purpose as the commission may determine of the whole or any part of the specified lands together with the use of any building or structure thereon.

Reservation of easements etc. by Corporation.

15. On selling any land the Corporation—

(*a*) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;

(*b*) may make the sale subject to such other reservations special conditions restrictions and provisions as they think fit.

Loans for the erection etc. of buildings.

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

PART II —*cont.*

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

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

(*a*) fix the rate of interest to be paid in respect of the advance or (if the advance is made by instalments) any instalment thereof being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance;

(*b*) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance or where the advance is made by instalments the date on which the last instalment is made;

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

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

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

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

(*g*) require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or

PART II —*cont.*

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

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

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

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

Undertakings and agreements binding successive owners.

17.—(1) Every undertaking given by or to the Corporation to or by the owner of a legal estate in land and every agreement made between the Corporation and any such owner (being an undertaking or agreement—

(*a*) given or made under seal on the passing of plans or otherwise in connection with the land and

(*b*) expressed to be given or made in pursuance of this section);

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

Removal of human remains.

18.—(1) If the Corporation acquire the lands numbered 26 and 170 on the deposited plans or either of such lands they shall before applying or using any part of the said lands for any of the purposes of this Act remove or cause to be removed all bodies interred in any part of the said lands:

Provided that a Secretary of State on the application of the Corporation and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(2) Before proceeding to remove any such bodies the Corporation shall publish in one or more local newspapers circulating in the city at least once during each of two successive weeks

PART II —*cont.*

with an interval between each publication of at least six days a notice to the effect that it is intended to remove the bodies and the notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (8) of this section.

(3) At any time within two months after the first publication of the notice any person who is an executor administrator or relative of any person whose body is interred in the said lands may give notice in writing to the Corporation of his intention to undertake the removal of the body and thereupon he shall be at liberty with the authority of a faculty for the purpose to cause the body to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent.

(4) If any person giving notice as aforesaid fails to satisfy the Corporation that he is such executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the Consistory Court of the Diocese of Portsmouth who shall have power to make an order specifying who shall remove and reinter the body and as to the payment of the costs of the application.

(5) The expense of such removal and reinterment (not exceeding in respect of any one grave the sum of fifty pounds) shall be defrayed by the Corporation and shall be apportioned if necessary equally according to the number of bodies in the grave.

(6) If—

(*a*) within the said period of two months no such notice has been given to the Corporation in respect of the bodies in any grave; or

(*b*) within one month after such notice has been given no application has been made under subsection (4) of this section and the person giving the notice fails to remove the body; or

(*c*) within one month after any order is made by the registrar under the said subsection the person (not being the Corporation) specified in the order fails to remove the body ;

the Corporation may with the authority of a faculty for the purpose cause the bodies to be removed and reinterred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose but in the case of reinterment in a churchyard the previous consent of the incumbent shall also be required.

(7) Upon the reinterment of a body under this section a certificate of reinterment shall be sent to the Registrar-General

by the Corporation giving the date of reinterment and identifying the place from which the body was removed and the place in which it is reinterred. PART II —*cont.*

(8) All monuments and tombstones relating to a person whose body is reinterred under this section shall at the expense of the Corporation be re-erected at the place of reinterment or at such place within the city as the registrar of the Consistory Court of the Diocese of Portsmouth may direct on the application (if any) of such executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause a record to be made of each monument or tombstone re-erected under this section containing—

(*a*) a copy of the inscription on it; and

(*b*) a statement showing where it has been re-erected;

and shall deposit a copy of the record with the Registrar-General.

(9) The removal and reinterment of bodies under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

(10) In this section "body" includes the remains of any body after burial and the ashes of any body after cremation.

PART III

WORKS

Power to construct works.

19. Subject to the provisions of this Act the Corporation may within the city make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the works referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Work No. 1 A slipway commencing at a point thirty-two yards measured in an easterly direction from the junction of Broad Street with East Street and terminating sixty yards measured in a northerly direction from the point of commencement.

Work No. 2 A quay to be formed by the construction of a quay wall commencing by a junction with the existing quay wall of Town Quay at the south end of Berth No. 5 and extending in a southerly direction for a distance of twenty-nine yards and thence in a westerly direction for a distance of eleven yards and terminating at the south-eastern end of the slipway (Work No. 1) authorised by this Act.

Work No. 3 A quay (partly of solid and partly of open construction) to be formed by the construction of a quay wall commencing at a point in East Street twenty-seven

PART III —*cont.*

yards measured in a north-easterly direction from the junction of Broad Street with East Street and extending in a northerly direction for a distance of one hundred and nine yards thence in a north-westerly direction for a distance of thirty-seven yards and thence in a south-westerly direction for a distance of seventeen yards and terminating at the north-western corner of the commission's property at No. 102 Broad Street.

Work No. 4 A toe wall commencing at a point on the quay wall last above-mentioned ten yards from its termination and extending in a westerly direction for a distance of thirty-seven yards and terminating at the landing ramp at the northern end of Broad Street.

Work No. 5 A widening on the west side of the road connecting East Street with Seagers Court.

Work No. 6 A widening on both sides of Grove Road South between its junction with Kent Road and a point two hundred and thirty feet north of its junction with The Thicket including improvements at its junctions with Kent Road Merton Road Queen's Crescent Nelson Road The Retreat and The Thicket.

Work No. 7 A widening on both sides of Havant Road between its junction with High Street and its junction with Padwick Avenue including improvements at its junctions with London Road High Street St. Matthew's Road Park Lane St. Colman's Avenue and Padwick Avenue.

Work No. 8 A widening on both sides of Havant Road between its junction with Padwick Avenue and a point sixty yards east of its junction with Court Lane including improvements at its junctions with Padwick Avenue Burrill Avenue Mulberry Lane Woolner Avenue Bernard Avenue Lodge Avenue Lendorber Avenue East Cosham Road and Court Lane.

Work No. 9 A widening on both sides of Havant Road between its junction with Lower Farlington Road and a point ten yards east of its junction with Rectory Avenue including improvements at its junctions with Lower Farlington Road Gillman Road St. Andrew's Road Old Rectory Road and Rectory Avenue.

Further powers as to quay works.

20.—(1) Subject to the provisions of this Act the Corporation may by means of the quay works enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the Camber Dock and Flathouse Wharf undertakings so much of the foreshore and bed of the sea as is situate within the limits of deviation relating to the quay works and is required for or in connection with the quay works.

PART III —*cont.*

(2) The Corporation may within the said limits of deviation extend enlarge alter replace or relay the quay works or any of them.

Quay works to form part of Camber Dock and Flathouse Wharf undertakings.

21. The quay works and the works connected therewith and all lands acquired or appropriated by the Corporation for the purposes of such works shall for all purposes including the levying and collection of rates and dues and the making and authentication of byelaws form part of the Camber Dock and Flathouse Wharf undertakings and the rates and dues to be demanded levied and collected in respect of the quay works shall be the rates and dues authorised to be demanded levied and collected under the Act of 1839 the Act of 1868 and the Order of 1911.

Subsidiary quay works.

22. Subject to the provisions of this Act the Corporation may in connection with Works Nos. 1 2 3 and 4 authorised by this Act from time to time make and maintain in under or over any of the lands delineated on the deposited plans relating to the quay works and described in the deposited book of reference all necessary or convenient bridges abutments booms pontoons fenders tanks pumps conduits pipes wires mains cables rails signals conveyors cranes lifts hoists drops weighbridges stairs stages platforms landing-places dolphins buoys moorings beacons approaches buildings sheds offices depots roads walls fences gates works equipment machinery and appliances:

Provided that any electrical works equipment machinery or appliances made or maintained under the powers of this section shall be so made and so maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to enter into agreements with commission.

23.—(1) The Corporation and the commission may enter into and carry into effect agreements with respect to the construction repair or maintenance of the quay (Work No. 3) authorised by this Act and the acquisition of lands therefor and the defraying of or making of contributions towards the cost of such construction repair maintenance and acquisition and with regard to any other matters relating thereto.

(2) The commission may subject to and in accordance with the terms of any such agreement exercise the powers of this Act with respect to the construction repair or maintenance of the said Work No. 3 or any part thereof.

Power to dredge etc.

24.—(1) The Corporation may with the consent of the Queen's harbour master enter upon and from time to time dredge scour deepen and improve the bed and foreshore of the sea within—

(*a*) the Inner and Outer Camber; or

PART III —*cont.*

(*b*) the harbour; or

(*c*) a distance of one hundred and fifty feet of the Flathouse Wharf and Quay;

and the channels and approaches thereto.

(2) All chalk gravel rock and other materials dredged up or removed by the Corporation in the exercise of the powers of this section shall be the property of the Corporation and they may use the same or any part thereof or they may sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that no such materials shall be laid down or deposited in any place below high-water mark of ordinary spring tides—

(*a*) otherwise than in such a position and under such restrictions and regulations as may be fixed by the Minister of Transport; and

(*b*) without the consent in writing of the Queen's harbour master having been first obtained.

(3) The powers of the Corporation under this section shall be exercisable subject to the provisions of section 112 (Crown rights) and section 114 (Saving rights of Queen's harbour master) of this Act and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Crown Estate Commissioners on behalf of Her Majesty may be given subject to such restrictions and conditions including the payment by the Corporation to the Crown Estate Commissioners of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Corporation under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Crown Estate Commissioners.

(4) (*a*) The powers of the Corporation under this section shall not be exercisable within the area shown hatched red on the signed plan without the consent of the gas board.

(*b*) In this subsection "the signed plan" means the plan signed in duplicate by William Edwin Charles Chamberlain on behalf of the Corporation and by Thomas Eric Douglas Mason on behalf of the gas board one copy of which has been deposited with the Corporation and the other with the gas board.

(5) (*a*) In the exercise of the powers conferred by this section the Corporation shall not interfere with damage or injuriously affect any submarine cable placed or maintained by the Postmaster-General.

(*b*) Before exercising the said powers within a distance of fifty yards of any such submarine cable the Corporation shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do.

PART III —*cont.*

(*c*) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or in any way obstruct or impede any work of or connected with the inspection or repair of such cable.

Period for completion of certain works.

25. Subject to the provisions of this Act if Works Nos. 1 2 3 and 4 authorised by this Act are not completed within ten years from the first day of October nineteen hundred and fifty-nine then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

Provided that nothing in this section shall prejudice or affect the powers of the Corporation to maintain use extend enlarge alter replace or relay the said works at any time and from time to time as occasion may require.

Subsidiary street improvements.

26.—(1) Subject to the provisions of this Act and within the limits of deviation the Corporation in connection with the street improvements may—

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

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

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

(*d*) stop up and appropriate the site and soil of so much of any street as shall be rendered unnecessary by the exercise of the powers of this Act in so far as the street is bounded on both sides by lands owned by the Corporation;

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

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

(2) Any paving metalling or materials in on or under any street altered or diverted by the Corporation under the powers of this Act and any sewers drains and works (hereafter in this section called "apparatus") rendered unnecessary by the

PART III —*cont.*

substitution of other apparatus therefor shall vest in the Corporation and the substituted apparatus shall be under the same jurisdiction care management and direction as the existing apparatus for which it may be so substituted.

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

(4) The Corporation may—

(*a*) within the limits of deviation raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and remove all other obstructions; and

(*b*) replace the windows of the properties known as numbers 44 46 48 and 50 Grove Road South with windows of a different type;

so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Corporation shall make reasonable compensation for any damage caused by the exercise of the powers of this subsection.

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

(6) Where any street or part of a street is diverted or stopped up in pursuance of the powers conferred by this section the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such street or part of a street at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the street or part of the street so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (7) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

(*b*) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part

PART III —*cont.*

thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

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

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

(7) As soon as the whole or any part of any street has been stopped up in pursuance of the powers conferred by this section the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (6) of this section shall commence to run from the date on which such notice is sent.

Underpinning of buildings.

27. The Corporation at their own cost and charges may and if required by the owner or lessee of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen any house or building within one hundred feet of any of the works authorised by this Act and the following provisions shall have effect:—

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

(2) Each such notice shall be served in the manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845:

(3) If any owner lessee or occupier of any such house or building within seven days after the giving of such notice gives a counter-notice in writing that he disputes the necessity of such underpinning or strengthening the question of the necessity shall be settled by arbitration:

(4) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted

PART III —*cont.*

by this section provided that the claim for compensation in respect of the loss or damage be made within three months from the occurrence thereof:

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

(6) If in any such case as is referred to in the last foregoing paragraph the underpinning or strengthening done by the Corporation at any time within twelve months from the completion of the work in connection with which the underpinning or strengthening was done proves inadequate for the support or protection of the house or building against further injury arising from the execution of that work the Corporation shall make compensation to the owner lessee and occupier of the house or building for such injury provided that the claim for compensation in respect thereof be made within one month from the discovery thereof:

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

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

Limits of deviation.

28. In the construction of the works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding in the case of the quay works ten feet upwards and fifteen feet downwards and in the case of the street improvements five feet either upwards or downwards:

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

PART IV

STREETS

Protection and improvement of streets

Trees grass verges and gardens.

29.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

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

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

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

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

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

(*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.

(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 fine not exceeding twenty shillings.

(3) 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.

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

(5) 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.

(6) Where the Corporation carry out works under any enactment relating to private street works they may with the consent of

PART IV —*cont.*

the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Adjustment of boundaries of streets.

30.—(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.

(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 of way 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 may appeal to a magistrates' court against the proposal to enter into the agreement.

(6) Nothing in this section shall be taken to dispense with the consent of a 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) (*a*) Where pursuant to this section the Corporation enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which

PART IV —*cont.*

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.

(*b*) As between the Corporation and the Postmaster-General nothing in the foregoing paragraph 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.

(*c*) In this subsection the expressions "alteration" and "alter" have the same meanings as in the Telegraph Act 1878.

Decorations in streets.

31.—(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 a flag-pole pylon socket or slot erected or provided under this section he shall be liable to a fine 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 or in any street belonging to or repairable by the commission without the consent of the commission.

Removal of trees etc. from streets.

32.—(1) If any tree or any fence wall hoarding or similar erection or any part thereof shall fall on or across any street in the city so that obstruction or danger is caused or is likely to be caused to persons or vehicles using the street the Corporation may remove and pending such removal may fence light and watch the same and recover the reasonable cost of such removal fencing lighting and watching from the owner thereof or if such owner was not in beneficial occupation of the land upon which the tree fence wall hoarding or similar erection or any part thereof was situated from the occupier thereof.

(2) The provisions of section 276 of the Act of 1936 (relating to the sale of certain materials) as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included a tree or part thereof:

PART IV —*cont.*

Provided that the Corporation may recover under subsection (1) of this section any balance of the cost outstanding after exercising their powers under section 276 of the Act of 1936.

Mixing of mortar etc. in streets.

33.—(1) No person shall mix mortar cement plaster or any like substance in any street in the city repairable by the inhabitants at large or any street therein constructed under the powers in that behalf contained in section 146 or 150 of the Public Health Act 1875 the Act of 1947 the Housing Act 1957 or this Act except upon such board or in such receptacle as will protect the street from the mortar cement plaster or substance and will prevent it from being washed into any gulley drain or sewer:

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

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding forty shillings.

Defacing of road surface etc.

34.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

(*a*) deface the surface of any street in the city or any wall fence post or other structure or erection or any tree on or adjoining any such street by inscribing or painting thereon any letter sign device or other mark;

(*b*) remove obliterate deface or obscure any traffic sign erected or placed in the city under the provisions of the Road Traffic Acts 1930 to 1956.

(2) The Corporation may themselves cleanse and reinstate the surface of any street wall structure or erection which has been defaced contrary to the provisions of subsection (1) of this section or any such traffic sign which has been so removed obliterated defaced or obscured and may remove any such letter sign device or other mark as is referred to in that subsection.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a fine not exceeding five pounds and the court by whom he is convicted may whether or not it imposes a fine in addition by order require him to pay to the Corporation any expenses incurred by them under subsection (2) of this section.

Private streets

Amendment of section 36 of Act of 1931.

35. Section 36 (As to urgent repairs of private streets) of the Act of 1931 shall have effect as if for the words " ten pounds " there were substituted the words " fifty pounds ".

PART V

PUBLIC HEALTH

Sewers and drains

Recovery of cost of maintaining public sewers.

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

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

Delegation of power to examine and test drains etc.

37.—(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 public health 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 public health inspector and make good any damage done by him.

Summary power to remedy stopped-up drains etc.

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

PART V —*cont.*

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

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

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

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

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

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

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

Power to repair drains and private sewers.

39.—(1) If a 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 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 V —*cont.*

Provided that the court shall not revise an 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.

Disconnection of drains.

40.—(1) Where a person in the city—

(*a*) reconstructs in the same or a new position a drain which communicates with a sewer or another drain;

(*b*) executes any works to such a drain so as permanently to discontinue its use; or

(*c*) executes any works on premises served by such a drain so as permanently to discontinue its use;

he shall cause any drains or parts of drains thereby becoming disused or unnecessary to be disconnected and sealed at such points on or within the boundaries of the premises served thereby as the surveyor may reasonably prescribe.

(2) A person who knowingly fails to comply with this section shall be liable to a fine not exceeding five pounds and a daily fine not exceeding twenty shillings.

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

41.—(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 fine 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 that 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.

PART V —*cont.*

(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.

Buildings and structures

Courts and passages to be flagged and channelled.

42.—(1) If any court common yard or passage in the city used for the passage of vehicles to which subsection (1) of section 56 of the Act of 1936 does not apply and which is not a highway repairable by the inhabitants at large is not well and sufficiently paved or flagged drained and channelled and kept in good repair to the satisfaction of the Corporation the Corporation may by notice require the owners of the houses buildings and lands abutting thereon and having the right to the use thereof to execute all such works as may be necessary to remedy the defect:

Provided that the Corporation shall not exercise the powers of this subsection in respect of any court or common yard which is solely appurtenant to or in respect of any passage which gives access solely to commercial or industrial premises.

(2) The provisions of Part XII of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works (other than subsection (6) of section 290 of that Act) shall apply in relation to any notice given under this section.

(3) Subject to the right of appeal under the said Part XII as applied by the last foregoing subsection if a notice requiring the execution of works under this section is not complied with within the time thereby limited the Corporation may themselves execute the works necessary to remedy the defect and recover the expenses of the works executed by them from the person or persons required by the notice to execute the works in such proportions (if there is more than one such person) according to the degree of benefit to be derived from the said works as the Corporation may determine.

(4) In any proceedings to recover such expenses as are referred to in the last foregoing subsection the court may inquire whether any apportionment made by the Corporation was fair and may make such order concerning the apportionment as appears to the court to be just:

PART V —*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.

(5) Subsection (2) of section 56 of the Act of 1936 shall cease to have effect in the city.

Provision of bathrooms.

43.—(1) Where plans of a house have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath with the necessary water supply pipe and fittings and waste pipe discharging into a suitable drain or (in a case in which in the opinion of the Corporation a shower bath would be adequate) a shower bath.

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

(3) For the purpose of this section the expression "house" includes any part of a building which is intended to be occupied as a separate dwelling.

Means of escape from fire in case of certain existing buildings.

44.—(1) If it appears to the Corporation that any building to which this section applies is not provided with such means of escape in case of fire as the Corporation deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building the Corporation shall by notice require the owner of the building to execute such work or make such other provision in regard to the matters aforesaid as may be necessary.

(2) In so far as a notice under the preceding subsection requires a person to execute works the provisions of section 290 of the Act of 1936 shall apply in relation to that notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In so far as such a notice requires a person to make provision otherwise than by the execution of works he shall if he fails to comply with the notice be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

Provided that in any proceeding under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements.

(4) This section applies to any building which exceeds two storeys in height and which—

(i) is used wholly or mainly as an inn hotel boarding house hospital nursing home boarding school children's home aged persons' home or similar institution; or

(ii) is used wholly or mainly as a restaurant shop office school store or warehouse and in the case of any building

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in existence immediately before the passing of this Act has on any upper floor sleeping accommodation for persons employed on the premises; or

(iii) is used as a house let in flats or lodgings or occupied by the members of more than one family.

(5) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of this section in relation to a building in respect of which a notice could not have been given under section 60 of the Act of 1936 before the coming into operation of this section the following provisions shall apply and have effect:—

(*a*) In the case of expenditure incurred in relation to any premises referred to in paragraphs (i) and (ii) of subsection (4) of this section if the owner thereof alleges that any tenant of the premises should meet or contribute towards meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of subsection (1) of this section) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expenses incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances;

(*b*) Expenditure incurred in relation to any building referred to in paragraph (iii) of subsection (4) of this section shall for the purpose of subsection (1) of section 5 of the Rent Act 1957 be deemed to be expenditure on the improvement of the dwellings within the building and the owner of the building may apply to the county court for an order apportioning such expenditure between the several dwelling-houses comprised in the building and the court may on such application make such order as may be just and equitable in all the circumstances.

(6) Section 60 of the Act of 1936 shall cease to have effect in the city.

(7) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws by section 71 (*c*) of that Act.

Means of escape from fire in case of certain new buildings.

45.—(1) Where plans of a building or of an extension of a building are in accordance with building byelaws deposited with the Corporation and the building or (as the case may be) the building as extended will be a building to which this section applies the Corporation shall reject the plans unless they show that the building or (as the case may be) the building as extended

will be provided with such means of escape in case of fire as the Corporation deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building:

Provided that this subsection shall not apply to plans of an extension of a building where the building proposed to be extended was not immediately before the passing of this Act a building to which section 60 of the Act of 1936 applied and it is not proposed by the extension to increase the height of the building.

(2) Any question arising under the preceding subsection between the Corporation and the person by whom or on whose behalf plans are deposited as to whether any means of escape in case of fire proposed to be provided ought to be accepted by the Corporation as satisfactory may on the application of that person be determined by a magistrates' court.

(3) This section applies to any building which exceeds two storeys in height and which—

(i) is used wholly or mainly as an inn hotel boarding house hospital nursing home children's home aged persons' home or similar institution; or

(ii) is used wholly or mainly as a restaurant shop store office school or warehouse; or

(iii) is used as a house let in flats or lodgings or occupied by the members of more than one family.

Ruinous and dilapidated buildings and neglected sites.

46.—(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 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—

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

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

as may be necessary in the interests of amenity.

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

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

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

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

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

(6) In this section the expression "building" includes a structure and a fence (other than a hedge).

Defective premises.

47.—(1) Where—

(*a*) a house in the city or the roof of a building in the city is in such a state (in this section referred to as a "defective state") as to be prejudicial to health or a nuisance; and

(*b*) unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by sections 93 to 95 of the Act of 1936;

the Corporation may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve on the person on whom it would otherwise have been appropriate under the said section 93 to serve an abatement notice a notice stating that the Corporation intend to remedy the defective state and specifying the defects that they intend to remedy.

(2) Subject to the next following subsection the Corporation may after the expiration of nine days after service of a notice under the preceding subsection execute such works as may be necessary to remedy the defective state and may recover the expenses reasonably incurred by them in doing so from the person on whom the notice was served.

(3) If within seven days after service of a notice under subsection (1) of this section the person on whom the notice was served serves a counter-notice that he intends to remedy the defects specified in the first-mentioned notice the Corporation

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shall take no action in pursuance of the first-mentioned notice unless the person who served the counter-notice either—

(*a*) fails within what seems to the Corporation a reasonable time to begin to execute works to remedy the said defects; or

(*b*) having begun to execute such works fails to make such progress towards their completion as seems to the Corporation reasonable.

(4) In proceedings by the Corporation to recover expenses incurred by them under this section it shall be a defence to prove that the notice served by the Corporation under subsection (1) of this section was not justified by the terms of that subsection.

(5) Where in such proceedings as aforesaid the defendant proves that he served a counter-notice under subsection (3) of this section the Corporation shall not recover the said expenses unless they prove that the defendant failed to begin works within a reasonable time or failed to make reasonable progress towards their completion.

(6) If the defendant in such proceedings as aforesaid makes a complaint to the magistrates' court before which he is summoned to appear that the defective state is due to the default of another person the court may—

(*a*) order that other person to pay the said expenses; or

(*b*) apportion the said expenses between the original defendant and that other person in such manner as the court thinks just.

(7) Where a complaint is made under the last preceding subsection the court may make such order for the payment of costs by or to the Corporation the original defendant and the third person as it thinks fit.

(8) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other defects may exist in the premises and in that case nothing in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in the premises.

Demolition of buildings.

48.—(1) As from the appointed day a person shall not demolish a building wholly or in part unless he has given notice to the Corporation of his intention to do so:

Provided that this subsection shall not require notice of—

(*a*) demolition undertaken to comply with a demolition order or a clearance order; or

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(*b*) demolition of an internal part of a building incidental to alteration of an internal part of the building where the building is occupied and intended to be occupied; or

(*c*) demolition of a poultry-house greenhouse coal-shed tool-shed bicycle-shed or similar structure; or

(*d*) demolition of a prefabricated garage within the curtilage of land used for residential purposes;

(*e*) demolition of any building belonging to the commission and held by them for the purposes of their railways:

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

(*f*) demolition of any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—

(i) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground; or

(ii) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building (forming part of the factory) not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(2) A notice under the preceding subsection shall describe the building and specify the intended works.

(3) The Corporation may by counter-notice served within six weeks from the date of service of the notice referred to in subsection (1) of this section or such longer period as the person proposing to demolish may in writing allow require him to remove material or rubbish resulting from the demolition and clearance of the site.

(4) A counter-notice served under this section may require the person proposing to demolish—

(*a*) to disconnect and seal at such points on or within the boundaries of the premises served thereby as the surveyor may reasonably prescribe any sewer drain or water pipe in or under the building to be demolished; or

(*b*) to remove any such sewer drain or water pipe and seal any sewer drain or water pipe with which the sewer drain or pipe to be removed is connected; and

(*c*) in either case to make good to the satisfaction of the Corporation the surface of the ground thereby disturbed after giving the Corporation at least twenty-four hours' notice of the making good.

(5) Section 290 of the Act of 1936 shall apply to a counter-notice given under this section.

(6) A sewer drain or pipe shall not be sealed or removed in pursuance of the requirements of a counter-notice under subsection (4) of this section unless at least forty-eight hours' notice thereof has been given to the Corporation.

(7) Notwithstanding subsection (3) of section 276 of the Act of 1936 that section shall apply to materials and rubbish removed by the Corporation under section 290 of that Act as applied by this section.

(8) If a person carries out works without having served notice as required by subsections (1) and (2) of this section he shall be liable to a fine not exceeding five pounds and the Corporation may serve a counter-notice under this section as if that person had served notice as required by the said subsections.

(9) Where a demolition order or clearance order requires a building to be demolished the Corporation may by notice served on the owner within seven days after serving on him a copy of the order under section 19 or subsection (2) of section 72 of the Housing Act 1957 or paragraph 5 of the Fourth Schedule to that Act require him to take such steps as a counter-notice might under subsection (3) or subsection (4) of this section require him to take and this section (except subsections (1) and (2) thereof) shall apply to a notice served under this subsection as it applies to a counter-notice.

In this subsection "owner" has the same meaning as in the Housing Act 1957.

(10) In this section—

"demolition order" means a demolition order made under section 17 section 28 or section 72 of the Housing Act 1957;

"clearance order" means a clearance order made under section 44 or section 50 of that Act.

(11) This section shall come into force on the appointed day and shall not apply to the demolition of any part of a building the demolition of which building has been begun before that day.

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Provision for food storage in buildings etc. converted into dwellings.

49.—(1) Every building or part of a building in the city converted into a dwelling or dwellings after the passing of this Act shall be provided in each of such dwellings with sufficient and suitable accommodation for the storage of food.

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

(3) Where a part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

Filthy or verminous premises or articles

Prohibition of sale of verminous articles.

50.—(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 a 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 public health 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 Corporation 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 fine not exceeding twenty pounds.

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

(5) For the purposes of this section—

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

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

(*c*) references to preparation for sale do not include references to disinfestation.

Nuisances

Noise or vibration nuisance.

51.—(1) Excessive or unreasonable or unnecessary noise or vibration 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 or vibration occasioned in the course of a 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 or vibration 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;

(*c*) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

(2) Nothing in this section shall apply to a noise or vibration 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.

Infectious diseases

Entry into premises in case of notifiable disease.

52.—(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

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

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(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.

Information to be furnished by occupier in case of notifiable disease.

53.—(1) On the application of the medical officer the occupier of any building in the city which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a fine not exceeding forty shillings.

(3) In this section the expression " occupier " includes—

(*a*) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been; and

(*b*) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person.

(4) In this section references to a notifiable disease include references to food poisoning.

Restriction on attendance at public places etc.

54. Section 148 of the Act of 1936 in its application to the city shall have effect as if the following paragraph were substituted for paragraph (*b*) thereof:—

" (*b*) having the care of a person—

(i) whom he knows to be suffering from a notifiable disease; or

(ii) whom he cannot permit to attend school without contravening section 150 of this Act;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or ".

Exclusion of children from places of entertainment or assembly.

55.—(1) With a view to preventing the spread of a notifiable disease the Corporation on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit or restrict the

admission of persons under the prescribed age to places of entertainment or assembly in the city for a time specified in the notice.

(2) If the person responsible for the management of a place of entertainment or assembly having been served by the Corporation with a copy of a notice published under the foregoing subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a fine not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression " prescribed age " in relation to a notice means such age not exceeding sixteen as may be prescribed by the notice.

Compensation for stopping employment to prevent spread of disease.

56. If with a view to preventing the spread of—

(*a*) a notifiable disease; or

(*b*) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies;

the medical officer requests in writing a person to discontinue his work the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

Prohibition of tuberculous persons from handling food.

57.—(1) If the medical officer certifies—

(*a*) that a person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and

(*b*) that he is occupied in the cooking preparation or handling of food in the city intended for consumption by persons other than himself or members of his household; and

(*c*) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

the medical officer may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a magistrates' court may on the application of the Corporation order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the Corporation.

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(4) If any person fails to comply with any such order he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

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

Miscellaneous

Hairdressers and barbers.

58.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the city on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for registration of the applicant or of any premises and (if the application relates to premises) on his furnishing them with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

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

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

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

(4) If any person carries on business in contravention of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(5) If any person contravenes any byelaw made under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired;

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Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(7) Where the registration of any person is cancelled by order of a court under subsection (5) of this section—

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

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

(8) The occupier of premises registered under this section shall keep a copy of the said byelaws and of the certificate of registration displayed in the premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(9) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence.

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

PART VI

FIRE PREVENTION

Precautions against fire in certain buildings.

59.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with the Corporation and the plans show that the building—

(*a*) will not be provided with such means of access for fire brigade appliances and personnel; or

(*b*) will not leave or make provision for such means of access for fire brigade appliances and personnel to an existing building or to a proposed building the plans of which have been passed by the Corporation;

as they may consider necessary to enable effective action to be taken by them in case of fire at the building to which the plans

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deposited relate or (as the case may be) at the existing building or the proposed building to which the plans passed relate the Corporation may reject the plans deposited.

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

(3) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with or (as the case may be) will leave or make provision for the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

Precautions against fire in certain buildings and cubical extent of buildings.

60.—(1) Within the city unless the Corporation consent—

(*a*) no building shall be erected with a storey or part of a storey at a greater height than—

(i) one hundred feet; or

(ii) eighty feet if the area of the building exceeds ten thousand square feet;

(*b*) no building or part of a building of a cubical extent exceeding two hundred and fifty thousand cubic feet shall be used for purposes of trade or manufacture unless it is divided by division walls in such manner that no division of the building or part of the building (as the case may be) is of a cubical extent exceeding two hundred and fifty thousand cubic feet:

Provided that—

(i) the Corporation shall not withhold consent under paragraph (*a*) or (*b*) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;

(ii) paragraph (*b*) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act a structural alteration or extension is made in or to the building or a material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building

or part of the building or relating to the provision and maintenance or proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Corporation under this section—

(i) to withhold consent; or

(ii) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section he shall be liable to a fine not exceeding fifty pounds and if—

(*a*) that person after conviction of the contravention; or

(*b*) any other person after notice of the conviction has been served on him by the Corporation;

uses the building without the consent of the Corporation or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (*a*) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(*b*) In this section the expression " cubical extent " in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or accommodating lift gear or other such apparatus:

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls with the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building erected on land belonging to the commission and used for the purposes of their railways.

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(7) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws by section 71 (*c*) of that Act.

Oil-fired boilers.

61.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in the city whether erected before or after the passing of this Act or on any land in the city shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (*a*) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the passing of this Act proper arrangements will be made for preventing or reducing danger from fire.

(*b*) Such byelaws may include provisions—

(i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land the works apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works apparatus fittings and appliances; and

(ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(*c*) (i) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under sub-paragraph (ii) of paragraph (*b*) of this subsection may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(ii) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(iii) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaws or under this subsection.

(3) (*a*) If any person instals oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(*b*) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

(i) that person after conviction of the contravention; or

(ii) any other person after notice of the conviction has been served on him by the Corporation;

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(4) In this section—

the expression " oil-burning equipment " means a boiler designed or adapted for the combustion of oil and includes the burner the storage tanks and the apparatus fittings devices and catch-pits and any other equipment used for or in connection with the heating of the boiler;

the expression " boiler " means a boiler furnace heater oven or similar plant;

the expression " storage tank " means a tank container or device designed or adapted for the purpose of supplying oil to a boiler;

the expression " apparatus and fittings " includes pipes and pipe fittings taps valves pumps gauges vessels fans and filters.

(5) Nothing in this section shall apply to—

(*a*) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding seven hundred and fifty gallons;

(*b*) the installation of any oil-burning equipment by the gas board the generating board or the electricity board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend to houses or to buildings used as offices or showrooms.

(6) Section 250 of the Act of 1933 (which relates to the procedure for making byelaws) shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words " or confirm with modifications " after the word " confirm " in the second place where that word occurs in subsection (6) thereof.

(7) Nothing in this section shall apply to the installation of any oil-burning equipment by the commission for the purposes of their railways:

Provided that the exemption conferred by this subsection shall not extend to houses or to buildings used as offices or showrooms other than buildings so used which form part of a railway station.

PART VI —*cont.*

Fireman's switches for luminous tube signs.

62.—(1) As from the appointed day any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the city other than such apparatus which is fitted internally in any premises and is attended when in operation shall be provided with a cut-off switch on the low voltage side of the transforming apparatus.

(2) Before any apparatus to which subsection (1) of this section applies is fitted on or in any premises in the city the owner or occupier of the premises shall at least fourteen days before the work of fitting the apparatus is begun give notice to the Corporation that such apparatus is about to be fitted indicating the position in which it is proposed that the cut-off switch required under subsection (1) of this section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

(3) The owner or occupier of the premises in respect of which notice is given under subsection (2) of this section shall place the cut-off switch so that it is readily recognisable by and accessible to firemen and for that purpose shall comply so far as it is reasonable to do so with any representations made by the Corporation within ten days of receipt by them of such a notice and in the case of any such apparatus to be fitted internally in any premises the work of fitting the apparatus shall not be begun until the pattern and position of the cut-off switch have been approved by the Corporation:

Provided that—

(*a*) any question arising under this subsection between the Corporation and the owner or occupier of any premises as to the extent to which it would be reasonable for that owner or occupier to comply with the representations made by the Corporation may on the application of the owner or occupier (as the case may be) be determined by a magistrates' court; and

(*b*) where the pattern and position of any cut-off switch to be provided in connection with such apparatus to be fitted internally in any premises comply with the provisions of the Institution of Electrical Engineers' regulations the pattern and position shall be deemed to have been approved by the Corporation.

(4) The owner or occupier (as the case may be) of any premises—

(*a*) to which any apparatus to which subsection (1) of this section applies is fitted in contravention of the provisions of that subsection; or

PART VI —*cont.*

(*b*) who contravenes the provisions of subsection (2) or subsection (3) of this section;

shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(5) The provisions of this section shall not prejudice or affect the requirements of the Electricity Supply Regulations 1937 or any regulations or other provisions amending or replacing the same.

(6) This section shall not apply to premises or any part of premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign to which but for this subsection subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

Derelict petrol tanks.

63.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises in the city the occupier of the premises and if the premises are unoccupied the owner of the premises shall take all such steps as may be reasonably necessary to prevent danger from the container.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him the container and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding ten pounds and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container to which the warning relates and may recover from that person the expenses incurred by them in so doing.

(4) In this section the expression "petroleum spirit" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Disposal of dangerous containers.

64.—(1) No person shall within the city dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of inflammable or explosive substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container.

PART VI —*cont.*

(2) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing.

(3) This section shall not apply to any tank or fixed container to which section 63 (Derelict petrol tanks) of this Act applies.

PART VII

POLICE

Barriers in streets.

65.—(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 a trunk road without the consent of the Minister of Transport; or

(*b*) as respects a street belonging to or repairable by any transport undertakers and forming the approach to a station or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any station or depot of those undertakers without the consent of those undertakers;

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

(2) The consent of the undertakers under proviso (*b*) to the foregoing subsection shall not be unreasonably withheld and any question whether 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 sockets or slots in or under the surface of the street.

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

Police telephone call boxes and shelters.

66.—(1) Subject to the provisions of this section the Corporation may provide—

(*a*) such police telephone call boxes and installations; and

(*b*) such shelters or boxes for the use of police constables;

in such positions in any street park or public place in the city as they think fit.

(2) Nothing in this section shall authorise the transmission of a telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

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

(*a*) without the consent of the Minister of Transport in a street being a trunk road; or

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

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

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

(iii) so as to obstruct or interfere with the access to or exit from a station or depot of such undertakers; or

(*c*) without the consent of the owner of the premises concerned in any street or in a park or public place abutting on any street so as to obstruct the existing access to premises abutting on the street.

(4) A 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 a box or shelter 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.

(5) Any question whether a consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of a box or shelter has been unreasonably required shall—

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

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

Offences in respect of telephone boxes fire hydrants etc.

67.—(1) If any person wilfully and without the consent of the Corporation—

(*a*) obstructs the access to a police telephone call box provided by the Corporation or to a shelter or box so provided for the use of police constables or to a fire alarm so provided; or

(*b*) interferes with equipment in such a call box or in such a shelter or box or in such a fire alarm; or

PART VII —*cont.*

(*c*) removes obliterates alters defaces or obscures a mark provided by the Corporation for indicating the position of such a call box or of such a shelter or box or of a fire alarm or fire hydrant;

he shall be liable to a fine not exceeding five pounds and the Corporation may recover from him the expenses of removing the obstruction or of making good or replacing the mark.

(2) If any person telephones or causes to be telephoned—

(*a*) from a police telephone call box provided by the Corporation any statement which he knows to be false; or

(*b*) from a telephone call box provided in the city by the Postmaster-General a statement which he knows to be false made for the purpose of instigating police fire brigade or ambulance action;

he shall be liable to a fine not exceeding five pounds.

(3) In this section the expression "call box" includes any installation.

Byelaws as to pleasure fairs and roller-skating rinks.

68.—(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 the following expressions have the meanings hereby assigned to them:—

"pleasure fair" means any place—

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

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

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

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

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

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

(5) The Corporation shall—

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

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

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

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

PART VIII

MOVABLE DWELLINGS

Definition of movable dwelling.

69. In this Part of this Act the expression "movable dwelling" includes any tent any van or other conveyance whether on wheels or not and subject as hereinafter provided any shed or similar structure being a tent conveyance or structure which is used either regularly or at certain seasons only or intermittently for human habitation:

Provided that it does not include any canal boat or any other boat bona fide used for navigation.

PART VIII —*cont.*
Provision of camping grounds by Corporation.

70.—(1) The Corporation may with the consent of the Minister provide within the city camping grounds for any movable dwellings or for any particular class or number of movable dwellings as may be prescribed from time to time by the Corporation.

(2) (*a*) The Corporation before applying for the consent of the Minister under this section shall give notice of their proposal to every owner of land contiguous to the land on which they propose to provide a camping ground and publicly by advertisement in a newspaper circulating in the city.

(*b*) Every such notice shall state the area and situation of the proposed camping ground and shall specify a date (not being earlier than twenty-one days from the service or publication of the notice) by which and the manner in which representations may be made to the Minister with respect to the proposal.

(*c*) If any such representation is duly made and not withdrawn the Minister shall (unless the representation appears to him to be frivolous) cause a local inquiry to be held under section 124 (Local inquiries) of this Act with respect to the proposal before deciding whether or not to give his consent thereto.

(3) The Corporation may provide such buildings equipment and services and may execute such works as may be necessary or expedient in connection with the provision of a camping ground under this section.

(4) Where the Corporation have provided under this section a camping ground they may permit the occupier of any movable dwelling to encamp upon that camping ground on payment of such fee as may be prescribed by the Corporation.

(5) The Corporation for the purpose of securing the amenities of the city in relation to the use of any camping ground provided under this section and any movable dwellings situate thereon may make byelaws—

(*a*) for preventing the amenities of the city being prejudicially affected by the state or condition of any such camping ground;

(*b*) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon;

(*c*) for preventing annoyance to the residents in the city by the conduct of the occupiers of or of persons frequenting movable dwellings situate on any such camping ground.

PART IX

FINANCE AND RATING

Power to borrow.

71.—(1) The Corporation may borrow—

(*a*) such sums as may be necessary for any of the purposes of this Act;

(*b*) without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under paragraph (*b*) of the preceding subsection shall not exceed the period specified in relation thereto in the third column of the said table.

(3) Subject to the provisions of this section Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

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

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(*a*) The purchase of lands under the powers of this Act	The sum requisite	Sixty years.
(*b*) The construction of the quay works and works in connection therewith	£182,000	Forty years.
(*c*) The construction of the street improvements	£117,000	Twenty years.
(*d*) The costs charges and expenses of this Act	The sum requisite	Five years.

Investment of superannuation fund.

72.—(1) In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest any moneys forming part of but not for the time being required to meet

PART IX —*cont.*

payments out of the superannuation fund maintained by the Corporation under that Act in securities in which trustees are authorised to invest there were substituted an obligation to invest such moneys as follows (namely):—

(*a*) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or

(*b*) in or upon any of the stocks funds or securities of any Dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or

(*c*) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or

(*d*) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or

(*e*) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general Act of the United Kingdom Parliament being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or

(*f*) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run; or

(*g*) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

PART IX —*cont.*

Provided that no such moneys as aforesaid shall be invested in any investment of the nature specified in paragraph (*e*) of this subsection—

(i) unless the company has paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; and

(ii) at any time when the value of all the investments made under the said paragraph (*e*) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund.

(2) For the purposes of the last foregoing subsection the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

Reserve funds.

73.—(1) (*a*) The Corporation may (if they think fit) provide a reserve fund in respect of any undertaking of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in any securities in which trustees are for the time being authorised by law to invest trust funds until the fund so provided amounts to the maximum reserve fund for the time being prescribed by the Corporation.

(*b*) Any income arising from the investment of the moneys in the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(2) The reserve fund provided under this section may in respect of the undertaking to which it relates be applied—

(*a*) in making good any deficiency at any time happening in the income of the Corporation from the undertaking; or

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

(*c*) in repaying any capital moneys borrowed for the purposes of the undertaking (but not in making the annual payments required to be made therefor); or

(*d*) in or towards the payment of the cost of renewing improving or extending any works buildings machinery plant or conveniences forming part of the undertaking or otherwise for the benefit thereof;

PART IX —*cont.*

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

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

(4) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking.

Modification of mortgages by endorsement under hand.

74. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by the mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hand of the person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on the deed by which the mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

Officers of Corporation acting as receivers etc.

75.—(1) The Corporation may pay to any officer of the Corporation who acts in any of the following capacities:—

(*a*) as the receiver appointed by an order made under the Lunacy Act 1890;

(*b*) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;

(*c*) as a surety to a bond required by law from an officer acting in accordance with paragraph (*a*) of this subsection;

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which the officer is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in one

of the capacities mentioned in subsection (1) of this section against any act neglect or default whether his own or that of any other person occurring in the course of the receivership or administration.

Expenses of public entertainment etc.

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

(*a*) the provision of public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing;

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

(*c*) the reception and entertainment by way of official courtesy of distinguished persons residing in the city and the supply of information to any such persons;

(*d*) the presentation of the freedom of the city to persons whom the council may resolve to admit as honorary freemen.

Payment of pension etc. to person of unsound mind.

77.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife husband relations or dependants of the person so detained as aforesaid.

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

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

(4) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person the

PART IX —*cont.*

Corporation shall give to the court of protection notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said powers and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the court of protection:

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

(5) If at any time the court of protection give to the Corporation notice in writing that they object to the exercise by the Corporation of the said powers in relation to any person the said powers shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the court of protection withdraw the notice.

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

Recovery of rates from certain owners.

78.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in that payment and the amount the owner is so liable to pay may on proof of the agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

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

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

Recovery of rates from persons removing.

79. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay

on demand any general rate due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from tenants and lodgers.

80. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the city shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

PART X

CULTURAL ACTIVITIES

Art fund.

81.—(1) The Corporation may establish a fund to be called "the art fund" to provide for the purchase of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection of the Corporation and that fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925:

Provided that when the art fund amounts to the sum of twenty-five thousand pounds the Corporation shall discontinue the annual appropriations but if the art fund is at any time reduced below that sum the Corporation may recommence and continue the annual appropriations until the art fund is restored to that sum.

(2) (*a*) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in any securities in which trustees are for the time being authorised by law to invest trust funds.

(*b*) Any income arising from the investment of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

PART X —*cont.*

(3) Section 66 (Consolidated loans fund) of the Portsmouth Corporation Act 1930 shall have effect as if the art fund were one of the funds included in the expression " the lending fund " referred to in that section.

Use of libraries etc.

82.—(1) The Corporation may use or allow to be used or let any part of any public library or museum or art gallery provided by them and not at the time required for the purpose of a library or museum or art gallery respectively for any of the following purposes:—

(*a*) the giving of lectures;

(*b*) the provision of art and science exhibitions;

(*c*) the holding of public and other meetings;

(*d*) the provision of an entertainment of any nature;

(*e*) the provision of facilities for dancing.

(2) Notwithstanding anything in any other enactment the Corporation may make charges for admission to any part of any public library or museum or art gallery when the part is used for any of the purposes specified in the last foregoing subsection.

(3) Nothing in this section shall be taken to dispense with the consent of any Minister of the Crown to any appropriation lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted.

(4) Any byelaws relating to a public library museum or art gallery of the Corporation shall not apply to any part thereof which is used or let for any purpose other than as a public library museum or art gallery respectively so long as that part is so used except to such extent as they may be expressed so to apply.

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

Disposal of unsuitable museum specimens and works of art.

83.—(1) The Corporation may sell exchange or give away or otherwise dispose of any specimen or work of art vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum art gallery or other building of the Corporation.

(2) The Corporation may make arrangements by way of sale exchange or gift with any person being the owner of any museum or art gallery for the transfer to that person of any specimen or work of art vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition in a museum or art gallery of that person than in a museum or art gallery of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest the powers conferred by this section shall not during a period of thirty-five years commencing on the date on which it so became vested be exercisable as respects that object without the consent of the donor or his executors or trustees unless after reasonable inquiry the donor or his executors or trustees cannot be found.

(4) Any moneys received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of museum specimens or works of art.

Publication of records etc.

84. The Corporation may publish or contribute to the publication of—

(*a*) such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933;

(*b*) such other documents of historic or other public interest as are in the possession or under the management or control of the Corporation;

(*c*) bulletins journals and leaflets prepared or adapted in the exercise of or in connection with the powers of the Corporation under the Public Libraries Acts 1892 to 1919 or section 134 of the Local Government Act 1948;

(*d*) any work of scholarship having reference to the city or its neighbourhood or to any museum specimen work of art or document in the possession or under the management or control of the Corporation;

(*e*) any illustration of any museum specimen or work of art in the possession or under the management or control of the Corporation:

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

Library books.

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

(1) the power to charge such reasonable sum as the Corporation may prescribe for the reservation o' a book;

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

PART X —*cont.*

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

(4) the power to prohibit any such person from borrowing any other book from the said library or from any other library provided by the Corporation under those Acts until the person has paid any such sum as is due to the Corporation under paragraph (3) of this section;

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

Provided that the sums prescribed by the Corporation for the purposes of paragraph (3) of this section shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

PART XI

DOCK AND HARBOUR ETC. PROVISIONS

Powers with respect to disposal of wrecks.

86.—(1) In their application to the Corporation sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Corporation with respect to and with respect to anything in or on any vessel sunk stranded or abandoned in such manner as to be an obstruction or danger to navigation in any part of the Inner and Outer Camber as extended by the quay works or in or near any approach thereto or in or near any approach to the Flathouse Wharf and Quay) shall have effect—

(*a*) subject to the provisions of the next following section;

(*b*) subject to the consent of the Queen's harbour master; and

(*c*) in relation to a vessel sunk stranded or abandoned before as well as after the passing of this Act.

(2) Subject to subsection (3) of this section and to any enactment for the time being in force limiting his liability the Corporation may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 being a vessel sunk stranded or abandoned after the passing of this Act any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Corporation a case of emergency subsection (2) of this section shall not apply in relation to any vessel unless before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying the Corporation have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so and if before the notice expires the Corporation receive from the owner counter-notice in writing that he desires to dispose of the vessel himself and no direction is served in respect of the vessel under paragraph (*b*) of subsection (2) of the next following section he shall be at liberty to do so and the Corporation shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Corporation.

(4) Notice under the last foregoing subsection to the owner of any vessel may be served by the Corporation either by delivering it to him or by sending it to him by post in a registered letter addressed to him at his last known place of business or abode in the United Kingdom or if the owner or any such place of business or abode is not known to the Corporation by displaying the notice at the Guildhall in the city for the period of its duration.

(5) In this section the expression " owner " in relation to any vessel means the person who was the owner of the vessel at the time of the sinking stranding or abandoning thereof.

(6) For the removal of doubts it is hereby declared that the provisions of sections 530 and 532 of the Merchant Shipping Act 1894 shall in their application to the Corporation have effect as if the Corporation were the harbour authority for the purposes of that Act in respect of the harbour.

(7) Except in a case which is in the opinion of the Corporation a case of emergency the Corporation shall before raising removing or destroying under the powers conferred upon them by the said section 530 any vessel sunk stranded or abandoned in any part of the Inner and Outer Camber as extended by the quay works or in or near any approach thereto or in or near any approach to the Flathouse Wharf and Quay and situate within a distance of one hundred and fifty yards of any submarine cable placed or maintained by the Postmaster-General give to the Postmaster-General in writing as long notice as is practicable of their intention to do so.

PART XI —*cont.*

Protection of Crown interests in wrecks.

87.—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty) as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906 the powers conferred on the Corporation by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

(*a*) in relation to any vessel sunk stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

(*b*) except with the consent of the Admiralty which may be given with or without such a direction as is referred to in paragraph (*b*) of the next following subsection in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which at the time when the vessel was sunk stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service under the direction and control of the Admiralty of Her Majesty's ships of war.

(2) The Corporation shall give notice in writing to the Admiralty and to the Minister of Transport of any decision of the Corporation to exercise in relation to any vessel any of the powers aforesaid other than the power of lighting and buoying and except in a case which is in the opinion of the Corporation a case of emergency shall not proceed with the exercise thereof—

(*a*) except with the consent of the Admiralty and the Minister of Transport before the expiration of a period of fourteen days from the giving of the notice; or

(*b*) if before the expiration of the said period there is served on the Corporation a direction by the Admiralty or the Minister of Transport that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where in any such case as aforesaid the Corporation proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (*a*) of this subsection or after a direction has been served on them as aforesaid they shall not in the exercise of those powers use any explosives and if before the expiration of the period aforesaid such a direction as aforesaid is served on them shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of the last foregoing section:

PART XI —*cont.*

Provided that—

(i) the Corporation shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (*b*) of the foregoing subsection but any direction such as is referred to in paragraph (*b*) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the last foregoing section to have been duly served under paragraph (*b*) of this subsection;

(ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Minister of Transport for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Corporation by the said section 530 the Corporation shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised removed or recovered under that section and any surplus proceeds of sale within the meaning of that section in accordance with such directions if any as may be given to them by the receiver of wreck and on exercising the said power of sale in the case of any property the Corporation shall discharge any sums payable in respect of that property by way of duties of customs or excise purchase tax or surcharge in respect of sugar or molasses and any sums so discharged shall be deemed to be expenses incurred by the Corporation under that section.

(4) Any limitation on the powers of the Corporation in relation to any vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Trinity House by section 531 of the said Act of 1894.

Directions of harbour master.

88. Section 52 of the Act of 1847 in its application to the Corporation and the harbour master shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the Inner and Outer Camber as extended by the quay works and the approaches thereto and in or near any approach to the Flathouse Wharf and Quay.

Orders of harbour master need not be in writing.

89. Section 53 of the Act of 1847 in its application to the Corporation and the harbour master shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but

PART XI —*cont.*

a notice that is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

Harbour master may prevent sailing of vessels.

90. The harbour master may prevent the removal or sailing from within the limits of the Inner and Outer Camber as extended by the quay works or from the Flathouse Wharf and Quay of any vessel until evidence has been produced to him of the payment to the collector of any rates payable in respect of the vessel or of the goods imported or exported therein.

Recovery of rates in respect of vessels.

91. In addition to the remedy given by section 44 of the Act of 1847 as incorporated with this Act and whether the demand which may be made under that section has been made or not the Corporation may recover any rates to which that section applies as a debt in any court of competent jurisdiction.

Recovery of fines.

92.—(1) All fines and forfeitures recoverable under the provisions of the Act of 1847 as incorporated with this Act or under any byelaw made under this Part of this Act or in pursuance of section 83 of the Act of 1847 as so incorporated may be recovered in a summary manner.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

Corporation may act as warehousemen etc.

93. The Corporation may in connection with the Camber Dock and Flathouse Wharf undertakings act as warehousemen wharfingers and storekeepers and render such services as are usually rendered by dock companies on payment by the owners of the goods warehoused or deposited or the person in charge of such goods of such reasonable rents or charges as shall from time to time be fixed by the Corporation.

Power to hire cranes.

94. The Corporation may let upon hire on such reasonable terms as they think fit the cranes hoists and other appliances belonging to or leased by them.

Moorings.

95.—(1) The Corporation may with the consent of the Queen's harbour master place and provide in the harbour moorings buoys and like apparatus and conveniences for vessels so however that there shall be left free and open such spaces as may be necessary and proper for the anchoring and mooring of vessels by persons who do not desire to use the moorings buoys or like apparatus provided by the Corporation under this section.

(2) The Corporation may demand receive and recover in respect of any vessel using any of the moorings buoys or like apparatus or conveniences provided by the Corporation under

this section or moored to the quays or banks belonging to the Corporation adjoining the harbour such reasonable charges as may from time to time be prescribed by the Corporation and approved by the Minister of Transport.

(3) The Corporation may compound with any person with respect to the payment of the charges prescribed by the Corporation under this section but so that no preference be in any case given to any person over any other person using the harbour under the like circumstances.

Byelaws relating to harbour.

96.—(1) The Corporation may with the consent of the Queen's harbour master in matters within his jurisdiction from time to time make such byelaws as they think fit for all or any of the following purposes (namely):—

(*a*) for the regulating or prohibiting the mooring or anchoring of vessels in the harbour and for prescribing the patterns of buoys in the harbour;

(*b*) for securing the good and orderly conduct of persons in charge of or using vessels and boats in the harbour;

(*c*) for the prevention of nuisances and offences against decency in the harbour;

(*d*) for regulating and controlling in the harbour the navigation and speed of vessels mechanically propelled and preventing obstruction to vessels using the harbour;

(*e*) for the control and regulation of houseboats including registration and the issue of certificates and making of charges in respect thereof the giving of notice to the Corporation of transfers sales and changes of tenancy the prohibition of mooring elsewhere than in specified situations and the limitation of the number of houseboats to be moored in particular areas the regulation of the number of occupants permissible in relation to air-space the means of ventilation and the sanitary conveniences and appliances to be provided and the precautions to be taken for securing cleanliness and preventing the spread of infectious disease for authorising inspection by or on behalf of the Corporation and generally for the prevention of nuisances in connection with houseboats.

(2) In this section the expression "houseboat" means any vessel or boat lying in the water or on the foreshore of the harbour which is used or is capable of being used as a place of habitation whether such use be temporary intermittent or permanent or as a place for accommodating or receiving persons for purposes of shelter recreation entertainment or refreshment or as club premises or as offices but shall not include—

(i) a vessel normally engaged in the transport of persons or goods; or

PART XI —*cont.*

(ii) any pleasure yacht used in navigation; or

(iii) any lightship or watch barge; or

(iv) any canal boat or other boat registered under Part X of the Act of 1936; or

(v) any vessel used by a bona fide fisherman in fishing as a means of livelihood.

(3) The byelaws which may from time to time be made by the Corporation in exercise of the powers in that behalf conferred on them by section 83 of the Act of 1847 and by this Part of this Act may provide for imposing a fine not exceeding five pounds for the breach or non-observance of any of the byelaws.

PART XII

MISCELLANEOUS

False statements to obtain benefits.

97.—(1) Any person who for the purpose of obtaining for himself or for any other person any of the benefits or advantages hereinafter mentioned—

(*a*) knowingly makes to the Corporation or to any of their employees a false statement or false representation relating to his or that other person's need for the benefit or advantage or ability to pay a rent or make any other payment; or

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

shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The benefits or advantages hereinbefore referred to are—

(*a*) a rebate of the rent of any such house;

(*b*) a reduction in the amount of any payment due to the Corporation by virtue of the following enactments or of regulations made thereunder or the remission of any such payment:—

(i) the Children and Young Persons Act 1933;

(ii) the Education Acts 1944 to 1953;

(iii) the Children Act 1948;

(*c*) any award grant contribution or payment made by the Corporation under the Education Acts 1944 to 1953 or under or by virtue of any regulations made under those Acts; or

(*d*) any advance from the Corporation under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing Act 1957 or section 16 (Loans for the erection etc. of buildings) of this Act.

(3) If any person is convicted of an offence under this section the court may—

(*a*) terminate the tenancy of the house of which occupation had been obtained and order possession thereof to be given to the Corporation;

(*b*) order the person convicted to pay to the Corporation the amount of the rebate or reduction obtained by him;

(*c*) order the person convicted to make such payments as the court may think just to the Corporation in respect of—

(i) the reduction in the amount of any payment referred to in paragraph (*b*) of the last foregoing subsection or the remission thereof; or

(ii) any award grant contribution or payment referred to in paragraph (*c*) of that subsection.

(4) For the purposes of this section the expression "house" includes any part of a house which is occupied or intended to be occupied as a separate dwelling.

Provision of garages.

98. Subject to the provisions of section 163 of the Act of 1933 the Corporation may erect provide and maintain single-storey garages on any land in the city which they may for the time being possess and may let the same for such periods and on such terms and conditions as they may think fit:

Provided that nothing in this section shall empower the Corporation—

(*a*) to sell motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or

(*b*) to carry on the business of maintaining or repairing motor vehicles; or

(*c*) to use or let land held by them for allotments otherwise than in accordance with the provisions of the Allotments Acts 1908 to 1950.

Power to erect weighbridges.

99.—(1) The Corporation may erect and maintain on any land occupied by them or on any highway in the city such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

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

PART XII —*cont.*

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

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

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

Robes of office.

100. The Corporation may provide and maintain robes of office and head-dresses for the use of the lord mayor aldermen and councillors for the time being of the city:

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

Recreational and other facilities for employees.

101.—(1) The Corporation may within the city provide and maintain recreational social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

(*a*) acquire buildings or acquire or appropriate land and erect buildings thereon;

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

(*c*) make such charges as they think fit for the use of such buildings and premises; and

(*d*) make regulations for the management of such buildings and premises.

Power to close promenades etc. for certain purposes.

102.—(1) The Corporation may from time to time use or permit the use of the whole or any part of any of the promenades in the city for the purposes of processions carnivals sports motor races motor-cycle races cycle races and similar purposes and at such times may close the whole or any part of such promenades against the public and may demand and take or permit to be demanded or taken such reasonable sums for the exclusive occupation of such promenades or any portion thereof or for the admission of persons vehicles goods and things to such promenades or any portion thereof as they may think fit and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded:

PART XII —*cont.*

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

(*a*) on more than twelve days in any year; or

(*b*) on more than three Sundays in any year; or

(*c*) on more than four consecutive days; or

(*d*) for more than twelve hours in any period of twenty-four hours; or

(*e*) so as to deprive any person bona fide going to or from any house or premises abutting on any promenade of reasonable access to or egress from the house or premises except so far as may be necessary in the interests of safety nor shall the Corporation demand any sum for the admission of such person to the promenade; or

(*f*) so as to prevent the undertakers in a case of emergency from obtaining access to their apparatus.

(2) In this section the expression " promenades " means the carriageway of the esplanades and the promenades from Clarence Pier to the eastern end of the Free Speech site and from Henderson Road to a point two hundred and twenty yards east of the entrance to South Parade Pier.

South Parade Pier rates and charges.

103.—(1) The Southsea South Parade Pier Order 1878 shall have effect as if the following paragraph had been substituted for paragraph IV of the schedule to that order as amended by section 32 (Amending Order of 1878 as to rates) of the Portsmouth Corporation (South Parade Pier) Order 1907:—

" IV—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	d.
For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet passage or pleasure boat for each time any sum not exceeding	1	4
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding	1	0
For every bath or sedan chair taken on the pier for each time any sum not exceeding ...		6
For every perambulator taken on the pier for each time any sum not exceeding ...		6

PART XII —*cont.*

	s.	d.
For every master of any vessel boat or wherry using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding ...	20	0
For every motor car taken on the pier for each time any sum not exceeding	5	0
For every bicycle or tricycle taken on the pier for each time any sum not exceeding ...	1	0 "

(2) Section 29 (Power to close pier on special occasions) of the said Order of 1907 shall have effect as if for the words " one shilling " wherever those words occur there were inserted the words " two shillings and sixpence ".

(3) The Corporation may demand and recover from every person entering or using their South Parade Pier or any part thereof different rates and charges at different times of the day.

(4) In the application of section 28 of the Act of 1847 to this section the expression " special Act " should be read as a reference to this Act.

Removal of vehicles.

104.—(1) If any vehicle is left on any land belonging to or under the control of the Corporation or on any grass verge or open space provided or laid out by the Corporation in pursuance of the Housing Act 1957 the Corporation may after giving notice to the owner of the vehicle unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner remove the vehicle for safe custody and may recover from such owner the expenses incurred in such removal and safe custody:

Provided that this section shall not apply to a vehicle left—

(i) on a road (as defined in section 121 of the Road Traffic Act 1930); or

(ii) in a parking place provided by the Corporation under section 68 of the Public Health Act 1925 unless the vehicle has been left in the parking place for a period beyond that prescribed by any byelaws relating to the parking place.

(2) If any vehicle to which subsection (1) of this section applies be not within six months from the date of its removal by the Corporation proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

Powers to use ladders etc. for entry or inspection.

105.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

PART XII —*cont.*

(2) If the builder of or contractor for any such building or works or any person employed by him in or about the building or works—

(*a*) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or

(*b*) otherwise obstructs such an officer in the exercise of those powers;

he shall be liable to a fine not exceeding five pounds.

Summary recovery of damages for negligence.

106. Compensation recoverable by the Corporation for damage caused by negligence to any lamp lamp-post notice-board fence rail post street refuge shelter or other apparatus or equipment provided by them in or near any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

Delegation of powers to sub-committees.

107.—(1) Any committee of the council may subject to any direction of the council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed :

Provided that a majority of the members of any such sub-committee shall be members of the council.

(2) Nothing in this section shall authorise the appointment of a sub-committee by any committee which have power to appoint a sub-committee under any other enactment or the delegation of functions to a sub-committee by a committee which have power to delegate functions to a sub-committee under any other enactment but any such committee may exercise those powers with respect to any functions of the council which are referred to the committee by the council otherwise than under the authority of that enactment.

(3) Section 273 of the Act of 1936 shall cease to apply to any committee of the council.

Disposal of lost and uncollected property.

108.—(1) Where any lost property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

PART XII —*cont.*

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section the expression " lost property " means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression " uncollected property " means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement of the effect of subsection (2) of this section.

Extension of power to maintain burial grounds.

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

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

(*b*) to level any grave therein;

(*c*) to remove any tombstone or memorial on any grave therein or any railings surrounding any grave therein or any such tombstone or memorial;

(*d*) to alter the position of any such tombstone memorial or railings.

(2) Before exercising a power conferred by paragraph (*b*) (*c*) or (*d*) of the foregoing subsection the Corporation shall—

(*a*) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the city with an interval between the dates of publication of not less than six clear days;

(*b*) display a notice thereof in a conspicuous position in the burial ground; and

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

(3) Each of the notices shall—

(*a*) contain brief particulars of the Corporation's proposals and specify an address at which full particulars of the proposals can be obtained unless the brief particulars are of proposals incapable of further statement;

(*b*) specify a date as being that on which it is intended that the Corporation will begin to carry out the proposals which shall be a date not earlier than the fourteenth day after the date of the later of the two publications or than the twenty-first day after the date on which the notice in the burial ground is first displayed or where notice is required to be served than the twenty-first day after the date of service; and

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

(4) If notice of objection to a proposal and of the ground thereof is given to the Corporation before the date specified under paragraph (*b*) of the last foregoing subsection that proposal shall not be carried out without the consent of the Minister unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate or destroy any tombstone memorial or railings removed under this section unless it or they is or are claimed within three months after the date of the earlier of the two publications of the notice required by paragraph (*a*) of subsection (2) of this section or where notice has been served under paragraph (*c*) thereof after the date of such service whichever is the later.

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

(7) The Corporation shall cause a record to be made of each tombstone or memorial removed or otherwise disposed of by them in pursuance of their powers under this section containing—

(*a*) a copy of any inscription on it; and

(*b*) if it is intended to preserve the tombstone or memorial a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a faculty or licence of a consistory court.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence and subsection (5) thereof shall not have effect in relation to any tombstone memorial or railings for whose removal such a faculty or licence was obtained.

PART XII —*cont.*

(9) In this section—

" burial ground " includes a cemetery;

" grave " includes a grave space;

" tombstone " includes a kerb.

Loose-leaf minute books.

110. Notwithstanding anything in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled by the person presiding at that meeting or at the next ensuing meeting of the council or committee and any minutes purporting to be so signed shall be received in evidence without further proof.

Welfare of aged persons etc.

111.—(1) The Corporation may make arrangements to such extent as they may from time to time determine for—

(*a*) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals;

(*b*) providing aged persons with other domiciliary services in their own homes;

(*c*) providing aged persons with recreational facilities in their own homes or elsewhere in the city.

(2) The Corporation may recover from persons availing themselves of any service provided under this section such charges (if any) as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(3) This section shall apply only to such persons as are resident in the city.

PART XIII

PROTECTIVE PROVISIONS

Crown rights.

112. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

PART XIII —*cont.*

Saving for trusts etc.

113. No power conferred upon the Corporation by the following sections of this Act namely:—

Section 98 (Provision of garages);

Section 99 (Power to erect weighbridges); and

Section 101 (Recreational and other facilities for employees);

shall be exercised in such a manner—

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

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

Saving rights of Queen's harbour master.

114. Nothing in this Act or in any byelaws made thereunder shall take away alter prejudice or affect the jurisdiction or any rights powers authorities or privileges of the Queen's harbour master.

Provision against danger to navigation.

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

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

PART XIII —*cont.*

Permanent lights on works.

116.—(1) After the completion of any work authorised by this Act the Corporation shall at the outer extremity thereof below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the corporation of Trinity House of Deptford Strond shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

Lights on works during construction.

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

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

Abatement of work abandoned or decayed.

118.—(1) Where any part of any work authorised by this Act situate wholly or partially on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Transport may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Transport may think proper.

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

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply

PART XIII —*cont.*

with such notice the Minister of Transport may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt.

Survey of works by Minister of Transport.

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

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

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

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

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

For protection of British Transport Commission.

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

(1) Notwithstanding anything in this Act or shown upon the deposited plans and sections the Corporation shall not under the powers of this Act enter upon take or use any part of the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 3 in the city:

PART XIII —*cont.*

(2) In the exercise of the powers conferred by section 24 (Power to dredge etc.) of this Act the Corporation shall not interfere with damage or injuriously affect so much of Work No. 3 authorised by this Act as may be constructed upon land from time to time belonging to or used by the commission.

For protection of certain statutory undertakers.

122. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers concerned apply and have effect:—

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

" adequate alternative apparatus " means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

" apparatus " means—

(*a*) in relation to the electricity board or the generating board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of such undertakers;

(*b*) in relation to the gas board mains pipes or other apparatus belonging to or maintained by that board;

(*c*) in relation to the water company mains pipes or other apparatus belonging to or maintained by that company;

(not being in any case apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any works constructed for the lodging therein of apparatus;

" authorised work " means any work forming part of the quay works and any work carried out or thing done under the powers of section 14 (Provision of car park) or section 26 (Subsidiary street improvements) of this Act;

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

" operational land " has the same meaning as in section 119 of the Act of 1947;

" position " includes depth:

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

(3) If the Corporation for the purpose of the construction of an authorised work or in carrying out an authorised work stop up any street or acquire or appropriate any lands or any interest therein in which any apparatus is placed that apparatus shall not be removed under this section and any right of the undertakers to maintain repair renew or inspect that apparatus in those lands shall not be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:

(4) The Corporation for the purpose of the construction of any authorised work may require the undertakers to remove any apparatus If the Corporation require the undertakers to remove such apparatus and shall give to the undertakers written notice of such requirement together with a plan and section of the proposed work and of the proposed position of the alternative apparatus to be constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the construction or carrying out of an authorised work the undertakers shall reasonably require to remove any apparatus the Corporation shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Corporation and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall on receipt of a written notice to that effect from the Corporation forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or in default of agreement settled by arbitration;

PART XIII —*cont.*

(*b*) The undertakers shall after the alternative apparatus to be constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section:

(6) Notwithstanding anything in the immediately preceding paragraph if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation such work in lieu of being executed by the undertakers shall be executed by the Corporation with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing erection installation bedding packing removal connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

(7) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the construction maintenance repair renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or in default of agreement determined by arbitration:

Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through an authorised work the arbitrator shall—

(*a*) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the authorised work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(*b*) so far as it may be reasonable and practicable to do so in the circumstances of the particular case

give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Corporation for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Corporation to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(8) (*a*) Not less than twenty-eight days before commencing to execute an authorised work which is near to or is likely to affect any apparatus the removal of which has not been required by the Corporation under paragraph (4) of this section the Corporation shall submit to the undertakers a plan section and description of the work to be executed;

(*b*) Such work shall be executed substantially in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that if the undertakers within fourteen days after the submission to them of any such plan section and description shall in consequence of the work proposed by the Corporation reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Corporation from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such work a new plan section and description in lieu of the plan section and description previously

PART XIII —*cont.*

submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan section and description;

(*c*) The Corporation shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(9) Whenever the Corporation in the exercise of the powers of section 30 (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 in writing to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers 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 undertakers may and if reasonably so required by the Corporation shall alter the position of such apparatus to or provide and lay or place new apparatus in such other position in the street as altered under the said powers as may be reasonable:

(10) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—

(*a*) the removal and relaying or replacing of any apparatus and the provision and construction of any new apparatus under the provisions of paragraph (4) of this section;

(*b*) the subsequent alteration or adaptation of apparatus required under the provisions of paragraph (7) of this section; or

(*c*) the alteration of the position of any apparatus and the provision and laying or placing of new apparatus under the provisions of paragraph (9) of this section;

and the reasonable costs of and incidental to—

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

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

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 122 (For protection of certain statutory undertakers) of the Portsmouth Corporation Act 1959 ":

(11) (*a*) In the exercise of the powers of section 24 (Power to dredge etc.) of this Act the Corporation shall not interfere with damage or injuriously affect any apparatus;

(*b*) Before exercising the said powers within a distance of fifty yards of any submarine apparatus the Corporation shall give in writing to the undertakers as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do;

(*c*) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any apparatus or in any way obstruct or impede any work of or connected with the inspection or repair of such apparatus:

(12) Nothing in section 29 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

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

(13) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers

PART XIII —*cont.*

of the said sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 27 (Underpinning of buildings);

Section 29 (Trees grass verges and gardens);

Section 31 (Decorations in streets);

Section 65 (Barriers in streets);

Section 66 (Police telephone call boxes and shelters);

Section 99 (Power to erect weighbridges):

(14) Nothing in the following sections of this Act:—

Section 37 (Delegation of power to examine and test drains etc.);

Section 38 (Summary power to remedy stopped-up drains etc.);

Section 39 (Power to repair drains and private sewers);

shall authorise the Corporation to execute any works in under over across along or upon any operational lands of the undertakers without the consent of the undertakers concerned which consent shall not be unreasonably withheld:

(15) Nothing in subsection (3) of section 46 (Ruinous and dilapidated buildings and neglected sites) of this Act shall apply to any operational lands of the gas board:

(16) Nothing in section 48 (Demolition of buildings) of this Act shall apply to any operational lands of the undertakers:

Provided that the exemption conferred by this paragraph shall not extend to buildings used as showrooms:

(17) Where by reason or in consequence of the stopping up of any street under the powers of this Act any apparatus belonging to the undertakers is rendered derelict useless or unnecessary the Corporation shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the Corporation) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason of or in consequence of such apparatus being so rendered derelict useless or unnecessary:

PART XIII —*cont.*

Provided that—

(i) the Corporation shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict useless or unnecessary if to the reasonable satisfaction of the undertakers other apparatus shall at the expense of the Corporation have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict useless or unnecessary;

(ii) an amount which apart from this sub-paragraph of this proviso would be payable to the undertakers in respect of works of theirs under this paragraph shall if the works include the placing of apparatus by way of renewal of apparatus placed more than seven and a half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course be reduced by the amount which represents that benefit:

(18) (*a*) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to and determined by 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.

PART XIV

GENERAL

Confirming authority for byelaws.

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

Section 14 (Provision of car park) ...	Secretary of State.
Section 61 (Oil-fired boilers)	Secretary of State.
Section 68 (Byelaws as to pleasure fairs and roller-skating rinks)	Secretary of State.
Section 96 (Byelaws relating to harbour) (excluding paragraph (*e*) of subsection (1))	Minister of Transport.

(2) As respects byelaws made under section 83 of the Act of 1847 the confirming authority shall be the Minister of Transport.

PART XIV —*cont.*

Local inquiries.

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

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

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

Arbitration.

125. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

1	2
Provision of Act	Person appointing arbitrator
Paragraphs (3) and (5) of section 27 (Underpinning of buildings)	The President of the Institution of Civil Engineers.
Paragraph (*a*) of subsection (5) of section 66 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Paragraph (18) of section 122 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

The appointed day.

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

(*b*) The sections of this Act hereinbefore referred to are—

Section 48 (Demolition of buildings);

Section 58 (Hairdressers and barbers);

Section 61 (Oil-fired boilers);

Section 62 (Fireman's switches for luminous tube signs).

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

PART XIV —*cont.*

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

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

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

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

(4) Either—

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

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page 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 129 (Appeals) of this Act.

Protection of members of council and officers from personal liability.

127. The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their members and officers from personal liability shall enure for the benefit of any member of the council or of a committee of the council and any officer of the Corporation or other person acting under their direction in relation to the execution by the Corporation or such officer or person of the provisions of any local enactment as if any reference in that section included a reference to that enactment.

Restriction on right to prosecute.

128. Proceedings in respect of an offence created by or under the provisions of this Act (except Part VII (Police) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

PART XIV —*cont.*

Appeals.

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

(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 a business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use premises for any purpose for which they were lawfully used up to that time;

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

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

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

Application of general provisions of Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act that is to say:—

Part IV (Streets);
Part V (Public health).

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to section 67 (Offences in respect of telephone boxes fire hydrants etc.) and section 111 (Welfare of aged persons etc.) of this Act.

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to Part VIII (Movable dwellings) and section 68 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act.

PART XIV —*cont.*

Saving for town and country planning.

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

Repeal of Order of 1938.

132. The Portsmouth (Somerset Road) Clearance Order 1938 is hereby repealed.

Repeals.

133. The following enactments are hereby repealed:—

Act 2 & 3 Vict. c. lxxii—

Section LXI	(Corporation may make Bye Laws);
Section LXIX	(The Treasury may reduce the Rates on Foreign Vessels);
Section LXX	(Power to reduce Rates and Dues);
Section LXXI	(Rates to be charged equally);
Section LXXII	(List of Rates and Dues to be fixed in conspicuous Places);
Section LXXIII	(Rates and Dues payable only whilst such Board remains);
Section LXXVIII	(Masters of Ships to report their Arrival and deliver to the Collector an Account of Cargo);
Section LXXX	(The Collector of Her Majesty's Customs may refuse to give a Cocquet until the Rates are paid);
Section LXXXV	(Owners liable for Damages done by their Vessels or Crews);

Section LXXXVI (Owners may recover such Damages from their Servants):

Act of 1868—

So much of section 13 (Sections of former Act as to works made applicable to this Act) section 22 (Sections of old Act as to rates made applicable to this Act) and section 28 (Byelaws) as relates to any provision of the Act 2 & 3 Vict. c. lxxii repealed by this section:

Order of 1898—

Section 3 (Limits):

Order of 1911—

Section 15 (Exclusion of sections 16-19 of Harbours Act 1847):

Portsmouth Corporation Act 1930—

Section 68 (Reserve funds for trading undertakings):

PART XIV —*cont.*

Act of 1931—

Section 35 (Crossings over footways);

Section 38 (Police telephone call boxes and alarms);

Section 57 (Means of escape from buildings);

Section 67 (Improper construction or repair of water-closet or drain);

Section 71 (Power to exclude children from entertainments);

Section 73 (Information to be furnished in case of infectious disease);

Section 79 (Power to prohibit persons in advanced state of tuberculosis from selling &c. food);

Section 135 (Expenses of entertainment on special occasions);

Section 136 (Recovery of rates from persons removing).

Costs of Act.

134. All the costs charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

SCHEDULE

Section 130.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of " provide ".
283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS IV AND V OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
294	Limitation of liability to certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTIONS APPLIED TO PARTS IV AND V AND SECTIONS 67 AND 111 OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.

PART IV

SECTION APPLIED TO PARTS IV V AND VIII AND SECTION 68 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Title or short title	Session and chapter
An Act for enlarging the Town Quay of the Borough of Portsmouth and for improving that Portion of the Harbour of Portsmouth called The Camber	2 & 3 Vict. c. lxxii.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Dockyard Ports Regulation Act 1865 ...	28 & 29 Vict. c. 125.
Portsmouth Camber Quays Act 1868 ...	31 & 32 Vict. c. cxxviii.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Landport Wharf Act 1883	46 & 47 Vict. c. clxv.
Local Government Act 1888	51 & 52 Vict. c. 41.
Lunacy Act 1890	53 & 54 Vict. c. 5.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Pier and Harbour Orders Confirmation (No. 2) Act 1898	61 & 62 Vict. c. cci.
Merchant Shipping Act 1906	6 Edw. 7 c. 48.
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Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Trustee Act 1925	15 Geo. 5 c. 19.
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Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5 c. 11.

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Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
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Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.
Rent Act 1957	5 & 6 Eliz. 2 c. 25.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.

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