CHAPTER xl

An Act to extend the boundary of the borough of Swindon to make further provision in reference to the supply of water and the improvement health local government and finances of the borough and for other purposes. [1st August 1951.]

WHEREAS the borough of Swindon in the county of Wilts is a municipal borough under the government and local management of the mayor aldermen and burgesses of the borough (in this Act called " the Corporation "):

And whereas the parish of Stratton Saint Margaret in the rural district of Highworth is situated in the administrative county of Wilts and adjoins the borough:

And where it is expedient to alter and extend the boundary of the borough so as to include therein part of the said parish:

And whereas by the Swindon Water Act 1894 the Swindon Water Board were authorised to supply water and the said Act provided that the said board should exercise perform and be subject to all the powers rights duties capacities liabilities and obligations of a local or urban sanitary authority in relation to water supplied under the Public Health Act 1875 or any Act amending that Act: 57 & 58 Vict. c. clxxxi. 38 & 39 Vict. c. 55.

And whereas by the Borough of Swindon Scheme 1900 approved by Order in Council dated the twenty-seventh day of December eighteen hundred and ninety-nine the Swindon Water Board was abolished and all the jurisdiction rights powers authorities duties and properties vested in or possessed by the said board were transferred to the Corporation:

And whereas it is expedient to redefine the limits within which the Corporation may supply water and to enact further provisions with regard to the supply of water by the Corporation:

And whereas by indentures dated respectively the sixth day of November nineteen hundred and three and the fifteenth day of May nineteen hundred and twenty-eight and made between the provost and scholars of King's College Cambridge of the one part and the Corporation of the other part the Corporation agreed to supply certain water to certain premises free of charge and certain other water to those premises at the respective prices specified in those indentures and it is expedient that such indentures should be varied in manner provided by this Act:

And whereas it is expedient to make further provision with reference to the health local government and improvement of the borough:

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

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

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

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

23 & 24 Geo. 5. c. 51.

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Swindon Corporation Act 1951.

(2) The local Acts as defined in section 3 (Interpretation) of this Act and this Act may together be cited as the Swindon Corporation Acts and Orders 1894 to 1951.

PART I —*cont.*

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Extension of borough.
Part III.—Water.
Part IV.—Streets and buildings.
Part V.—Nuisances smoke etc.
Part VI.—Parks cemeteries and other municipal property.
Part VII.—Wood fuel.
Part VIII.—Finance superannuation etc.
Part IX.—Miscellaneous.
Part X.—General.

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

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

"The Act of 1929" and "the Act of 1933" mean respectively the Local Government Act 1929 and the Local Government Act 1933; 19 & 20 Geo. 5. c. 17.

"The Act of 1937" means the Local Government Superannuation Act 1937; 1 Edw. 8. & 1 Geo. 6. c. 68.

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

"The Act of 1947" means the Swindon Corporation Act 1947; 10 & 11 Geo. 6. c. xiii.

"The added area" means the added part of Stratton Saint Margaret;

"The added part of Stratton Saint Margaret" means the part of that parish which is included within the inner edge of the red line on the borough map and "the excluded part of Stratton Saint Margaret" means the remaining part of that parish;

"The appointed day" for the purposes of Part I (Preliminary) and Part II (Extension of borough) of this Act means the first day of April nineteen hundred and fifty-two and for the purpose of any other provision in this Act has the meaning assigned to it by section 91 (The appointed day) of this Act;

"The borough" means before the appointed day the existing borough of Swindon and on and after the appointed day the borough as altered by this Act;

PART I —*cont.*

"The borough map" means the map signed in triplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which map has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

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

10 & 11 Geo. 6. c. 49.

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

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

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

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

"The council" means the council of the borough;

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

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

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

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

"The existing parish" means the existing parish of Stratton Saint Margaret;

1 & 2 Geo. 6. c. 56.

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

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

PART I —*cont.*

"The local Acts" means the local Acts specified in Part I of the schedule to this Act and the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders;

"The Minister" means the Minister of Local Government and Planning;

"The parish council" means the parish council of the parish of Stratton Saint Margaret;

"The regulations" means the National Health Service (Superannuation) Regulations 1950 as amended in their application to employees of local health authorities by any enactment;

"The rural district" means the rural district of Highworth and "the rural council" means the council of that district;

"Statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; 38 & 39 Vict. c. 83.

"Telegraphic line" has the same meaning as in the Telegraph Act 1878; 41 & 42 Vict. c. 76.

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

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

EXTENSION OF BOROUGH

Preliminary

Commencement of Part II of Act.

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

PART II —*cont.*

Provided that for the purposes of—

(*a*) the preparation of the register of local government electors to be published in the year nineteen hundred and fifty-two ;

(*b*) any election under the Act of 1933 for any area consisting in whole or in part of any area affected by this Part of this Act held on or after the appointed day and proceedings preliminary or relating thereto and the qualification of candidates for election at any such election ; and

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

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

Borough map.

5.—(1) Copies of the borough map certified by the town clerk to be true shall be sent by him as soon as may be after the passing of this Act to the clerk of the county council to the clerk of the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Postmaster-General to the Ministers of Local Government and Planning Transport Agriculture and Fisheries and Fuel and Power respectively and to the Boundary Commission for England.

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

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

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

Alteration of areas

Extension of borough.

6.—(1) The boundary of the existing borough the area whereof is included within the outer edge of the grey line on the borough map shall be altered so as to include in addition to that area so much of the rural district as comprises the added area.

PART II —*cont.*

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

Alteration of parishes.

7.—(1) The added area shall be added to and form part of the parish of Swindon.

(2) The excluded part of Stratton Saint Margaret shall form the parish of Stratton Saint Margaret.

Wards of borough.

8. Subject to the provisions of the Act of 1933 the following provisions shall have effect:—

(1) For the purpose of the election of councillors the borough shall continue to be divided into six wards and save as provided by this section the wards of the existing borough shall remain unaltered and shall be the wards of the borough:

(2) The added area shall be included in the North Ward of the borough.

County electoral divisions.

9. The added area shall cease to form part of the Stratton electoral division of the county and shall be included in and form part of the Swindon North (2) electoral division thereof.

Members of local authorities

Existing mayor aldermen and councillors.

10.—(1) The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

(2) The councillors who immediately before the appointed day represent the North Ward of the borough shall on and after that day represent that ward as extended by this Part of this Act.

County councillors.

11. Any person who immediately before the appointed day is a county councillor representing either the Stratton electoral division or the Swindon North (2) electoral division of the county shall be deemed to have been elected to represent that division as altered by this Part of this Act but shall retire from office on the day on which he would have retired from office if this Act had not been passed.

Rural district councillors and parish councillors.

12. Any person immediately before the appointed day in office as a rural district councillor or parish councillor for the existing parish shall on the appointed day become a rural district

PART II —*cont.*

councillor or parish councillor for that parish as altered by this Part of this Act but shall retire from office on the day on which he would have retired from office if this Act had not been passed.

Qualification for election and office.

13. For the purposes of the application to the borough of the provisions of paragraph (*c*) of section 57 of the Act of 1933 the added area shall be deemed to have formed part of the borough during the whole of the twelve months preceding the day of an election to which that section relates.

Saving for qualification of councillors.

14. Any member of a local authority who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being a member by reason of the alterations of areas made by this Part of this Act.

Casual vacancies.

15. Any casual vacancy which may exist on the appointed day in the office of borough councillor county councillor rural district councillor or parish councillor for any ward electoral division or parish which by virtue of this Part of this Act is altered shall be deemed to exist in the office of councillor for the altered area.

Property liabilities powers etc. of existing authorities

Corporation property liabilities etc.

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

Powers of rural and parish councils.

17. The rural council (except as provided by section 27 (Contribution orders precepts and arrears of rates) of this Act) and the parish council shall cease to exercise any powers or discharge any duties in respect of any part of the added area.

Property etc. of rural council and parish council.

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

(*a*) any property or liabilities which immediately before the appointed day is or are vested in or attach to the rural council or the parish council in relation exclusively to any part of the added area shall by virtue of

PART II —*cont.*

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

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

Roads in added area.

19.—(1) As from the appointed day—

(*a*) the Act of 1929 shall have effect as if the Corporation had claimed under section 32 of that Act to exercise the functions of maintenance and repair of the classified county roads in the added area; and

(*b*) all unclassified roads in the added area shall cease to be county roads and shall vest in the Corporation and for the purposes of the maintenance repair and improvement of and other dealing with any such road the Corporation shall have the same powers and duties as respects such roads as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

(2) In this section the expression "unclassified roads" means highways repairable by the inhabitants at large which are not classified roads as defined in the Act of 1929.

(3) Nothing in this section shall affect the provisions of subsection (2) of section 31 of the Act of 1929 in their application to any unclassified road in the added area becoming a classified road nor the rights of the Corporation under section 32 of the said Act in respect of any road in the added area which after the appointed day becomes a county road.

(4) If at any time after the appointed day any classified road in the added area becomes an unclassified road such road shall thereupon cease to be a county road and shall vest in the Corporation and for the purposes of maintenance repair and improvement of and other dealing with such road the Corporation shall have the same powers and duties as respects that road as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

Jurisdiction of borough justices extended.

20.—(1) The powers and duties of the justices of the peace for the existing borough and of the clerk to those justices shall extend to and apply throughout the borough:

Provided that—

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

PART II —*cont.*

(*b*) any proceeding which before the appointed day has been begun by or is pending before any justice in relation to any matter arising in or concerning the added area or any part thereof may be carried on continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added area shall cease to form part of any petty sessional division of the county.

(3) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the 11 & 12 Geo. 6. c. 58. Criminal Justice Act 1948 is in force and the probationer is residing in any part of the added area the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence and nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the borough as the supervising court from dealing with the probationer in pursuance of any power conferred upon them by the said Act of 1948.

Local Acts adoptive Acts byelaws etc.

Acts orders etc.

21.—(1) (*a*) The unrepealed provisions of the local Acts and any other local Act affecting the existing borough or the Corporation thereof and in force within the existing borough immediately before the appointed day ;

(*b*) The provisions of any public general Act in force throughout the existing borough immediately before the appointed day by virtue of an adoption by the council or their predecessors and any order in force under such Act throughout the existing borough ; and

14 Geo. 6. c. 28.

(*c*) Any order made under the Shops Act 1950 and in force immediately before the appointed day in the existing borough ;

shall extend and apply to the borough and any reference therein to the existing borough or the Corporation thereof shall be deemed to refer to the borough and the Corporation.

(2) (*a*) The provisions of any public general Act in force in the added area immediately before the appointed day by virtue of an adoption by the rural council or their predecessors and any order in force under such Act in the added area ; and

(*b*) The provisions of any such order as is referred to in paragraph (*b*) or paragraph (*c*) of subsection (1) of this section and in force immediately before the appointed day in any part of the added area ;

shall cease to have effect in relation to the added area.

PART II —*cont.*

(3) The provisions of any protective section for the benefit of the rural council or of the parish council or the predecessors of either of such councils contained in any local Act or order by whomsoever obtained so far as they relate to or affect any part of the added area shall enure on and after the appointed day to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to either of such councils or their predecessors as the case may be.

Sunday Entertainments Act 1932. 22 & 23 Geo. 5. c. 51.

22. Section 1 of the Sunday Entertainments Act 1932 shall from the appointed day extend to the borough as before that day it extended to the existing borough.

Byelaws regulations and scales of charges.

23.—(1) All byelaws made by the Corporation and in force immediately before the appointed day shall apply to the borough until repealed or altered and any byelaw made by the rural council and in force immediately before the appointed day shall on that day cease to apply within the added area.

(2) (*a*) All byelaws made by the county council and in force within the existing borough shall apply to the borough until repealed or altered.

(*b*) All other byelaws made by the county council and in force immediately before the appointed day within the added area shall cease to be in force therein.

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

Burial Acts 1852 to 1906.

24. The Burial Acts 1852 to 1906 shall cease to be in force within the added area:

Provided that nothing in this section shall—

(*a*) prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day in relation to any burial ground; or

(*b*) prejudicially affect any right privilege authority or duty which immediately before the appointed day is exercisable by or attaches to any incumbent or sexton under the Burial Acts.

Schemes under Education Act 1944. 7 & 8 Geo. 6. c. 31.

25. The Swindon Divisional Education Scheme and the Swindon Further Education Divisional Administration Scheme 1948 made by the council and approved by the Minister of Education under Part III of the First Schedule to the Education Act 1944 shall extend and apply to the borough and any reference in those schemes to the existing borough or the council thereof shall be deemed to refer to the borough or the council thereof.

PART II —*cont.*

Apportionment of balances and sums received under precepts.

26.—(1) As soon as practicable after the appointed day the rural council shall as regards any cash balances remaining in their hands at the appointed day after deducting therefrom all undischarged liabilities normally payable therefrom which have accrued up to the appointed day estimate the proportion thereof derived from contributions paid by any part of the added area and shall transfer such amount to the Corporation.

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

(3) The apportionment under this section of any balances or sums received shall be subject to review on an adjustment under this Part of this Act.

Contribution orders precepts and arrears of rates.

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

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

Rating area and valuation lists.

28.—(1) The added area shall form part of the rating area of the borough.

(2) The valuation list of the existing borough and the portions of the valuation list of the rural district which relate to hereditaments within the added area (modified as may be necessary to give effect to the next following section) shall together form the valuation list of the borough as from the appointed day.

(3) The remaining portions of the valuation list of the rural district shall be the valuation list of that district as from the appointed day.

Deduction in ascertaining rateable value of certain properties. 15 & 16 Geo. 5. c. 90.

29. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the deduction to be made under paragraph (*c*) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the deduction made from the net annual value of similar hereditaments in the existing borough.

Officers

Officers of Corporation continued.

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

Supplementary provisions

Provisions as to register of electors.

31.—(1) At a local government election for any electoral area consisting in whole or in part of any area affected by this Part of this Act held on or after the sixteenth day of March nineteen hundred and fifty-two and before the appointed day the town clerk in the case of an election for an electoral area within the borough and the electoral registration officer of the county of Wilts registration area in the case of an election for an electoral area outside the borough shall make such alteration or rearrangement of the register of local government electors as may be necessary for the purposes of such election.

(2) The additional expense (if any) incurred by the town clerk or the electoral registration officer as the case may be which may be solely attributable to an alteration or rearrangement of the register of local government electors under this section shall be defrayed by the Corporation.

Jury service.

32. For the purpose of summoning jurors and of jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book for the parish as altered comes into force.

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

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

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

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

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

PART II —*cont.*

(*b*) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof;

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

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

Entries in registers.

34.—(1) The clerk of the rural council shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry in any register or list of his council under any enactment rule order or regulation for the time being in force which relates to any property matter or thing in or which otherwise affects the added area and the town clerk shall include in the appropriate register or list of the Corporation the particulars sent to him under this section.

(2) Any exemption in force immediately before the appointed day from the operation of any such enactment rule order or regulation which may have been granted by the rural council in respect of any such property matter or thing shall continue in force until the exemption shall expire.

(3) This section shall not extend to any matter for which provision is made in section 33 (Local land charges registers) of this Act.

(4) In this section "register" includes a list kept under section 21 of the Pharmacy and Poisons Act 1933.

23 & 24 Geo. 5. c. 25.

Parish books and documents.

35.—(1) All public books writings and papers of the existing parish relating exclusively to any part of the added area and all documents relating exclusively to any part of the added area and directed by law to be kept with the public books writings and papers of such parish (except any book or document relating to

PART II —*cont.*

the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the rural council relating exclusively to any part of the added area shall be deposited in such custody as the Corporation may direct.

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

Financial adjustments.

36. Where in consequence of any alteration of areas or of authorities made by this Part of this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 151 of the Act of 1933 in all respects as if this Part of this Act were an order under Part VI of the Act of 1933.

As to registration districts.

37. Nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in sections 24 and 131 of the Act of 1929.

Saving for private street works. 55 & 56 Vict. c. 57.

38.—(1) No alteration effected by this Part of this Act shall affect any notices given or proceedings taken by or on behalf of the county council under the Private Street Works Act 1892 in relation to any street situated within the added area or any part thereof but such proceedings may be continued and completed by such council in accordance with the provisions of the said Act as if this Act had not been passed.

(2) Where before the appointed day any works under the Private Street Works Act 1892 have been completed in a street situated within the added area or any part thereof no alteration effected by this Part of this Act shall affect the liability of any owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the authority who would have been entitled to recover the same if this Act had not been passed and in the like manner.

Savings for actions contracts etc.

39.—(1) No alteration effected by this Part of this Act in the area of any local or other authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or

PART II —*cont.*

any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any such authority or their predecessors:

Provided that—

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

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

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

Other saving provisions.

40. Nothing in this Part of this Act shall—

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

(*b*) alter the area of any constituency;

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

(*d*) authorise the Corporation to run omnibuses or public service vehicles on any part of the Cricklade road on which they were not immediately before the appointed day authorised to run under the local Acts or under section 101 of the Road Traffic Act 1930;

20 & 21 Geo. 5. c. 43.

(*e*) (save as in this Part of this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 or Parts III IV and V of the Local Government Act 1948; or

11 & 12 Geo. 6. c. 26.

(*f*) affect land tax.

PART III
WATER

Redefinition of water limits.

41. It is hereby declared that the limits within which the Corporation may supply water are the borough and the parishes of Haydon Wick Stratton Saint Margaret and Wroughton in the rural district.

Corporation to supply water under local enactments.

42.—(1) The Corporation shall be deemed to supply water under a local enactment and not under the Act of 1936:

Provided that nothing in this section shall prejudice or invalidate anything done by the Corporation before the passing of this Act.

(2) Section 13 (General powers of board) of the Swindon Water Act 1894 as applied to the Corporation by the Borough of Swindon Scheme 1900 approved by Order in Council dated the twenty-seventh day of December eighteen hundred and ninety-nine is hereby repealed.

Further power as to mains.

43.—(1) For the purposes of the supply of water by the Corporation the Corporation shall have the powers of a local authority under section 119 of the Act of 1936 in respect of the laying and maintenance of water mains within or without their district and in exercising the powers of that section any area within the limits within which the Corporation are for the time being authorised to supply water shall be deemed to be included in their district:

Provided that in the exercise of the said powers the Corporation shall be subject to the provisions so far as they are applicable of subsections (1) and (2) of section 278 and sections 331 333 and 334 of the Act of 1936.

(2) Article II (Application of section of Public Health Act 1875 to water undertaking) of the Swindon Order 1919 confirmed by the Local Government Board's Provisional Order Confirmation (No. 3) Act 1919 is hereby repealed. 9 & 10 Geo. 5. c. lxxvii.

Price of water supplied under certain covenants.

44. The indentures dated respectively the sixth day of November nineteen hundred and three and the fifteenth day of May nineteen hundred and twenty-eight and respectively made between the provost and scholars of King's College Cambridge of the one part and the Corporation of the other part shall have effect as if—

(1) the Corporation were not required to supply any water free of charge; and

(2) the price to be paid for all water supplied in pursuance of the covenants contained in the said indentures were the same as the price for the time being charged by the Corporation for water supplied by meter within the Corporation's limits for the supply of water.

PART IV

STREETS AND BUILDINGS

Trees grass verges and gardens.

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

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

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

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

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

(*e*) 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 (*e*) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

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

Provided that—

(*a*) with the consent of the county council the Corporation may exercise any such power in a street being a county road; and

(*b*) when carrying out in any street or any part thereof any works under section 150 of the Public Health Act 1875 the Corporation may exercise any such power in the street or that part thereof with the consent of the majority in number and rateable value of the owners of land abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

(4) The powers conferred by this section 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.

PART IV —*cont.*

(5) Section 1 of the Roads Improvement Act 1925 shall cease to apply to the Corporation and anything done by the Corporation under that section before the passing of this Act shall be deemed to have been done under this section. 15 & 16 Geo. 5. c. 68.

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

Dangerous trees.

46.—(1) If it appears to the Corporation that any tree which is nearer to a street than a distance equal to the height of the tree is in a condition likely to endanger vehicles or pedestrians the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to remove top lop or prune the tree within twenty-one days so as to prevent such danger.

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

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

Removal of trees etc. from streets.

47. If any tree fence wall or structure or any part thereof shall fall on or across any street the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof.

Mixing of mortar in streets.

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

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

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

Demolition of buildings.

49.—(1) As from the appointed day no person shall demolish or take down any building or part thereof within the borough without first notifying the Corporation of his intention so to do and without complying with such terms and conditions as the Corporation think fit including terms and conditions requiring—

(*a*) the shoring up or the rendering reasonably weatherproof of adjacent buildings; and

PART IV —*cont.*

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

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

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

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

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

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

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

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

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

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

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

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

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

PART IV —*cont.*

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

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

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

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

(5) For the purposes of this section—

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

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

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

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

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

(2) If the Corporation reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been rejected on account of such non-conformity.

PART V

NUISANCES SMOKE ETC.

Smokeless areas.

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

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

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

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

(*b*) so arose either—

(i) by burning that authorised fuel therein; or

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

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

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

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

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

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

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

PART V —*cont.*

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

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

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

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

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

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

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

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

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

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

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

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

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

PART V —*cont.*

(9) The Minister may for the purposes of this section designate to the Corporation any specified body of persons as being representative of the interests of the owners or occupiers of premises used for carrying on any trade or industry in the borough or of any class of such owners or occupiers and in the event of any such designation the Corporation shall before submitting an order under subsection (1) of this section to the Minister consult with such body.

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

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

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

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

(12) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister in like manner:

Provided that where by an order made under this subsection an authorised fuel ceases to be so authorised such order shall not come into operation until such date as may be specified in the order not being less than six months from the date of the publication of notice of its confirmation under subsection (10) of this section.

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

Provided that—

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

PART V —*cont.*

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

(14) A copy of a newspaper containing a notice published in pursuance of this section shall be sufficient evidence of the publication of the notice.

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

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

(*a*) the working of a mine;

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

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

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

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

Nuisance from pigeons etc.

53.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused by house doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act or at common law— 24 & 25 Vict. c. 96.

(*a*) seize and humanely destroy or cause to be seized and humanely destroyed any such house doves pigeons or starlings in excess of such number as the Corporation consider reasonable;

(*b*) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcases of any such house doves pigeons or starlings; and

(*c*) take such other steps as they think necessary for any such purpose:

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

(*a*) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or

PART V —*cont.*

(*b*) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Wild Birds Protection Acts 1880 to 1939 or any order made thereunder.

Provision of sanitary conveniences at places of amusement.

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

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

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

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

PART VI

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

Transmission of entertainments.

55.—(1) The Corporation may provide erect maintain and use such apparatus and conveniences as they may consider necessary for the purpose of transmitting any concert entertainment or public meeting or any part thereof from a building park or recreation ground belonging to let to or used by the Corporation at which such concert entertainment or public meeting is provided or held to any other building park or recreation ground at which concerts or entertainments may be provided by the Corporation and for that purpose may erect and maintain posts and wires in any street:

Provided that nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the Corporation or any other body or

32 & 33 Vict. c. 73.

person from any obligation to obtain any licence under the Wireless Telegraphy Acts 1904 to 1926 or the Wireless Telegraphy Act 1949 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with— PART VI —*cont.* 12 13 & 14 Geo. 6. c. 54.

(*a*) any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line ; or

(*b*) the working of any wire or line used for the purpose of electric signalling communication or the electrical control of railways.

(2) No power conferred upon the Corporation by this section shall be exercised in such a manner—

(*a*) as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the 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 such donor or other person ; or

(*b*) as to contravene any covenant or condition 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.

(3) The Corporation shall not exercise the powers of this section without the consent of the railway undertakers—

(i) in or upon any bridge carrying a street over any railway or the approaches thereto or under a bridge carrying a railway over any street except where the portion of the street over or under such bridge or approach is a highway repairable by the inhabitants at large ; or

(ii) in any street belonging to or repairable by any railway undertakers.

Provision of model railways on certain lands.

56. The powers conferred upon the Corporation by section 78 (Powers of development of lands at Coate Water the Lawn and Lydiard Park) of the Act of 1947 shall include and shall be deemed always to have included—

(i) the power to provide maintain and use upon the said lands as defined in subsection (1) of that section a model passenger-carrying railway together with all necessary lines junctions tunnels cuttings stations engines carriages and works and conveniences ; and

PART VI —*cont.*

(ii) the power to make agreements with any person for the operation of any such model railway upon such terms as may be agreed.

Allotments officers.

57.—(1) Any two justices may appoint such officers of the Corporation as the Corporation may nominate for the purposes of preserving good order and conduct on allotments provided by the Corporation.

(2) An officer appointed under this section shall have the same powers as to apprehension without a warrant as are conferred on a peace officer by section 61 of the Malicious Damage Act 1861:

24 & 25 Vict. c. 97.

Provided that he shall not exercise those powers except—

(*a*) within the area of such allotments or within a distance of a quarter of a mile therefrom;

(*b*) when wearing such uniform as may be approved by the Corporation for officers so appointed;

(*c*) on production (if requested) of a warrant of appointment signed by the justices who appointed him.

(3) Notwithstanding anything in this section no officer appointed under this section shall wear the uniform of the police force or any dress having the appearance or bearing any of the distinctive marks of that uniform without the permission under section 10 of the Police Act 1919 of the police authority for the county.

9 & 10 Geo. 5. c. 46.

Extension of power to maintain burial grounds.

58.—(1) The powers of the Corporation in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and keep in order any grave or tombstone therein subject to the following provisions:—

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

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

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

(*b*) Any such notice shall—

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

(ii) specify the date on which it is intended that those works will be commenced which shall not be

PART VI —*cont.*

earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid ; and

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

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

(2) In this section—

the expression " burial ground " includes a cemetery ;

the expression " grave " includes a grave space ;

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

PART VII

WOOD FUEL

Definition of vehicle.

59. In this Part of this Act " vehicle " means any carriage cart waggon truck barrow or other means of carrying wood fuel by land in whatever manner the same may be drawn or propelled but does not include a railway truck or waggon.

Wood fuel to be sold by weight.

60.—(1) Wood fuel shall be sold within the borough by weight only.

(2) If any person sells wood fuel within the borough otherwise than is required by this section he shall be liable to a penalty not exceeding five pounds for every such sale.

Weight ticket or note on delivery of wood fuel over two hundredweights.

61.—(1) Where any wood fuel exceeding two hundredweights in quantity is delivered by means of any vehicle to a purchaser within the borough the seller of such wood fuel shall therewith deliver or cause to be delivered to the purchaser or to his servant before such load is discharged a ticket or note according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

52 & 53 Vict. c. 21.

(2) If default is made in complying with the requirements of this section with respect to the delivery of a ticket or note or if the quantity of the wood fuel delivered or in course of delivery is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

PART VII —*cont.*

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to an inspector of weights and measures he shall be liable to a penalty not exceeding five pounds.

Tare weight of vehicle where wood fuel sold in bulk.

62.—(1) Where any quantity of wood fuel exceeding two hundredweights is conveyed for delivery on sale in a vehicle in bulk the seller of the wood fuel shall unless the vehicle is provided by the purchaser cause the weight of the vehicle as well as of the wood fuel contained therein to be previously ascertained by a weighing instrument stamped by an inspector of weights and measures and being on or near to the place from which the wood fuel is brought and shall from time to time cause the tare weight of the vehicle to be marked thereon in such manner as the Corporation approve.

(2) In any such case the seller of the wood fuel shall insert or cause to be inserted in the ticket required by this Part of this Act to be given by him a statement of the correct weight of the vehicle or of the vehicle and of the animal drawing it where both are weighed together with the load as well as of the correct weight of the wood fuel contained in the vehicle.

(3) If any person fails to comply with the requirements of this section he shall be liable to a penalty not exceeding five pounds.

Penalty on deficiency in weight of wood fuel on small sales.

63. If any person on the sale of wood fuel in any quantity not exceeding two hundredweights fraudulently delivers to the purchaser a less quantity of wood fuel than is agreed to be sold he shall be liable to a penalty not exceeding five pounds.

Weighing instrument to be kept in place where wood fuel sold by retail.

64.—(1) Where wood fuel is sold by retail for delivery at the place where it is kept for sale and there is not at or near such place any weighing instrument stamped by an inspector of weights and measures at which the wood fuel can be weighed the seller shall keep at that place a weighing instrument stamped as aforesaid and shall if so required by any purchaser or by any inspector of weights and measures weigh any wood fuel before the sale or delivery thereof.

(2) If any person fails to comply with the requirements of this section he shall be liable to a penalty not exceeding for a first offence forty shillings and for any subsequent offence five pounds.

Erection and maintenance of weighing instruments.

65.—(1) The Corporation may provide furnish and maintain weighing instruments at convenient places in the borough for the purpose of weighing wood fuel and may appoint proper persons to keep and attend any such instruments.

PART VII —*cont.*

(2) If the keeper of any such weighing instrument refuses without reasonable excuse to weigh or reweigh any vehicle or wood fuel or so weighs any vehicle or wood fuel as wilfully to defraud either the seller or the purchaser of wood fuel he shall be liable to a penalty not exceeding five pounds.

Byelaws relating to wood fuel.

66. The Corporation may make byelaws—

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

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

(3) prescribing the distance beyond which wood fuel is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of section 68 (Power to require weighing or reweighing of wood fuel and vehicles) of this Act.

Penalty for fraud.

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

Power to require weighing or reweighing of wood fuel and vehicles.

68. Any purchaser of wood fuel in a quantity exceeding two hundredweights and any inspector of weights and measures may subject as hereinafter provided require that any wood fuel sold as mentioned in section 61 (Weight ticket or note on delivery of wood fuel over two hundredweights) of this Act or any vehicle used for the carriage of such wood fuel be weighed or reweighed by a weighing instrument stamped by an inspector of weights and measures:

Provided that—

(*a*) no seller of wood fuel or person in charge of a vehicle in which wood fuel is carried shall be required under this section to carry wood fuel beyond such distance not exceeding one half-mile as may be prescribed in that behalf by the Corporation;

PART VII —*cont.*

(*b*) where any such wood fuel or vehicle has at the instance of the purchaser been weighed or reweighed in pursuance of this section and found to be of not less than the weight stated in that behalf by the seller of the wood fuel or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or reweighing.

Inspector may weigh wood fuel in shop or vehicle.

69.—(1) Any inspector of weights and measures may at all reasonable times enter any building or part of a building or other place in which wood fuel is sold or kept or exposed for sale and may stop any vehicle carrying wood fuel for sale or for delivery to a purchaser and may test any weights and weighing instruments found in any such place or vehicle and may weigh any load sack or other less quantity of wood fuel found in any such place or vehicle or which is in course of delivery to any purchaser.

(2) If it appears to a court of summary jurisdiction that any load sack or less quantity so weighed is of less weight than that represented by the seller the person selling or keeping or exposing the wood fuel for sale or the person in charge of the vehicle as the case may be shall be liable to a penalty not exceeding five pounds.

Inspector's powers to inspect vehicles.

70.—(1) Any inspector of weights and measures may so far as it is reasonable so to do for the purpose of giving effect to this Part of this Act inspect any vehicle which is being used for conveying any wood fuel or cause the vehicle to be unloaded.

(2) If any person obstructs or fails to comply with any requirement made by an inspector of weights and measures in discharge of his functions under this Part of this Act that person shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence twenty pounds.

Powers of inspector to prosecute.

71. An inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any information complaint or proceeding arising or in the discharge of his duties under this Part of this Act.

Commencement of this Part of Act.

72. The foregoing provisions of this Part of this Act shall come into operation on the appointed day but not in any event before the first day of January nineteen hundred and fifty-two.

PART VIII

FINANCE SUPERANNUATION ETC.

Power to borrow.

73.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any

sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums requisite for those purposes and shall repay any sum so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the second column of the said table (namely):— PART VIII —*cont.*

1	2
Purpose	Period for repayment
(*a*) The purpose of making any payment to any authority under this Act or under any enactment the provisions of which are applied thereby.	Forty-five years from the date or dates of borrowing.
(*b*) The payment of the costs charges and expenses of this Act.	Five years from the passing of this Act.

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

(3) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of moneys for the purposes of section 83 (Recreational and other facilities for employees) of this Act the Minister shall be the sanctioning authority.

Saving for powers of Treasury.

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

8 & 9 Geo. 6. c. 18.
9 & 10 Geo. 6. c. 58.

Capital fund.

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

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

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

PART VIII —*cont.*

(*c*) such other sums from the revenue of the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of that fund to the purposes authorised) as the council may by resolution direct not being moneys directed by law to be applied to any other purpose:

Provided that—

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

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

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

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

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

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

(4) All moneys derived from the sale of any land of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation.

PART VIII —*cont.*

(5) Any sum derived from the sale of any corporate land of the Corporation as defined in section 305 of the Act of 1933 and paid to the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

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

Renewal and repairs fund.

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

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

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

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

Extension and modification of Act of 1937.

77.—(1) Any person who—

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

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

a contributory employee in relation to the superannuation fund maintained by the Corporation but is not such an employee as is mentioned in paragraphs (*a*) (*b*) or (*c*) of regulation 47 (1) or

PART VIII —*cont.*

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

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

Provided that in the application of any regulation in Part I of the regulations for the purposes of this subsection references to pensionable age shall be construed as references to the age of compulsory retirement references in regulations 6 (1) (*a*) and 19 (1) to such an age as is thereinafter mentioned shall be construed as references to the age of compulsory retirement and references to forty-five years or forty-five-eightieths respectively shall be construed as references to forty years and forty-eightieths respectively.

(3) The amount of any retiring allowance to which an electing employee to whom paragraph (*a*) of subsection (1) of this section applies may become entitled shall be increased as nearly as may be in accordance with the provisions of regulation 29 (3) of the regulations:

Provided that for the purposes of the calculation the period in respect of which any increase is payable shall be reckonable only up to the date of the passing of this Act.

(4) The Minister if he thinks fit may make an order or orders varying the contributions payable under section 6 of the Act of 1937 by an electing employee or by the Corporation in respect of an electing employee.

PART VIII —*cont.*

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

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

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

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

(7) Any pension or injury allowance to which any electing employee becomes entitled shall be granted subject to the conditions contained in regulations 23 and 24 of the regulations with any necessary modifications in lieu of any similar conditions in corresponding provisions of the Act of 1937:

Provided that where the electing employee is re-employed by any local authority and is in his new employment a contributory employee or local Act contributor regulation 5 of the Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) Regulations 1939 shall apply with any necessary modifications.

(8) Section 63 (Power to grant allowances or gratuities in certain cases) of the Act of 1947 shall not apply in the case of a widow or dependant of an electing employee.

(9) Section 64 (Annuities for spouses) of the Act of 1947 is hereby repealed.

PART IX

MISCELLANEOUS

Loans for erection etc. of buildings.

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

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

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

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

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

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

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

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

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

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

PART IX —*cont.*

(*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

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

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

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

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land and building in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) 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.

As to hire of floral decorations.

79. The Corporation may let on hire plants flowers and other floral decorations and may make such charges therefor as they may think fit.

Medicated and other baths.

80. The Corporation may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water but excluding baths for use for therapeutic purposes) and they may demand and take reasonable charges for the use thereof.

Cleansing of rivers and streams.

81.—(1) If any river or stream or any part thereof within the borough is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation may by notice require the owner or occupier of any lands within the borough abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream and in the event of any person to whom any such notice is lawfully given by the Corporation neglecting to comply

PART IX —*cont.*

with the requirements of such notice within one month from the service on him of such notice the Corporation may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(2) Any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises within the borough at all reasonable hours for the purpose of—

(*a*) inspecting any river or stream ;

(*b*) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this section ;

(*c*) taking any action or executing any work authorised by this section to be taken or executed by the Corporation :

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier (if any).

(3) 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.

(4) The provisions of this section shall not apply with respect to the river Thames and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by distinctive colours on the map of the river Thames (above Teddington Lock) catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force.

20 & 21 Geo. 5. c. 44.

(5) Nothing in this section shall authorise—

(*a*) the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways ; or

(*b*) any officer of the Corporation to enter any lands or works belonging to the commission and used by them for the purposes of their railways ;

without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to a single arbitrator to be agreed upon between the commission and the Corporation or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration.

14 Geo. 6. c. 27.

PART IX —*cont.*

Acquisition of certain residuals etc. and disposal thereof.

82.—(1) The Corporation may acquire and convert utilise treat or otherwise make merchantable any condemned meat and by-products not required by persons whose business is that of manufacturing working-up processing producing selling or offering for sale by-products which may at any time be in any slaughter-house or abattoir in the borough.

(2) Any condemned meat or by-product acquired or made merchantable under the powers of this section may be sold or otherwise disposed of by the Corporation.

(3) For the purposes of this section " by-products " means and includes any material arising from any part of an animal after slaughter and whether in its natural state or after treatment.

Recreational and other facilities for employees.

83.—(1) The Corporation may and shall be deemed always to have had the power to 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 premises ;

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

(*e*) appoint and pay officers and servants to perform any services.

(3) No power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the 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 such donor or other person.

Provision of weighing machines.

84. The Corporation may in any premises belonging to them provide and maintain weighing machines for ascertaining the weight of persons and may charge for the use thereof.

Personal weighing machines.

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

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

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

PART IX —*cont.*

(2) The Corporation may make byelaws—

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

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

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

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

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

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

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

(6) (*a*) Any inspector of weights and measures may at all reasonable times examine and inspect any personal weighing machine which is used or exposed for use and may seize and

PART IX —*cont.*

detain any personal weighing machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing machine which he is authorised to examine and inspect.

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

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

(8) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating within the borough No evidence shall be required in any proceedings that the provisions of this subsection as to public notice have been complied with.

Byelaws as to pleasure fairs and roller-skating rinks.

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

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

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

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

(2) In this section—

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

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

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

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

PART IX —*cont.*

(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*) cocoanut shies hoop-las shooting galleries;

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

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

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

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

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

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

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

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

(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.

Restrictions on use of loudspeakers in streets.

87.—(1) No person shall for the purpose of advertising any entertainment or meeting or any trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street in the borough.

PART IX —*cont.*

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the borough unless he shall have given notice to the Corporation and to the chief constable of the county by leaving such notice at the office of the town clerk and at the police headquarters in the borough respectively at least forty-eight hours before such loudspeaker is operated.

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

(4) This section shall not apply to the use of a loudspeaker—

(*a*) by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency ; or

(*b*) by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission ; or

(*c*) in connection with a parliamentary or local government election ; or

(*d*) by a travelling showman in any part of a street while such part thereof is being used as a pleasure fair and such fair is open to the public.

(5) For the purposes of this section a loudspeaker shall not be deemed to be in use in connection with (*a*) a parliamentary election if it is used at any time other than on or between the date of the issue of the writ of election and the date of the declaration of the result of the election or (*b*) a local government election if it is used at any time other than on or between the day appointed for giving notice of the election and the day on which a candidate is deemed to be elected or as the case may be the date on which a candidate is declared to be elected.

(6) In this section the expression " loudspeaker " includes an amplifier or similar instrument.

Hairdressers and barbers.

88.—(1) As from the appointed day no person shall carry on the business of a hairdresser or barber on any premises in the borough unless he and those premises are registered by the Corporation.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

PART IX —*cont.*

(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 or contravenes any byelaw made under subsection (3) of this section he shall be liable—

(*a*) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds; and

(*b*) in the case of a contravention of a byelaw to a penalty not exceeding five pounds;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last preceding subsection—

(*a*) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty 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 court of summary jurisdiction made on his application.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings.

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

False statements to obtain rent rebate etc.

89.—(1) If any person for the purpose of obtaining for himself or any other person the occupation of any house belonging to the Corporation or a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any other payment due to the Corporation—

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

PART IX —*cont.*

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

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

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

PART X

GENERAL

Confirming authority for byelaws.

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

1	2
66 (Byelaws relating to wood fuel)	Board of Trade.
85 (Personal weighing machines)	Board of Trade.
86 (Byelaws as to pleasure fairs and roller-skating rinks)	Secretary of State.

The appointed day.

91.—(1) For the purposes of this Act (except Part I (Preliminary) and Part II (Extension of borough) thereof) the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

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

PART X —*cont.*

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

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the 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 93 (Appeals) of this Act.

Restriction on right to prosecute.

92. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

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

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

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

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

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

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

PART X —*cont.*

Corporation themselves execute the work or take the action ; and

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

Apportionment of expenses in case of joint owners.

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

Breach of conditions of consent of Corporation.

95. Where in pursuance of any enactment the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of such terms or conditions shall as regards liability to a penalty and other consequences be deemed equivalent to the execution of the works or the doing of the act or thing without the required consent.

In executing works for owner Corporation liable for negligence only.

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

Demand complaint information or summons may contain several sums.

97.—(1) There may be included—

(*a*) in one and the same demand or in any schedule thereto any general rate and any water rate and any charges for the supply of heat ; and

(*b*) in one and the same complaint information or summons or in any schedule thereto any water rate and any charges for the supply of heat :

Provided that the rates or charges are due and payable to the Corporation from the same person whether under the same or different enactments from time to time in force in the borough.

PART X —*cont.*

(2) In this section the expression "heat" has the meaning assigned to it by the Swindon Corporation Act 1949.

12 & 13 Geo. 6. c. 1.

(3) Section 69 (Demand complaint information or summons may contain several sums) of the Act of 1947 is hereby repealed.

Damages and charges to be settled by court.

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

Inquiries by Minister.

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

Application of provisions of Act of 1936.

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

Section 271 (Interpretation of "provide");

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

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

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

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

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

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

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

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

Section 293 (Recovery of expenses &c.);

Section 294 (Limitation of liability of certain owners);

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

PART X —*cont.*

Section 296 (Summary proceedings for offences);
Section 297 (Continuing offences and penalties);
Section 299 (Inclusion of several sums in one complaint &c.);
Section 304 (Judges and justices not to be disqualified by liability to rates);
Section 328 (Powers of Act to be cumulative);
Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that—

(*a*) the said sections 277 287 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets and buildings) Part V (Nuisances smoke etc.) and section 88 (Hairdressers and barbers) of this Act;

(*b*) the said section 293 shall not apply to the provisions contained in the following sections of this Act namely:—

Section 79 (As to hire of floral decorations);
Section 80 (Medicated and other baths); and
Section 82 (Acquisition of certain residuals etc. and disposal thereof).

For protection of electricity and gas boards.

101. The following provisions for the protection of the Southern Electricity Board and the South Western Gas Board (each of whom is in this section referred to as "the board") shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) In this section "apparatus" means—

(*a*) as regards the Southern Electricity Board any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging or which may hereafter belong to that board; 45 & 46 Vict. c. 56.

(*b*) as regards the South Western Gas Board any mains pipes and other works and apparatus belonging or which may hereafter belong to that board;

(2) The Corporation shall so exercise the powers of section 45 (Trees grass verges and gardens) and section 55 (Transmission of entertainments) of this Act as not to cause any damage to or to obstruct or so far as practicable render less convenient the access to any apparatus:

(3) Nothing in paragraph (*e*) of subsection (1) of section 45 (Trees grass verges and gardens) of this Act shall affect the rights of the board with respect to any apparatus (including the placing of apparatus) in under upon over along or across any grass verge or garden.

PART X —*cont.*

Saving for town and country planning. 10 & 11 Geo. 6. c. 51.

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

Costs of Act.

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

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4 Edw. 7. c. ccxxxiv ...	Swindon Corporation Act 1904.
4 & 5 Geo. 5. c. cviii ...	Swindon Corporation (Wilts and Berks Canal Abandonment) Act 1914.
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12 & 13 Geo. 6. c. 1 ...	Swindon Corporation Act 1949.

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1 Edw. 7. c. clxxxi.	Tramways Orders Confirmation (No. 2) Act 1901.	Swindon Corporation Tramways Order 1901.
2 Edw. 7. c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902.	Swindon Order 1902.
9 & 10 Geo. 5. c. lxxvii.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1919.	Swindon Order 1919.
13 & 14 Geo. 5. c. xxxix.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1923.	Swindon Order 1923.
S.R. & O. 1923 No. 891.	—	Swindon Water (Modification of Charges) Order 1923.
15 & 16 Geo. 5. c. lxxxii.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1925.	Swindon Order 1925.

Session and chapter	Short title	Order
17 & 18 Geo. 5. c. xxxviii.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1927.	Swindon Order 1927.
18 & 19 Geo. 5. c. lxi.	Ministry of Health Provisional Order Confirmation (Swindon Extension) Act 1928.	Swindon (Extension) Order 1928.
21 & 22 Geo. 5. c. lxxiii.	Public Works Facilities Scheme (Swindon Corporation) Confirmation Act 1931.	Swindon Corporation (Waterworks) Scheme 1931.
—	—	Wilts Review Order 1934 so far as it relates to the borough.
S.I. 1949 No. 1802.	—	Swindon Water Order 1949.
S.I. 1950 No. 236.	—	Swindon (Water Charges) Amendment Order 1950.

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