CHAPTER cxii.

An Act to authorise the mayor aldermen and burgesses of the county borough of West Ham to acquire lands to confer upon them powers with reference to their tramway and electricity undertakings and for other purposes. A.D. 1925.

[7th August 1925.]

WHEREAS the county borough of West Ham (hereinafter referred to as "the borough") is subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council are the urban sanitary authority for the district thereof:

And whereas it is expedient that the Corporation should be empowered to acquire certain lands for the purposes mentioned in this Act:

And whereas it is expedient that the powers contained in this Act with reference to the tramway and electricity undertakings of the Corporation should be conferred upon them:

And whereas the Corporation are the owners of a public recreation ground in the borough known as the memorial recreation ground of which portions were laid out by the former owner for sports and games of various kinds and buildings and other facilities were erected and

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provided by him for use in connection with such sports and games :

And whereas it is expedient that the Corporation should be empowered to use or permit to be used the said portions of the said recreation ground for the purposes aforesaid and to maintain renew add to or discontinue such buildings and facilities as aforesaid and that such other powers as are contained in this Act with respect to the said recreation ground and other recreation grounds or parks or open spaces vested in the Corporation should be conferred upon the Corporation :

And whereas it is expedient that the financial provisions and the other provisions contained in this Act should be made :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas plans of the lands which may be compulsorily acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and the occupiers of the said lands were deposited with the clerk of the peace for the county of Essex and are in this Act respectively referred to as " the deposited plans " and " the deposited book of reference " :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Ministry of Health has been obtained :

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 title.

1. This Act may be cited as the West Ham Corporation Act 1925.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Tramways.
Part IV.—Electricity.
Part V.—Recreation grounds &c.
Part VI.—Street trading.
Part VII.—Financial.
Part VIII.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The following Acts and Parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (that is to say) :—

The Lands Clauses Acts with the following exception and modification :—

(1) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(2) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section; and

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870.

Interpretation.

4. In this Act unless otherwise expressly provided or the context otherwise requires :—

" The borough " means the county borough of West Ham;

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

" The council " means the council of the borough;

" The town clerk " and " the treasurer " respectively mean the town clerk and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those officers;

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"The Corporation tramways" means the tramways for the time being belonging or leased to or worked by the Corporation;

"The tramway undertaking" means the Corporation tramways and all works lands and property of every kind or description for the time being held by the Corporation for the purposes thereof or in connection therewith and all rights and powers exerciseable by the Corporation in relation thereto;

"Tramway revenue" means all moneys received for or in relation to the tramway undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

"The Order of 1892" means the West Ham (Corporation) Electric Lighting Order 1892;

"The electricity undertaking" means the undertaking authorised by the Order of 1892 as amended and extended by subsequent Acts and Orders;

"The electricity limits" means the limits within which the Corporation are for the time being authorised to supply electricity;

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

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district of the Corporation acting by the council as a sanitary authority;

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing

money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

"The Lands Clauses Acts" means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

"The arbitrator" means the arbitrator to whom any question of disputed compensation may be referred under the provisions of this Act;

"Daily penalty" means a penalty to accrue for each day on which an offence is continued after conviction thereof.

PART II.

LANDS.

Acquisition of lands.

5. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes hereinafter stated any of the lands in the borough which

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are hereinafter mentioned and are shown on the deposited plans and described in the deposited book of reference (that is to say):—

(*a*) For the purposes of the Baths and Washhouses Acts 1846 to 1899 and the Cleansing of Persons Act 1897:—

(i) Lands and premises bounded on the south in part by Romford Road and in part by land belonging or reputed to belong to the Corporation on the east by Atherton Road on the north by the southern side of the premises known as No. 5 Atherton Road and on the west by the said land belonging or reputed to belong to the Corporation the lands and premises so to be acquired comprising the premises known as Nos. 189 and 191 Romford Road and Nos. 1 and 3 Atherton Road;

(ii) Lands and premises bounded on the north by the southern side of the premises known as Nos. 48 50 and 64A Balaam Street on the west by Balaam Street on the east by land belonging or reputed to belong to the West Ham Central Mission and on the south in part by other land so belonging or reputed to belong and in part by the northern side of the public baths in Balaam Street the lands and premises so to be acquired comprising the premises known as Nos. 42 44 and 46 Balaam Street;

(iii) Lands and premises bounded on the north by the southern side of the said public baths on the west by Balaam Street on the east by the western side of the premises known as No. 383 Barking Road and on the south in part by the northern side of the premises known as No. 12 Balaam Street and in part by the rear of the premises known as Nos. 369 371 373 375 377 379 and 381 Barking Road the lands and premises so to be acquired comprising the premises known as Nos. 14 16 18 20 22 and 24 Balaam Street and the cottage stables and yard at the rear thereof;

(iv) Lands and premises bounded on the north by the southern side of the premises known as No. 42 Balaam Street on the west in part by the eastern side of the said public baths in part by the cottage and stables at the rear of the premises known as Nos. 14 16 18 20 22 and 24 Balaam Street and in part by the eastern side of the premises known as No. 381 Barking Road on the east by land belonging or reputed to belong to the said West Ham Central Mission and on the south-east by Barking Road the lands and premises so to be acquired comprising the premises known as Nos. 383 385 387 and 389 Barking Road;

(*b*) For the widening of Leytonstone Road:—

Lands comprising the forecourts of the premises known as Nos. 47 47a 49 and 51 Leytonstone Road.

Owners may be required to sell parts only of certain lands and buildings.

6. And whereas in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans or of the houses or other buildings or manufactories of which those properties form part will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material

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detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator:

(5) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(6) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Correction of errors in deposited plans and book of reference.

7. If there is any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appears to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the

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particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Essex and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands in accordance with such certificate.

Power to Corporation to enter upon property for survey and valuation.

8. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times in the day upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and buildings.

Power to certain persons to grant easements &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid respectively.

Compensation in case of recently created interest.

10. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

(1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of November one thousand nine hundred and twenty-four and before the date of the passing of this Act if in the opinion

of the arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(*a*) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(*b*) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act:

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Corporation of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Corporation do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(*a*) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

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(*b*) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of November and before the date of the passing of this Act:

(4) The Corporation shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

Period for compulsory purchase of lands.

11. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of December one thousand nine hundred and thirty.

PART III.

TRAMWAYS.

Application of certain provisions of West Ham Corporation Act 1900 to Corporation tramways.

12. The provisions of sections 37 (Power to make interlacing lines &c. and crossings) and 38 (Power to make crossings &c.) of the West Ham Corporation Act 1900 shall extend and apply to all or any of the Corporation tramways as if the Corporation tramways had been referred to in those sections instead of the tramways by that Act authorised.

Power to construct junction tramways.

13. The Corporation may subject to the provisions of this Act with the consent of the Minister of Transport construct maintain and use junctions and tramways in any street or streets in the borough for connecting any parts of the Corporation tramways laid in the same or any other street and any junctions or tramways so constructed shall for the purposes of tolls rates fares and charges and for all other purposes be deemed to form part of the Corporation tramways Provided that if in the construction of any works under this section any rail is intended to be laid so that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the street the Corporation shall not less than one month before commencing the works give notice

in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not except with the consent of the Minister of Transport be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto:

Provided also that the powers conferred by this section shall not be exercised for the purpose of constructing any junction or tramway other than junctions or tramways along—

(*a*) Dames Road connecting the existing tramways in Dames Road and Forest Road and Woodgrange Road;

(*b*) Densham Road connecting the existing tramways in West Ham Lane and Church Street North; and

(*c*) North Street connecting the existing tramways in Pelly Road and Clegg Street and Greengate Street.

Removal of obstructions.

14.—(1) If any obstruction to the traffic on any of the Corporation tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner or person in charge of the vehicle or the employer of such person.

(2) The Corporation shall not be responsible for any loss or damage resulting from the reasonable exercise by them of the powers of this section.

Power to use trailer and coupled carriages.

15.—(1) The Corporation may with the consent of the Minister of Transport provide (but shall not manufacture for any purpose other than the purposes of the tramway undertaking) maintain work and use trailer carriages and coupled carriages on the Corporation

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tramways and on any tramway for the time being run over by the Corporation under such conditions for the safety of the public as the Minister of Transport may from time to time approve Provided that the powers of the Corporation under this section to work and use trailer carriages and coupled carriages shall not be exercised on any tramway belonging to or worked by the London County Council or the Leyton Urban District Council except with the consent of the said councils respectively.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section shall be fitted with such brakes and safety appliances as the Minister of Transport may approve and no trailer carriage or coupled carriage shall be used by the Corporation unless the design thereof has been approved by the Minister of Transport.

(3) The number of carriages which may be used or run attached together shall not in any case exceed two.

Shelters or waiting-rooms.

16.—(1) The Corporation may erect and maintain within and (with the consent of the local and road authorities) beyond the borough sheds shelters or waiting-rooms and gangways for the accommodation of passengers on the Corporation tramways and may use for that purpose portions of the public streets or roads.

(2) The provisions of the London Building Acts 1894 to 1923 and any Act amending the same and any byelaws and regulations in force thereunder shall apply to the erection by the Corporation under the powers of this section of any shed shelter waiting-room or gangway in the administrative county of London.

Cloak-rooms &c.

17. The Corporation may provide cloak-rooms and rooms or sheds for the deposit of articles and things and for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with the Corporation tramways and at any places on the routes of the Corporation tramways and the Corporation may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles or other vehicles therein but shall not use for the purpose any part of any highway outside the borough without the consent of the road authority.

Shelters for traffic regulators &c.

18. The Corporation may erect and maintain huts or shelters for the accommodation of persons engaged in the regulation of traffic on the Corporation tramways and boxes or receptacles for containing apparatus and appliances for the removal of obstacles on the Corporation tramways or for use in case of any accident on those tramways and may for any of those purposes use portions of the public streets or roads within the borough.

Power to require intending passengers to wait in lines or queues.

19. For the better regulation of persons desiring to travel in the carriages on the Corporation tramways the Corporation may erect and maintain barriers and posts at any stopping-place or terminus and for that purpose may within and (with the consent of the local and road authorities) beyond the borough use part of the highway and the Corporation may make byelaws requiring persons waiting to enter carriages at any stopping-place or terminus on the Corporation tramways to wait in lines or queues and to enter such carriages in the order in which they stood in such line or queue.

Minister of Transport to be consulted before exercise of certain powers.

20. In exercising any powers under the sections of this Act of which the marginal notes are respectively—

Shelters or waiting-rooms;

Cloakrooms &c.;

Shelters for traffic regulators &c.;

Power to require intending passengers to wait in lines or queues;

the Corporation shall not erect or place any work or object in any public street road or highway except in consultation with the Ministry of Transport.

Power to reserve cars for special purposes.

21.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars on any of the Corporation tramways for any special purpose which the Corporation may consider necessary or desirable Provided that such special cars shall be distinguished from other cars in such manner as the Corporation may direct and that during the running of such special cars the Corporation shall maintain a reasonably sufficient ordinary service of cars.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such cars by any

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persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the Corporation tramways for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Payment of fares and charges.

22. The fares and charges for the time being authorised to be demanded and taken for the conveyance of passengers upon the Corporation tramways shall be paid to such persons and at such places upon or near to the Corporation tramways and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares and charges appoint.

Attachment to lamp-posts &c. of signs indicating stopping-places.

23.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the Corporation tramways signs or directions indicating the position of stopping-places for tramcars and any other matters pertaining to the Corporation tramways:

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General or to the London General Omnibus Company Limited except with his or their consent in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to any railway company without their consent in writing which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport. A.D. 1925.

Working agreements relating to tramways.

24.—(1) The Corporation on the one hand and any local authority company body or person owning or working any tramways which may now or hereafter be connected with any of the Corporation tramways or with any tramway over which the Corporation have running powers on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say) :—

(*a*) The formation of junctions between the tramways of the contracting parties;

(*b*) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;

(*c*) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of rolling stock necessary for the purposes of such agreement and the employment of officers and servants;

(*d*) The supply of motive power;

(*e*) The payments to be made and the conditions to be performed with respect to the matters aforesaid;

(*f*) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum fares and charges in

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respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

(3) In this section the word "tramways" includes light railways.

Power to hold patent rights in connection with tramway undertaking.

25. The Corporation may acquire and hold patent and other rights (not being exclusive) in relation to the tramway undertaking or the working or use thereof.

Certain provisions of North Metropolitan Tramways Acts not to apply to tramways of Corporation.

26. The following provisions shall cease to apply to any tramways of the Corporation acquired by them from the North Metropolitan Tramways Company (that is to say):—

The North Metropolitan Tramways Act 1870—

Section 34 (Cheap fares for labouring classes).

The North Metropolitan Tramways Act 1884—

Section 48 (Extending to this Act sections of the Act of 1869 as to tolls) so far as that section relates to section 34 of the North Metropolitan Tramways Act 1870;

Section 49 (Regulation of fares on the Romford Road lines in West Ham and East Ham);

Section 50 (Regulation of fares on the Barking Road lines in West Ham).

Agreements as to through booking &c.

27. The Corporation on the one hand and any local authority company body or person owning or working tramways or omnibuses connected with or on routes adjacent to any of the Corporation tramways or any company or body owning or working any railway on the other hand may enter into and carry into effect agreements and arrangements for and with respect to through booking and the issue of through tickets and the fixing of through fares rates and charges in respect of traffic of any description coming from or destined for or passing over or conveyed on the tramways of the Corporation and the tramways omnibuses or railways of any such local

authority company body or person and the division and apportionment of the receipts arising from such traffic. A.D. 1925.

For protection of London and North Eastern and London Midland and Scottish Railway Companies.

28. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (each of which companies is in this section called "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company.

Notwithstanding anything contained in this Part of this Act no shed shelter waiting-room gangway cloakroom or room hut box receptacle barrier or post shall be erected maintained or provided nor shall any stopping or starting place be appointed nor shall the Corporation require persons waiting at any such stopping place or terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or egress from any station or depôt belonging to the company nor shall any such shed shelter waiting-room gangway cloakroom or room hut box receptacle barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company or on the approaches to any such bridge.

Approval of byelaws.

29. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of section 46 and section 47 of the Tramways Act 1870 and those provisions shall apply accordingly.

For protection of Metropolitan Water Board.

30. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Corporation have effect (that is to say):—

(1) The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the construction of any junction or tramway under the powers of the section of this Act of which the marginal note is "Power to construct junction tramways" Provided that in the application of the said provisions to the board and to their main pipe valve or other work or appliance (in this section referred to as "apparatus") the period of twenty-eight days shall be substituted for the period of seven days mentioned in subsection (1) of the said

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section 30 and the period of seven days shall be substituted for the period of forty-eight hours mentioned in the said subsection:

(2) Any works to be executed pursuant to this section in relation to the lowering or altering the position of any apparatus of the board shall if the board so desire be executed by them at the reasonable expense of the Corporation and in that case the board shall within fourteen days of receiving the twenty-eight days' notice from the Corporation as aforesaid give notice of their intention so to execute such work and shall commence such lowering or alteration when requested by the Corporation and execute and complete the same with all reasonable despatch:

(3) The board may if they think fit employ such watchmen or inspectors as they may reasonably deem necessary to watch and inspect the execution of any works under the powers of this Act so far as such works affect any apparatus of the board and the reasonable wages of such watchmen or inspectors shall be borne by the Corporation:

(4) If any structure erected by the Corporation under the powers of either of the sections of this Act of which the marginal notes are respectively "Shelters or waiting-rooms" and "Shelters for traffic regulators &c." is situate over any apparatus of the board laid or placed before the erection of such structure and the board at any time after such erection give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove temporarily such structure or so much thereof as shall require to be so removed in order to afford such access or (if the Corporation determine not to remove such structure or part thereof) bear any additional expense due to the existence of such structure which may reasonably be incurred by the board in obtaining such access:

(5) If any difference shall arise between the Corporation and the board under this section (other than a difference as to the construction or meaning of the said section) the same shall be referred to and settled by an arbitrator to be agreed upon between the parties or failing such agreement to be 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 1889 shall apply to any such settlement by arbitration.

(6) The provisions of this section shall be in addition to and not in substitution for or derogation from any other provisions of this Act or any Act incorporated therewith to the benefit of which the board would otherwise be entitled.

Accounts of tramway undertaking to be furnished to Minister of Transport.

31. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramway undertaking.

Provision as to general Tramway Acts.

32. Nothing in this Act contained shall exempt the Corporation or the tramway undertaking from the provisions of any general Act relating to tramways passed before or after the commencement of this Act.

PART IV.

ELECTRICITY.

Further powers as to entry upon premises.

33.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 as extended by this section are unoccupied or where the Corporation are unable to obtain admittance to any such premises though occupied the Corporation may after giving not less than forty-eight hours' notice to the owner

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thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to cut off supplies where charges &c. not wholly paid.

34. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation in their capacity of electrical undertakers remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Byelaws as to wires apparatus and fittings.

35.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) Section 22 (Byelaws as to electric fittings) of the West Ham Corporation Act 1900 is hereby repealed.

As to maximum power which may be demanded.

36.—(1) The quantity of electrical power with which any consumer shall be entitled to be supplied by the Corporation pursuant to section 22 (Maximum power) of the Order of 1892 shall not include any supply of

energy taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Use for lighting purposes of electricity supplied for power.

37.—(1) No consumer shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as " lighting purposes ") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty of forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

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(4) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

Provisions as to supply of electricity by agreement.

38. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

(*a*) the Corporation may if they think fit discontinue to supply electricity to such consumer;

(*b*) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(*c*) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

(ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (*b*):

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Power to recover cost of cutting off supplies.

39. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply

was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Power to recover charge for re-connecting.

40. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Period of error in defective meters.

41.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Attachment of brackets &c. to buildings and bridges.

42.—(1) The Corporation may with the consent of the owner of any building or any bridge over any street or road attach thereto (but in the case of a bridge only to the underside thereof) such brackets wires and attachments as may be required for lighting any street within the electricity limits Provided that—

(*a*) where in the opinion of the Corporation any consent under this section is unreasonably withheld they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building or bridge and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

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(*b*) any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (*a*);

(*c*) the owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge; and

(*d*) the Corporation shall not attach any brackets wires or attachments to any part of any building or bridge of any railway company without the consent in writing of that company which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

(2) For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

As to method of charge in certain cases for fittings.

43.—(1) Notwithstanding anything contained in section 73 (Power to supply electric fittings &c.) of the West Ham Corporation Act 1898 in any case in which the Corporation have fitted up or fixed or shall hereafter fit up or fix in any dwelling-house or part of a dwelling-house any wires fuses casings switches or other apparatus (all of which are in this section referred to as and included in the expression " fittings ") the Corporation may make and recover from the owner or occupier for the time being of such dwelling-house or part of a dwelling-house such charges as they may determine by way of consideration for the provision and laying fitting up or fixing and maintenance of such fittings and of the whole or part of so much of the service cable as is laid upon the property of the owner or in the possession of the occupier

of such dwelling-house or part of a dwelling-house and for the purposes of the Electricity (Supply) Acts 1882 to 1922 the said fittings and portion of service cable shall subject as hereinafter provided be the property of the Corporation:

Provided that the basis on which such charges are to be determined shall be such as shall be approved of by the Electricity Commissioners:

Provided also that the owner or occupier for the time being of any such dwelling-house or part of a dwelling-house as aforesaid shall be entitled at any time to require—

(*a*) that the charge made by the Corporation as aforesaid shall be commuted by the payment of a sum in gross equal to the balance for the time being outstanding in the books of the Corporation in respect of the capital expenditure incurred by them in the provision laying fitting up or fixing of the fittings in such dwelling-house or part of a dwelling-house and upon such payment the said fittings shall become the property of such owner or occupier; or

(*b*) that in lieu of making such charges as aforesaid after the date of such requirement the Corporation shall as from that date enter into an agreement with him under which the fittings provided and laid fitted up or fixed by the Corporation in such dwelling-house or part of a dwelling-house will become vested in him at the expiration of such period not exceeding five years as such owner or occupier may require in consideration of the payment by him to the Corporation during that period of annual or other periodical instalments of such amount as may be agreed between him and the Corporation;

and that as from the date of any such payment as is referred to in the foregoing paragraph (*a*) or the expiration of any such period as is referred to in the foregoing paragraph (*b*) the Corporation shall cease to be liable for the maintenance of such fittings as aforesaid:

Provided further that the owner or occupier for the time being of such dwelling-house or part of a dwelling-house (not being the owner or occupier on whose application the fittings were laid fitted up or fixed) shall be

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entitled at any time to require the Corporation to remove and the Corporation shall on being so required remove the said fittings.

(2) The Corporation may require that the whole or any part of any such charges shall be payable and paid quarterly in advance.

(3) The Corporation shall have the like remedies in the event of non-payment of any sum payable pursuant to this section and the like rights of recovery of any such sum as they have under the provisions of the Order of 1892 and the Electricity (Supply) Acts 1882 to 1922 with respect to charges for electricity.

(4) Nothing in this section shall alter or affect any agreement for the time being subsisting between the Corporation and the owner or occupier of any such dwelling-house or part of a dwelling-house as aforesaid.

(5) Notice of the provisions of this section shall be give to the owner of any dwelling-house or part of a dwelling-house when the Corporation fit up or fix therein any fittings and also to the occupier of such dwelling-house or part of a dwelling-house when such occupier makes application to the Corporation for a supply of electricity thereto.

Contracts for supply of electricity in bulk.

44. The Corporation and any local authority company or person authorised by Act of Parliament or Provisional Order confirmed by Parliament or by special order under the Electricity (Supply) Acts 1882 to 1922 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Corporation to any such local authority company or person or by any such local authority company or person to the Corporation of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract (not being otherwise so authorised) to lay any mains or electric lines or to interfere with any street:

Provided that any contract entered into under the provisions of this section shall be subject to the approval of the Electricity Commissioners.

As to limits of supply of electricity by Corporation.

45. Where under the provisions of any Act or Order relating to the Corporation or the electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall for all purposes be deemed to extend to the centre of the road.

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Power to lay electric lines &c. in private streets.

46. The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Order of 1892 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section:

Provided that the Corporation shall not in exercising their powers under this section unreasonably obstruct or interfere with—

(*a*) any street or road belonging to any railway company or forming the approach to any station or depôt of that company; or

(*b*) the navigation or the use of any towing path of the Lee Conservancy Board; or

(*c*) any street or road belonging to the Port of London Authority and forming the approach to any of their dock premises.

Further powers as to net revenue of electricity undertaking.

47. Notwithstanding anything in the Order of 1892 or in any other enactment relating to the electricity undertaking the Corporation may if they think fit instead of carrying to the credit of the local rate or applying to any other purpose authorised by section 52 (Application of revenue) of the Order of 1892 the net surplus remaining in any year of the moneys received by them in respect of that undertaking (other than (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purpose of the undertaking and (*c*) money not of the nature of rent received by them in respect of any transfer of the electricity undertaking under the provisions of the Order of 1892) and the annual proceeds of any reserve fund provided by them in connection with the undertaking when amounting to the prescribed limit apply the whole or any part of such surplus or proceeds to the purchase of electric mains or lines machinery apparatus appliances and fittings

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required for the purposes of the undertaking and to defraying the cost of laying such mains or lines and the fixing of such machinery apparatus appliances and fittings or to any of those purposes:

Provided that the powers of this section shall not be exerciseable by the Corporation if and so long as the aggregate amount (if any) of the deficiencies of income of the electricity undertaking paid out of the local rate exceeds the aggregate amount (if any) of the net surplus revenue of the electricity undertaking carried to the credit of the local rate or applied to the improvement of the borough or in reduction of the capital moneys borrowed by them for the purposes of the electricity undertaking.

For protection of North Metropolitan Electric Power Supply Company.

48. Nothing in this Act shall empower the Corporation (except with the consent in writing of the North Metropolitan Electric Power Supply Company) to supply electricity within or for use within the limits of supply of the said company under the North Metropolitan Electric Power Supply Acts 1900 to 1922 as extended by any special Act which may be passed in the present session of Parliament relating to the said company.

PART V.

RECREATION GROUNDS &C.

Powers with reference to Memorial Recreation Ground.

49.—(1) The Corporation may maintain manage renew extend alter or discontinue the pavilion and other buildings and facilities erected or provided in the Memorial Recreation Ground or any of such buildings and facilities and may use or permit to be used the said buildings and facilities for purposes of or connected with any sport or game or may provide new or additional facilities for those purposes.

(2) The Corporation may make such charges as they may from time to time think fit for the use of the said buildings and facilities or for admission to the said recreation ground or any part or parts thereof or to any of the said buildings.

(3) The Corporation may on such occasions as they may think fit appropriate and use for any special purpose the said recreation ground or any part or parts thereof or the said buildings or any of them.

(4) The Corporation may close the said recreation ground or any part or parts thereof to the public on such days not exceeding twenty-five days in any year or for such period not exceeding seven consecutive days as they may think fit.

(5) The Corporation may make and enforce byelaws and regulations with respect to the said recreation ground buildings and facilities and for regulating the conduct of persons resorting to or using the same.

Use of bandstand enclosures for public dancing.

50. The Corporation may from time to time as and when they think fit appropriate and use for the purpose of public dancing the enclosure in connection with any bandstand erected in any park open space or recreation ground belonging to them or under their control and may make charges for admission to any such enclosure while so appropriated and used.

Power to let bandstands &c.

51. The Corporation may from time to time for such periods at such rents and upon and subject to such terms and conditions as they may think fit let to any person—

(*a*) for the performance of music or concerts any bandstand belonging to them in any park open space or recreation ground either with or without the enclosure (if any) in connection with such bandstand; or

(*b*) for public dancing any such enclosure as aforesaid;

and may make or permit to be made such reasonable charges as they may determine for admittance to any such enclosure and for the use of seats therein and for the sale of programmes.

PART VI.

STREET TRADING.

Licensing of street traders

52. From and after the first day of January one thousand nine hundred and twenty-six it shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough without a licence from the Corporation authorising him so to do Provided that this section shall not apply to any person selling or exposing or

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Applications for licences &c.

53.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in such application state his full name and address and the nature of the articles and things which he intends to sell or expose or offer for sale under the authority of the licence if granted In the case of any person intending to sell or expose or offer for sale as aforesaid any article or thing on or within one month after the first day of January one thousand nine hundred and twenty-six such application shall be made not later than the first day of December one thousand nine hundred and twenty-five.

(2) The Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section grant or renew a licence to the applicant under and for the purposes of this Part of this Act Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted to any person who on account of misconduct or for any other sufficient reason may in their opinion be unsuitable to hold such licence.

(3) Any such licence may prescribe the street or streets or area in which the licensee may sell or expose or offer for sale articles or things as aforesaid and on any occasion of the renewal of a licence the Corporation may vary such prescription.

(4) The Corporation shall not refuse to renew or shall not revoke any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they have afforded to such person an opportunity of being heard against such refusal or revocation.

Fees on licences.

54. Any person making application for the grant or renewal of a licence under this Part of this Act shall when making the same pay to the Corporation in respect of such grant or renewal a fee of five shillings.

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Duration of licences.

55. Every licence granted or renewed under this Part of this Act shall unless revoked be valid for a period of one year or in the case of any licence granted or renewed otherwise than at any annual meeting fixed by the Corporation for the purpose of considering applications under this Part of this Act for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

Appeals against refusal or revocation of licences.

56.—(1) If the Corporation refuse to grant or renew a licence or revoke or vary a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(2) Any person aggrieved by such refusal revocation or variation or by any prescription made by the Corporation under subsection (3) of the section of this Act of which the marginal note is "Applications for licences &c." may appeal to a petty sessional court provided that such appeal is made within fourteen days from the date on which such refusal revocation variation or prescription is notified to him.

Byelaws as to trading under licences.

57.—(1) The Corporation may make byelaws prescribing the days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a licence granted or renewed under this Part of this Act and making provisions and requirements with respect to the removal of refuse the allocation dimensions and arrangement of barrows carts stalls or other receptacles the storage and sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles of food intended to be sold or exposed or offered for sale under the authority of the licence and generally as to the conditions under which articles or things may be sold or exposed or offered for sale under such authority.

(2) The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made under this section with the substitution of the Secretary of State for the Minister of Health as the confirming authority Provided that before confirming

A.D. 1925. any byelaw relating to the storage and sanitary supervision of articles of food the Secretary of State shall consult the Minister of Health.

Power to Corporation to make charges for certain services.

58. The Corporation may make and recover from persons licensed by them under the provisions of this Part of this Act such reasonable charges as they may think fit for the removal of refuse or any other services rendered by the Corporation.

Power to licensees to employ relatives.

59.—(1) Any person holding a licence under this Part of this Act may employ any member or members of his family to assist him in the conduct of his business without any further licence under this Part of this Act being required.

(2) For the purposes of this section the following persons (and those persons only) shall be deemed to be members of the family of a person holding a licence under this Part of this Act (that is to say):—

Wife husband parents grandparents direct lineal descendants brothers sisters brothers-in-law sisters-in-law sons-in-law daughters-in-law uncles aunts and sons and daughters of uncles or aunts.

Penalties for offences in respect of trading required to be licensed.

60.—(1) Every person who or whose assistant—

(*a*) after the first day of January one thousand nine hundred and twenty-six without a licence under this Part of this Act sells or exposes or offers for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough or obtains a licence or the renewal of a licence by wilful misrepresentation; or

(*b*) acts in contravention of any byelaw made under this Part of this Act;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

(2) Provided that a person who has appealed to a petty sessional court or to a court of quarter sessions in accordance with the provisions of the section of this Act of which the marginal note is "Appeals against refusal or revocation of licences" or of the section of this Act

of which the marginal note is "As to appeal" shall not be liable to any proceedings under this section for the offence of selling or exposing or offering for sale any article or thing as aforesaid without a licence until such appeal has been heard and determined or has been abandoned.

Saving for holders of pedlars' certificates and hawkers' licences.

61. Nothing in this Part of this Act shall restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence.

Saving for London Traffic Act 1924 and other enactments.

62. Nothing in this Part of this Act shall exempt any person from or shall alter or affect any of the provisions of the London Traffic Act 1924 or of any enactment relating to obstruction of traffic in highways.

PART VII.

FINANCIAL.

Expenses of execution of Act.

63. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid as follows (that is to say):—

(1) Expenses incurred for the purposes of Part II. (Lands) or Part V. (Recreation grounds &c.) of this Act out of the district fund and the general district rate:

(2) Expenses incurred for the purposes of Part III. (Tramways) of this Act out of the tramway revenue:

(3) Expenses incurred for the purposes of Part IV. (Electricity) of this Act out of the revenue of the electricity undertaking:

(4) Expenses incurred for the purposes of Part VI. (Street trading) of this Act out of the borough fund and borough rate:

(5) Expenses incurred for all other purposes not otherwise provided for in this Act out of the borough fund and the borough rate or the district fund and the general district rate or partly out of one of those funds and rates and partly out of the other thereof as the Corporation may from time to time determine:

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Provided that as respects such purposes as are referred to in the foregoing paragraph (2) if in any year the tramway revenue be insufficient for the purposes to which it is applicable the deficiency shall be made up out of the borough fund and the borough rate and that as respects such purposes as are referred to in the foregoing paragraph (3) if in any year the revenue referred to in that paragraph be insufficient for the purposes to which it is applicable the deficiency shall be made up out of the district fund and the general district rate.

Power to borrow.

64.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (which shall respectively for the purposes of this Act and of the enactments relating to the repayment of borrowed money applied by this Act be deemed to be the prescribed period referred to in those enactments) mentioned in the fourth column thereof (namely) :—

Purpose.	Amount.	Charge.	Period for repayment.
	£		
(*a*) For the acquisition of lands.	21,800	The district fund and the general district rate.	Sixty years from the date or dates of borrowing.
(*b*) For the payment of one half of the costs and expenses of obtaining this Act as hereinafter defined.	The sum requisite.	The borough fund and the borough rate.	Five years from the passing of this Act.
(*c*) For the payment of the remaining one half of such costs and expenses.	The sum requisite.	The district fund and the general district rate.	Five years from the passing of this Act.

(2) (*a*) The Corporation may also with the consent of the Minister of Health borrow such further money as

may be necessary for any of the purposes of this Act other than the purposes of Part III. (Tramways) and Part IV. (Electricity) and they may with the consent of the Minister of Transport as respects the said Part III. and with the consent of the Electricity Commissioners as respects the said Part IV. borrow such money as may be necessary for the purposes of those Parts respectively.

(*b*) In order to secure the repayment of any money borrowed under this subsection and the payment of the interest thereon the Corporation may mortgage or charge such fund or rate as may be prescribed by the Minister or Commissioners with whose consent the money is borrowed.

(*c*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent the money is borrowed and the period so prescribed shall be the prescribed period for the purposes of this Act and the enactments applied by this Act.

Borrowing powers for purposes of tramway undertaking.

65.—(1) The Corporation may from time to time independently of any other borrowing power with the consent of the Minister of Transport borrow at interest such sums of money as they may require for the general purposes of the tramway undertaking.

(2) In order to secure the repayment of any money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Transport.

(3) Any money borrowed under this section shall be repaid within such period as may be prescribed by the Minister of Transport and that period shall be the prescribed period for the purposes of this Act and of any other enactments relating to the borrowing of money by the Corporation.

As to security for loans under borrowing powers conferred by Act.

66. The provisions of the sections of this Act of which the marginal notes are respectively "Power to borrow" and "Borrowing powers for purposes of tramway undertaking" prescribing or relating to the prescription of the revenue fund or rate which may be mortgaged or charged under those sections shall not limit the powers conferred upon the Corporation by the section of

A.D. 1925. this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Acts not to apply.

67. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

68. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of Corporation stock under and subject to the provisions of any former Act relating to the Corporation or (with the consent of the Minister of Health under section 52 of the Public Health Acts Amendment Act 1890) by the creation and issue of stock under and subject to the provisions of the said Act of 1890 or partly in one way and partly in another or others.

Provisions of Public Health Act 1875 as to mortgages to apply.

69. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Application of provisions of West Ham Corporation Act 1902.

70. The following sections of the West Ham Corporation Act 1902 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

Section 44 (Application of money borrowed);

Section 46 (Corporation not to regard trusts).

Mode of payment off of money borrowed.

71. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by yearly half-yearly or quarterly instalments

of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly or quarterly instalments within six months or three months (as the case may be) from the date of borrowing.

Sinking fund.

72.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed Provided that in the case

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of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) (*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(5) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(6) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

(7) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

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(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(9) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

(10) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

(11) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Power to re-borrow.

73.—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been

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temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Appointment of receiver.

74.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Protection of lender from inquiry.

75. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act

or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Power to use one form of mortgage for all purposes.

76.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

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(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the said Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

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Provisions as to transfers of mortgages.

77.—(1) Every deed of transfer of any mortgage of the Corporation shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(2) The deed of transfer when duly executed and stamped shall be delivered to and kept by the Corporation and the Corporation shall enter a memorial thereof in the appropriate register of the Corporation and shall endorse a notice of that entry on the deed of transfer and also on the transferred mortgage.

(3) Until the deed of transfer has been so delivered to the Corporation the Corporation shall not be affected thereby and the transferee of the mortgage shall not be entitled to receive any interest thereon or to repayment thereof.

(4) The Corporation before allowing any transfer of any mortgage may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(5) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

(6) It shall not be obligatory on the Corporation or the town clerk to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any mortgage except upon the production to and temporary deposit with the town clerk of the mortgage for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new mortgage and in the case of the issue of a new mortgage for the purpose of cancellation of the mortgage so deposited.

Power to invest sinking and other funds in statutory securities.

78. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form or have formed a sinking fund for the payment off of moneys borrowed or payable by them or any loans fund redemption fund reserve fund or insurance fund they may (in addition to any other powers for the time being vested in

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them) invest in any statutory security such fund and the interest on the investments of such fund.

Use of moneys forming part of sinking and other funds.

79. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund reserve fund or insurance fund of the Corporation (in this section respectively referred to as " the lending fund ") and not for the time being required subject to the following conditions :—

(*a*) The moneys so used shall be repaid by the borrowing fund to the lending fund as and when required for meeting the obligations for which the said fund was established and if and so far as they are not so required within the periods by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be payable :

Provided that the Corporation may if they so determine repay to the lending fund the money so used at any time within the period aforesaid :

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund or rate which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

(*c*) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

As to section 234 of Public Health Act 1875.

80. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount of any sinking fund loans fund or redemption fund accumulated for

the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts or the Public Health Act 1875 shall be deducted from the total debt of the Corporation under those Acts.

Returns to Minister of Health with respect to repayment of debt.

81.—(1) The treasurer shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of this Act.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the treasurer shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) The foregoing provisions of this section shall be substituted for any provisions of the local Acts or Orders now in force in the borough requiring an annual return

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Reduction of borrowing powers for certain purposes.

82.—(1) Section 62 (Power to borrow) of the West Ham Corporation Act 1898 shall be read and have effect as if the sum thereby authorised to be borrowed for the purposes of the extension of the town hall and the purchase of the land by that Act authorised to be acquired for those purposes were twenty thousand and thirty-one pounds instead of forty-two thousand five hundred pounds.

(2) Section 73 (Power to borrow) of the West Ham Corporation Act 1900 shall be read and have effect as if the sum thereby authorised to be borrowed for tramway purposes were two hundred and three thousand nine hundred and ninety-six pounds instead of two hundred and thirty-two thousand seven hundred and fifty pounds.

Alteration of rate basis for calculation of sinking and other funds.

83. Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund loans fund or redemption fund (being in each case an accumulating fund) which the Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three pounds ten shillings per centum or such higher rate as the Minister of Health may from time to time approve.

Treasurer instead of town clerk to make annual returns to Minister of Health.

84. From and after the passing of this Act the treasurer shall make to the Minister of Health any return in relation to any loans fund or sinking fund or instalments which by any existing Act or Order the town clerk is required to make and any provision relating to the making of such return in any such Act shall be read and have effect as if the treasurer were mentioned therein in lieu of the town clerk.

PART VIII.

MISCELLANEOUS.

Fire insurance fund.

85.—(1) For the removal of doubts it is hereby enacted that the Corporation shall have and shall be deemed always to have had power to establish in accordance with the provisions of this section a fund (in this section called "the fire insurance fund") with a view

to providing a sum of money which shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire lightning or explosion to any buildings works or machinery or any other property whatsoever belonging to or on loan to or under the care custody or control of the Corporation (in this section called "the insurable property").

(2) The Corporation shall pay into the fire insurance fund in each year in respect of the insurable property insured in the said fund such sums as they may deem necessary from time to time not exceeding the amount of the annual premiums which would be payable in the event of the property thus insured being insured for a like amount in some public insurance office in England Provided that the Corporation may discontinue such yearly payments for such period or periods as they may think fit if it appears to them at any time that the insurance fund amounts to a sum in excess of what is reasonably necessary to cover the risks insured in the said fund.

(3) Nothing in this section shall affect the power of the Corporation to insure the insurable property or any part thereof against loss or damage by or in consequence of fire lightning or explosion in any public insurance office in England or partly in such public insurance office and partly in the fire insurance fund or shall compel the Corporation to insure any of the insurable property to the full amount of the value thereof.

(4) The Corporation shall provide the yearly payments to the fire insurance fund as aforesaid from the respective revenues funds or rates which if the insurable property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance.

(5) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses by or in consequence of fire lightning or explosion all moneys for the time being standing to the credit of the fire insurance fund shall be invested and the interest and annual proceeds arising therefrom shall also be invested and accumulated Provided that if it appears to the Corporation at any time that the insurance fund amounts to

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a sum in excess of what is reasonably necessary to cover the risks insured in the said fund the Corporation may during such period or periods as they think fit carry the interest and annual proceeds as aforesaid to the credit of such of the revenues funds or rates out of which the yearly payments to the fire insurance fund are provided and in such proportions as the Corporation shall from time to time determine.

(6) If at any time the fire insurance fund is insufficient to make good any loss or damage by or in consequence of fire lightning or explosion to any part of the insurable property to which that fund for the time being relates the Corporation may with the sanction of the Minister of Health and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency.

(7) Any insurance under this section shall to the extent of the amount of such insurance be deemed to satisfy any general covenant or obligation binding the Corporation to insure the insurable property.

As to forecourts to which public has access.

86.—(1) Where the forecourt of any premises abutting upon a street in the borough is unfenced and is habitually used or is open to use by the public as part of the footway of such street the owner of such forecourt if so required by the Corporation shall maintain and keep such forecourt in proper repair and so as not to be a danger to persons using or walking over the same.

(2) If the owner of any such forecourt as aforesaid shall neglect or refuse within one month after being required by the Corporation in writing so to do to make good any want of repair or remove any such source of danger as aforesaid the Corporation may cause such works as they think proper to be done for effecting such repair or removing such source of danger and the expenses thereof shall be payable by the owner and may be recovered summarily as a civil debt.

(3) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such requirement provided he gives written notice of such appeal and the grounds thereof to the town

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clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Lopping of trees overhanging highways.

87.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers on vehicles or persons on foot using such street the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requirement of their notice doing no unnecessary damage and may recover from the person in default the expenses incurred by them in so doing.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Fire brigade pension scheme.

88. The Corporation may make and give effect to such regulations as they think fit with respect to the compensation to be made to the officers and members of the fire brigade of the Corporation in case of accident or to the wives or families of such officers and members in case of their death and with respect to the pensions allowances or gratuities to be paid to such officers and members in case of retirement Provided that the scale of pensions allowances or gratuities to be prescribed by such regulations shall not exceed the scale from time to time in force with respect to officers and members of the London Fire Brigade and their wives and families and the conditions under which such pensions allowances

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As to user of certain property by Corporation.

89.—(1) As from the passing of this Act the covenant on the part of the purchaser which is contained in a deed of conveyance dated the twenty-eighth day of May one thousand eight hundred and sixty-nine and made between John Gurney of the first part and Gustavus Edward Hilleary of the second part and of which covenant a copy is set forth in the Third Schedule to this Act shall cease to apply to or affect the premises known as No. 187 Romford Road Stratford or the site of those premises so long as the said premises shall continue to be the property of and to be occupied by the Corporation.

(2) The Corporation may hold the said premises and may use the same for any purpose in connection with the exercise and performance of their powers and duties and may erect or re-erect buildings thereon and adapt and equip for any such purpose the said premises and any buildings for the time being erected thereon.

Power to sanction keeping open of premises licensed for music and dancing.

90. Notwithstanding anything contained in the Disorderly Houses Act 1751 or the Public Entertainments Act 1875 or any Act amending or extending those Acts or either of them any premises licensed by the Corporation for music and dancing or for either of those purposes may with the sanction in writing in each case of the Corporation be kept open for music and dancing or for either of those purposes until such hour after midnight on any occasion or occasions as the Corporation in giving their sanction may prescribe.

Authentication and service of notices &c.

91.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act

1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Application of penalties.

92. All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the district fund or to such other fund as the Corporation direct.

Persons acting in execution of Act not to be personally liable.

93. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Confirmation of byelaws.

94. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except where otherwise provided in this Act.

As to appeal.

95. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Evidence of appointments authority &c.

96. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the Corporation under any enactment for the time being in force within the borough it becomes necessary to

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prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Corporation.

97. Where under any enactment for the time being in force within the borough 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 any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of any act or thing without the required consent.

Recovery of penalties &c.

98. Save as otherwise expressly provided all offences against this Act or any other Act relating to the Corporation or the borough and all fines forfeitures penalties costs and expenses imposed or recoverable thereunder or under any byelaw or regulation made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving for indictments &c.

99. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Informations by whom to be laid.

100. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws or regulations made thereunder may be laid and made by any

officer of the Corporation duly authorised in that behalf or by the town clerk or by any officer of the metropolitan police. A.D. 1925.

Judges &c. not disqualified.

101. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of Act cumulative.

102. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts or any of them and the Municipal Corporations Act 1882 and any Act amending the same and the Corporation may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Inquiries by Minister of Health.

103.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries under the provisions of this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

Inquiries by Minister of Transport.

104. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Corporation the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words " under the seal of the Minister of Transport " were substituted for the

A.D. 1925. words "by writing under the hand of the President or of one of the secretaries of the Board."

Crown rights.

105. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

106. All 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 out of the borough fund and borough rate and the district fund and general district rate in equal proportions or at the option of the Corporation out of money to be borrowed for the purpose under the powers of this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

Area.	Numbers on deposited Plans.
County borough of West Ham	11 12 17 22 23 24 and 25.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

No.

COUNTY BOROUGH OF WEST HAM.

By virtue of the West Ham Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of West Ham (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the said county borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the office of the treasurer of the said county borough (subject as

A.D. 1925.

hereinafter provided) on the expiration of six calendar months' notice in writing given by the Corporation to the mortgagee or by the mortgagee to the Corporation and expiring at any time after the day of one thousand nine hundred and :

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk of the said county borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum.

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of] in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the mayor aldermen and burgesses of the county borough of West Ham bearing date the day of one thousand nine hundred and and all my right and interest under the same subject to the

several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and

THE THIRD SCHEDULE.

COVENANT CONTAINED IN DEED OF CONVEYANCE OF 28TH MAY 1869.

And the purchaser doth hereby for himself his heirs executors administrators and assigns covenant with the vendor his heirs and assigns and the owner and owners for the time being of the land abutting on the eastern side of the said new road that the purchaser his appointees heirs or assigns shall not nor will without the previous consent in writing of the vendor his heirs or assigns or such owner and owners and as aforesaid build on the said piece or parcel of land or ground hereby granted and released or intended so to be any other house than such messuages or dwelling-houses as hereafter mentioned that is to say On the land or ground facing the said High Road leading from London to Romford no other than houses detached or semi-detached and if detached costing not less than one thousand pounds and if semi-detached costing not less than one thousand four hundred pounds the pair and no such house to be nearer the High Road than thirty-five feet and on that part of the said piece or parcel of land or ground facing the intended new road two detached or one pair of semi-detached houses only costing not less than five hundred pounds each no such last-mentioned houses to be further south from the said north-east corner than sixty-five feet nor nearer the said new road than twenty feet And that no house to be built on the said piece or parcel of land or ground hereby granted and released or intended so to be shall at any time hereafter be used otherwise than as a private dwelling-house without the previous consent in writing of the vendor his heirs or assigns.

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