



CHAPTER xcvi.

An Act to confer further powers on the urban district council of Beckenham in regard to their electricity undertaking and to make further and better provision for the improvement health local government and finance of their district and for other purposes. [2nd August 1935.] A.D. 1935.

WHEREAS the urban district of Beckenham (in this Act referred to as "the district") is an urban district under the government of the urban district council of Beckenham (in this Act referred to as "the Council"):

And whereas under the powers of the Beckenham Electric Lighting Order 1893 (which was scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1893) the Beckenham Urban District Council Act 1903 (in this Act referred to as "the Act of 1903") and the Beckenham Electric Lighting (Extension) Order 1913 (which was scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1913) the Council are supplying electricity throughout their district as it existed prior to the first day of April one thousand nine hundred and thirty-four and it is expedient that further powers should be conferred upon the Council with respect to their electricity undertaking:

And whereas it is expedient that further and better provision should be made for the health good government and improvement of the district and that the powers of

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A.D. 1935. the Council in regard thereto should be enlarged as in
— this Act provided :

And whereas it is expedient that the provisions in regard to the finances of the Council which are contained in this Act should be made and that the Council should be empowered to borrow money for the purposes of this Act :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Beckenham Urban District Council Act 1935.

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

Part I.—Preliminary.

Part II.—Electricity.

Part III.—Streets buildings and sewers.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Lands.

Part VI.—Public buildings baths parks &c.

Part VII.—Financial.

Part VIII.—Miscellaneous.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

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Incorporation of
Lands
Clauses
Acts.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-
tion.

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

“The district” means the urban district of Beckenham;

“The Council” means the urban district council of Beckenham;

“The Act of 1903” means the Beckenham Urban District Council Act 1903;

“The electricity undertaking” means the electricity undertaking of the Council for the time being authorised;

“The electricity limits” means the area within which the Council are for the time being authorised to supply electricity;

“The county council” means the county council of the administrative county of Kent;

“The clerk” “the treasurer” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Council;

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

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

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- “Infectious disease” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “Child” means a person under the age of sixteen years;
- “Food” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928;
- “The Minister” means the Minister of Health;
- “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the district;
- “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 Council;
- “Authorised security” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money;
- “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 but shall not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;

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“The revenues of the Council” means revenues as defined by section 218 of the Local Government Act 1933;

“The Act of 1922” means the Local Government and other Officers Superannuation Act 1922.

PART II.

ELECTRICITY.

5. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1935 and to the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 the Council may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use and being in either case a street within the electricity limits construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that—

Power to construct electrical sub-stations under streets.

(a) Where in the opinion of the Council the consent of the person liable to repair any street not

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repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Council may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same; and

- (b) The Council shall not construct any such sub-station transforming station or work (i) in or upon any bridge carrying a street over a railway of a railway company or under any bridge carrying a railway of a railway company over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company which consent shall not be unreasonably withheld or (ii) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

For protection of Metropolitan Water Board.

6. 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 Council have effect (that is to say):—

- (1) (a) Not less than twenty-eight days before commencing any of the works authorised by the section of this Act of which the marginal note is "Power to construct electrical sub-stations under streets" the Council shall deliver to the board plans sections and particulars of such works and the board may within twenty-eight days after the receipt of such plans sections and particulars give notice to the Council of any objections which they may have to the construction of the works or to the proposed position thereof or of any conditions which should apply in regard to the construction of such works by reference to the effect of such works either upon any existing mains pipes valves syphons tubes

meters fittings or other apparatus (all of which are in this section referred to as "apparatus") of the board or upon any apparatus which it may be necessary for the board to lay or place within a reasonable period after the delivery of such plans sections and particulars; A.D. 1935.

(b) Unless an agreement shall be arrived at between the Council and the board with reference to the matters to which any such notice by the board relates a difference shall be deemed to have arisen between them which shall be determined by arbitration;

(c) The Council shall not execute any works under the powers of the said section of this Act otherwise than as may be agreed between the Council and the board or in case of difference as shall be determined by arbitration:

- (2) The Council shall make good all damage done by them to any apparatus in exercising any of the powers referred to in the section of this Act which is mentioned in paragraph (a) of subsection (1) of this section and shall make full compensation for any loss damage costs or expenses which the board may sustain or incur by reason or in consequence of any interference by the Council in the exercise of such powers with any apparatus of the board or with any private supply pipe of any person supplied by the board with water.

7.—(1) The Council may be authorised from time to time within the electricity limits to purchase compulsorily land for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Council and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 and 162 of the Local Government Act 1933 and those sections with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister. Acquisition of land for sub-stations.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of

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A.D. 1935. — any land which has been acquired by the Southern Railway Company or the Metropolitan Water Board or the South Suburban Gas Company for the purposes of their respective undertakings or by the county council or any land which forms part of any land in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

As to area of supply of electricity.

8. Where the electricity limits are bounded by or abut upon any street wholly or for part of its width outside those limits the Council may for the purpose of supplying electricity to the owner or occupier of any premises within the electricity limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing electric lines and works as are exerciseable by them in respect of streets within the electricity limits and subject to the like conditions :

Provided that nothing in this section shall entitle or require the Council to supply electricity to the owner or occupier of any premises outside the electricity limits.

Supply to premises partly without electricity limits.

9. The Council may supply electricity to any house or building which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits :

Provided that the Council shall not supply electricity under this section to any such house or building within the limits of any other authorised electricity undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Use for one purpose of electricity supplied for another purpose.

10.—(1) Where the charges made by the Council for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Council for the first-mentioned purpose shall not without the consent in writing of the Council be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in

contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1935.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the Council within one year previous to the date when the proceedings were instituted at a rate of charge lower than the rate of charge appropriate for electricity supplied for the said purpose shall be charged for at the last-mentioned rate.

(3) For the purposes of this section electricity shall not be deemed to be used for lighting purposes by reason only that it is used for the purposes of some electrical apparatus which contains a lamp if the purposes of the apparatus as a whole are not lighting purposes.

11.—(1) The powers conferred on the Council by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows:— Further powers as to entry upon premises.

(a) The premises which may be entered shall include all premises in the electricity limits supplied or intended to be supplied with electricity by the Council in which electric fittings are being or have been installed;

(b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Council or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Council or of any regulation or byelaw made thereunder and where the Council are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises the cutting off of such supply:

The Council shall not have any power of entry into any such premises except through an officer duly authorised by the Council who shall if required produce such authority.

(2) Any person who shall refuse to admit any officer wearing a distinguishing badge of and producing on

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A.D. 1935. — demand written authority from the Council to any premises which they are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) In this section "fittings" means lines meters accumulators fittings works and apparatus.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purpose of their railway and forming part of any station or goods depot.

Agreements
for supply of
electricity.

12. Notwithstanding anything in any Act or Order relating to the Council or the electricity undertaking the Council on the one hand and any authority company body or person (other than authorised distributors) to whom the Council are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Council to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Council may supply electricity accordingly Provided that the Council shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

For
determining
stand-by
supplies.

13. If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1935.

As to
maximum
power which
may be
demanded.

14. Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be

supplied by the Council shall not include any supply of electricity taken on extraordinary occasions unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for the premises of such consumer. Any question as to whether the provisions of this section apply and if so the sum to be paid shall be determined in default of agreement by arbitration in the manner provided by the Electricity (Supply) Acts 1882 to 1935. A.D. 1935.

15.—(1) Where a meter supplied by the Council to a consumer is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date. Period of error in defective meters.

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

(3) Nothing in this section shall affect the rights of the Council under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters).

(4) The Council shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

16. If the Council commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Council in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting As to recovery summarily of sums due for fittings.

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up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Service of
electricity
demand
notes.

17. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes or accounts for any charges made in connection with the electricity undertaking.

Attachment
of brackets
&c. to
buildings
and bridges.

18.—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Council may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Council any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same; or
- (b) any building which the owner thereof alleges to be a building of architectural or historic interest; or
- (c) any building or bridge owned by any highway authority railway company or by any gas water or electricity undertakers;

but if in the opinion of the Council any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building owned by gas undertakers to the Board of Trade in the case of a building owned by water undertakers to the Minister and in any other case to the Minister of Transport and the Board or Minister may by

order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they or he think fit or disallow the attachments : A.D. 1935.

Provided that the Minister of Transport shall—

- (i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the President of the Air Council;
- (ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Council notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Council shall within three months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Council at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(6) In this section the expression "owner"—

- (a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;
- (b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

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(c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "own" shall be construed accordingly and the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

(7) The provisions of section 290 (Power of government departments to direct inquiries) of the Local Government Act 1933 shall apply to the determination by the Minister of Transport of any difference referred to him under this section.

Power of entry for substitution of cables &c.

19. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Council after giving forty-eight hours' notice in writing under the hand of the clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution:

Provided that the Council shall not without the previous consent of any railway company exercise the powers of this section in respect of any premises which form part of the railway of such company.

As to use of transformers.

20. Where a separate transformer is provided at the expense of the Council for the purpose of affording a supply of electricity to any consumer the Council may subject to the provisions of any agreement under which such transformer was provided use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred

by this section shall not enable the Council to extend the transformer so provided beyond the limits of the original site thereof. A.D. 1935.

21.—(1) If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to the public use or if so dedicated not repairable by the Council applies to the Council for a supply of electricity to those premises then— Power to break up private streets.

(a) so much of any Act or Order applying to the Council as requires the consent of the person by whom the street is repairable to the breaking up by the Council of the street shall not have effect in relation to the street;

(b) the Gasworks Clauses Act 1847 in its application to the Council shall have effect in relation to the land comprised in the street as if section 7 thereof had been excepted from incorporation with the Acts applying to the Council; and

(c) except in the case of such streets as are referred to in subsection (2) of this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the Schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable.

(2) Nothing in this section shall authorise the breaking up by the Council of any street which is repairable by the Southern Railway Company the Metropolitan Water Board or the South Suburban Gas Company unless the consent in writing of such bodies is obtained by the Council but such consent shall not be unreasonably withheld.

(3) Any question arising under subsection (2) of this section as to whether a consent is unreasonably withheld or as to whether any terms or conditions are unreasonable shall be determined by the Minister of Transport.

22.—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or Protection of seals &c. belonging to Council.

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(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Council and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

PART III.

STREETS BUILDINGS AND SEWERS.

Adjustment
of
boundaries
of estates.

23.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Council for approval the Council may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Council and the respective persons interested in such estate or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister and the Council may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Council. A.D. 1935.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Council may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Council may think reasonable.

24.—(1) The Council may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section. Adjust-ment of boundaries of streets.

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(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district and if during such period of one month any four inhabitant householders of the district by themselves or their agent give notice to the Council of their intention to appeal under the provisions of this section the Council shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the district may appeal to a court of summary jurisdiction against any proposal of the Council for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the court shall have power to make such order in the premises and on such terms and conditions as the court may think fit and to award costs.

(5) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Council or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

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

Power to vary width of carriage-ways and footways.

25. The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street within the district repairable by the inhabitants at large. Provided that twenty-one

days before commencing under this section any work which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport. A.D. 1935.

26.—(1) Before any person shall erect on any land within the district a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Council. As to erection of retaining walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding twenty shillings.

27. The Council may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways within the district adjacent to the entrances to or exits from any schools public baths public walks or pleasure grounds or playing fields for the purpose of preventing danger from traffic along such carriageways to persons going to or coming from such schools public baths public walks or pleasure grounds or playing fields and may remove the same when the Council shall think fit. Power to place fences near school entrances &c.

28. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. Fire plugs.

29.—(1) If the Council shall by resolution determine that any stall structure or other erection on any forecourt within the district is by reason of its character injurious to the amenities of the street in which the forecourt is situate they may by notice in writing require the owner of or person responsible for the stall structure or other erection within such period not being less than seven days as may Provisions as to forecourts.

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A.D. 1935. — be specified in the notice to make such alterations to the stall structure or other erection as may be necessary to prevent it from being injurious to the amenities of such street.

(2) Any person who neglects or refuses to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) (a) Any person aggrieved by any requirement of any notice of the Council under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Council provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk.

(b) Notice of the right to appeal shall be endorsed upon every notice served by the Council under this section.

Byelaws
as to
intersecting
streets.

30. The power of the Council to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Rounding
of corners
at street
junctions.

31. The powers conferred upon the Council by section 104 (Power to vary position or direction of new streets) of the Act of 1903 to vary or alter the intended position of a new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto shall be extended so as to enable them to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than twenty feet as may be determined by the Council.

For protec-
tion of Met-
ropolitan
Water

32. For the protection of the Metropolitan Water Board and the South Suburban Gas Company (each of whom are in this section referred to as "the protected

body") the following provisions shall unless otherwise agreed in writing between the Council and the protected body apply and have effect (that is to say) :—

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—
Board and
South
Suburban
Gas
Company.

(1) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is " Adjustment of boundaries of streets " shall give up land forming part of a street in exchange for other land there being in such first mentioned land at the date of such giving up any mains pipes works or other apparatus (in this section referred to as " apparatus ") of the protected body the Council shall give notice in writing to the protected body of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the protected body may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the protected body the reasonable expenses of and in connection with such alteration of position :

(2) Not less than twenty-one days before the Council in the exercise of any of the powers of the sections of this Act of which the marginal notes are respectively " Power to vary width of carriageways and footways " and " Rounding of corners at street junctions " add to the carriageway of a street any portion of any footway in or under which any apparatus is for the time being situate the Council shall give notice in writing to the protected body and the protected body may and if so required by the Council shall alter the position of any apparatus in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable and the Council shall repay to the protected body the reasonable expenses of or in connection with such alteration of position :

(3) The protected body shall give to the Council not less than twenty-one days' notice of their intention to alter otherwise than by the requirement of the Council the position of any apparatus

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under the provisions of subsections (1) or (2) of this section and shall at the same time deliver to the Council a plan and section of the proposed alteration. If such plan and section are not disapproved by the Council within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :

- (4) Any difference between the Council and the protected body under this section shall be determined by arbitration.

Planting of trees in private streets.

33. The Council when carrying out any private street works may with the consent in writing of the greater part in rateable value of the owners of the land or premises in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Council under this section shall be deemed part of the expenses of carrying out the private street works in any such street. Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Council shall be deemed to be the undertakers.

Direction signs.

34.—(1) The Council may cause to be put up or painted on a conspicuous part of any house building or place within the district at or near to the corner of any street signs indicating the classified road number of such street and the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Council shall give notice thereof to the owner of such house building or place and such owner

if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order and on such terms and conditions as the court may think fit and to award costs. A.D. 1935

Notice of the right to appeal shall be endorsed on every notice given by the Council under this section.

(3) Any person who shall wilfully and without the consent of the Council obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Council may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by such Minister with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

35.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved before the passing of this Act but the erection of the building has not been begun at any time before such commencement) the Council may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Council shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets. Means of access to buildings.

(2) If it appears to the Council to be necessary that the means of communication to be provided under this section shall be in the form of a street the Council may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required

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A.D. 1935. for a new street by the byelaws or other provisions in force with respect to the construction of new streets.

(3) The Council may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

(4) Where notice of a requirement under this section has been given by the Council a person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Council has been complied with or until security has been given to the satisfaction of the Council that the notice will be complied with.

(5) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(6) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Council under this section.

No build-
ings to be
erected
until street
formed.

36.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall as soon as any building is erected and roofed in abutting on such new street or part of a new street if required by the Council so to do construct the carriageway of such new street or such part of the new street as may be required by the Council with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of such street :

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council shall not be empowered to require such new street to be constructed in its entire length by one operation but such street may be constructed in parts and in such event nothing in this section shall

prevent the erection or roofing in of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with. A.D. 1935.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the local Acts for the time being in force within the district.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

37.—(1) Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to the following matters (that is to say):—

Extension
of section
157 of
Public
Health Act
1875.

(a) the number of dwelling-houses which may be erected in one block or in one continuous row;

(b) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(c) the situation construction and height of walls or fences upon or across such open space;

(d) requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

(e) requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;

(f) the manner in which and the materials with which grates stoves and fireplaces shall be set or re-set in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;

(g) the uniting of buildings and the making and stopping up of openings in party walls of

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- buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (h) the adequate lighting of buildings;
 - (i) the testing of drains of new buildings;
 - (j) for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost;
 - (k) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
 - (l) ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the passage of gas into the building through such hole otherwise than by means of a gas main or pipe;
 - (m) securing that any geyser or similar gas heated water apparatus of the rapid water-heating type or gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated;
 - (n) requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws :

Provided that any byelaws made under paragraphs (d) (f) (g) (h) (l) or (m) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in the said paragraph (m) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157 :

Provided further that before making any byelaw under paragraph (m) of this section the Council shall give reasonable notice thereof to the South Suburban Gas Company who shall be entitled to make representations to and be heard by the Council thereon.

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(2) For the purpose of framing any such byelaws in relation to buildings to be constructed wholly or partly with metal framework or of reinforced concrete and with respect to the use and composition of metal for framework and of reinforced concrete in the construction of buildings the Council may carry out such investigations and make such tests as they may deem necessary.

(3) The said section 157 shall also in its application to the district be read and have effect as if it empowered the Council to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

38. The power of the Council to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws and to keep such roads open and unobstructed for the full width thereof.

Secondary
means of
access.

39.—(1) Every dwelling-house erected within the district after the passing of this Act shall be provided with sufficient and properly ventilated and reasonably fly-proof larder or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food
storage
accommo-
dation to be
provided.

(2) (a) Every dwelling-house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated and reasonably fly-proof larder or other food storage accommodation and every existing dwelling-house shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but

A.D. 1935. — which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk.

(c) Notice of the right of appeal shall be endorsed on every requirement of the Council under this section.

Provisions
as to tents
vans &c.

40.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the district be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used or intended to be used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to
hoardings
and similar
structures.

41.—(1) (a) No fence wall hoarding or other similar structure (in this section referred to as a "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street within the district—

- (i) beyond any building line prescribed by the Council in respect of the land under the provisions of any Act or town planning scheme; or
- (ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888. A.D. 1935.

(b) Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter the structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who neglects or refuses to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

42.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works within the district shall where practicable provide to the reasonable satisfaction of Sanitary conveniences for workmen engaged on buildings.

A.D. 1935. the Council and until the completion of any such erection construction or reconstruction maintain such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Dilapidated
and
neglected
buildings.

43.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option either to take down or repair or rebuild such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the Council in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Council may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray such expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with

all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs. A.D. 1935.

44. Section 33 of the Public Health Acts Amendment Act 1890 in its application to the district shall extend and apply to any part of a building which—

(a) is described on a plan submitted to and approved by the Council either before or after the passing of this Act as; or

(b) appears to be intended to be separated from the remainder of the building for the purpose of being used as;

a lock-up shop or workshop shed or place of business and not as a dwelling-house.

Lock-up shops and places of business not to be improperly used for habitation.

45.—(1) A court of summary jurisdiction upon complaint by the Council upon a report by the medical officer or the sanitary inspector that any smoke gas or vapour or any soot from any chimney of a washhouse or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the district may make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas vapour or soot or such other means to be adopted as may seem fitting to the court for preventing or mitigating such nuisance within such time as shall be specified in such order where the cost of complying with such requirement does not exceed twenty pounds.

Power to order alteration of chimneys.

(2) Any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

46.—(1) If any building within the district is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Council and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of

Erection of buildings to greater height than adjoining building.

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A.D. 1935. — the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

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

Compensation for injuring lamps &c.

47. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post street danger signal or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish street sand bin or fire alarm being the property of the Council or any fence rail or post placed by the Council under the provisions of the section of this Act whereof the marginal note is "Power to place fences near school entrances &c." shall make full compensation to the Council for the damage done and such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

Projecting signs.

48.—(1) No person shall without the consent of the Council erect or place against or in front of any house or building within the district any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) The consent of the Council under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such terms and conditions as the Council may think fit.

(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Any person aggrieved by the withholding by the Council of any consent under the provisions of this section may within fourteen days from the date

of the decision of the Council appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the clerk and such court shall have power to make such order and on such terms and conditions as the court may think fit and to award costs. A.D. 1935.

49. If—

- (i) any owner of land fronting adjoining or abutting on a street within the meaning of section 150 of the Public Health Act 1875 or a street to which the provisions of the section of this Act of which the marginal note is "Apportionment and recovery of expenses of construction of sewer constructed before land became a street" applies and situate in the district conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of works executed by the Council under the said section 150 or under the said section of this Act in or in relation to that street are apportioned on such part or portion of that land; and
- (iii) the Council are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and
- (iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under section 150 of the Public Health Act 1875 or under the said section of this Act;

As to
evasion by
owners of
private
street works
expenses.

then such expenses or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under section 150 of the Public Health Act 1875 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of

A.D. 1935. — the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

Apportionment and recovery of expenses of construction of sewer constructed before land became a street.

50.—(1) In any case in which the Council incur expenses in constructing after the passing of this Act a sewer in or under land within the district and such land becomes a street (whether repairable by the inhabitants at large or not) after such sewer is constructed such expenses shall be recoverable and shall be apportioned and become charged on the premises fronting adjoining or abutting on such street in like manner as under sections 150 and 257 of the Public Health Act 1875 the expenses of works executed in a street not being a highway repairable by the inhabitants at large are made recoverable and are required to be apportioned and are charged on the premises fronting adjoining or abutting on such street and all the relevant provisions of the Public Health Acts except section 152 of the Public Health Act 1875 and section 82 of the Public Health Act 1925 shall apply subject to the adaptations thereof set forth in the First Schedule to this Act.

(2) On an appeal under section 268 of the Public Health Act 1875 by an owner on whom a demand has been served under subsection (1) of this section he may include in his grounds of appeal the following grounds (that is to say):—

- (a) that the works will not increase the value of the premises of the objector;
- (b) that the proportion of the expenses to be charged against the premises of the objector is excessive having regard to the benefit to be derived by such premises from the works.

(3) (a) Where any sum so apportioned and charged in respect of the expenses of the construction of any sewer is recoverable from a person against whose compensation in respect of the carrying of the same sewer into through or under his lands an amount for enhancement of value has been set off in pursuance of the section of this Act of which the marginal note is "Benefits to be set off against compensation in respect of sewers" the amount so set off shall be deducted in arriving at the sum to be so apportioned and charged and recoverable.

(b) No expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land. A.D. 1935.

(c) If a part only of such land ceases to be agricultural land then only the portion of the expenses attributable to that part shall become recoverable; and

(d) Interest shall not be payable to the Council on any moneys in respect of the time during which under paragraphs (b) and (c) of this subsection they are irrecoverable.

(4) In this section the expression "street" includes part of a street and the expression "agricultural land" shall have the same meaning as in the Rating and Valuation (Apportionment) Act 1928.

51. In estimating the amount of compensation to be paid by the Council to any person in respect of the carrying of any sewer into through or under any lands within the district the enhancement in value of any lands of such person over or on either side of such sewer and of any other lands of such person through which the sewer is not carried arising out of the construction of the sewer shall be fairly estimated and shall be set off against the said compensation. Benefits to be set off against compensation in respect of sewers.

52. Nothing in this Part of this Act except the sections of which the marginal notes are— Saving for railway companies.

- " Adjustment of boundaries of estates " ;
- " Adjustment of boundaries of streets " ;
- " Provisions as to forecourts " ;
- " Direction signs " ;
- " Provisions as to tents vans &c." ;
- " Sanitary conveniences for workmen engaged on buildings " ;
- " Lock-up shops and places of business not to be improperly used for habitation " ;
- " Power to order alteration of chimneys " ;
- " Projecting signs " ;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise

A.D. 1935. — of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by the said railway company primarily for railway purposes.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Parents &c.
to notify
infectious
disease.

53.—(1) Any parent or other person having the care or charge of a child attending at a school in the district who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

Extended
meaning of
"infectious
disease" for
certain
purposes.

54.—(1) For the purposes of section 84 (Penalty on guardian permitting infected child to attend school) section 86 (Principal of school to furnish list of pupils in certain cases) and section 87 (Power to close Sunday schools in certain cases) of the Act of 1903 and the section of this Act of which the marginal note is "Parents &c. to notify infectious disease" the expression "infectious disease" shall include measles german measles mumps whooping cough and chicken pox and for the purposes of the said sections other than the said section 86 shall also include scabies ringworm and influenza in addition to the diseases referred to in section 4 (Interpretation of terms) of the Act of 1903 and in the section of this Act of which the marginal note is "Interpretation."

(2) For the purpose of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in public buildings or public conveyances) measles and whooping cough.

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55.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

Disinfection
in case of
tuberculosis.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Council in carrying out

A.D. 1935. — the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the person from whom they were taken free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Byelaws as
to stables.

56. The Council may make byelaws for securing the proper ventilation and lighting of any stable within the district for the time being used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Byelaws as
to lodging-
houses.

57. Section 6 of the Housing Act 1925 shall operate so as to empower the Council to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say) :—

(1) For requiring a placard to be affixed and maintained in each room so let or occupied setting forth in easily legible characters the cubical content and accommodation thereof:

- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement. A.D. 1935.

58. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings. Prohibition on infected person carrying on business.

59.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the district in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Council may request such person to stop his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage. Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Council to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

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

A.D. 1935.
—
Registration
of premises
used for pre-
paration of
potted and
preserved
foods.

60.—(1) Any premises within the district used or proposed to be used for the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier or intending occupier thereof with the Council.

(2) Any person using for any of the purposes mentioned in subsection (1) of this section any premises not registered for that purpose pursuant to this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the Council are satisfied that any premises registered or sought to be registered with them pursuant to this section are unsuitable for the purpose for which they are registered or sought to be registered they may serve upon—

(a) the person on whose application the premises were registered or the occupier of the premises ;
or

(b) the person applying for such registration ;

(as the case may be) a notice to appear before them not less than seven days after the date of the notice to show cause why the Council should not for reasons to be specified in the notice remove the premises from the register or refuse to register the premises (as the case may be) and if he fails to show cause to their satisfaction accordingly they may remove the premises from the register or refuse to register the premises (as the case may be).

(4) Any person aggrieved by the decision of the Council under subsection (3) of this section may within fourteen days from the date of such decision appeal to a court of summary jurisdiction provided that he gives or causes to be given written notice of such appeal and of the grounds thereof to the clerk before lodging his appeal. The court may on any such appeal by order either confirm the decision of the Council or require the Council to retain the premises on the register or to register the premises (as the case may be) and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) The decision of the Council to remove any premises from the register or to refuse to register any

premises shall not have effect until the expiration of the time prescribed by subsection (4) of this section for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is either abandoned or determined and where notice of appeal from a court of summary jurisdiction is duly given according to the provisions of the Summary Jurisdiction Acts such decision of the Council as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

A.D. 1935.
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(6) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(7) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation by any process of cooking.

(8) This section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

- 61.**—(1) (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the district; and
(b) any premises within the district used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

Registration
of ice-cream
manufac-
turers and
premises.

shall be registered with the Council in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises shall be used for the purposes aforesaid unless they be so registered.

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to any premises used as a club or hotel or railway

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District Council Act, 1935.

A.D. 1935. refreshment rooms or as a theatre music hall cinematograph theatre or other similar place of entertainment.

Power to refuse registration of or remove from register ice-cream manufacturers and premises.

62.—(1) The Council if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity may serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Council should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

(2) Any person aggrieved by any such decision of the Council as aforesaid may within fourteen days give notice of appeal to a court of summary jurisdiction and that court may by order require the Council to register such person or not to remove him from the register.

(3) The Council or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the said decision.

(4) The decision of the Council to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within fourteen days from the date thereof such decision of the Council as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

63.—(1) The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food. A.D. 1935.
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Byelaws as
to food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

(3) The medical officer and the sanitary inspector or any other officer duly authorised by the Council in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

64. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly. Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section the medical officer or the sanitary inspector shall conform to such reasonable requirements of the railway company as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the railway company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by the railway company. Further
powers in
relation to
unsound
food.

A.D. 1935.

—
Medical
practi-
tioners to
notify cases
of food
poisoning.

65.—(1) Every medical practitioner attending on a person in the district who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Council shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Compensa-
tion to per-
sons for
ceasing
employment
to prevent
spread of
disease.

66. If any person shall at the request of the Council acting on the advice of the medical officer cease his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of his ceasing such employment.

Notice of
Part IV.

67.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the district.

(2) A copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART V.

LANDS.

Further
powers for
acquisition
of lands.

68.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

(2) When any lands purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate. A.D. 1935.

69.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council may retain and hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Acts 1925 and 1930) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange : Retention
and disposal
of lands.

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Council in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any lands from

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District Council Act, 1935.

A.D. 1935. — them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

Reservation of easements &c.

70. The Council on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Powers with reference to leases of lands.

71.—(1) The Council may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the district and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

(2) The Council may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Council of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Council in their discretion.

Power to develop lands.

72.—(1) The Council may with the consent of the Minister lay out and develop any lands within the district.

for the time being belonging to them and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands.

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(2) The Council may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

73.—(1) The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such houses and buildings upon any lands for the time being belonging to the Council and (subject to the terms of the lease) upon any lands for the time being leased to the Council for those purposes.

Dwelling-houses for persons in Council's employment.

(2) Nothing contained in this section shall empower the Council to create or permit a nuisance.

74.—(1) The Council may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

Proceeds of sale of surplus lands.

(2) Any capital moneys received by the Council on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

75. The Council may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Council under the provisions of any

Power to reinstate owners of property.

A.D. 1935. — general or local enactment from time to time in force in the district with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange.

PART VI.

PUBLIC BUILDINGS BATHS PARKS &C.

Power to provide and let public hall and other buildings.

76. Subject to the provisions of this Act—

- (1) The Council may provide or acquire or may (subject to the approval of the Minister in the case of any lands not so utilised at the passing of this Act) on any lands of which for the time being they may be the owners erect and hold furnish equip maintain and insure a concert hall public hall assembly rooms rooms for all social purposes museums pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante-rooms shelters waiting rooms refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings :
- (2) The Council may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit :
- (3) Nothing in this section shall enable the Council to grant or let the use of any such buildings for the purposes of a theatre music hall or

cinematograph theatre except on the best terms that can be obtained : A.D. 1935.

- (4) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any appropriation lease or other disposition of any lands of the Council in any case in which such consent would have been required if this Act had not been passed.

77. The Council may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms and conveniences in connection therewith authorised by this Act as the Council may deem fit. Power to charge for admission.

78.—(1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room room for social purposes pavilion conservatory winter garden bandstand or other building provided by them or in any baths bathing pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto : Provision of concerts entertainments &c.

Provided that nothing in this subsection contained shall enable the Council themselves to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre :

Provided also that the concerts entertainments and amusements which the Council may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Council shall not themselves provide or arrange for the

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A.D. 1935. — provision or carrying on of stage plays performed by persons other than members (resident in or near the district) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall.

(2) The Council may in any baths bathing or boating pools model yacht ponds parks or recreation grounds provided by them enclose an area for the purpose of any such concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid.

(3) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section.

(4) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of this section.

(5) The Council may pay or contribute towards the cost of providing and maintaining at railway stations and other public places in the district and on public service vehicles and omnibuses plying in the district or between the district and other places and in newspapers magazines and other publications published in the county of Kent or any county adjoining that county advertisements relating to any concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements given or provided in pursuance of this section.

(6) Any expenses incurred by the Council under the provisions of this section may be paid by the Council out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Council under the provisions of (a) this section and (b) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the provisions of such sections shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny in the pound levied in that year to the general rate Provided that the limitation hereby imposed shall not apply to or

in respect of any rate in excess of the rate of one penny in the pound which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925 and of section 75 of the Local Government Act 1929. A.D. 1935.

79.—(1) Subject to the provisions of this Act the Council may in any park recreation ground or open space belonging to them construct and maintain boating or bathing pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith. Boating and bathing pools.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of any bathing or boating pools by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister and the Council may if they think fit let any such works appliances conveniences and buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a bathing or boating pool was a lake or piece of water in a park or pleasure ground provided by the Council.

(4) The Council may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 make byelaws for regulating the use of any of the said bathing or boating pools and works appliances and conveniences in connection therewith.

(5) Section 182 (As to closing baths) of the Act of 1903 shall apply to any bathing pools provided by the Council under the powers of this section as though such bathing pools had been swimming baths referred to in the said section.

80.—(1) When any portion of any park or place of public resort or recreation is set apart by the Council for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Council may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and specially laid out for cricket tennis and other games and of any pavilions buildings or Charges for and letting of parks &c. for games.

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A.D. 1935. refreshment or other rooms or conveniences subject to
— such charges and conditions as the Council may think fit.

(2) Provided that nothing in this section shall empower the Council to let at one and the same time the exclusive use of more than twenty-five per centum of the total area of any park or place of public resort or recreation for the time being belonging to them or under their control.

Power of constables to enforce byelaws as to parks &c.

81. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Council under the provisions of the Public Health Acts or any Act or Order for the time being in force within the district relating to any park or place of public resort or recreation ground under the control of the Council as is given to the servants of the Council by the byelaws for the time being in force under the said provisions.

Power to appoint officers.

82.—(1) The Council may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

Saving for covenants and conditions affecting gifts conveyances and leases.

83. No power conferred upon the Council under this Part of this Act with respect to any park or recreation ground vested in leased to or used or enjoyed by the Council shall be exercised in such a manner as to be at variance with any trust or to contravene any covenant or condition subject to which such parks or recreation grounds have been given conveyed or leased to the Council without the consent of the donor grantor lessor or other person entitled in law to the benefit of such covenant or condition or in the case of a trust (except where the trust instrument reserves to the donor or any other person the power to vary the trust) without an order of the High

Court of Justice or in the case of a charitable trust without an order of the High Court of Justice or of the Charity Commissioners. A.D. 1935.
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PART VII.

FINANCIAL.

84.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Council may determine not exceeding five years from the passing of this Act. Power to borrow.

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

85. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper. Application of Local Government Act 1933 to existing sinking funds.

86.—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds to be called "Beckenham Council bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to borrow by issue of bonds.

(2) Where the Council raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

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(3) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Dividend
warrants
by post.

87.—(1) The Council may give notice to any person being registered as a holder of any mortgage bond or other security of the Council (in this section referred to as "an authorised security") that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register Provided that if such person give notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Council by any other of them.

(3) The posting by the Council of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Council be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Receipts
in case of
minors.

88. If any money is payable to a stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Council.

89. The Council may close any transfer books or the registers of transfers of mortgages of the Council as the case may be on any day not more than thirty days next before the date on which an instalment of interest on such mortgages is payable but so that the books be not at any time kept closed for more than twenty-one days.

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Closing of registers.

90. Notwithstanding anything contained in this or any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve for repairs depreciation capital reserve contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of moneys forming part of sinking and other funds.

- (1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council 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 on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects

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as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

Consolidated loans fund.

91.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-six the Council may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Council by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in

statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection. A.D. 1935.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation capital reserve contingency or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

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(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

Capital
reserve
fund.

92.—(1) The Council may establish a fund to be called “the capital reserve fund” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the electricity undertaking) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Council such sums out of the general rate fund as the Council from time to time deem expedient :

Provided that—

(a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal
and repairs
fund.

93.—(1) The Council may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “the renewal and repairs fund” any sum not exceeding

an amount equal to twenty per centum of the cost incurred by the Council (otherwise than for the purposes of the electricity undertaking of the Council) in connection with the provision of horses carts mechanically propelled vehicles plant machinery apparatus equipment and appliances in connection therewith as shown in the accounts at the thirty-first day of March in any such year. A.D. 1935.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed an amount equal to one-half part of the cost referred to in subsection (1) of this section.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances plant and equipment referred to in subsection (1) of this section which are not comprised in the electricity undertaking of the Council and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

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

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

94.—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Council whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(a) all money received on account of the revenue of any of the undertakings of the Council;

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital

Receipts
and
expenses.

A.D. 1935.
—

reserve contingency consolidated loans fund or other similar fund (including any interest payable to any such fund or any other fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

(c) all moneys received by the Council in respect of special services;

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any of the said undertakings or in carrying into execution the powers and provisions of this or any other Act (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund :

Provided that in the accounts of the Council—

(i) an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited to the fund on the investments of which the same is received;

(ii) an amount equivalent to the money received by the Council in respect of the special services shall be credited to and an amount equivalent to the payments and expenses made and incurred by the Council in respect of the special services shall be debited against the specified rating areas.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

(3) In this and the succeeding section of this Act the expression "special services" means the services for the time being provided by the Council and in respect of which any payments and expenses made and incurred by the Council are chargeable separately on a part of the rating area of the Council by additional items of the general rate under subsection (5) of section 2 of the Rating and Valuation Act 1925.

95.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Council as from time to time existing from which revenue is derived (each of which is in this section separately referred to as “the undertaking”) and in respect of each of the special services on the one side all receipts in respect of the undertaking or special service (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking or special service such payments and expenses being divided so as also to show in each case the amounts representing—

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—
Accounts
of under-
takings.

- (a) The working and establishment expenses and cost of maintenance of the undertaking or special service;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or special service;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking or special service;
- (d) All other expenses (if any) of the undertaking or special service properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (f) Any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is “Application of revenue of undertakings.”

(2) The Council shall show in their accounts relating to any undertaking or purpose or special service all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as

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A.D. 1935. reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application
of revenue
of under-
takings.

96.—(1) If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Council may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of any of the undertakings of the Council by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Council on that undertaking and in the case of other undertakings to the maximum reserve fund from time to time prescribed by the Council.

(2) Any reserve fund which has been provided in respect of any undertaking of the Council and which is in existence on the first day of April one thousand nine hundred and thirty-five shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking. A.D. 1935.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of that undertaking; or
- (c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

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

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

97.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is “Application of revenue of undertakings”) shall apply with respect to the electricity undertaking (namely):—

If in respect of any year the moneys received by the Council on account of the revenue of the undertaking (including the interest and annual proceeds received by the Council in that year

Provisions
as to surplus
electricity
revenue.

A.D. 1935.

on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act whereof the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended in respect of the undertaking for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the section of this Act whereof the marginal note is "Accounts of undertakings" then—

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Council shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Council shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Council shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Council shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Council in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

Date of
operation
of certain
sections
and repeal.

98.—(1) The four last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-five.

(2) As from the said date the following sections of the Act of 1903 shall be repealed (that is to say) :— A.D. 1935.

Section 70 (Application of moneys received for admission);

Section 169 (Application of tramway revenue).

99. The Council may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section. As to operation of section 11 of Rating and Valuation Act 1925.

100. If a justice is satisfied on complaint by any officer of the Council duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or any electricity charge which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such persons until the complaint is determined upon the return of the summons. Recovery of rate from persons removing.

101.—(1) Within one month before any date on which if he ceased to hold his office or employment an officer or servant would become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Act of 1922 he may give notice in writing to the treasurer requiring that the provisions of subsection (2) or subsection (3) of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death and where any such notice is given then unless the Council (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him within one month after the receipt Annuities for widows.

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by the treasurer of the notice that they do not intend to comply with the requirement subsection (2) or subsection (3) of this section as the case may be shall apply and the other provisions of this section shall have effect :

Provided that a notice under this subsection may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(2) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant during the joint lives of himself and such wife as aforesaid shall in any case covered by the Third Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just ;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance ; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance ;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable under paragraph (a) of this subsection during their joint lives ;

(c) if she predeceases him then as from the date of her death or his retirement whichever occurs last the superannuation allowance

payable to him shall be an amount equal to two-thirds of the amount which was or would have been payable under paragraph (a) of this subsection during their joint lives. A.D. 1935.

(3) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant shall in any case covered by the Fourth Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by the actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(4) The Minister may on application made by the Council by order alter as respects any officer or servant giving notice under subsection (1) of this section after the date of the order any of the percentages specified in the Third or Fourth Schedules to this Act so far as may be necessary to secure that the benefits provided by this section for the officer or servant and his wife shall be actuarially equivalent to the benefits to which the officer or servant would have been entitled if he had not given such notice as aforesaid.

(5) The first payment of any superannuation allowance to a person under this section shall be accompanied

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(6) An annuity under this section shall be payable out of the superannuation fund Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the general rate fund.

(7) In any case in which an annuity becomes payable under this section—

(i) the Council shall not be required to make any payment to the legal personal representative of the deceased officer or servant under the provisions of section 12 of the Act of 1922;

(ii) on the cesser of the annuity by reason of the death of the recipient the Council shall pay to her legal personal representative such sum if any as shall be equal to the amount by which the aggregate amount of the contributions of the officer or servant under the Act of 1922 together with compound interest thereon calculated to the date of his death or the date of his retirement whichever first occurred at the rate of three per centum per annum with half-yearly rests exceeds the aggregate of the amounts which he received by way of superannuation allowance under the Act of 1922 whether as originally enacted or as amended by this Act and she received by way of annuity under this section.

(8) An annuity under this section shall not be capable of assignment or transfer.

102. The Council may pay out of the general rate fund and general rate—

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common

Subscrip-
tions to
local
government
associations
and other
expenses.

- interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.
- A.D. 1935.
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PART VIII.

MISCELLANEOUS.

103. It shall be lawful for the Council—

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions :

Provision of lectures &c.

Provided that the sum to be expended by the Council in any one year on the provision of lectures shall not exceed the sum of one hundred pounds after deducting any moneys received by the Council under the provisions of this section.

104.—(1) Every person who uses a stationary internal combustion engine in the district shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair.

Silencers for internal combustion engines.

(2) The Council shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Council if the silencer be found in

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A.D. 1935. — proper order but otherwise at the expense of the person aforesaid. Provided that this subsection shall not apply to any stationary internal combustion engine belonging to any railway company and used by them for the purposes of their railway undertaking or belonging to the South Suburban Gas Company and used by them for the purposes of their undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Council to the effect that he is or has been so using such engine or permitting the same to be used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Noise
nuisance.

105.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 :

Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if a noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing in this section shall apply to a railway company or their servants exercising statutory powers.

Byelaws as
to pleasure
fairs.

106.—(1) The Council may make byelaws—

- (a) for regulating the hours during which pleasure fairs may be open to the public ;
- (b) for securing safe and adequate means of ingress and egress to the ground upon which any pleasure fair is held ;

(c) for the prevention or suppression of nuisance or nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair. A.D. 1935.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway coconut shy hoop-la shooting gallery or swings or anything similar to any of the foregoing :

Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

107. As respects any byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister Provided that as respects byelaws made under the section of this Act whereof the marginal note is "Byelaws as to pleasure fairs" the Secretary of State shall be substituted for the Minister. Byelaws.

108.—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Council may likewise appeal against the refusal of a court of summary jurisdiction to make any such order. As to appeals.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Council or of or by any officer thereof under the provisions of Part III (Streets buildings and sewers) or Part IV (Infectious disease and sanitary provisions) of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Council and to the clerk of the peace.

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—
Penalty on
occupiers
refusing
execution
of Act.

109. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Part III (Streets buildings and sewers) or Part IV (Infectious disease and sanitary provisions) of this Act or any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of
entry.

110. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Part III (Streets buildings and sewers) and Part IV (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Evidence of
appoint-
ments
authority
&c.

111. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be prima 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.

112. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor.

A.D. 1935.
 —
 Apportionment of expenses in case of joint owners.

113. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses may be declared private improvement expenses.

114. All powers rights and remedies given to the Council 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 or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and 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 a continuing offence) for the commission of the same offence.

Powers of Act cumulative.

115. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force shall apply to any such arbitration.

Application of Arbitration Act 1889.

116. Where under this Act or under any general or local Act for the time being in force in the district

As to breach of conditions

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—
of consent
of Council.

the Council 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 the act or thing without the required consent.

Consents
of Council
to be in
writing.

117. All consents given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

Recovery of
demands.

118. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Several
sums in one
summons.

119. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Application
of section
265 of Pub-
lic Health
Act 1875.

120. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Inquiries by
Minister and
Minister of
Transport.

121. The Minister and the Minister of Transport respectively may hold such inquiries as they consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Judges not
disqualified.

122. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or

any other local Act or Order from time to time in force within the district by reason of his being liable to any rate. A.D. 1935.
—

123. The following provisions of the Act of 1903 shall with any necessary alterations or modifications and subject to the provisions of this Act extend and apply for the purposes of this Act as if the same were re-enacted in this Act (that is to say):— Application
of provisions
of Act of
1903.

Section 186 (In executing works for owner Council not liable for damages save in case of negligence);

Section 191 (Authentication and service of notices);

Section 193 (Recovery of penalties);

Section 194 (Damages and charges to be settled by justices);

Section 195 (Penalties to be paid over to treasurer);

Section 196 (Compensation to be determined under Public Health Acts);

Section 198 (Saving for indictments);

Section 200 (Crown rights).

124. The following sections of the Act of 1903 are hereby repealed:— Repeal.

Section 16 (Power to retain sell &c. lands);

Section 76 (Power to compensate persons ceasing employment);

Section 154 (Apportionment of expenses in case of joint owners);

Section 172 (Sinking fund);

Section 173 (Proceeds of sale of surplus lands);

Section 175 (Annual return to Local Government Board with respect to sinking fund);

Section 176 (Power to re-borrow);

Section 177 (Protection of lenders from inquiry);

Section 178 (Expenses of execution of Act).

A.D. 1935.
—
For pro-
tection of
county
council.

125. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the Council and the county council apply and have effect (that is to say) :—

(1) The Council shall not without the consent in writing of the county council exercise the powers of the sections of this Act whereof the respective marginal notes are “ Adjustment of boundaries of streets ” and “ Power to vary width of carriageways and footways ” in regard to any county road the functions of maintenance and repair of which have not been claimed by the Council and they shall not without the consent in writing of the county council exercise the powers of the section of this Act whereof the marginal note is “ Power to place fences near school entrances &c.” in regard to any such road but such last mentioned consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld or not shall be determined by the Minister of Transport :

(2) If a county road in which a sub-station transforming station or other work authorised by the section of this Act whereof the marginal note is “ Power to construct electrical sub-stations under streets ” has been constructed is widened or improved the extra cost (if any) of any widening or improvement occasioned by the presence of such sub-station transforming station or other work in the said road shall not be the subject of any claim by the Council against the county council under the Local Government Act 1929.

The expressions “ improved ” and “ improve-
ment ” in this subsection shall be deemed to include any alteration of the level of any road and any variation in the width or character of any part of the road.

Costs of
Act.

126. 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 Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1935.
—

FIRST SCHEDULE.

Adaptations of the provisions of the Public Health Act 1875 for the purpose of their application under the section of this Act whereof the marginal note is “Appor- tionment and recovery of expenses of construction of sewer constructed before land became a street.”

The provisions of the said Act shall apply as if—

- (1) The sewer to which the expenses relate were works referred to in section 150 and the expenses were expenses of the execution of such works :
 - (2) All references to estimates of the probable cost of works were references to actual expenses or a statement of actual expenses :
 - (3) In section 150 the words “not being a highway repair- able by the inhabitants at large” were omitted :
 - (4) In section 257 the words “when the works are completed” were omitted.
-

SECOND SCHEDULE.

PROVISIONS AS TO COUNCIL BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Council may determine.

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2. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Beckenham on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :— A.D. 1935.

No.....

URBAN DISTRICT COUNCIL OF BECKENHAM.

Beckenham Council Bonds.

—per centum Beckenham Council bond repayable at par.....19.....at the town hall Beckenham.

This is to certify that.....of..... is the registered holder of a Council bond for..... pounds (£.....) issued by the urban district council of Beckenham under the Beckenham Urban District Council Act 1935 at.....

In witness whereof the said Council have caused their common seal to be affixed the.....day of..... nineteen hundred and.....

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a Council bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

Beckenham Council Bonds.

I in consideration of the sum of..... paid by (hereinafter called "the transferee") do hereby assign and transfer to the transferee..... To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said..... subject to the conditions aforesaid.

As witness our hands and seals this..... day of.....in the year of our Lord one thousand nine hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

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(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of transfers of Beckenham Council bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Council before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Council the Council shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Council shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Council for registration.

10. The Council before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

THIRD SCHEDULE.

A.D. 1935.

Percentage of the full superannuation allowance payable under the Act of 1922 to an officer or servant which may be paid during the joint lives of such officer or servant and his wife in order that (1) his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the superannuation allowance payable during their joint lives and (2) the officer or servant shall be entitled to receive during the remainder of his life after the death of his wife an annuity equal to two-thirds of the amount of the superannuation allowance payable during their joint lives.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	87	—	—	—	—	—	—	—
51	87½	86½	—	—	—	—	—	—
52	88¼	87¼	86	—	—	—	—	—
53	89	88	86¾	85½	—	—	—	—
54	89¾	88¾	87½	86¼	85	—	—	—
55	90½	89½	88½	87	85¾	84½	—	—
56	91¼	90¼	89	87¾	86½	85¼	84	—
57	92	91	89¾	88½	87¼	86	84¾	83½
58	93	92	90¾	89½	88¼	87	85¾	84¼
59	94	92¾	91¾	90½	89¼	88	86¾	85¼
60	95	93¾	92¾	91½	90¼	89	87¾	86¼
61	96	94¾	93¾	92½	91¼	90	88¾	87¼
62	97	95¾	94¾	93½	92¼	91	89¾	88¼
63	98	96¾	95¾	94½	93¼	92	90¾	89½
64	99¼	98	97	95¾	94½	93¼	92	90¾
65	—	99	98	97	95¾	94½	93¼	91¾
66	—	—	99¼	98¼	97	95¾	94¼	93
67	—	—	—	99½	98¼	97	95¾	94¼

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FOURTH SCHEDULE.

Percentage of the full superannuation allowance payable under the Act of 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81 $\frac{3}{4}$	—	—	—	—	—	—	—
51	82 $\frac{1}{2}$	81	—	—	—	—	—	—
52	83	81 $\frac{3}{4}$	80 $\frac{1}{4}$	—	—	—	—	—
53	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{2}$	—	—	—	—
54	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{2}$	78 $\frac{3}{4}$	—	—	—
55	85 $\frac{1}{4}$	84	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$	78	—	—
56	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$	79	77 $\frac{1}{4}$	—
57	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83	81 $\frac{1}{2}$	80	78 $\frac{1}{4}$	76 $\frac{1}{2}$
58	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{4}$	77 $\frac{1}{2}$
59	88	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{4}$	78 $\frac{1}{2}$
60	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$
61	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$
62	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$
63	90 $\frac{3}{4}$	90	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83
64	91 $\frac{1}{4}$	90 $\frac{1}{2}$	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84
65	91 $\frac{3}{4}$	91	90 $\frac{1}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85
66	92 $\frac{1}{4}$	91 $\frac{1}{2}$	91	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86
67	92 $\frac{1}{2}$	92	91 $\frac{1}{2}$	90 $\frac{3}{4}$	90	89	88	87

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