CHAPTER cxvii.

An Act to empower the urban district council of Dagenham to acquire lands for the purposes of public walks and pleasure grounds and cemeteries and for other purposes. A.D. 1928.

[3rd August 1928.]

WHEREAS by the Essex (Dagenham Urban District) Confirmation Order 1926 the parish of Dagenham in the Romford Rural District was converted into an urban district to be called the Dagenham Urban District (in this Act called "the district") under the local government of the urban district council of Dagenham (in this Act called "the Council"):

And whereas since the census of 1921 the population of the district and the number of occupied houses therein have both increased nearly sevenfold and the rateable value of the district has quadrupled;

And whereas in consequence of the abnormal growth and development of the district and the rapidity with which the land is being built upon it is expedient to authorise the Council compulsorily to acquire certain lands within the district for the purposes of the provision of public walks and pleasure grounds and cemeteries and to empower the Council to acquire additional lands by agreement in anticipation of the further growth and development of their district:

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

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And whereas an estimate has been prepared by the Council for the purpose hereinafter mentioned and such estimate is as follows:—

For the purchase of lands - - - £61,000

And whereas it is expedient that the cost of such lands should be spread over a term of years:

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

And whereas plans showing the lands liable to be compulsorily taken under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Essex which plans and book of reference are in this Act respectively referred to as the deposited plans and the deposited book of reference:

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 Dagenham Urban District Council Act 1928.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Financial.
Part IV.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as applicable for the purposes of and not inconsistent with the provisions of this Act are hereby incorporated with this Act Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be

under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section. A.D. 1928.

Interpretation.

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.

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

"The district" means the urban district of Dagenham;

"The Council" means the urban district council of Dagenham;

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

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

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

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

"The district fund" and "the general district rate" mean respectively until the date of the first new valuation as defined in the Rating and Valuation Act 1925 the district fund and the general district rate of the district and after the date of the first new valuation the general rate fund and the general rate of the district;

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertaking or other property for the

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time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

Part II.

Lands.

Power to take lands.

5. Subject to the provisions of this Act the Council may enter upon and take and may hold and use for the purposes hereinafter respectively specified the lands in the district hereinafter referred to or any part or parts thereof so far as those lands are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

(*a*) For the purposes of public walks and pleasure grounds—

First The lands including Eastbrook Farm containing in the whole 145 acres and

37 poles or thereabouts and numbered 1 2 and 7 to 21 inclusive on the deposited plans and in the deposited book of reference;

Secondly The lands known as The Leys containing in the whole 49 acres 2 roods 33 poles or thereabouts and numbered 22 to 24 inclusive on the deposited plans and in the deposited book of reference;

Thirdly The lands lying between Park Lane and West Road containing in the whole 33 acres 2 roods and 31 poles or thereabouts and numbered 25 to 31 inclusive on the deposited plans and in the deposited book of reference;

(*b*) For the purposes of cemeteries—

The lands described in the First Schedule to this Act.

Appropriation of portions of lands for games and other purposes.

6.—(1) The Council may appropriate any part of the lands first secondly and thirdly described in paragraph (*a*) of the section of this Act of which the marginal note is "Power to take lands" for cricket football and other games as if such lands had been acquired under the provisions of section 69 of the Public Health Act 1925 Provided that the quantity so appropriated shall not exceed one-half in each case of the lands first and thirdly described in the said paragraph and twelve acres of the lands secondly described in the said paragraph.

(2) The Council may also appropriate out of the said lands first described in the said paragraph an area not exceeding ten acres for the erection of public offices and a depôt.

Easement of right of way over The Chase.

7. Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not purchase or acquire the land on which is the private road known as The Chase numbered 44 on the deposited plans and in the deposited book of reference but the Council may acquire an easement or right of way for all purposes for vehicles of every description whether horse-drawn or mechanically propelled or otherwise and for foot passengers in and over such land for a distance of three hundred yards from Eastbrookend Road in an easterly direction to Beacontree Cemetery and Hook's Hall and

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may give notice to treat in respect of such easement and the provisions of the Lands Clauses Acts as incorporated with this Act shall apply to and in respect of the acquisition of such easement as fully as if it were lands within the meaning of those Acts.

Stopping up certain footpaths on lands acquired.

8. The Council may stop up and discontinue the public footpaths on the lands first described in paragraph (*a*) of the section of this Act of which the marginal note is "Power to take lands" one of which footpaths known in part as Clap Lane leads from Bull Lane to Rush Green Road and the other leads from Clap Lane in an easterly direction towards Eastbrookend Road.

Persons under disability may grant easements &c.

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

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

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

Correction of errors in deposited plans and book of reference.

11. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Essex for the correction

thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands in accordance with such certificate.

Compensation in case of recently created interest.

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

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the seventeenth day of March one thousand nine hundred and twenty-eight and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act :

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

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

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

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(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration (other than any such improvement or alteration as is excepted from paragraph (*a*) of subsection (2) of this section) of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

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

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

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

As to private rights of way over land taken compulsorily.

13. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Council shall make full

compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

14. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of December nineteen hundred and twenty-eight.

Power to use lands for cemeteries.

15. The Council may after they shall have acquired all or any part of the lands described in the First Schedule to this Act appropriate and use the lands so acquired for the purposes of cemeteries with all necessary or proper buildings trees roads and other works.

Application of Public Health (Interments) Act 1879 and other Acts.

16. The cemeteries provided by the Council under this Act shall for the purpose of construing the Burial Act 1900 be deemed to be cemeteries provided under the Public Health (Interments) Act 1879 and the Council shall in relation to the cemeteries provided under this Act have all the powers of the said Acts of 1879 and 1900 and of the Cemeteries Clauses Act 1847 as incorporated with the said Act of 1879 and amended by the said Act of 1900 subject to the like liabilities and restrictions as if the cemeteries provided by the Council under this Act had been provided under the Public Health (Interments) Act 1879 Provided nevertheless that section 10 of the Cemeteries Clauses Act 1847 as amended by section 2 of the Burial Act 1906 shall not apply to the cemeteries provided under this Act.

Further powers for acquisition of land.

17.—(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 the Council should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

(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

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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 district fund and general district rate.

Retention and disposal of lands.

18.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council may retain 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 1890 to 1923) 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:

Provided that the Council shall not without the consent of the Minister of Health 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 interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the said Minister is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining 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 be required if this Act had not been passed.

(3) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from 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 like manner and to the same extent as if this Act had not been passed.

Proceeds of sale of surplus lands.

19.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale 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 of Health.

(2) Any capital moneys received by the Council on the re-sale 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 of Health.

Part III.

Financial.

Power to borrow.

20.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the

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respective periods mentioned in the third column thereof (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
	£	
(*a*) The purchase of lands authorised by this Act.	61,000	Sixty years from the date or dates of borrowing.
(*b*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (*a*) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Council.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

As to section 234 of Public Health Act 1875.

21. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Council under those Acts.

Certain provisions of Public Health Acts not to apply.

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

Provisions of Public Health Act

23. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" the following sections

of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

1875 as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of raising money.

24. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Mode of payment off of money borrowed.

25. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

26.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed after the passing of this Act by virtue of any statutory borrowing power such sinking fund shall be formed and maintained by payment to the fund throughout the period prescribed for the repayment of the moneys so borrowed (hereinafter referred to as "the prescribed period") of either—

(*a*) Such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(*b*) (i) Such equal annual sums as will with accumulations at a rate not exceeding three-and-a-half per centum per annum or such higher rate as the Minister of Health (in this section called "the Minister") may from time to time approve

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be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and

(ii) Such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based;

A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund shall (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Council to the credit of the district fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

(6) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the

repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

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

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

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

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

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Council for the repayment of any moneys borrowed before the passing of this Act under any statutory borrowing power and the Council shall make such adjustments of any existing sinking fund and of their books and accounts relating thereto as the Minister may sanction or require.

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Power to re-borrow.

27.—(1) The Council shall have power—

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

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

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

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

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

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

Power to use one form of mortgage for all purposes.

28.—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the

Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

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

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

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

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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

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

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

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

Investment of and payments into sinking fund.

29. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Council (that is to say):—

The accumulations of the said yearly sums shall be paid and provided out of the district fund and the general district rate and any interest dividends and the proceeds arising from the

investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the district fund.

Use of moneys forming part of sinking and other funds.

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

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be 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 fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

(2) 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 rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

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(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Interest on stock and mortgages held jointly.

31. Where more persons than one are registered as joint holders of any stock or mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council by any other of them.

All stock and loans to rank equally.

32. Subject to any priority existing at the passing of this Act all stock of and loans to the Council and the dividends and interest thereon shall be charged indifferently on all the revenues of the Council and shall rank equally one with the other without any priority whatsoever.

Application of money borrowed.

33. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Evidence of transfer or transmission of securities.

34. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

As to mortgage of revenues of Council

35.—(1) Any reference in any mortgage or charge granted by the Council to the revenue of any undertaking of the Council shall be deemed to be a reference to the revenues of the Council.

(2) In order to secure the repayment of any money hereafter borrowed by the Council under any statutory borrowing power and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

Receipt in case of persons not sui juris.

36. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Protection of lender from inquiry.

37. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Council not to regard trusts.

38. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Expenses of execution of Act.

39. Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the district fund.

Appointment of receiver.

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

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

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

41.—(1) The clerk shall if and when he is requested by the Minister of Health (in this section called "the Minister") so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

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

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

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Part IV.

Miscellaneous.

Authentication and service of notices &c.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

As to breach of conditions of consent of Council.

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

44. 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.

Powers of Act cumulative.

45. 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

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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.

Application of section 265 of Public Health Act 1875.

46. 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.

Judges not disqualified.

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

Inquiries by Minister of Health.

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

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

Crown rights.

49. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

50. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the powers of this Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Lands for Cemeteries.

All those pieces or parcels of land containing in the whole by admeasurement 30 acres 3 roods 34 poles or thereabouts and being numbered 355 356 357 414 and 443 and so much of 413 as lies between the said lands numbered 414 and 357 on the $\frac{1}{2500}$ scale Ordnance map Essex (new series) sheets NLXXIX 14 and NLXXXVII 2 edition of 1920 and which said lands are bounded on the north by the road known as The Chase leading from Eastbrookend Road to Hook's Hall.

All those pieces or parcels of land containing in the whole by admeasurement 26 acres and 10 poles or thereabouts and being numbered 125 126 and 127 on the $\frac{1}{2500}$ scale Ordnance map Essex (new series) sheet NLXXIX 5 edition of 1920 and which said lands are bounded on the west in part by the road known as Rose Lane and on the east by the road known as Whalebone Lane.

SECOND SCHEDULE.

Form of Mortgage.

Urban District of Dagenham.

By virtue of the Dagenham Urban District Council Act 1928 and of other their powers in that behalf them enabling the urban district council of Dagenham (hereinafter referred to as "the Council") in consideration of the sum of
pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the district by
(hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the principal sum doth or shall bear to the

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whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Council in the said district [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council] [by]:

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

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of nineteen hundred and .

Form of Transfer of Mortgage.

I [the within-named] [of] in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the urban district council of Dagenham bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of nineteen hundred and .

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