

CHAPTER xxii.

An Act to confirm a provisional order of the Minister of Health relating to the borough of Royal Tunbridge Wells. [31st July 1947.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made a provisional order which needs confirmation by Parliament: 38 & 39 Vict. c. 55.

Be it therefore 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:—

1. The order of the Minister of Health which as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Tunbridge Wells) Act 1947. Short title.

SCHEDULE.

BOROUGH OF ROYAL TUNBRIDGE WELLS.

Provisional order altering a local Act.

WHEREAS the mayor aldermen and burgesses of the borough of Royal Tunbridge Wells acting by the council (in this order called "the corporation") are the local authority for the said borough for the purposes of the Public Health Act 1875 and the Tunbridge Wells Order 1920 (in this order called "the order of 1920") which
10 & 11 Geo. 5. c. xlvi. was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 2) Act 1920 and the Tunbridge Wells Corporation
19 & 20 Geo. 5. c. xci. Act 1929 (in this order called "the Act of 1929") are in force in the said borough:

And whereas by article I of the order of 1920 the corporation are authorised to use lands and buildings purchased by them under the powers conferred by that article for various purposes including the provision of musical dramatic and other entertainments:

And whereas by section 42 of the Act of 1929 the corporation are authorised to let the premises referred to in that section for the purpose of public or other meetings or any musical or other entertainments or for other purposes approved by the corporation:

And whereas the corporation have applied to the Minister of Health for the issue of a provisional order to alter the order of 1920 and the Act of 1929 so as to confer on them similar powers in relation to other lands and buildings belonging to them:

Now therefore the Minister of Health in pursuance of the powers given to him by sections 297 and 303 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows:—

Short title and commencement.

1. This order may be cited as the Tunbridge Wells Order 1947 and shall come into operation on the date of the Act of Parliament confirming it.

Interpretation. 23 & 24 Geo. 5. c. 51.

2. In this order unless the context otherwise requires—
"the Act of 1933" means the Local Government Act 1933; and
"the Minister" means the Minister of Health.

Power to provide concert halls &c.

3.—(1) The corporation may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all necessary and suitable offices refreshment rooms kitchens cloak rooms lavatories conveniences and appliances.

(2) For the purposes aforesaid the corporation may—

(*a*) erect or adapt buildings in any public park or pleasure ground belonging to them;

(*b*) acquire buildings or acquire land and erect buildings thereon;

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

and may provide erect and maintain shops and offices as part of the buildings so acquired or erected.

(3) Any of the following buildings and lands shall if the corporation by resolution so determine be deemed to have been acquired by them for the purposes of this section namely:—

(*a*) the Assembly Hall erected under the provisions of section 42 (Erection of town hall &c.) of the Act of 1929;

(*b*) so much of the Dunorlan Estate of the corporation as lies to the west of Halls Hole Road (formerly known as Marlpits Lane);

(*c*) the property of the corporation fronting adjoining or abutting on or lying between the Pantiles Nevill Street and Linden Park Road;

(*d*) the Nevill Cricket and Athletic Ground;

(*e*) any land acquired by the corporation under the powers of section 12 (Further powers for the acquisition of land) of the Act of 1929; and

(*f*) with the approval of the Minister any land which the corporation shall by resolution declare not to be required for the purpose for which it was acquired:

Provided that the powers of the corporation under this section in regard to the Nevill Cricket and Athletic Ground shall be exerciseable only so long as they shall hold the land forming the site thereof and shall not at any time be exercised in contravention of the terms of any instrument under which for the time being it is held by them.

(4) On the date when the corporation exercise their powers under this section in regard to the Assembly Hall the words "or any musical or other entertainments" in paragraph (*c*) of section 42 of the Act of 1929 together with the proviso to that section shall be repealed in so far as they relate to the Assembly Hall.

(5) The corporation may furnish and equip any premises provided by them under this section.

Power to provide &c. entertainments.

4.—(1) The corporation may use or allow to be used or let any premises provided or deemed to have been provided under the last preceding section for concerts and other entertainments and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts or entertainments and may make or allow to be made such charges as they think fit in connection therewith:

Provided that—

(*a*) the corporation shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they 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;

(*b*) the power of the corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music hall;

(*c*) the net amount of the expenses incurred by the corporation under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 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 and one-third pence in the pound so however that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of the said section 56.

15 & 16 Geo. 5. c. 71.

15 & 16 Geo. 5. c. 90.

(2) The corporation may provide and sell or authorise the provision and sale of programmes of any concerts or entertainments given in pursuance of this section.

(3) The corporation may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

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

As to borrowing. (5) The Secretary of State shall be the confirming authority for any byelaws made under this section.

5. The purposes of this order shall be purposes for which the corporation may borrow under and subject to the provisions of section 195 of the Act of 1933.

Inquiries and expenses. 6. The Minister may hold any inquiry which he may deem necessary for the purposes of this order and subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

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