

Kidderminster Corporation Act 1969

CHAPTER xliv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

LANDS

1. Appropriation of land for highway purposes.
2. Discharge of trusts, etc., and removal of human remains.
3. Correction of errors in deposited plans and book of reference.

Section

7. Provision of substituted sites.
8. Reservation of easements, etc., by Corporation.
9. Undertakings and agreements binding successive owners.
10. Compulsory acquisition of easements.
11. Recovery of deposits under Lands Clauses Acts of 1965.
12. Suspension of restrictive covenants.
13. Agreements with developers.
14. Byelaws as to and management of corporate land.

PART III

STREETS

New streets

15. Prohibition of building until street defined.
16. Prohibition of building until street formed and sewer laid.
17. Access to new street.
18. Rounding or splaying off corners at street junctions.
19. Adjustment of boundaries of estates in connection with new streets.

Improvement of streets

20. Trees, grass verges and gardens.
21. Enforcement of improvement line.

Protection and repair of streets

22. Erection of structures at street corners.
23. Application of building line to walls, etc.
24. Retaining walls.
25. Awnings over footways.
26. Licence to erect scaffolding.
27. Conditional consent under section 146 of Act of 1959.
28. Prohibition of vehicles on grass verges.
29. Carriage-crossings over verges, etc.
30. Verges, etc., of housing estates.
31. Mixing of mortar, etc., in streets.
32. Damage to trees, etc., on streets and in open spaces.
33. Restriction on buildings under footways.
34. Excavations near highways.
35. Exemption for river authorities from last foregoing section.
36. Offences due to fault of other person.
37. Defacing of road surface, etc.

Private streets

38. Recovery of street works charges where owner unknown.

Miscellaneous

39. Application of code of 1892 to parts of public streets.

40. Temporary stoppage of footpaths and bridleways.

1. Decorations in streets.

2. Numbers of houses.

43. Road cleansing vehicles.

44. Sale of food and articles on verges, etc.

45. Offences under sections 7 and 8 of Act of 1950.

General

46. Interpretation of Part III of Act.

PART IV

PUBLIC HEALTH

47. Sanitary conveniences for persons employed on construction work.

48. Sanitary conveniences used in common.

49. Provision of sanitary conveniences at places of public exhibition, etc.

50. Power to order alteration of domestic chimneys.

51. Refuse disposal.

52. Provision of bulk refuse containers by Corporation.

53. Maintenance of and access to bulk refuse containers.

54. Power to provide dustbins for trade refuse.

55. Repair of walls, etc., of yards.

Supply of water to premises where supply cut off.

Expenses of executing demolition orders.

58. Slaughter of animals otherwise than for human consumption.

Registration of premises used in connection with sale, etc., of animal feeding meat.

60. Tipping of spoil and refuse.

61. Control of refuse tips.

62. Silencers for internal combustion engines.

Control of noise from building, demolition and road works.

PART V

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

Section

- 64. Parking places in parks, etc.
- 65. Golf courses.
- 66. Agreements to maintain graves and tombstones.
- 67. Extension of power to maintain burial grounds.
- 68. For protection of Commonwealth War Graves Commission.
- 69. Aerodrome undertaking.
- 70. As to disposal of public walks and pleasure grounds.
- 71. Saving for trusts.
- 72. Interpretation of Part V of Act.

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

- 73. Notice of street processions.
- 74. Safety of stands.
- 75. Touting, hawking, etc.
- 76. Licensing of boatmen and pleasure boats.
- 77. Parts of buildings used for storage of flammable substances.
- 78. Further precautions against fire in certain high or large buildings.
- 79. Saving for Fire Services Acts and Factories Act.
- 80. Securing of unoccupied houses under Act of 1957.
- 81. Removal, etc., of dangerous trees.
- 82. Prohibition on solicitation of children to sell or exchange articles at schools.
- 83. Coffee bars, clubs, etc., open after 11 p.m. or before 5 a.m.

PART VII

HACKNEY CARRIAGES, ETC.

- 84. Stands for hackney carriages.
- 85. Prohibition of other vehicles on hackney carriage stands.
- 86. Misleading signs on motor vehicles.
- 87. Transfer of hackney carriages, etc.
- 88. Suspension and revocation of proprietor's licences.
- 89. Suspension and revocation of driver's licences.
- 90. Age limit for proprietors and drivers.

Section

- 91. Fitness of drivers.
- 92. Penalty on persons refusing to pay fare.
- 93. Provisions as to motor vehicles let for hire.
- 94. Interpretation of Part VII of Act.

PART VIII

WINDOW CLEANERS

- 95. Window cleaners to be licensed.
- 96. Applications for and provisions as to window cleaning licences.
- 97. Grant of window cleaning licences.
- 98. Penalties under this Part of Act.

PART IX

MARKET UNDERTAKING

- 99. Power to compound for payment of tolls.
- 100. Power to take possession of stalls for non-payment of rent, etc.
- 101. Power of Corporation to require information.
- 102. Market byelaws.
- 103. Regulation of traffic in market.
- 104. Traffic offences on market roads.
- 105. Removal and disposal of horticultural produce and containers.
- 106. Interpretation of this Part of Act.

PART X

FINANCE

- 107. Power to borrow.
- 108. Reserve funds.
- 109. Insurance fund.
- 110. Establishment expenses.
- 111. Receipt in case of minors.
- 112. Expenses of investment of superannuation fund.
- 113. Transfer of certain sums from superannuation fund.
- 114. Recovery of rates from certain owners.
- 115. Collection and recovery of water rates, rents or charges.
- 116. Apportionment of expenses in case of joint owners.

PART XI
MISCELLANEOUS

Section

- 117. Information centres.
- 118. Power to use ladders, etc., for entry or inspection.
- 119. Recreational, etc., facilities for employees.
- 120. Disposal of unsuitable specimens and works of art.
- 121. Acquisition of works of art produced to order.
- 122. Modification of mortgages by endorsement under hand.
- 123. As to grants of burial, licences and certificates of registration.
- 124. Delegation of powers to sub-committees.
- 125. Delegation to committees.
- 126. As to minutes of council meetings, etc.
- 127. Power to require information as to ownership of premises.
- 128. Hairdressers and barbers.
- 129. Breach of conditions of consent of Corporation.
- 130. Microfilming of documents.
- 131. Destruction of documents connected with applications.

PART XII
GENERAL

- 132. Confirming authority for byelaws.
- 133. For protection of certain statutory undertakers.
- 134. Local inquiries.
- 135. Arbitration.
- 136. The appointed day.
- 137. Evidence of proceedings, appointments, etc.
- 138. Liability of directors, etc.
- 139. Restriction on right to prosecute.
- 140. Appeals.
- 141. Protection of members and officers of Corporation from personal liability.
- 142. Application of general provisions of Act of 1936.
- 143. Reckoning of periods.
- 144. Saving for town and country planning.
- 145. Costs of Act.

SCHEDULES:

Schedule 1—Provisions applied to market roads

Part I—Provisions in respect of which certain officers of the Corporation do not have the powers of a police constable.

Part II—Provisions in respect of which certain officers of the Corporation have the powers of a police constable.

Schedule 2—Enactments mentioned in section 127.

Schedule 3—Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts III and VI of this Act.

Part III—Section applied to Parts III and VI and sections 55 and 56 of this Act.

ELIZABETH II



1969 CHAPTER XLIV

Act to confer further powers on the mayor, aldermen and burgesses of the borough of Kidderminster; to make further provision with regard to the health, local government, improvement and finances of that borough; and for other purposes. [25th July 1969]

WHEREAS

The borough of Kidderminster (hereinafter referred to as "the borough") is a borough under the management and local government of the mayor, aldermen and burgesses of the borough (hereinafter referred to as "the Corporation");

It is expedient that the Corporation should be enabled to appropriate and use for highway purposes a portion of the public walks and pleasure grounds forming part of Brinton Park, a portion of the open space known as Bewdley Hill Open Space and a portion of the Kidderminster cemetery all in the borough:

(3) It is expedient that further and better provision should be made with reference to lands and streets and the health, local government, improvement and finances of the borough and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

(4) It is expedient that further powers should be conferred on the Corporation in respect of their market undertaking:

(5) It is expedient that the other provisions contained in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

(7) Plans showing the lands to be used or dealt with in accordance with the provisions of this Act and a book of reference relating thereto were duly deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office, House of Commons, and with the clerk of the county council of the administrative county of Worcester, which plans and book of reference are in this Act referred to respectively as the deposited plans and book of reference:

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1931 have been observed:

May it therefore please Your Majesty that it may be enacted and be it enacted, by the Queen'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

1933 c. 51

Short title.

1. This Act may be cited as the Kidderminster Corporation Act 1969.

Division of Act into Parts.

2. This Act is divided into Parts as follows:

Part I.—Preliminary.

Part II.—Lands.

Part III.—Streets.

Part IV.—Public health.

Part V.—Parks, cemeteries and other municipal property.

Part VI.—Public order and public safety.



- art VII.—Hackney carriages, etc.
- art VIII.—Window cleaners.
- art IX.—Market undertaking.
- art X.—Finance.
- art XI.—Miscellaneous.
- art XII.—General.

(1) In this Act the several words and expressions to which Interpretation.
 meanings are assigned by sections 90, 110 and 343 of the Public Health Act, 1936, have the same respective meanings unless 1936 c. 49.
 there be something in the subject or context repugnant to such
 construction.

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

- “the Act of 1933 ” means the Local Government Act, 1933; 1933 c. 51.
- “the Act of 1936 ” means the Public Health Act, 1936;
- “the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946; 1946 c. 49.
- “the Act of 1950 ” means the Public Utilities Street Works Act, 1950; 1950 c. 39.
- “the Act of 1957 ” means the Housing Act, 1957; 1957 c. 56.
- “the Act of 1959 ” means the Highways Act, 1959; 1959 c. 25.
- “the Act of 1960 ” means the Road Traffic Act, 1960; 1960 c. 16.
- “the Act of 1961 ” means the Land Compensation Act, 1961; 1961 c. 33.
- “the Act of 1962 ” means the Town and Country Planning Act, 1962; 1962 c. 38.
- “the Act of 1965 ” means the Compulsory Purchase Act, 1965; 1965 c. 56.
- “the Act of 1967 ” means the Road Traffic Regulation Act, 1967; 1967 c. 76.
- “the appointed day ” has the meaning assigned to it by section 136 (The appointed day) of this Act;
- “the borough ” means the borough of Kidderminster;
- “bulk refuse container ” means a container, of not less than 1 cubic yard nominal capacity, for refuse designed or adapted to be emptied by mechanical means into a refuse vehicle of the Corporation;
- “contravention ” includes a failure to comply and
- “contravene ” shall be construed accordingly;
- “the Corporation ” means the mayor, aldermen and bur- gesses of the borough;
- “the council ” means the council of the borough;

PART I
—cont.

- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ the deposited plans ” and “ the deposited book of reference ” mean respectively the deposited plans and book of reference referred to in the Preamble to this Act;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation for the time being in force within the borough;
- “ financial year ” means a period of twelve months ending on 31st March;
- 1947 c. 41. “ fire authority ” has the same meaning as in section 38 of the Fire Services Act, 1947;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ land ” includes water and any interest in land or water and any easement or right in, to or over land or water;
- 1952 c. 55. “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952;
- “ the Minister ” means the Minister of Housing and Local Government;
- 1946 c. 31. “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946;
- 1906 c. 25. “ open space ” has the same meaning as in the Open Spaces Act, 1906;
- “ operational land ” in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;
- “ public service vehicle ” has the same meaning as in section 117 of the Act of 1960;
- “ statutory security ” means any security in which trustees are for the time being authorised by law to invest trust moneys but does not include annuities, rentcharges or securities transferable by delivery or any securities of the Corporation;

“statutory water undertakers” has the same meaning as in the provisions of the Water Act, 1945, other than those contained in Part II of that Act;

PART I
—cont.
1945 c. 42.

“telegraphic line” has the same meaning as in the Telegraph Act, 1878;

1878 c. 76.

“the town clerk” means the town clerk of the borough;

“the tribunal” means the Lands Tribunal.

Except where the context otherwise requires any reference to any Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

LANDS

Notwithstanding anything contained in any other enactment or any rule of law or covenant the Corporation may appropriate and use for highway purposes—

Appropriation of land for highway purposes.

(1) the lands delineated on the deposited plans and thereon numbered 1 and 2 free from any beneficial interest or any other right therein of the public or the inhabitants at large;

(2) subject to the provisions of this Part of this Act the lands delineated on the deposited plans and thereon numbered 3 in like manner as if no part thereof had ever been used or set apart for the purpose of burial of human remains.

5.—(1) As from the date on which the Corporation appropriate under the powers of this Act for highway purposes the lands referred to in paragraph (2) of section 4 (Appropriation of land for highway purposes) of this Act (in this section referred to as “the cemetery lands”) the cemetery lands shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing of this Act attached to the cemetery lands and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the cemetery lands and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing of this Act attached thereto.

Discharge of trusts, etc., and removal of human remains.

(2) Before the Corporation use any part of the cemetery lands for highway purposes they shall remove or cause to be removed the remains of all deceased persons interred in such part:

Provided that if it appears to the Secretary of State that compliance with any of the requirements of this subsection is in all

PART II
—cont.

the circumstances unnecessary in relation to all or any of the remains he may dispense (on such conditions, if any, as he thinks fit) with compliance with those requirements in relation to those remains.

(3) (a) Before proceeding to remove any such remains the Corporation shall—

- (i) give notice of their intention so to do by publishing notice in manner provided in paragraph (b) of this subsection in at least two newspapers circulating in the borough;
- (ii) serve by registered post or the recorded delivery service on every person who appears to them from their records relating to the cemetery lands to be the personal representative or next of kin of any deceased person interred in the cemetery lands a copy of such notice; and
- (iii) display a like notice in a conspicuous place on the cemetery lands;

and every such notice shall have embodied in it the substance of subsections (4) to (7) and (9) and (10) of this section.

(b) The notice referred to in sub-paragraph (i) of paragraph (a) of this subsection shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(4) At any time within two months from the date of the publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the cemetery lands may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and reinterred in any other burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the benefice concerned or to be removed to and cremated in any crematorium.

(5) If any person giving such notice as aforesaid fails to satisfy the Corporation that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the Kidderminster County Court who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(6) The expense of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave together with any monument or tombstone relating thereto) the

sum of seventy-five pounds) shall be defrayed by the Corporation, such sum to be apportioned, if necessary, equally according to the number of deceased persons whose remains are in the grave.

(7) If—

(a) within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave; or

(b) within two months from the date of giving such notice no application has been made under subsection (5) of this section and the person who gave the notice fails to remove the remains; or

(c) within two months from the date any order is made by the said county court under the said subsection the person, not being the Corporation, specified in the order fails to remove the remains;

the Corporation may cause the remains of the deceased person to be removed and reinterred in some other part of the Kidderminster cemetery of the Corporation or other burial ground or cemetery in which burials may legally take place and which the Corporation think suitable for the purpose, but in the case of reinterment in a churchyard the previous consent of the incumbent of the benefice concerned shall also be required.

(8) Upon the reinterment of any remains under this section a certificate of reinterment or cremation shall be sent to the Registrar General by the Corporation giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated.

(9) All monuments and tombstones relating to the remains of any deceased person removed under this section shall, at the expense of the Corporation, be removed and re-erected at the place of reinterment of such remains or at such place as the said county court may direct on the application (if any) of such personal representative or relative as aforesaid or, failing such application, on the application of the Corporation, and the Corporation shall cause a record to be made of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry, and a copy of such record shall be deposited with the Registrar General:

Provided that in the case of a monument or tombstone in respect of which no application is made by such personal representative or relative as aforesaid, it shall not be necessary to re-erect the monument or tombstone if the Corporation consider that by reason of its ruinous condition it is unsuitable for re-erection, and any such monument or tombstone may be disposed of in such manner as the Corporation may determine.

PART II
—cont.

(10) The removal of the remains of any deceased person under this section shall be carried out in accordance with the directions given by the Secretary of State.

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, they shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the county council of the administrative county of Worcester and with the town clerk, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to appropriate the land in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Provision of substituted sites.

7. The power of the Corporation to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land that may be acquired under any enactment.

Reservation of easements, etc., by Corporation.

8. On selling any land the Corporation—

(1) 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;

(2) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and, without prejudice to the generality of the foregoing words of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

PART II
—cont.

17.—(1) Every undertaking given by or to the Corporation to
by the owner of a legal estate in land, and every agreement
between the Corporation and any such owner, being an
undertaking or agreement—

Undertakings
and
agreements
binding
successive
owners.

(a) given or made under seal either on the passing of plans
or otherwise in connection with the land; and
(b) expressed to be given or made in pursuance of this
section;

shall be binding, not only upon the Corporation and any owner
named in the undertaking or agreement, but also upon the
successors in title of any owner so joining and any person claiming
through or under them.

(2) Such an undertaking or agreement shall be treated as a
land charge for the purposes of the Land Charges Act, 1925, 1925 c. 22.
as amended by the Law of Property (Amendment) Act, 1926. 1926 c. 11.

(3) Any person upon whom such an undertaking or agreement
binding shall be entitled to require from the Corporation a
thereof.

18.—(1) The Corporation, by means of an order made by the
Corporation and submitted to and confirmed by the appropriate
Minister, may be authorised to create in favour of the Corporation
over any land which under any enactment the Corporation
may be authorised to acquire compulsorily, any easement or other
right in or over or in relation to such land which, in the opinion
of the appropriate Minister, is essential to the full enjoyment or
of any buildings owned or occupied, or intended to be owned
or occupied, by the Corporation for the purposes of any of their
undertakings, powers or duties.

Compulsory
acquisition of
easements.

The appropriate Minister shall not confirm any order
under this section unless he determines that the easement or right
to be created without material detriment to the land in or over
in relation to which it is proposed to be created or, in the case
of a park or garden belonging to a house, without seriously
impairing the amenity or convenience of the house.

(2) The Act of 1946 shall apply as if this section were an
enactment contained in a public general Act and in force
immediately before the commencement of the Act of 1946 and

(a) the expression “compulsory purchase of land” in the
Act of 1946 included the creation of such easement or
right as is mentioned in subsection (1) of this section;
and

(b) paragraphs 9 and 10 of Schedule 1 to the Act of 1946
shall be applied to the creation of such easement or right as
is mentioned in the said subsection (1) whether it is

PART II
—cont.

created in, over or under any land to which either those paragraphs relates or in, over or under any land in which the person entitled to the benefit of that paragraph has an easement or other right which if that land were land to which the paragraph relat

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building, manufactory or of a park or garden belonging to a house or other building to which subsection (1) of section 8 of the Act of 1965.

(5) In this section "appropriate Minister" means the Minister of the Crown having power to authorise the purchase compulsorily of the land for the enjoyment or use of which the easement or other right is required or who would have had such power if such land were not already owned by the Corporation.

Recovery of deposits under Lands Clauses Acts or Act of 1965. 1845 c. 18.

11. Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, or the Act of 1965, it shall be lawful for the High Court at any time not being less than twelve years from the date on which any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the Act of 1965 or paid by the Corporation into the Supreme Court by way of security in pursuance of section 8 of the said Act of 1845 or Schedule 3 to the Act of 1965 to order upon application by the Corporation that the money so paid or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

Provided that upon the application of any person making claim to the money paid as aforesaid or any part thereof or to any lands in respect of which the same shall have been paid or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

Suspension of restrictive covenants.

12.—(1) If the Corporation—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act; or
- (d) appropriate (whether before or after the passing of this Act) land which has been previously acquired by agreement;

for a purpose for which they are for the time being authorised under any enactment for the time being in force to acquire or could be authorised to acquire land.

acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by any enactment) as to the user thereof or the building thereon the Corporation may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land which it applies.

(3) The Corporation shall—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the borough where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

(b) on or before the date of the first publication of the said notice—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by giving notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Corporation within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry shall confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Corporation acquire or appropriate the land, whichever is the latest.

PART II
—cont.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Corporation acquires or appropriates the land.

(7) If in the opinion of the Corporation there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates, whether any such restriction is enforceable the Corporation may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time not being less than three months from the date of the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Corporation and shall produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post by the recorded delivery service on every person who they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Corporation shall pay compensation in accordance with the provisions of section 10 of the Act of 1965 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in each case in dispute in accordance with the Act of 1961.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction, and, if compensation is paid by the Corporation under subsection (9) of this section in respect

the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

provided that if such compensation is paid on the basis that the land may be used for a particular purpose, the restriction shall, for any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Act 1944 to 1968, remain unenforceable only so long as the land is used for that purpose.

(1) If the Corporation dispose of any land affected by the restriction suspended under the powers of this section they shall for successive weeks publish notice thereof in one or more newspapers circulating in the locality in which the land is situated.

(2) Nothing in this section shall apply to—

(a) any restriction for the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of the British Railways Board or any statutory undertakers contained in any deed, wayleave, agreement or other instrument;

(b) any restriction for the prevention of pollution of water which any statutory water undertakers are for the time being authorised to take.

(3) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Corporation has acquired or agreed to acquire or appropriated that land.

(4) The Corporation and any person having an estate or interest in any land within the borough may enter into an agreement which may provide for all or any of the following:—

Agreements
with
developers.

(a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;

(b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;

(c) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;

PART II
—cont.

- (d) the dedication to the public of rights of way over land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated; the maintenance of any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;
- (f) any other related or consequential matters.

(2) (a) An agreement entered into under the preceding subsection may contain positive and negative covenants and whether they be positive or negative and notwithstanding that they may not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee they shall, if registered in the local land charges register, be enforceable by the Corporation against the covenantor and all persons deriving title by, through or under the covenantor.

(b) In the event of the person who has entered into an agreement under the preceding subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement the Corporation may after giving not less than twenty-one days' notice of their intention so to do enter on the land and do the work in default and the expenses incurred by the Corporation in so doing shall be recoverable by them from the person in default.

(c) Except as may be expressly provided in the agreement entered into under the preceding subsection the agreement shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

(3) The Corporation may take or acquire shares or other securities in any company incorporated in the United Kingdom with which an agreement is entered into under this section.

(4) In this section "development" has the same meaning as in section 12 of the Act of 1962.

Byelaws as to
and
management
of corporate
land.

14.—(1) The Corporation may, with reference to any corporate land for the time being belonging to the Corporation in or over which the public has or is from time to time granted or allowed access for the purpose of enjoyment or open air recreation, make byelaws for the regulation thereof and of the days and times of admission thereto, and for the preservation of order and preven-

stances therein, and may by such byelaws provide for the removal of any person infringing any byelaw by any authorised officer of the Corporation or police constable.

PART II
—cont.

(2) For the avoidance of doubt, it is hereby declared (notwithstanding that the public has or may from time to time be granted or allowed access for the purpose of enjoyment or recreation in or over the said corporate land) that the Corporation have (and shall be deemed always to have had) the right from time to time to inclose such parts of the said corporate land as to exclude the public therefrom and to deal with the same in the manner in which municipal corporations are for the time being authorised to deal with corporate land.

(3) Nothing in this section shall authorise the Corporation, and shall not be interpreted as indicating that the Corporation are already authorised, to obstruct, close or divert any right of way except in accordance with the powers conferred by any enactment.

If the Corporation shall at any time inclose any such part of the said corporate land or exclude the public therefrom, any byelaws made by the Corporation under subsection (1) hereof shall thereupon cease to have effect in respect of the land so inclosed or from which the public has been so excluded.

(5) In this section "corporate land" has the same meaning as in the Act of 1933.

PART III

STREETS

New streets

(1) Where a plan and sections of a new street have been deposited with the Corporation in pursuance of new street byelaws and have been approved by them, no person shall without their consent begin to erect a building on land abutting the street until he has defined by posts, or in some other suitable manner, the approved line, width and level of so much of the street as abuts on any land which will be occupied as the site of, or in connection with, the building. Prohibition of building until street defined.

(2) Where the approved width of a new street has been defined as aforesaid, no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a fine not exceeding one hundred pounds, and the Corporation may—

(a) in the case of a contravention of subsection (1), define as aforesaid the approved line, width and level of the new street; and

PART III
—cont.

(b) in the case of a contravention of subsection (2),
the building or structure;

and in either case recover the expenses of so doing from
person.

Prohibition of
building until
street formed
and sewered.

16.—(1) Where a plan and sections of a new street
with the Corporation in pursuance of new street byelaw
approved by them, they may by notice prohibit the erection
any building on land abutting on the street until the carriageway
of the street has been constructed, and the street has been sew
in accordance with the said byelaws:

Provided that, where the plan shows that the street will
100 yards in length, the Corporation shall divide the
for the purpose of the notice into lengths not exce
100 yards; and each such length shall for that purpose be
as a separate street.

(2) Such a notice shall be given to the person by whom
on whose behalf the plan and sections were deposited; and the
prohibition imposed thereby shall be binding on successi
owners of the land to which it relates.

(3) If any person contravenes the provisions of such a notice
he shall be liable to a fine not exceeding one hundred pounds,
and the Corporation may construct the carriageway and works of
sewerage which should have been constructed, and recover
expenses of so doing from that person.

1925 c. 22.
1926 c. 11.

(4) This section shall have effect subject to the provisions of
the Land Charges Act, 1925, as amended by the Law of Property
(Amendment) Act, 1926, with respect to the avoidance of an
such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this
section shall not relieve any person from any liability under any
enactment relating to private street works for the time bein
force in the borough.

Access to
new street.

17.—(1) Where a plan and sections of a new street deposited
with the Corporation in pursuance of new street byelaws are
approved by them, they may, for the purpose of securing
adequate means of communication between the new street and
any other street, whether existing or intended, by notice prohibi
the erection or retention of any structure at either end of the
new street on land belonging, at the time of the deposit, to the
owner of the land upon which the new street is proposed to be
constructed or laid out:

Provided that no such notice shall affect any structure existin
at the time of the deposit until both the new street and the
other street have become highways maintainable at the publi
expense.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited; and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes a notice under this section he shall be liable to a fine not exceeding one hundred pounds; and the Corporation may remove the structure and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purposes of safety, by notice require that the corners formed at the junction of the new street with another street, whether existing or intended, but not being a trunk road, shall be rounded or splayed off in such manner as may be specified in the notice. Rounding or splaying off corners at street junctions.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited, and the requirements thereof shall be binding on successive owners of the land to which it relates.

(3) Any person who suffers loss by the exercise of powers conferred by this section may recover from the Corporation compensation for the damage to be determined in case of dispute by the tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, Rules 2 to 4 of the Rules set out in section 5 of the Act of 1961 shall apply.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section, he shall be liable to a fine not exceeding one hundred pounds; and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the Adjustment of boundaries of estates in connection with streets.

PART III
—cont.

proper laying out or development of any estate through the street is to run, by notice require that such provision be made—

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto, and for effecting exchanges of land in connection therewith; and

(b) for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate;

as may be necessary or desirable having regard to the line lay-out of the new street.

(2) The notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or for the widening or adaptation of a road, footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the Corporation and the persons interested in the respective estates, be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation; but no such award shall provide for the payment of money by any other person without his consent.

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land, and any removal, modification or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall, unless and except in so far as the award may otherwise provide, be paid by the Corporation.

(8) Any land or money received by any person in respect of an adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts, if any, as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor; and any such covenants, restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

(11) The Corporation may purchase land by agreement for purposes of this section and, until they dispose of the land appropriate it for any other purpose, may manage the land in such manner as they think fit.

PART III
—cont.

(12) In this section "estate" includes any parcel of land.

Improvement of streets

(1) Subject to the provisions of this section the Corporation shall have power, in any street vested in them, or on land acquired by them for the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

- (a) to plant trees or shrubs or place containers in which to grow trees or shrubs;
- (b) to attach containers for plants to posts or standards provided by the Corporation or, with the consent of the owner thereof, to any other posts or standards;
- (c) to lay out grass verges or gardens;
- (d) to provide guards or fences, and otherwise do anything expedient, for the maintenance or protection of such trees, shrubs, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence and to abolish any such grass verge or garden or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;
- (g) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto.

(2) Any such notice as is referred to in paragraph (f) or paragraph (g) of the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge or garden to which it relates.

(3) If any person (except in a case of emergency) contravenes a notice so posted in pursuance of the said paragraph (f) or if any person contravenes a notice so posted in pursuance of the paragraph (g) he shall be liable to a fine not exceeding twenty pounds.

(4) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person

PART III
—cont.

entitled to the use thereof or so as to be a nuisance or injury to the owner or occupier of any land or premises abutting on the street.

1925 c. 68.

(5) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act, 1925, with respect to such highway land before the passing of this Act shall be deemed to have been done under this section.

(6) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(7) (a) The Corporation may exercise the powers conferred by this section in a street being a trunk road with the consent of the Minister of Transport notwithstanding that the street is not vested in the Corporation.

(b) Any consent required by this subsection shall not unreasonably be withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything placed in a street under the powers conferred by this section if reasonably required to do so by the Minister of Transport.

(8) (a) Where the Corporation carry out works under any enactment relating to private street works, they may, with the consent of the owners of premises fronting, adjoining or abutting on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part; and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Enforcement
of
improvement
line.

1925 c. 71.

21.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959 or section 33 of the Public Health Act 1925, the Corporation may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building, which, or any part of which, was beyond, or in front of, the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the

notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

(2) (a) If, within twenty-eight days from the date of the service of the Corporation of a notice under subsection (1) of this section, a person on whom the notice is served gives counter-notice to the Corporation objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless it is confirmed by the tribunal either without modifications or subject to such modifications as the tribunal may determine.

(b) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

- (i) the notice is not justified by the terms of subsection (1) of this section;
- (ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required, are otherwise unreasonable in character or extent or are unnecessary; or
- (iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

and, in a case within sub-paragraphs (ii) and (iii) of this paragraph, that it would not be equitable to modify the notice.

(c) Without prejudice to the provisions of paragraph (b) of this subsection, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that—

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or any adjoining land in which that person has an interest; and
- (ii) that person is able and, in the circumstances of the case, willing to sell the building to the Corporation, with or without adjoining lands, on terms not less favourable to the Corporation than those on which they would have acquired the building under a compulsory purchase order made under section 214 of the Act of 1959 (which authorises the acquisition of lands for the improvement of streets) and the Act of 1946.

PART III
—cont.

(d) Where a notice under subsection (1) of this section has been confirmed by the tribunal it shall have effect as from the date on which the Corporation serve on the owner of the building a copy of the notice as so confirmed.

(3) For the purpose of complying with any notice under subsection (1) of this section, the owner may, notwithstanding anything in any lease or other agreement, enter upon any building affected by any requirement of the notice and carry out the work required by the notice.

(4) (a) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, any owner or tenant thereof may recover from the Corporation compensation for the damage or loss sustained by him in consequence of the compliance, and the amount of the compensation shall, in case of dispute, be determined by the tribunal.

1961 c. 33.

(b) Rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961 (which provides rules for valuation of a compulsory acquisition), shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building.

(5) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line as, immediately before the service of the notice under subsection (1) of this section, intersected or abutted on, the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(6) If any person fails to comply with a notice under this section he shall be liable to a fine not exceeding one hundred pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(7) In this section "building" includes a structure.

*Protection and repair of streets*PART III
—cont.

22.—(1) No person shall place or erect in the borough any structure at, or within a distance of 10 yards from, the corner of any street unless he has given to the Corporation notice of intention so to do accompanied by plans and particulars of the structure, and the Corporation have approved the placing or erection thereof under this section.

Erection of
structures at
street
corners.

Provided that this subsection shall not apply to any structure or development which, by virtue of the Act of 1962 and any development order for the time being in force thereunder, may be undertaken only with permission granted on an application, or being an advertisement which may be displayed only with the consent granted on an application under regulations for the time being in force under section 34 of that Act.

Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they disapprove the placing or erection of the structure, or that they approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice:

Provided that a notice shall not be given under this subsection except on the ground that the structure would, by obstructing the view of foot-passengers or drivers of vehicles, constitute a danger to the traffic on the street upon, adjoining or near to which it is proposed to be placed or erected, or, as the case may be, would constitute such a danger unless placed or erected subject to the conditions or modifications specified in the notice.

The Corporation may at any time within the said five weeks give notice that they approve the placing or erection of the structure in accordance with the plans and particulars submitted to them, and, if within the said five weeks the Corporation have not given notice under the last foregoing subsection, they shall be deemed for the purposes of this section to have approved the placing or erection of the structure in accordance with those plans and particulars.

(4) Where the Corporation have approved the placing or erection of the structure, it shall not be placed or erected—

(a) otherwise than in accordance with the plans and particulars submitted as aforesaid; or

(b) if notice has been given under subsection (2) of this section of any conditions or modifications, otherwise than in accordance with those conditions and with the said plans and particulars as modified by the notice.

PART III
—cont.

(5) Any person giving notice under subsection (1) of section who is aggrieved by a notice given under subsection (2) thereof may, within twenty-one days from the date of service of the last-mentioned notice, appeal to the Minister of Transport who may make such order as he thinks fit and whose decision shall be final.

(6) If any person places or erects any structure in contravention of the foregoing provisions of this section he shall be liable to a fine not exceeding twenty pounds.

(7) The foregoing provisions of this section shall not apply to a temporary structure required to be placed or erected within a distance of 10 yards from, the corner of a street for the purpose of the construction, demolition, alteration, repair or maintenance of any building or works:

Provided that, if any such temporary structure is not removed when the construction, demolition, alteration, repair or maintenance of the building or works is completed, the person who placed or erected it shall be liable to a fine not exceeding twenty pounds.

(8) Where a person is convicted of an offence under either of the two last foregoing subsections, the court by which he is convicted may order him, within such time as may be fixed by the order, to remove the structure in respect of which he is convicted; and if he fails to comply with the order—

(a) he shall be liable to a fine not exceeding two pounds for each day on which the failure continues; and

(b) the Corporation after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a fine for any day after that on which the Corporation have given him notice of their intention to remove the structure.

(9) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 81 of the Act of 1959 or section 4 of the Roads Improvement Act, 1925.

1925 c. 68.

(10) For the purposes of this section the corner of a street shall be deemed to be the point at which the frontage or boundary line of that street, if necessary continued in a straight line, intersects the frontage or boundary line of any other street, necessary similarly continued.

Application of
building line
to walls, etc.

23.—(1) No person shall without the consent in writing of the Corporation (which may be given subject to such terms and conditions as they think fit) erect, or bring forward, beyond the building line on land abutting on a street in the borough any structure of a greater height than 4 feet above the level of the ground at the nearest boundary of the street.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a fine not exceeding twenty pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected for the purpose of the construction, demolition, alteration, repair or maintenance of any building or works:

Provided that, if any such temporary structure is not removed within seven days after the completion of the construction, demolition, alteration, repair or maintenance of the building or works the person who erected the structure shall be liable to a fine not exceeding twenty pounds.

(4) Where any person is convicted of an offence under any of the foregoing provisions of this section, the court by which he is convicted may order him, within such time as may be fixed by the order, to remove the structure, or, if he so elects, to set back or alter it so that it no longer contravenes the provisions of section (1) of this section; and if he fails to comply with the order—

(a) he shall be liable to a fine not exceeding two pounds for each day on which the failure continues; and

(b) the Corporation, after giving him notice of their intention so to do, may remove the structure and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a fine for any day after the day on which the Corporation have given him notice of their intention to remove the structure.

(5) Where, after the expiration of five years from the passing of this Act, there is on any site in the borough a structure which stood on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

(a) the Corporation may, by notice stating the effect of paragraphs (b) and (c) of this subsection, require the owner or occupier of the site to remove, set back or alter the structure within such time, not being less than twenty-one days, as may be specified in the notice so that it will comply with those provisions;

(b) if the owner or occupier complies with the said notice, the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;

(c) if the owner or occupier fails to comply with the said notice, the Corporation at their own expense may remove the structure, but shall if he so requires re-erect it so as not to contravene the said provisions:

Provided that not less than two months before exercising powers conferred upon them by this subsection in respect of any site the Corporation shall by notice inform the owner or

PART III
—cont.

occupier of the site of the Corporation's intention to serve a notice under paragraph (a) of this subsection and of their reasons therefor and giving the said owner or occupier (as the case may be) the opportunity within a period of not less than fourteen days from the date of service of such notice to make representation to the Corporation thereon and the Corporation shall, before serving a notice under paragraph (a) of this subsection as aforesaid, take into consideration any representations so made.

(6) Any person aggrieved by the withholding by the Corporation of their consent under subsection (1) of this section or any terms or conditions attached to such consent or by any requirement of the Corporation under subsection (5) of this section may appeal to a magistrates' court.

(7) In this section—

“ building line ” in relation to any land means—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(b) if there be no such line, any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under section 169 of the Act of 1959; or

(c) if there be neither of such lines, the line which a house or building may not except with the consent of the Corporation be erected or brought forward on the land without contravening the provisions of section 75 of the Act of 1959:

“ structure ” does not include an advertisement to which the regulations made under section 34 of the Act of 1962 apply.

(8) The provisions of this section shall not apply to any wall erected on land belonging to any railway, dock, canal or inland navigation undertakers so long as that land is used by the undertakers primarily for the purposes of their railway, dock, canal or inland navigation undertaking.

Retaining walls.

24.—(1) In this section “ retaining wall ” means a wall which—

(a) serves, or is intended to serve, as a support for earth or other material on one side only; and

(b) does not form part of a permanent building;

and this section applies to any length of a retaining wall, being a length—

(i) any cross-section whereof is wholly or partly within 12 feet of a street in the borough; and

(ii) which is at any point of a greater height than 12 feet above the level of the ground at the boundary of the street nearest that point.

After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans, sections and specifications approved by the Corporation; and if any person erects any such length of wall in contravention of this subsection he shall be liable to a fine not exceeding twenty pounds.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans, sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a magistrates' court.

(4) If any length of a retaining wall to which this section applies—

(a) is in such disrepair as to be liable to endanger persons using the street; or

(b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section, is so constructed as to be liable as aforesaid;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent his being liable as aforesaid; and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to a retaining wall erected—

(a) on land belonging to any railway, dock, canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway, dock, canal or inland navigation undertaking; or

(b) by or under the jurisdiction or control of any river authority so long as such wall is used primarily in connection with the functions of that river authority.

5.—(1) (a) If a person erects, or permits to be erected, over the way of a street in the borough, being a highway maintainable at the public expense, an awning which—

(i) projects over any part of the footway which is less than 2 feet from the carriageway; or

(ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

he shall be liable to a fine not exceeding twenty pounds.

(b) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require

PART III
—cont.

the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(4) In this section "awning" includes a blind, shade or other covering.

Licence to
erect
scaffolding.

26.—(1) Any person may, in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building, erect or place, or cause to be erected or placed, any scaffolding, obstruction or projection constituting an obstruction (each of which is hereafter in this section referred to as "scaffolding") in, upon or over any street in the borough if he has previously obtained a licence from the Corporation and complies with such terms and conditions as may be attached to the licence:

Provided that the Corporation shall be entitled to refuse a licence only on the grounds that the scaffolding would cause avoidable or unreasonable obstruction of the highway.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness.

Provided that this subsection shall not apply to scaffolding projecting over the footway of a street but not over the carriageway if no part thereof is less than 8 feet above the level of the footway measured vertically and if the nearest part thereof to the carriageway is at least 1 foot 6 inches from the carriageway measured horizontally.

(3) If any person without a licence from the Corporation erects or places, or causes to be erected or placed, any scaffolding upon or over any street in the borough, or contravenes the terms or conditions attached to any licence granted under this section, he shall be liable for every such offence to a fine not exceeding fifty pounds and to a daily fine not exceeding two pounds.

(4) Any person aggrieved by the refusal of the Corporation to grant a licence under this section, or by the terms and conditions attached to any such licence, may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of any scaffolding erected or placed by the British Railways for the purpose of constructing, reconstructing or maintaining any works pursuant to their statutory powers.

(6) Before the Corporation grant any licence under this section they shall (except in the case of emergency) give at least seven days' notice to the Postmaster General, if he appears to them to be concerned, of their intention to do so, and on granting any such licence shall attach thereto such conditions as the Postmaster General may, within the said period of seven days require to ensure that the person to whom such licence is granted shall comply with his reasonable requirements for the protection of any apparatus belonging to, or used or maintained by him, or for securing access to such apparatus.

27.—(1) Where the Corporation determine to give a consent under section 146 of the Act of 1959 (which makes provision for the regulation of the deposit of things and the making of excavations in streets) to the temporary deposit of building materials, rubbish or other things in a street, or to the making of a temporary excavation in a street, they may attach thereto such reasonable conditions as they think fit, including such conditions as may be required to secure that the person to whom the consent is given complies with the reasonable requirements of statutory undertakers or the British Railways Board for the protection of any apparatus belonging to, or maintained by, them in the street or for securing access to such apparatus.

Conditional consent under section 146 of Act of 1959.

(2) Where it appears to the Corporation that any statutory undertakers or the British Railways Board may be concerned by an application for a consent under section 146 of the Act of 1959, they shall, before determining to give the consent, give due notice of the application to such undertakers or board and take into consideration any representations which may, within such reasonable time specified in the notice, be made to them by such undertakers or board.

(3) A person aggrieved by any conditions so attached to a consent given under the said section 146 may appeal to a magistrates' court.

(4) Subsection (4) of the said section 146 shall apply in relation to a contravention of any condition so attached to a consent given under that section as it applies to a contravention of the provisions of subsection (3) of that section.

28.—(1) The Corporation may by notice prohibit persons from driving or permitting or causing to be driven any mechanically propelled vehicle upon any grass verge laid out in connection with a footway in any street in the borough and maintained in an ornamental condition or mown:

Prohibition of vehicles on grass verges.

Provided that any such notice shall not apply to—

(a) the owner or occupier of or any person residing in any premises fronting or abutting on any such street driving or permitting or causing to be driven any vehicle to or from those premises; or

PART III
—cont.

- (b) the temporary crossing of a grass verge during building operations if means satisfactory to the Corporation are taken to protect such grass verge from injury and the convenience of pedestrians; or
- (c) the temporary use of any vehicle on a grass verge by statutory undertakers in the exercise of the rights of statutory undertakers with respect to any apparatus (including the placing of apparatus) or by any person in the exercise of any statutory right or power to enter upon lands.

(2) Any such notice as is referred to in the preceding section shall be conspicuously posted on or in proximity to the grass verge to which it relates and if any person contravenes notice so posted (except in a case of emergency) he shall be liable for every such offence to a fine not exceeding two pounds in addition to the amount of damage (if any) thereby caused to such grass verge.

(3) The powers conferred by this section shall not be exercised in relation to any grass verge laid out under section 20 (Trees, grass verges and gardens) of this Act and maintained in ornamental condition or mown.

(4) The powers conferred by this section shall not be exercised in relation to any trunk road without the consent of the Minister of Transport.

Carriage-crossings over verges, etc.

29.—(1) Where planning permission has been given, or has been deemed to have been given, pursuant to the Act of 1962, in a means of access which involves the construction of a carriage crossing across a verge, ditch or footway to land adjacent to any highway in the borough, the Corporation may at any time after the development has commenced give notice to the owner or occupier of the premises that they propose to construct the carriage-crossing.

(2) Where the Corporation give notice under the foregoing subsection, the provisions of section 155 of the Act of 1959 shall apply to the construction of the carriage-crossing, subject to any necessary modifications, and for the purposes of that application the Corporation shall be deemed to be the appropriate authority and the notice shall be deemed to be a notice given for the purposes of paragraph (a) of subsection (1) of the said section 155.

Verges, etc., of housing estates.

30.—(1) Where any grass verge, garden or space which has been provided by the Corporation in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with the Corporation under that Act, or any enactment

led by that Act, is maintained in an ornamental condition
the Corporation may by notice prohibit persons from—

- (a) causing or permitting horses, cattle, motor vehicles or caravans to enter upon any such grass verge, garden or space: or
(b) entering upon any such garden.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge, garden or space to which it relates.

(3) If any person (except in a case of emergency) contravenes notice so posted, he shall be liable to a fine not exceeding five pounds.

Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided a housing association the Corporation shall consult the association.

(4) The powers of this section shall not be exercisable in relation to any grass verge, garden or space which forms part of a highway maintainable at the public expense.

31.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the borough maintainable at the public expense or in any street therein constructed under the powers in that behalf contained in the Act of 1957, the Act of 1959 or the Act of 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

Mixing of mortar, etc., in streets.

Provided that this section shall not apply to the mixing or depositing in any street of any substance for the purposes of making up, maintaining, reinstating, repairing, altering or improving such street or any bridge over or under the same.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding ten pounds.

32.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street in the borough or in any open space to which the public have access adjacent to any street in the borough—

Damage to trees, etc., on streets and in open spaces.

- (a) remove or cut any turf; or
(b) remove, cut or displace any tree, shrub or plant which has been planted for the purpose of improving amenities, or cut or pluck any bud, blossom, flower or leaf of any such tree, shrub or plant.

PART III
—cont.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding ten pounds and to the payment of such further amount as appears to the court reasonable compensation for any damage done by such contravention which last-mentioned amount shall be paid to the person in control of the street or open space.

(3) In any proceedings under this section in respect of a matter referred to in paragraph (b) of subsection (1) of this section, it shall be a defence for the defendant to show that he did not know, and had no reason to know, that the tree, shrub or plant in question had been planted for the purpose of improving amenities.

(4) Nothing in this section shall apply to any open space vested in or under the control of, a local authority, a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty, or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act, 1949.

1949 c. 97.

Restriction
on buildings
under
footways.

33.—(1) After the passing of this Act, no part of any building (including the foundations) shall, except with the consent of the Corporation, be constructed so as to extend under the footway of any street in the borough at a less depth than 6 feet below the surface of such footway.

(2) The giving of consent by the Corporation shall not relieve the owner or occupier of the building from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

(3) Any person aggrieved by the withholding of a consent under subsection (1) of this section may appeal to a magistrate's court.

(4) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding one hundred pounds.

(5) Where any person is convicted of an offence under subsection (1) of this section the court by which he was convicted may order him within such time as may be fixed by the court to remove or alter the part of the building so that it no longer contravenes the provisions of this section; and if he fails to comply with the order—

- (a) he shall be liable to a fine not exceeding ten pounds for each day on which the failure continues; and
- (b) the Corporation, after giving him notice of their intention so to do, may remove the part of the building concerned and recover from him the expenses incurred by them so doing:

provided that he shall not be liable to a fine for any day after the day on which the Corporation have given him notice of their intention to remove the part of the building.

Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by any statutory undertakers or the British Railways Board in the exercise of their statutory powers.

(1) This section applies to any excavation made after the passing of this Act on any land in the borough within 30 feet from any highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to any excavation made in the course of carrying out works for the purpose of or in connection with apparatus of statutory undertakers.

Excavations
near highways.

(2) Any person who makes, or executes works for the making of an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation, or the execution of such works for the making of any such excavation causes the withdrawal of support as aforesaid for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment or on summary conviction, to a fine:

provided that an offence under this section shall not be liable on summary conviction by a fine exceeding one hundred pounds.

(4) Subject to the provisions of section 36 (Offences due to neglect of other person) of this Act, for the purposes of this section the owner of the land on which an excavation is made shall be

PART III
—cont.

taken as being the person responsible for the making of excavation or the execution of works for the making of excavation.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

Exemption for river authorities from last foregoing section.

35.—(1) The provisions of the last foregoing section shall not apply to an excavation made by a river authority in case of emergency nor for the purpose of any of their functions in respect of which the following conditions have been fulfilled:—

(a) not less than twenty-eight days before commencing excavation plans are submitted by the river authority to the Corporation for their reasonable approval;

(b) the excavation shall not be commenced until the plans have been approved in writing by the Corporation or settled by arbitration;

Provided that if the Corporation do not within twenty-eight days from the date of submission to them of any such plans signify to the river authority concerned in writing their disapproval thereof they shall be deemed to have approved thereof;

(c) the excavation shall be carried out in accordance with the plans approved, deemed to have been approved or settled by arbitration.

(2) Any question between the Corporation and a river authority arising under this section shall be determined by arbitration.

(3) In this section—

“plans” includes sections and particulars; and

“river authority” includes any drainage authority within the meaning of the Land Drainage Act, 1930.

1930 c. 44.

Offences due to fault of other person.

36.—(1) Where the commission by the owner of any land of an offence under section 34 (Excavations near highways) of this Act is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the owner of the land.

(2) In any proceedings against the owner of any land for an offence under the said section 34 it shall, subject to subsection (3) of this section, be a defence for the person charged to prove—

(a) that the commission of the offence was due to the act or default of another person who—

(i) had undertaken to be responsible for the making of the excavation in question or the execution of works in question; or

(ii) by reason of the fact that he had in his charge or subject to his direction the making of the excavation or the execution of the works or part thereof, ought to be taken to be responsible as aforesaid; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(3) If in any case the defence provided by the last foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

37.—(1) The Corporation may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway or upon a tree, structure or works on or in a highway contrary to paragraph (cc) of subsection (1) of section 117 of the Act of 1959.

Defacing of
road surface,
etc.

(2) The court by which a person is convicted of an offence under the said section 117 may, whether or not it imposes a fine, order require him to pay to the Corporation any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to paragraph (c) of subsection (2) of the said section or incurred by them under subsection (1) of this section.

Private streets

38.—(1) Where any street works in the borough have been completed by the Corporation but the Corporation are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter be found, the Corporation may at any time after the expiration of twelve years from the date when the said amount becomes due apply to the county court and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the Corporation absolutely and thereupon the Corporation may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 at the said premises were land which was not required for the purpose for which it was acquired.

Recovery of
street works
charges where
owner
unknown.

PART III
—cont.

1949 c. 42.

(2) Where the county court makes an order under subsection (1) of this section the tribunal shall for the purpose of determining the value of the said premises nominate one of their members selected in accordance with subsection (6) of section 3 of the Lands Tribunal Act, 1949, and the member nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof and the Corporation shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Minister under section 212 of the Act of 1949, together with all costs and expenses reasonably incurred by the Corporation.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 9 of the Act of 1965 as if it were a sum awarded to be paid to an owner who cannot be found and as if the Corporation were the promoters of an undertaking and such sum shall be applied in accordance with that Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Corporation in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the Corporation in respect of all street works whether completed before or after the passing of this Act.

*Miscellaneous*Application of
code of 1892
to parts of
public streets.

39.—(1) Where it appears to the Corporation that a new street has been formed by reason of additions made to an existing footpath, bridleway or other highway maintainable at the public expense (not being or comprising a carriageway), otherwise than by the giving up for the purpose by the Corporation of lands owned by them, the Corporation may, notwithstanding anything in the code of 1892, carry out street works in respect of such street, or any part of such street, and apportion the expense thereof on the premises fronting, adjoining or abutting on such street, or such part thereof as if no part of the said street were maintainable.

(2) Save in a case falling within the provisions of subsection (1) of this section, for the purposes of any apportionment of the expenses of carrying out street works in part of a street which any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting

street shall, if the council so resolve, be deemed to front, or abut on the part of the street which is not so maintainable.

(3) Where, in consequence of any order or orders made under section 30 or 32 of the Public Health Act, 1925, or section 159 or 166 of the Act of 1959, any lands have been or are added to an existing highway maintainable at the public expense, such lands, if so resolved by the council, shall for the purposes of the code of 1892 be deemed to be a street which is not maintainable at the public expense and the Corporation may apportion the whole or any portion of the expenses of any street works carried out in respect of such street, or any part of such street, on the premises of which such lands formed part immediately before their addition to the highway as aforesaid:

Provided that such expenses shall not include any expenses which, under subsection (4) of section 163 of the Act of 1959, are to be borne by the Corporation.

40. For the purpose of the execution of any works on or near a public footpath or bridleway in the borough, the Corporation may restrict or prohibit temporarily the use of that footpath or bridleway, or of any part thereof:

Temporary
stoppage of
footpaths
and
bridleways.

Provided that—

(1) the Corporation shall not exercise the powers of this section so as to deprive persons bona fide going to or from any building or land of reasonable access to the building or land;

(2) the exercise by the Corporation of the powers of this section in relation to any footpath or bridleway in the borough shall not prevent any statutory undertakers from obtaining access to any apparatus nor prejudice or affect the right of the Postmaster General or any statutory undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any telegraphic line or apparatus in that footpath or bridleway; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal, to enter upon or break open that footpath or bridleway.

41.—(1) The Corporation may cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations, and may for that purpose provide sockets or slots or under the surface of, any such street.

Decorations
in streets.

PART III
—cont.

(2) If any person wilfully removes or damages a flag-pole, pylon, socket or slot erected or provided under this section, he shall be liable to a fine not exceeding twenty pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport.

(4) Any consent required by the foregoing subsection shall not unreasonably be withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything placed in or under the surface of a street under the powers conferred by this section if reasonably required to do so by the Minister of Transport.

Numbers of
houses.
1847 c. 34.

42. As from the appointed day section 65 of the Towns Improvement Clauses Act, 1847 (which requires the occupiers of houses and other buildings in the streets to mark their houses with numbers), shall have effect in its application to the borough as if after the words "with such numbers as the commissioner approve of" there were inserted the words "and in such positions as to be easily visible from the street" and as if after the words "a number approved of by the commissioners" there were inserted the words "and in such position as to be easily visible from the street".

Road cleansing
vehicles.

43. Between one hour after sunrise and one hour before sunset the provisions of any order under the Act of 1960 or under the Act of 1967 prohibiting the driving of vehicles on any specified road in the borough otherwise than in a specified direction shall not apply to any mechanically propelled and operated road cleaning vehicle provided by the Corporation when engaged in the cleaning of any street.

Sale of food
and articles
on verges,
etc.

44.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall provide, erect, place or use any shed, hut, shelter, booth, shop, stall or other erection whether on wheels or not or any vehicle or any container used with or without stall on the verge of any road to which this section applies, or any common land or other unenclosed land of whatsoever description adjacent to and within 15 yards of a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever other than newspapers.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding two pounds.

(3) This section applies to—

- (a) such parts of the classified roads A.442, A.448, A.451 and A.456 as are situate within the borough;
- (b) such parts of the trunk road A.449 as are situate within the borough;
- (c) the Kidderminster Inner Ring Road; and
- (d) any other road or part of a road in the borough to which the Corporation may by order apply this section.

(4) (a) An order under subsection (3) of this section shall not be made except with the consent of the Minister of Transport.

(b) Before making application for a consent under this subsection the Corporation shall publish once at least in each of two successive weeks in a local newspaper circulating in the borough a notice stating the general effect of the order and stating that within a period specified in the notice (not being less than twenty-eight days from the date of the first publication of the notice) any person may object to the application, by sending notice of his objection and of the grounds thereof to the Minister of Transport and by sending a copy thereof to the town clerk.

(c) If, before the expiration of the period specified in the notice, an objection to the application is received by the Minister of Transport from any person appearing to him to be affected, the said Minister shall, before consenting to the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(5) The Minister of Transport may, in consenting to any order submitted to him for his consent under this section, consent to that order in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the Corporation and other persons likely to be concerned.

(6) Nothing in this section shall apply to—

- (a) any shed, hut, shelter, booth, shop, stall or other erection or any vehicle or container provided, erected or placed on private property by or with the consent of the owner of such property;
- (b) any building erected or work constructed with the consent of the Minister in pursuance of section 194 of the Law of

PART III
—cont.
1925 c. 20.

Property Act, 1925, or of any other statutory provision or any scheme made pursuant to a statute; or

(c) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or common land or other land to which this section applies.

(7) In this section—

“container” includes any basket, pail, tray, package, receptacle of any kind whether open or closed;

“the Kidderminster Inner Ring Road” means the road intended road in the borough delineated diagrammatically on Sheet No. 4 of the deposited plans;

“private property” does not include common land;

“vehicle” means any vehicle of any description, whether drawn or propelled by mechanical power or not.

Offences under sections 7 and 8 of Act of 1950.

45.—(1) Where an offence has been committed within the borough under section 7 or section 8 of the Act of 1950 or any regulations made thereunder and it appears to the Corporation or any other person by or on behalf of whom proceedings for such an offence may be instituted, that such an offence has been committed by undertakers and the Corporation or other person as aforesaid are reasonably satisfied that the offence was due to an act or default of some other person the Corporation, or other person as aforesaid, may take or authorise the taking of proceedings against that other person as well as against the undertakers; and in any such proceedings that other person may be charged with, and, on proof that the commission of the offence was due to his act or default, be convicted of, the offence.

(2) In this section “undertakers” has the meaning assigned to it by subsection (1) of section 39 of the Act of 1950.

General

Interpretation of Part III of Act.

46.—(1) In this Part of this Act—

“new street byelaws” has the meaning assigned to it by subsection (4) of section 157 of the Act of 1959;

“street” includes any highway, including a highway, or any bridge, and any road, lane, footpath, footway, square, court, alley or passage whether a thoroughfare or not and includes any part of a street;

"structure" means a wall, fence, hoarding or similar erection; but for the purpose of this definition "wall" does not include a wall forming part of a permanent building;

PART III
— cont.

and words and expressions to which meanings are assigned by sections 294 and 295 of the Act of 1959 have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of a site or the excavation for the foundations thereof, whichever is the earlier, began.

PART IV

PUBLIC HEALTH

(1) The Corporation may by notice require a contractor engaged in or upon any building operations in the borough, or upon the construction or reconstruction of any works therein, within such time as may be specified in the notice—

Sanitary
conveniences
for persons
employed on
construction
work.

(a) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and

(b) where the workpeople employed thereon comprise both men and women, to provide as aforesaid for men and women separately;

as reasonably practicable so to do:

Provided that this section shall not apply to building operations

(i) to which section 127 of the Factories Act, 1961, applies; 1961 c. 34.

(ii) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954.

1954 c. 70.

(2) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(1) Where two or more sanitary conveniences are provided in connection with two or more separate houses and are used in common by the occupiers of the houses, the owner of the houses—

Sanitary
conveniences
used in
common.

(a) shall so far as is reasonably practicable allot the conveniences to the occupiers of particular houses so as to

PART IV
—cont.

ensure that they are allocated proportionately, as near as may be, amongst the houses; and

- (b) shall cause the door or a wall of each convenience to be marked and kept marked with the number or other identification of the house the occupiers of which are entitled to use it.

(2) If any person fails to comply with the provisions of this section he shall be liable to a fine not exceeding twenty pounds or to a daily fine not exceeding one pound:

Provided that in any proceedings under this section in respect of a failure to keep the door or a wall of a convenience marked in accordance with the provisions of paragraph (b) of subsection (1) of this section it shall be a defence for the defendant to prove that the failure was due to causes beyond his control.

Provision of sanitary conveniences at places of public exhibition, etc.

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

(2) Any person aggrieved by a requirement of the Corporation under subsection (1) of this section may appeal to a magistrates' court.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period, not being less than one month from the date of the service of the notice, as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport, he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds:

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier of the case may be, the owner of the premises; and
- (b) no proceedings shall be taken against a person who failed to comply with a notice served on him under this section if, on the date when the public are admitted

to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) Section 89 of the Act of 1936 shall in its application to the borough have effect as if for the words " refreshment-house or place of public entertainment " in subsection (1) of that section there were substituted the words " or refreshment-house ".

(b) Nothing in this section shall apply to premises to which the said section 89, as amended by this subsection, applies by reason only of the holding thereon of any exhibition, performance, amusement, game or sport to which the public are admitted.

(b) The provisions of this section shall not apply to any premises place in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act, 1961.

1961 c. 64.

50.—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke, gas or vapour from a chimney, flue or pipe of a building or structure forming part of, within the curtilage of, a house in the borough is prejudicial to the health of any of the inhabitants of the borough or a nuisance, the court may make an order requiring the owner of the chimney, flue or pipe, within such time as may be specified in the order—

Power to order alteration of domestic chimneys.

(a) to cause it to be raised to a height so specified; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) Section 301 of the Act of 1936 shall apply to an order made under this section as if it were an order under the Act of 1936.

51.—(1) Where plans of a building have been deposited with the Corporation in pursuance of building regulations the Corporation may reject the plans if they are not satisfied that they show

Refuse disposal.

(a) the method of storage and collection of refuse together with the related facilities to be provided are adequate; and

PART IV
—cont.

(b) adequate means of access from a highway to the place of storage of the refuse so as to facilitate the removal of refuse to the Corporation's refuse vehicles, will be provided.

(2) If the Corporation reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plan has been so rejected.

(3) Any question arising under this section between the Corporation and the person by or on whose behalf plans are deposited as to whether the accommodation for the storage of refuse or the means of access shown on the plans is adequate may on the application of that person be determined by the magistrates' court:

Provided that no such application shall be entertained unless it is made before the proposed building has been substantially commenced.

Provision of bulk refuse containers by Corporation.

52. The Corporation may at the request of the owner or occupier of any premises within the borough provide and maintain on such premises a bulk refuse container on such terms and conditions and at such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Corporation.

Maintenance of and access to bulk refuse containers.

53.—(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container, or where the Corporation at the request of the owner or occupier provides a bulk refuse container, the Corporation may by notice require him to provide and maintain to the satisfaction of the Corporation a good and sufficient stand or base for the bulk refuse container and to provide and maintain to the satisfaction of the Corporation such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight of a full bulk refuse container, of any trolley or other vehicle of the Corporation constructed to convey bulk refuse containers to and from refuse vehicles.

(2) A notice under the preceding subsection may require the owner or occupier of the premises to execute such work and make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices

notices given under this section, shall have effect as if the following paragraph were added to subsection (3) thereof:—

“(g) where the notice requires the owner or occupier of part of the premises in question to execute works for the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that other part ought to bear, or contribute towards, the expenses of executing the works required”;

and subsection (5) of the said section 290 shall have effect accordingly as if after the reference to “ paragraph (f) ” there were inserted the words “ or paragraph (g) ”.

54. The Corporation may, as respects any premises in the borough, provide and maintain such number of dustbins or other receptacles for the reception of trade refuse as they may consider necessary. Power to provide dustbins for trade refuse.

(1) If it appears to the Corporation that any party or any wall of any court, courtyard or yard attached to or forming part of any house in the borough or the fence or door of any such court, courtyard or yard— Repair of walls, etc., of yards.

(a) has collapsed or been pulled down; or

(b) is in danger of collapsing; or

(c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

the Corporation may by notice require the owner or occupier of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

56.—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of the premises by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway) or the absence of the supply of water through that pipe or the defective state of any fittings, the Corporation may, without notice or without proceedings, repair or renew the pipe or execute such other works as may be necessary for the purpose of restoring the supply of water to the premises where supply has been cut off. Supply of water to premises where supply cut off.

PART IV
—cont.

things (including the making of any payment) as they consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred, and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any two or more persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings, unless the court is satisfied that that other person at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) The functions of the Corporation under the foregoing provisions of this section may be exercised by the medical officer of health or any public health inspector of the borough.

(4) The Corporation may, if they think fit, themselves bear the whole or any part of any expenses recoverable by them under this section.

(5) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the statutory water undertakers concerned (which consent shall not be unreasonably withheld) and in giving their consent the statutory water undertakers—

(a) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an occupied house has been cut off by the statutory water undertakers in exercise of their statutory powers, conditions to secure that the supply to that house is restored under the powers of this section unless the Corporation pay to the statutory water undertakers any sum due to them in respect of the supply of water to that house and any expenses reasonably incurred by them in cutting off the supply; and

(b) may without prejudice to any action or proceedings which they may take under any other enactment to carry out on behalf of the Corporation any relevant

renewal or other works proposed by the Corporation in which case the expenses reasonably incurred by the statutory water undertakers in so doing shall be repaid to them by the Corporation.

(6) Any difference which may arise between any statutory water undertakers and the Corporation under the last foregoing subsection (other than a difference as to the meaning or construction of the said subsection) shall be referred to and determined by arbitration.

57.—(1) Any expenses adjudged to be payable to the Corporation consequent upon the exercise of their powers under subsection (1) of section 23 or subsection (3) of section 44 of the Act of 1957 shall until recovered be a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

Expenses of executing demolition orders.

(2) The Corporation shall for the purpose of enforcing a charge under this section have all the powers and remedies under the Law of Property Act, 1925, and otherwise of mortgagees by deeds having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

1925 c. 20.

(1) As from the appointed day the following provisions shall have effect in the borough with respect to the slaughter of any of the following animals, namely, horses, cattle, sheep, pigs or pigs, where the animal is slaughtered owing to emaciation or disease, and the Meat Inspection Regulations, 1963, do not have effect in relation to the slaughtering by reason of its not being for human consumption.

Slaughter of animals otherwise than for human consumption.

(2) The owner of any such animal shall comply with the following provisions:—

(a) except in the cases mentioned in paragraph (b) of this subsection, he shall not slaughter it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired;

(b) if, by reason of accidental injury, illness or exposure to infection or other emergency affecting that animal or in order to comply with regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations, 1958, it is necessary to slaughter it without complying with paragraph (a) of this subsection he may without such compliance slaughter it, or cause it to be so slaughtered; but—

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcase

PART IV
—cont.

intact until the expiration of that period, or until disposal is approved by an authorised officer, whichever ever first occurs; or

(ii) if the slaughter is without giving such a notice he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcass intact until the expiration of twenty-four hours from the giving of that notice, or until disposal is approved by an authorised officer, whichever ever first occurs;

(c) he shall, on the application of an authorised officer made within two weeks from the date of its slaughter, furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcass or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (a) of subsection (2) of this section on the owner of an animal to retain the carcass intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

(a) to send, at any time during that period, to a laboratory a specimen taken from the carcass or the whole carcass, or

(b) to take such a specimen, or the whole carcass, into his possession at any time during that period, and to retain it;

but, where the owner gives such a permission and it is acted upon, he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (a) of subsection (2) of this section on the owner of an animal to retain the carcass intact until the expiration of a period therein mentioned if the slaughter was in a knacker's yard, or the carcass is moved to a knacker's yard immediately after the slaughter, the owner may take, or cause to be taken, from the carcass during that period any part or organ which, in the opinion of the owner, is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcass, if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from whom the carcass it was taken.

(5) If the owner of an animal—

(a) without reasonable excuse contravenes this section or fails to discharge an obligation thereby imposed on him; or

(b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

he shall be liable to a fine not exceeding fifty pounds.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act, 1950, or of any order, licence or act of 1950 c. 36. the Minister of Agriculture, Fisheries and Food made, granted or done thereunder, or having effect by virtue of subsection (2) of section 89 thereof.

(7) In this section—

“authorised officer” means any officer who is, by virtue of the Food and Drugs Act, 1955, an authorised officer 1955 c. 16. for the purpose of the examination and seizure of meat (4 & 5 Eliz. 2.) under the provisions of Part I of that Act relating to food unfit for human consumption;

“knacker’s yard” has the meaning assigned to it by section 135 of the Food and Drugs Act, 1955.

References in this section to the Meat Inspection Regulations, 1963, or the Slaughter of Animals (Prevention of Cruelty) Regulations, 1958, or to any provision in those regulations are references to those regulations or that provision as amended or replaced by subsequent regulations.

59.—(1) (a) As from the appointed day and subject to the Registration provisions of this subsection, no premises in the borough shall be of premises used in for sale or offer or exposure for sale or deposit or consign- connection for sale or preparation for sale of animal feeding meat. with sale, etc., unless such premises are registered under this section for that of animal purpose by the Corporation, and a person who uses any premises feeding meat. contravention of the provisions of this subsection shall be liable, in the case of a first offence, to a fine not exceeding ten pounds and in the case of a subsequent offence, to a fine not exceeding pounds.

(b) Subject to the following provisions of this subsection the Corporation shall, on the application of the occupier of or of a person proposing to occupy any premises, register those premises for the purposes of this subsection.

(c) If it appears to the Corporation that any premises for the registration of which application has been made under this subsection or which are registered under this section are unsuitable for the purpose for which they are proposed to be used or

PART IV
—cont.

are being used, the Corporation shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time, being less than twenty-one days from the date of the service of the notice, at which they propose to take the matter into consideration and informing him that he may attend before a committee of the Corporation with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or (as the case may be) cancel registration of the premises.

(d) If a person on whom a notice is served under the foregoing paragraph fails to show cause to the satisfaction of the Corporation they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall, if required by him, within fourteen days from the date of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

(e) Any person aggrieved by the decision of the Corporation under this subsection to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(f) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the Corporation who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so, he shall be liable to a fine not exceeding five pounds.

(2) Nothing in subsection (1) of this section shall extend or apply to any premises used for sale or offer or exposure for sale of animal feeding meat—

(a) in tins or other containers, effectually sealed and having attached thereto a notice of adequate size, distinctly and legibly printed and conspicuously visible to the effect that the animal feeding meat is for animal consumption only;

(b) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation, storage or sale of animal feeding meat.

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

In this section—

“animal feeding meat” means any flesh of cattle, horses, asses, mules, swine, sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh, whether cooked or uncooked, and whether alone or accompanied by or mixed with any other substance, but does not include any residuals which have been sterilised in a manner not less effective than that prescribed by any regulations for the time being in force under the Food and Drugs Act, 1955, 1955 c. 16. (4 & 5 Eliz. 2).
resulting from the refining or processing of any such flesh at premises to which the provisions of sections 107 and 108 of the Act of 1936 are applicable;

“flesh” includes any part of an animal;

“meat” includes any part of the carcase of an animal;

“premises” does not include a knacker’s yard or slaughterhouse as defined in section 135 of the Food and Drugs Act, 1955.

(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof. Tipping of spoil and refuse.

(2) Byelaws made by virtue of this section may—

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

(b) provide that any spoil or refuse tip placed, kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse—

(a) by railway, canal or inland navigation undertakers for the purpose of constructing, altering or maintaining any railway, canal, inland navigation, dock or wharf works; or

(b) by a river authority for the purpose of land drainage or flood alleviation or in the exercise of its new functions under the Water Resources Act, 1963; or 1963 c. 38.

(c) by the Central Electricity Generating Board on any operational land of that board; or

(d) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Acts, 1954 and 1969, or at a tip to which Part I of the Mines and Quarries (Tips) Act, 1969, applies. 1969 c. 10.

PART IV
—cont.Control of
refuse tips.

61.—(1) Subsection (3) of section 76 of the Act of 1936 shall in its application to the borough, extend to provide that it shall not be lawful except as provided by subsection (3) of this section for any person to sort over or disturb the material deposited in a place provided for the deposit of refuse.

1967 c. 69.

(2) In this section “place provided for the deposit of refuse” means any place provided by the Corporation under section 18 of the Civic Amenities Act, 1967, and also any place provided by agreement with any person, body or local authority under subsection (4) of that section.

(3) This section shall not prevent the sorting over of material deposited in any place provided for the deposit of refuse—

- (a) by any person employed by the Corporation in connection with the removal and disposal of refuse;
- (b) by any other person who has received the Corporation's specific permission to do so;
- (c) in the case of any place so provided by virtue of agreement under subsection (4) of section 18 of the Civic Amenities Act, 1967, by any other person employed at that place or any person having control over that place or any person who has received the specific authority of any person having control over that place.

Silencers for
internal
combustion
engines.

62.—(1) A stationary internal combustion engine shall not be used in the borough unless a reasonable silencer is provided and used on the exhaust of the engine.

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be so used, the Corporation may give him notice that the engine is being or has been so used, and if, after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as aforesaid or causes or permits it to be so used, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding two pounds.

(3) An authorised officer of the Corporation shall, on producing if so required some duly authenticated document showing his authority, have the right—

- (a) to enter at all reasonable hours premises on which there is reason to believe that such an engine is being or has been used in contravention of this section;
- (b) to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off;

and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier.

of the premises if there is found on the premises such an engine which is not provided with a reasonable silencer on the exhaust thereof.

(4) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act, 1954.

1954 c. 70.

63.—(1) The Corporation may make byelaws for the control of noise from road works and works of building construction, civil engineering and demolition.

Control of noise from building, demolition and road works.

(2) (a) Where upon application being made to the Corporation they are satisfied that any particular operation cannot reasonably be carried out without contravening any byelaws made under this section the Corporation may grant permission for noise to be caused in the course of the carrying out of that operation in so far as that is permitted by the byelaws.

(b) To assist them in reaching a decision upon an application made under paragraph (a) of this subsection the Corporation shall consider the practicality and cost of any alternative operation and the disturbance which may be caused by the noise for which permission has been sought.

(c) Any permission under paragraph (a) of this subsection may be granted subject to such conditions as the Corporation think fit and any operation carried on in breach of a condition imposed shall be deemed to be carried on without permission.

(d) Any person aggrieved by the refusal of any permission or by any condition imposed thereby may appeal to a magistrates' court.

(3) (a) In proceedings brought for contravening any byelaw made in pursuance of this section it shall be a defence for the defendant to prove that the best practicable means have been used for the control of the noise caused in the course of the carrying out of any operation which is the subject of the proceedings and such defence shall be available whether or not an application has been made to the Corporation under subsection (2) of this section in respect of that operation.

(b) In determining for the purposes of this subsection whether the best practicable means have been taken for the control of the noise a court shall have regard to cost and to local conditions and circumstances.

No byelaw under this section shall extend to control noise activities carried out by the British Railways Board on any land of that board.

PART V

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

Parking places
in parks, etc.

64. For the purpose of providing a parking place under section 28 of the Act of 1967 the Corporation may, with the consent of the Minister, utilise any part of a park, pleasure ground or open space provided by them or under their management and control:

Provided that the part of any park, pleasure ground or open space utilised under this section shall not exceed one-eighth the total area thereof, or one acre, whichever is the less.

Golf courses.

65.—(1) The Corporation may within or outside the borough provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

(2) References in the following provisions of this section to a golf course provided under this section shall include reference to any buildings provided, or works executed, under the last foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

- (a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or
- (b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may—

- (a) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;
- (d) by themselves, or any person appointed by them for that behalf, apply for, and hold, licences for the sale of intoxicating liquor at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section, whether within or outside the borough, and the conduct of persons using them or resorting thereto.

Agreements to
maintain
graves and
tombstones.

66.—(1) The Corporation may agree with any person in consideration of the payment of a sum by him, to maintain

period fixed by the agreement, a grave or tombstone in a burial ground or crematorium provided by the Corporation.

PART V
—cont.

(2) In this section —

“grave” includes a grave space, niche or urn;

“tombstone” includes a monument or other memorial of a deceased person.

7. (1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

Extension of
power to
maintain
burial grounds.

(a) to put, and keep, in order any memorial therein;

(b) to level any grave therein;

(c) to remove the whole or any part of a memorial therein;

(d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (b), (c) or (d) of the foregoing subsection the Corporation shall—

(a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;

(b) display a notice thereof in a conspicuous position in the burial ground; and

(c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

(3) Each of the notices shall—

(a) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;

(b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day from the date of the later of the two publications, or than the twenty-first day from the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day from the date of service whichever is the latest; and

(c) state the effect of the next following subsection.

PART V
—cont.

(4) If notice of objection to a proposal, and of the date thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Minister unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months from the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, where notice has been served under paragraph (c) thereof, from the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense in substitution, a memorial of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) (a) Nothing in the foregoing provisions of this section relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work faculty or licence of a consistory court.

(b) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such faculty or licence was obtained.

(9) In this section “grave” includes a grave space.

68.—(1) In this section—

“the Commission” means the Commonwealth War Graves Commission;

For
protection of
Common-
wealth War
Graves
Commission.

“Commonwealth war burial” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 67 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947 the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 67;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 67;

and in any such case shall have due regard to any written representations made by the Commission within a period of one month from the date of the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not in pursuance of the powers of the said section 67 remove any memorial placed or erected over any Commonwealth war grave unless they have first given the Commission satisfactory assurances in writing in regard to such of the following matters as the Commission consider appropriate, namely:—

(a) that no other memorial shall be placed or erected over such grave;

(b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;

(c) that in the case of any headstone placed or erected by the Commission over any such grave such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

PART V
—cont.

(4) If a Commonwealth war burial would be affected by consent given by the Minister under subsection (4) of section 67 the Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Commission in writing of such reference and the Minister shall consider representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Minister.

Aerodrome
undertaking.
1949 c. 67.

69.—(1) In the event of the Corporation establishing, in pursuance of sections 19 and 20 of the Civil Aviation Act, 1949, an aerodrome, with or without any ancillary business in connection therewith (in this section referred to as "the aerodrome undertaking"), they may either—

- (a) themselves manage the aerodrome undertaking, making such reasonable charges in respect thereof as they think fit; or
- (b) subject to the provisions of subsection (6) of section 19, let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit:

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Board of Trade in pursuance of powers conferred on them by the Civil Aviation Act, 1949, under the said Act.

(2) The aerodrome undertaking shall be in the same relation to the Board of Trade, and subject to the like control by the Board, under the Civil Aviation Act, 1949, as if this Act had not been passed.

As to
disposal of
public walks
and pleasure
grounds.
1875 c. 55.

70. The powers of sections 163, 164 and 165 of the Public Health Act, 1875, notwithstanding that such land has been made available for free and unrestricted access by the Corporation, may be exercised by the Corporation in respect of land at any time being held by them for the purposes of section 164 of the Public Health Act, 1875, notwithstanding that such land has been made available for free and unrestricted access by the Corporation to members of the public:

Provided that the Corporation shall not under the powers conferred by this section appropriate, sell, lease or otherwise dispose of any land exceeding in total an area of 250 square yards.

Saving for
trusts.

71. No power conferred upon the Corporation by the following provisions of this Part of this Act, namely:—

Section 64 (Parking places in parks, etc.);

Section 65 (Golf courses);

Section 70 (As to disposal of public walks and pleasure grounds);

shall be exercised in such a manner—

- (1) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or
- (2) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

72. In this Part of this Act—

“burial ground” includes a cemetery;

“memorial” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial.

Interpretation
of Part V of
Act.

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

73.—(1) No procession shall pass through the streets of the borough unless written notice stating the route by which, and the date and time on and at which, it will pass has been delivered to the office of the town clerk, and at the principal police station in the borough, by midday on the day next but one before the date stated.

Notice of
street
processions.

(2) If a procession passes through the streets of the borough in contravention of the foregoing subsection, or by a route, or at a time, other than that stated in the notice delivered with respect hereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding twenty pounds.

(3) In this section “procession” means any public or ceremonial procession or any circus procession or procession of animals;

PART VI
—cont.

Provided that nothing in this section shall apply to a public or ceremonial procession habitually held.

Safety of
stands.

74.—(1) As from the appointed day no person shall commence to erect in the borough a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Corporation of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require, and the Corporation have approved erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of the plan, section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice, being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will be erected, the Corporation shall have regard to that statement in considering what modifications and requirements are to be specified in a notice under subsection (2) of this section, but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice, or such further time as the Corporation may allow.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan, section and particulars submitted to them; and, if within the said five weeks the Corporation have not given notice under subsection (2) of this section, they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to a magistrates court.

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or

(b) erects such a stand otherwise than in accordance with a plan, section and particulars submitted to the Corporation under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the said plan, section and particulars as modified by the notice; or

(c) being the owner or occupier of such a stand erected otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or

(d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

shall be liable to a fine not exceeding one hundred pounds and, in the case of any such failure, to a daily fine not exceeding two pounds:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

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

(8) The provisions of this section shall not apply to a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

(9) In this section “stand” includes a structure, but does not include a building, or extension of a building, to which building regulations are applicable.

(1) As from the appointed day no person shall at any time in the borough to which this section applies— Touting,
hawking, etc.

(a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden or place of amusement or for a boat, hackney carriage or public service vehicle; or

PART VI
—cont.

(b) without the consent of the Corporation, which be given on such terms and conditions as they think fit—

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals, except on the ground that their consent to such sale or offering to sale has already been given to a reasonably sufficient number of other persons.

(3) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to sale or offering for sale to persons residing in, or employed at, premises in or adjoining a place to which this section applies.

(4) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in or includes, selling or supplying photographs for such publication.

(5) This section applies to any place—

(a) in or on an esplanade, parade, promenade, quay or public walk; or

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act, 1906, which is provided by the Corporation, or under their management and control; or

(c) in any street or part of a street;

to which this section applies by virtue of byelaws made by the Corporation under this section.

(6) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrate's court.

(7) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is thereunder, he shall be liable to a fine not exceeding ten pounds.

As from the appointed day, section 94 of the Public Health Act, 1907, shall in its application to the borough have effect as if the following subsection were substituted for subsection (3) thereof:—

Licensing of
boatmen and
pleasure boats.
1907 c. 53.

“(3) No person shall—

- (a) let for hire a pleasure boat or pleasure vessel not so licensed, or at any time during the suspension of the licence for the boat or vessel; or
- (b) carry, or permit to be carried, passengers for hire in a pleasure boat or pleasure vessel unless the boat or vessel, and the boatman in charge thereof and the navigator, are so licensed, or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator:

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit.”

77.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the storage part of the building”) shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

Parts of
buildings
used for
storage of
flammable
substances.

- (a) in the case of any part of a building which is so used immediately before the appointed day, within twenty-one days after the appointed day; and
- (b) in the case of any part of a building which after the appointed day is intended to be so used, not less than twenty-one days before such user takes place.

(2) The Corporation may, if they are of the opinion that such

- (a) is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room, or as a place where any person works; or

PART VI
—cont.

(b) is in such manner as to be liable to cause fire or explosion by counter-notice require the occupier of any part of a building in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-notice—

- (i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the part of the building;
- (ii) means of ready escape in case of fire from the storage part of the building and any other part of the building being a part comprising a habitable room or a part in which any person works if that other part communicates directly or indirectly with or is adjacent to a part constructed at a higher level than the storage part of the building;
- (iii) notices in or on the storage part of the building indicating the existence of danger from fire and notices in that part of the building stating that smoking is prohibited;
- (iv) adequate means for giving warning in case of fire.

(3) (a) An authorised officer of the Corporation may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any kind of test of a sample taken by an authorised officer of the Corporation by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (6) of this section, unless the following requirements have been complied with: that is to say, the said officer shall, forthwith after taking the sample, notify the occupier of the building of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

- (i) deliver one part to the occupier of the building;
- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.

(4) The occupier of any building who—

- (a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or

(b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or, as the case may be, to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation any material extension or material structural alteration of the building to which the certificate relates is made the Corporation may serve a further counter-notice varying any requirement made under subsection (2) of this section in respect of that building.

Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a new certificate in respect of the building but if anything required to be provided in accordance with a further counter-notice served under subsection (5) is not provided within such reasonable time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

(6) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation of a requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified by the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

Any person aggrieved by the refusal of the Corporation to grant or amend a certificate under this section or by the

PART VI
—cont.

cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

(7) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(8) This section applies to—

(a) any building in the borough which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which a person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

(b) (i) any substance which is gaseous at a temperature of 33 degrees Fahrenheit at atmospheric pressure and which is flammable; and

(ii) any other substance which when tested by a method approved by the Secretary of State gives off a flammable vapour at a temperature of less than 150 degrees Fahrenheit:

Provided that this section shall not apply to any building in which no substance to which this section applies is stored other than—

(i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act, 1928, apply; or

(ii) any substance which does not when tested by a method approved by the Secretary of State give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in securely closed metal containers in good condition containing not more than 5 gallons each and the aggregate amount of all such substances stored in such manner would not, if the contents were in bulk, exceed 25 gallons; or

(iii) any substance which does not when tested by a method approved by the Secretary of State give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons.

(9) In this section "building" where used in relation to the storage of substances therein includes the curtilage of the building.

(10) Nothing in this section shall apply to premises which are subject to the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963, or regulations made under either of those Acts. PART VI
—cont.
1961 c. 34.
1963 c. 41.

(11) Nothing in this section shall apply to any building or part of a building by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of

78.—(1) Within the borough unless the Corporation consent—
(a) no building shall be erected with a storey or part of a storey at a greater height than—

- (i) 100 feet; or
- (ii) 80 feet if the area of the building exceeds 10,000 square feet;

Further precautions against fire in certain high or large buildings.

(b) no building or part of a building of a cubical extent exceeding 250,000 cubic feet shall be used for purposes of trade or manufacture unless it is divided by division walls in such manner that no division of the building or part of the building (as the case may be) is of a cubical extent exceeding 250,000 cubic feet:

Provided that—

(A) the Corporation shall not withhold consent under paragraph (a) or paragraph (b) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put, proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;

(B) paragraph (b) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act a structural alteration or extension is made in or to the building or a material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building or relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

Any person who is aggrieved by a decision of the Corporation under this section—

(a) to withhold consent; or

PART VI
—cont.

(b) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision, appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section, he shall be liable to a fine not exceeding five pounds and if—

(a) that person after conviction of the contravention; or

(b) any other person after notice of the conviction has been served on him by the Corporation:

uses the building without the consent of the Corporation or contravenes any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (a) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(b) In this section "cubical extent" in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey, but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or accommodating lifting gear or other such apparatus.

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls within the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws or building regulations by paragraph (a) or paragraph (c) of section 71 of that Act.

Saving for
Fire Services
Acts and
Factories Act,
1961 c. 34.

79. Nothing in the foregoing sections of this Part of this Act shall affect the operation of the Fire Services Acts, 1947 to 1961 or the Factories Act, 1961, or any regulations or orders made thereunder.

Securing of unoccupied houses under Act of 1957.

(1) Where the Corporation have under section 16 of the Act of 1957 accepted an undertaking that a house will not be used for a human habitation or where the Corporation have—

(a) by a closing order made under section 17, 18, 26 or 35 of the Act of 1957, ordered any house or building, or any part thereof, to be closed; or

(b) by a clearance order under section 44 of the Act of 1957, ordered any building, or any part thereof, to be vacated, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

they may, if the premises are not effectively secured so as to prevent the entry into the premises, when unoccupied, of any person other than a person authorised by the owner or the Corporation, or giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building, or part thereof, as will so secure the premises against entry.

(2) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous building under section 25 of the Public Health Act, 1961.

1961 c. 64.

(3) In this section—

“house” has the same meaning as in the Act of 1957;

“owner” includes any person deemed to be the person having control of the house for the purposes of Part II of that Act.

81.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or of damage to property in the borough should be removed, cut or felled, the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within such period as the Corporation may consider necessary to remove, cut or fell the tree or such other works as the Corporation may consider necessary to prevent the danger.

Removal, etc., of dangerous trees.

(2) The provisions of section 276 of the Act of 1936 relating to the use of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression “materials” included timber.

PART VI
—cont.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Provided that for the purposes of such application the said section 290 shall have effect as if—

(a) for paragraph (a) of subsection (3) thereof there be substituted the following paragraph:—

“(a) that the notice or requirement is unreasonable;” and

(b) in subsection (6) thereof the words after “in so doing” were omitted.

(4) In any case where the removal or cutting down of or the execution of works in relation to any tree—

(a) will interfere with the exercise by a river authority of any of its functions; or

(b) will cause injury or damage to or otherwise interfere with any drainage work;

the Corporation shall (except in case of emergency) consult with the river authority concerned before serving any notice under this section.

Prohibition on solicitation of children to sell or exchange articles at schools.

82.—(1) While any child is entering or leaving any school in the borough, or is entering or leaving any yard or playground appurtenant to any such school, or is in any such yard or playground, no person shall solicit such child—

(a) to sell to such person any article or thing;

(b) to exchange with such person any article or thing for any other article or thing.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding ten pounds.

(3) In this section—

“child” has the same meaning as in section 114 of the Education Act, 1944;

“article or thing” includes any animal, fish, bird or other living thing.

1944 c. 31.

Coffee bars, clubs, etc., open after 11 p.m. or before 5 a.m.

83.—(1) In this section—

“coffee bar” means—

(a) any premises which are kept open for public refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning or

(b) any premises which are used by a club, organisation or body and which, if they were kept open to the public, would fall within paragraph (a) of this definition;

PART VI
—cont.

but does not include any premises—

(i) in respect of which there is in force for the time being—

(A) a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act, 1964;

1964 c. 26.

(B) a licence granted by the licensing justices under Part IV of the Public Health Acts Amendment Act, 1890, or the Private Places of Entertainment (Licensing) Act, 1967;

1890 c. 59.
1967 c. 19.

so long as they are in use wholly or mainly and bona fide for the purpose authorised by such licence; or

(ii) which are kept open wholly or mainly as an ancillary amenity to a bona fide hotel, guest house or lodging house; or

(iii) which are used by a club registered or licensed under the Licensing Act 1964, or a club provided or maintained by the Corporation; or

(iv) which are used by a club, organisation or body—

(A) registered as a charity under section 4 of the Charities Act, 1960, or not required to be registered under that section by virtue of the provisions of subsection (4) thereof; or

1960 c. 58.

(B) exclusively and bona fide for the purpose of a gymnasium or swimming bath, or playing badminton, fives, racquets, squash, bingo, tombola, billiards, chess, dominoes, bridge, whist or any game similar to any of those games; or

(v) in respect of which a licence is for the time being in force for the public performance of stage plays or a cinematograph exhibition; or

(vi) which are used as a canteen forming part of a factory or office which is subject to the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963;

1961 c. 34.
1963 c. 41.

“specified drug” means any substance which the council, with the approval of the Secretary of State, by resolution

PART VI
—cont.

determine should, from a date to be fixed by resolution, be included among the drugs to which subsection (14) of this section applies:

“ young person ” means a person of not more than eight years of age.

(2) For the purposes of this section premises shall be deemed to be kept open for public refreshment at any time during which they are being used for the sale of refreshments to the public whether or not the public are allowed to be on the premises at the time of sale.

(3) For the purposes of a resolution relating to a specified drug the provisions of subsections (3) and (4) of section 136 (The appointed day) of this Act shall (with any necessary modifications) apply to any such resolution and the date fixed thereby.

(4) If in the opinion of the Corporation it becomes unnecessary that premises of any particular class or description should remain subject to the provisions of this section the council may by resolution determine that as from a date to be fixed by resolution such class or description of premises shall be exempted from the provisions of this section; and the provisions of subsections (3) and (4) of the said section 136 shall (with any necessary modifications) apply to any such resolution and the date fixed thereby:

Provided that the Corporation may, after the date so fixed in any such resolution, apply to a magistrates' court for an order that, having regard to any relevant circumstances, any premises exempted from the provisions of this section by such a resolution should become subject to the provisions of this section and if the court so orders those premises shall become subject to the provisions of this section from such date as may be fixed by the court, being a date not earlier than one month from the date of service upon the occupier of those premises of a copy of the order of the court.

(5) On and after the appointed day—

(a) no premises in the borough shall be used as a coffee bar unless they are registered with the Corporation in accordance with the provisions of this section;

(b) if any owner, occupier or other person concerned in the management of premises in the borough use as a coffee bar or permits the premises to be used as a coffee bar he shall, unless the premises have been

registered with the Corporation and the registration remains in force, be liable to a fine not exceeding one hundred pounds.

PART VI
—cont.

(6) The Corporation may refuse to register or renew the registration of any premises for use as a coffee bar if they are satisfied that—

(a) the premises are not suitable for use as a coffee bar having regard to the likelihood of nuisance being caused by reason of the situation of the premises and the character of adjacent properties;

(b) the persons intended to be concerned with the conduct of the premises as a coffee bar are such that young persons resorting thereto are likely to be depraved or corrupted;

(c) the premises are not safe for use as a coffee bar;

(d) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;

(e) adequate precautions against fire on the premises have not been taken;

(f) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises;

or
(g) the applicant has, within the period of five years immediately preceding the date of the application to the Corporation, been convicted of an offence under subsections (7) or (14) of this section.

(7) The Corporation may on registering or renewing the registration of any premises for use as a coffee bar impose conditions as to—

(i) the maintenance of public order and safety;

(ii) the number of persons who may be allowed to be on the premises at any time;

(iii) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, fire-fighting appliances and means of lighting and ventilating the premises;

(iv) the maintenance in safe condition of means of heating the premises; and

(v) the hours of opening and closing the premises for use as a coffee bar so as to ensure that nuisance is not likely to be caused to residents in the neighbourhood;

PART VI
—cont.

Provided that the Corporation shall not impose any condition under sub-paragraph (v) of this paragraph in the case of premises which are kept open wholly or mainly as an ancillary amenity to a bona fide tenpin bowling establishment.

(b) Any person concerned in the management of a coffee shop who contravenes any condition imposed under this subsection or who knew or had reasonable cause to suspect that such condition was being contravened by some other person, shall be liable to a fine not exceeding fifty pounds:

Provided that if the person against whom proceedings are brought under this paragraph proves that he has used all due diligence to secure that the condition concerned was complied with, he shall be acquitted of the offence under this paragraph.

(8) The Corporation may at any time cancel the registration of any premises on any ground upon which, pursuant to subsection (6) of this section, they may refuse to renew the registration of those premises, or if they are satisfied that any condition imposed under subsection (7) of this section has not been complied with.

(9) An application for registration or renewal of registration under this section shall be made in writing to the Corporation by the owner or occupier of the premises to which the application relates and every such application shall state—

- (a) the address or situation of the premises to which the application relates;
- (b) the name and address of the applicant and his trade or calling during the six months preceding the application;
- (c) such other information regarding the premises to be registered and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

(10) Any person making application for registration or renewal of registration under this section shall when making application pay to the Corporation in respect thereof a fee of one pound.

(11) Before refusing to register or renew the registration of any premises or cancelling the registration of any premises the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered an opportunity of appearing before and of being heard by a committee of the council and, if so required by him, the Corporation shall within seven days from the date of their decision give to him a statement of the grounds upon which it was based.

(12) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises under this section, or by the cancellation of any such registration or by any condition imposed under this section, may within twenty-one days from the date of the service of the notice of such refusal or cancellation, or the imposition of the condition, appeal to a magistrates' court; and on any such appeal the court may by order confirm or set aside such refusal or cancellation or confirm, vary or set aside any such condition, or impose any condition which the Corporation would have been entitled to impose by virtue of this section, and the Corporation shall give effect to such order accordingly.

(13) Registration under this section shall, unless cancelled, remain in force for such period not exceeding thirteen months as may be fixed by the Corporation.

(14) If a coffee bar is conducted in a disorderly manner, or if any drug to which the Drugs (Prevention of Misuse) Act 1964 or the Dangerous Drugs Act, 1965 applies, or any specified drug is sold, supplied or otherwise distributed on the premises by a person to any other person resorting thereto, any person concerned in the management of the coffee bar who knew or had reasonable cause to suspect that the premises were so conducted as aforesaid or that such sale, supply or distribution was taking place on the premises shall be guilty of an offence under this section and liable on conviction to a fine not exceeding fifty pounds:

Provided that nothing in this subsection shall apply to the administration of a drug or a specified drug for the purposes of medical treatment by or in accordance with the directions of a medical practitioner registered pursuant to the Medical Act, 1956, or any enactment amending or replacing the same.

(15) Any duly authorised officer of the Corporation on producing if so required some duly authenticated document showing his authority, and any police constable, shall have a right to enter, at all reasonable times, any premises used as a coffee bar, or intended to be so used, for the purpose of ascertaining—

(a) whether there is, or has been in or in connection with the premises, any contravention of the provisions of this section or of any condition imposed under the powers of this section;

(b) whether or not circumstances exist which would authorise the Corporation to take any action under this section.

(16) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into any premises for the purposes of subsection (15) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

PART VI
—cont.

1860 c. 27.

(17) Notwithstanding the reference in subsection (1) of section to the hours of eleven o'clock in the evening and ten o'clock in the morning where premises are for the time being registered with the Corporation under this section the person who keeps the premises shall be deemed to have been duly licensed in respect of those premises under the provisions of the Refreshment Houses Act, 1860, in respect of the period between the hours of ten o'clock in the evening and five o'clock in the morning and the provisions of that Act, and of any enactment amending or extending the same, shall apply accordingly.

PART VII

HACKNEY CARRIAGES, ETC.

Stands for
hackney
carriages.

84.—(1) For the purposes of their functions under the Act of 1847, the Corporation may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the borough and, with the consent of the owner, on any land not forming part of a street.

(2) Before appointing any stand for hackney carriages in exercise of the powers of this section, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days from the date of the first publication of such notice.

(3) Nothing in this section shall empower the Corporation to appoint any such stand so as unreasonably to prevent access to any premises or in any station of the British Railways Board except with their consent.

(4) Any byelaws made by the Corporation before the passing of this Act for fixing stands of hackney carriages under section 68 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

Prohibition
of other
vehicles
on hackney
carriage
stands.

85.—(1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 84 (Stands for hackney carriages) of this Act.

(5) If any person contravenes the provisions of this section, he shall be liable in the case of a first conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

86.—(1) If in the borough any person exhibits or permits to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) any sign (not being a sign required to be exhibited by virtue of section 14 of the Vehicles (Excise) Act, 1962) or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire he shall be liable to a fine not exceeding ten pounds. Misleading signs on motor vehicles. 1962 c. 13.

Without prejudice to the generality of the provisions of subsection (1) of this section, if in the borough any person exhibits or permits to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) which is offered or let for hire with the services of a driver any sign or advertisement containing the words "cab", "taxi", "taxi-cab" or "for hire" he shall be deemed to have contravened the provisions of that subsection.

87.—(1) If a hackney carriage or a private hire vehicle licensed to the Corporation under the Act of 1847 is transferred to a person other than the proprietor or part proprietor whose name is specified in the licence for the hackney carriage or vehicle, the proprietor or part proprietor shall within seven days from the date of such transfer give notice thereof in writing to the Corporation specifying the name and surname of the person to whom the hackney carriage or vehicle has been transferred and the licence shall be deemed to be revoked if the Corporation disapprove the transfer of the licence to that person: Transfer of hackney carriages, etc.

Provided that the Corporation shall not disapprove the transfer of a licence to a person except upon the ground that he is not a fit and proper person to hold such a licence.

(2) Any person aggrieved by the refusal of the Corporation under this section may appeal to a court of quarter sessions.

(3) If a proprietor or part proprietor fails to give notice to the Corporation as provided by subsection (1) of this section he shall be liable to a fine not exceeding ten pounds.

(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle on the ground of unfitness of the hackney carriage or vehicle or for any other reasons. Suspension and revocation of proprietor's licences.

PART VII
—cont.

reasonable cause, and where the Corporation suspend or revoke such a licence under this subsection they shall give to any proprietor notice of the grounds on which the licence has been suspended or revoked.

(2) Any such proprietor aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

Suspension and
revocation of
driver's
licences.

89.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence or for any other reasonable cause.

(2) Any such driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

Age limit for
proprietors
and drivers.

90. Notwithstanding anything in the Act of 1847, the Corporation shall not grant a licence in respect of a hackney carriage or a private hire vehicle or a licence to act as driver of a hackney carriage or such a vehicle to any person under the age of twenty-one years.

Fitness of
drivers.

91. The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle

- (a) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or such a vehicle;
- (b) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage or such a vehicle.

Penalty on
persons
refusing to
pay fare.

92. Any person who, within the prescribed distance, on completion of the hire of a hackney carriage licensed by the Corporation under the Act of 1847, refuses to pay any fare lawfully due from him shall be liable on summary conviction to a fine not exceeding ten pounds.

Provisions
as to motor
vehicles let
for hire.

93. The Corporation may make byelaws for applying, with such consequential modifications as may be provided for in the byelaws, any of the provisions of—

- (1) sections 37 to 67 of the Act of 1847, and section 171 of the Public Health Act, 1875, as subsequently amended;



they apply with respect to hackney carriages and their proprietors and drivers; and

PART VII
—cont.

(2) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

private hire vehicles and their proprietors and drivers.

94. In this Part of this Act, unless the subject or context otherwise requires—

Interpretation
of Part VII
of Act.

“the Act of 1847” means the Town Police Clauses Act, 1847;

1847 c. 89.

“hackney carriage” has the same meaning as in the Act of 1847 but shall not be construed as including a public service vehicle;

“the prescribed distance” has the same meaning as in the Act of 1847;

“private hire vehicle” means a motor vehicle (within the meaning of the Act of 1960) not being a hackney carriage licensed under the provisions of the Act of 1847 which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

(a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for longer periods of hire;

(b) a vehicle belonging to or used by the British Railways Board for the purpose of carrying passengers or their luggage to or from any of their railway stations, railway or dock premises;

(c) a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business; or

(d) a public service vehicle.

PART VIII

WINDOW CLEANERS

As from the appointed day no person shall within the Window cleaners to be licensed.

(1) carry on the trade of window cleaner; or

(2) perform the duties of window cleaning while employed by a person carrying on the trade of window cleaner;

without a licence from the Corporation authorising him so to do.

PART VIII
—cont.

Applications for and provisions as to window cleaning licences.

96.—(1) An application for a licence under this Part of this Act—

- (a) shall be made in writing to the Corporation;
- (b) shall be made by or on behalf of the person requiring a licence;
- (c) may be made by such person on behalf of any person employed by him or proposed to be employed by him as aforesaid;
- (d) shall be in such form as the Corporation shall from time to time require;
- (e) shall be signed by the applicant; and
- (f) shall contain such information as the Corporation may reasonably require with respect to the applicant and every person employed by him or proposed to be employed by him as aforesaid.

(2) Every such licence shall be in force for one year only from the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation (which they are hereby authorised to appoint) and the town clerk shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

Grant of window cleaning licences.

97. The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on the trade of window cleaner or, as the case may be, to perform the duties of window cleaning.

Penalties under this Part of Act.

98. On and after the appointed day—

- (a) any person who carries on the trade of window cleaner and
- (b) anyone employed by such person who performs the duties of window cleaning;

without a licence granted or renewed under section 97 (Grant of window cleaning licences) of this Act shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding one pound.

PART IX

MARKET UNDERTAKING

Power to compound for payment of tolls.

99.—(1) The Corporation may enter into a composition with any person with respect to the payment of any tolls or charges under this Part of this Act.

(2) The Corporation may, if they think fit, include in such composition an allowance by way of discount with respect to the tolls or charges due to them under this Part of this Act.

(3) In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

100. If any tenant, stall-holder or occupier shall not after any stallages, rents or tolls have become due and payable to the Corporation in respect of any stall, standing place, bench, cellar or other convenience in any market house, market hall or market place belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days from the date of the demand the Corporation may enter upon and take possession of such stall, standing place, bench, cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages, rents or tolls. Power to take possession of stalls for non-payment of rent, etc.

101. Subject to the provisions of this section the Corporation may, by notice served on any person, who, whether as principal or as agent, sells by wholesale in the market, require him to furnish to them such information, including information as to the quantity and value of horticultural produce dealt in by him, and as to the places of origin of such horticultural produce, as may be necessary for or incidental to the discharge or exercise by the Corporation of their duties or powers as market under-takers. Power of Corporation to require information.

Provided that nothing in this section shall enable the Corporation to require any person to furnish information except information relating to horticultural produce brought into the market.

102. (1) In addition to and without prejudice to the powers Market conferred upon the Corporation by section 61 of the Food and byelaws. Drugs Act, 1955, the Corporation may make byelaws with respect 1955 c. 16. the market for all or any of the following purposes, namely:— (4 & 5 Eliz. 2.)

(a) securing the cleanliness of any land or premises within the market and any vehicle entering the market (including shops, stands and other places and vehicles where articles, commodities or produce are stored, sold or are exposed for sale or inspection) and preventing the accumulation on or in any such land, premises or vehicle, and securing the removal therefrom, of refuse;

(b) preventing the outbreak and spread of fire in the market and, in particular, for that purpose—

(i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;

PART IX
—cont.

(ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the deposit in any place (otherwise than for storage), of descriptions of articles, commodities, produce, containers or packing materials as appear to the Corporation to be flammable;

(iii) imposing prohibitions, restrictions or requirements with respect to the storage, the depositing in any place (otherwise than for storage) or the use of such descriptions of preservatives, accelerators, retarders as appear to the Corporation to be flammable or any such specified preservative, accelerator or retarder as so appears;

(iv) imposing prohibitions, restrictions or requirements with respect to the use of appliances for heating, cooling or lighting and fittings for such appliances;

(v) imposing such prohibitions, restrictions or requirements as appear to the Corporation requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment;

- (c) (i) prescribing the purposes for which vehicles or vehicles of a particular class or description may be brought into the market;
- (ii) prescribing the times at which vehicles or vehicles of a particular class or description may enter or leave the market;
- (iii) requiring the identification of drivers and vehicles entering or leaving the market or the approaches thereto and prescribing the method of such identification;
- (iv) preventing obstruction in the market and regulating vehicular traffic therein and, in particular, imposing speed limits on vehicles within the market and restricting or regulating the loading or unloading of vehicles therein;
- (v) restricting or regulating the parking of vehicles in the market and, in particular, prescribing the times and places at, during and on which vehicles or vehicles of any particular class or description may be parked;
- (d) prohibiting (except as may be otherwise provided in the byelaws) the bringing into or keeping in the market of any animal of whatsoever kind or species;
- (e) regulating the conduct of persons resorting to the market and, in particular, preserving order therein and preventing damage to, and loss of, property therein.

(2) In this section —

“accelerators” means substances used for accelerating the ripening of commodities or produce;

“preservatives” means substances (including insecticides and fungicides) used for preventing deterioration in the condition of commodities or produce;

“retarders” means substances used for retarding the ripening of commodities or produce.

103.—(1) Any officer duly authorised by the Corporation to regulate traffic on market roads may (on production, if required, of his authority) give reasonable directions as to the movement or stopping of any vehicle in the market: Regulation of traffic in market.

Provided that such directions shall not conflict with any byelaw made under this Part of this Act.

(2) If the driver of any vehicle in the market fails to comply with a direction given under the provisions of subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds.

Nothing in this section shall apply to any vehicle or the driver thereof while the vehicle is on a road as defined in section 257 of the Act of 1960.

104.—(1) The Act of 1960, the Road Safety Act, 1967, and the Traffic Act of 1967, shall have effect as if, in the sections thereof mentioned in Schedule 1 to this Act, the expression “road” and the expression “highway” included a market road and as if in the sections thereof mentioned in Part II of Schedule 1 to this Act the expression “police constable” included an officer of the Corporation authorised in that behalf; and any person who commits an offence under any of those sections, as extended by this section, shall be liable to be dealt with as if the offence had been committed under those sections on a road as defined by section 257 of the Act of 1960 and, subject to the provisions of this section, all the provisions of the said Acts, so far as applicable, shall apply accordingly. Traffic offences on market roads. 1967 c. 30.

If the Corporation by written licence permit the use outside set days and hours of any land in the market, allocated for time being for car parking, by any person for recreational purposes involving the use of motor vehicles or bicycles, the provisions of the Act of 1960, the Road Safety Act, 1967, and the Act of 1967 mentioned in the said Schedule 1 shall, by virtue

PART IX
—cont.

of the licence, be suspended for the period of the licence in respect of the land in the market the use of which for such recreation purposes is permitted by the licence.

(3) Regulations or orders made under section 64 or 70 of Act of 1960 and from time to time in force shall extend and apply to market roads as they apply to roads as defined in section 257 of that Act, and subsection (2) of section 64 and section 239 of that Act shall apply accordingly:

1962 c. 13.

Provided that, if no duty is chargeable under the Vehicle (Excise) Act, 1962, in respect of a motor vehicle—

- (a) by virtue of the provisions of subsection (6) of section 6 of that Act; or
- (b) by reason only that the motor vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said regulations shall not apply in respect of that motor vehicle while it is being driven, or to any person while driving it on a market road.

Removal and disposal of horticultural produce and containers.

105.—(1) If any horticultural produce or an empty container therefor is stored or deposited or causes an obstruction in contravention of a provision contained in the bylaws having effect by virtue of this Part of this Act, the Corporation may remove it and, subject to the provisions of this section, may sell or otherwise dispose of it.

(2) It shall be the duty of the Corporation, where they remove any horticultural produce or empty container under this section, to use their best endeavours to notify, as soon as may be after the removal, the person appearing to them to be entitled at the time of removal to the custody or control of the horticultural produce or empty container of the fact of its having been removed and of the place to which it has been removed.

(3) The Corporation shall not dispose (otherwise than by way of sale) of any horticultural produce or empty container removed under this section unless, in their opinion, it is unsaleable.

(4) The power of disposal conferred on the Corporation by this section shall not be exercised before the expiration of a period of seven days after the removal unless, in the opinion of the Corporation, the condition of the horticultural produce or empty container is such as to render expedient the disposal thereof before the expiration of that time.

(5) Any horticultural produce or empty container removed under this section shall be delivered to a person entitled to the custody or control thereof if, before it is disposed of under this section, he pays to the Corporation the costs reasonably incurred by them in connection with its removal and storage up to the time of payment.

(6) If the net proceeds of the sale under this section of any horticultural produce or empty container exceed the costs reasonably incurred by the Corporation in connection with its removal and storage up to the time of sale, the excess shall be paid to the person who at the time of removal was the owner thereof upon his claiming it; and if the net proceeds of the sale fall short of such costs, the deficiency may be recovered from that person by the Corporation as a simple contract debt in any court of competent jurisdiction.

In this Part of this Act unless the context otherwise requires—

Interpretation
of this Part
of Act.

“horticultural produce” means—

- (a) fresh fruit, dried fruit, frozen fruit and preserved fruit;
- (b) fresh vegetables, dried vegetables, frozen vegetables and preserved vegetables;
- (c) fresh herbs and dried herbs;
- (d) fresh edible fungi, dried edible fungi and preserved edible fungi;
- (e) nuts;
- (f) cut flowers;
- (g) dried flowers;
- (h) decorative foliage;
- (i) Christmas trees;
- (j) pot plants, ferns, bedding plants and herbaceous plants;
- (k) shrubs, privet and flowering trees;
- (l) fruit trees, fruit bushes and fruit plants;
- (m) seeds, seedlings, bulbs, corms, tubers and seed potatoes; and
- (n) horticultural and florists' sundries;

“the market” means any market of the Corporation for the time being;

PART IX
—cont.

“ market road ” means any road which, or any part of the land which, is for the time being vested in or the property of the Corporation as market authority by virtue of Part of this Act and is accessible to motor vehicles being a road to which the Act of 1960 applies;

“ motor vehicle ” has the same meaning as in the Act of 1960.

PART X

FINANCE

Power to borrow.

107.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Act;

and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946 c. 58.

Reserve funds.

108.—(1)(a) The Corporation may (if they think fit) establish a reserve fund in respect of any undertaking, department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund so provided amounts to the maximum for the time being prescribed by the Corporation.

(b) Any income arising from the investment of the money in the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(2) Any reserve fund established under this section may, in respect of the undertaking, department or service to which it relates, be applied—

(a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking, department or service; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking, department or service; or

(c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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

(3) Resort may be had to any 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.

(4) In the event of any undertaking, department or service of the Corporation in respect of which a reserve fund has been established under this section ceasing the said fund shall be applied in or toward the extinguishment of any loan raised by the Corporation under any enactment or for any other purpose to which capital money may properly be applied.

109.—(1) The Corporation may (if they think fit) establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund

PART X
—cont.

is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund be restored to the prescribed amount and at any time the Corporation reduce the prescribed amount that there are more moneys in the insurance fund than the so prescribed such moneys as are in excess of the prescribed amount shall be transferred to the general rate fund and if sums shall have been appropriated from the housing revenue account under the next succeeding subsection to the housing revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund and if they think fit from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which the specified risks were insured against in an insurance office which would be properly chargeable with the payment of the premium of such insurance:

Provided that any appropriations from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(5) (a) Except so far as the insurance fund and the proceeds of the sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, or any of them, all moneys for the time being standing to the credit of the insurance fund shall, unless applied in any other manner authorised by any enactment, be invested in statutory securities, and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

(b) The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the preceding paragraph of this subsection.

(6) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in respect of the specified risks which are payable out of the insurance fund.

order of the dates on which such losses, damages, costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(6) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and, if any sums shall have been appropriated from the housing revenue account under subsection (4) of this section the housing revenue account in such proportions as the Corporation consider equitable, and shall be charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(7) If and when the Corporation establish an insurance fund under this section, any moneys standing to the credit of any insurance fund provided by the Corporation and in existence at the date of the passing of this Act shall be carried to and form part of the insurance fund provided under this section.

(8) Any covenant or obligation binding on the Corporation to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed satisfied by a resolution of the council under subsection (1) of this section and that risk shall be one of the specified risks.

(9) In this section—

“insurance office” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

“the prescribed amount” means such sum as may from time to time be prescribed by the council.

10. Without prejudice to section 292 of the Act of 1936, and Establishment section as applied by any other enactment, where under expenses. enactment the Corporation are empowered to execute works at request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them

PART X
—cont.

in so doing, they may include in, and recover as part of expenses such additional sum, not exceeding 5 per cent. or cost of the works, as they think fit in respect of their establishment charges.

Receipt in case of minors.

111.—(1) If any money is payable by the Corporation to an employee (other than wages or salary) or creditor or the holder of any authorised security and the person entitled to such payment is a minor, the receipt of the guardian shall be a sufficient discharge to the Corporation.

(2) In this section “authorised security” means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue or upon or by means of which the Corporation are for the time being authorised to raise money.

Expenses of investment of superannuation fund.

112. All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, shall be paid by the Corporation out of that fund.

Transfer of certain sums from superannuation fund.

113.—(1) If a contributory employee of the Corporation dismissed or resigns or otherwise ceases to hold employment as a consequence of an offence of a fraudulent character or gross misconduct the Corporation may transfer from the superannuation fund maintained by them to the general rate fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 of the Local Government Superannuation Act, 1937, or the amount of loss suffered by the Corporation in consequence of the contributory employee's offence or misconduct, whichever is the less.

1937 c. 68.

(2) In this section “contributory employee” has the meaning as in the Local Government Superannuation Act, 1937.

Recovery of rates from certain owners.

114.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rates received by him from the occupier as shall represent a proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

(b) The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 55 of the General Rate Act, 1967, applies by virtue of a resolution of the council. 1967 c. 9.

115. Notwithstanding anything contained in any other enactment—

Collection and recovery of water rates, rents or charges.

(a) any water rate, rent or charge payable to the Corporation as agent for the North West Worcestershire Water Board by any person in respect of a supply of water to any premises in the borough may be demanded and collected together with the general rate payable by that person;

(b) in respect of premises within the borough the same book may be used for the water rates, rents or charges and the general rate;

(c) any such water rate, rent or charge may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions as apply to the recovery of the general rate;

(4) (d) there may be included in one and the same demand, complaint, information, summons or warrant or in any schedule thereto any general rate or water rate or rent or charges for water or money due in respect of any general rate or water rate or rent or charge for water due and payable to the Corporation from the same person whether the same are or may be levied, due, payable or recoverable under the same or different enactments from time to time in force in the borough;

(e) any summons relating to a sum due to the Corporation in respect of any such water rate, rent or charge may be served and any warrant relating to a sum due to the Corporation in respect of any such water rate, rent or charge may be directed to the same persons as and executed in the same way as if it related to the general rate.

Where, under the provisions of any enactment, the Corporation execute any works of common benefit to two or more owners, the expenses in case of joint owners.

PART X
—cont.

more buildings belonging to different owners, and those exp or any part of them, are recoverable by the Corporation, they (if no provision is made in the enactment, or in any other en ment applied thereto or incorporated therein, as to the inciden of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Corporation, or, in case of dispute, by a magistrates' court.

PART XI

MISCELLANEOUS

Information centres.
1948 c. 26.

117. The powers of the Corporation under section 134 of the Local Government Act, 1948, shall extend to any information concerning the borough and its neighbourhood.

Power to use ladders, etc., for entry or inspection.

118.—(1) Any power conferred on an officer of the Corporation by or under any enactment to enter upon and inspect a building or works in course of construction shall include a power to use, free of expense, for the purpose of the entry or inspection any ladders, scaffolding and plant in or about the building or works.

(2) If the builder of, or contractor for, any building or works or any person employed by him in or about any building or works—

(a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or

(b) otherwise obstructs such an officer in the exercise of those powers;

he shall be liable to a fine not exceeding twenty pounds.

Recreational, etc., facilities for employees.

119.—(1) The Corporation may within or outside the borough provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

(a) erect or maintain buildings;

(b) make such charges as they think fit for the use of facilities provided under this section;

(c) make regulations for the management of such premises.

Disposal of unsuitable specimens and works of art.

120.—(1) The Corporation may sell, lend, exchange or otherwise dispose of any specimen, work of art or book in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation.

(2) The Corporation may make arrangements by way of sale, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition use in the museum, art gallery or library of that person than in museum, art gallery, library or other building of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

(a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section;

(b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor; and

(c) any sum received by the Corporation in the exercise in respect of any object of the powers of this section shall, unless it exceeds fifty pounds and is subject to a trust the terms of which prevent its being used for the purchase of other objects, be paid into the art fund established by the Corporation under section 15 of the Public Libraries and Museums Act, 1964.

1964 c. 75.

121. The Corporation may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed.

Acquisition of works of art produced to order.

122. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage, or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid, or both to extend such time or to alter such rate of interest, effect may be given thereto by endorsement in writing under the hands of such person (or, in the case of a corporate body, of the duly authorised representative of that body) and of the town clerk or his duly authorised representative, endorsed on the deed by which such mortgage was originally granted, and the provisions of any such endorsement

Modification of mortgages by endorsement under hand.

PART XI
—cont.

shall be deemed to be incorporated in the said deed and shall from the date specified in such endorsement, operate and have effect accordingly.

As to grants of burial, licences and certificates of registration.

123.—(1) Notwithstanding anything in any enactment

(a) a grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation; and

(b) any licence granted by the Corporation;

may be given under the hand of the town clerk or his duly authorised deputy instead of under the common seal of the Corporation.

(2) For the purposes of—

(a) subsection (1) of this section; and

(b) any certificate of registration issued by the Corporation;

a grant, licence or certificate of registration shall be deemed to be given under the hand of the town clerk or his duly authorised deputy if a facsimile of his signature by whatever means reproduced is affixed to such grant, licence or certificate.

Delegation of powers to sub-committees.

124.—(1) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to any direction of the council, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit, and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

(2) A sub-committee appointed under this section (other than a sub-committee of a committee for regulating and controlling the finance of the council or of the borough) may include persons who are not members of the council:

Provided that—

(a) a majority of the members of any such sub-committee shall be members of the council; and

(b) whenever at any meeting of any such sub-committee members present thereat do not include a majority of members of the council any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(3) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which any committee of the council are authorised to appoint a sub-committee under any other enactment.

PART XI
—cont.

125. Subject to subsection (5) of section 85 of the Act of 1933, the power of delegation conferred on the council by that section shall extend to enable the council to delegate functions to a committee, notwithstanding that those functions have been delegated to the council by or by virtue of any enactment. Delegation to committees.

126. (1) Notwithstanding anything contained in paragraph 3 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings or meetings of the council, or of any committee or sub-committee thereof, may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same meeting or the next ensuing meeting of the council, or, as the case may be, at the same or any subsequent meeting of the committee or sub-committee by the person residing thereat: As to minutes of council meetings, etc.

Provided that if a meeting of the council is held not later than 14 days from the date of a previous meeting of the council, the minutes of that previous meeting may be signed and each leaf comprising those minutes initialled at the next but one ensuing meeting of the council.

Any minutes purporting to be signed as provided by subsection (1) of this section shall be received in evidence without further proof.

127. (1) The Corporation may for the purpose of enabling them to perform any of their functions under— Power to require information as to ownership of premises.

(a) this Act;

(b) any enactment in force at the passing of this Act which authorises the Corporation to acquire land compulsorily;

(c) any enactment mentioned in Schedule 2 to this Act; and

(d) any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within the borough;

(1) the occupier and any person having an interest in any premises in the borough, and any person who either directly or indirectly receives rent in respect of such premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises

PART XI
—cont.

whether as freeholder, mortgagee, lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent interest of those premises; and

(ii) any person who has sold or otherwise disposed, leased or let any premises in the borough to state writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who, having been required by the Corporation in pursuance of this section to give to them any information, fails to give that information or knowingly makes any statement in respect thereof, shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section the expression "interest" includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in paragraph (b) of subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

Hairdressers
and barbers.

128.—(1) As from the appointed day—

(a) no person shall carry on the business of a hairdresser or barber in the borough unless he is registered by the Corporation under this section; and

(b) no premises in the borough shall be used for the carrying on of the business of a hairdresser or barber unless the premises are registered by the Corporation under this section.

(2) On application in that behalf made to the Corporation by any person for the registration of the applicant or of any premises and, if the application relates to premises, on his furnishing them with particulars of the premises, the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

(3) If any person carries on business in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding two pounds.

(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and of the byelaws made by the Corporation under section 77 of the Public Health Act 1963.

1961, displayed in the premises, and, if he fails to do so, he shall be liable to a fine not exceeding two pounds and to a daily fine not exceeding ten shillings.

PART XI
—cont.
1961 c. 64.

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

Breach of conditions of consent of Corporation.

130.—(1) The Corporation may make and retain microfilm recordings of documents of the Corporation.

Microfilming of documents.

(2) Notwithstanding anything contained in any enactment, the Corporation may destroy any documents of the Corporation, other than minute books, of which they have made and retained microfilm recordings:

Provided that—

(a) the Corporation shall not under this section destroy records deposited with them under the Public Records Act, 1958, or acquired or accepted by them under 1958 c. 51, section 2 of the Local Government (Records) Act, 1962; 1962 c. 56. and

(b) the Corporation shall afford a right of access for the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document so destroyed.

(3) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the town clerk certifies that—

(a) the document has been destroyed; and

(b) a microfilm recording of the document has been made, and

PART XI
—cont.

(c) the enlargement is an enlargement of that microfilm recording.

(5) In this section unless the context otherwise requires—

“ document ” means the whole or part of a register, map, plan or other document and includes a licence, certificate, scheme or order made, passed or granted by the council or any committee of the council

“ microfilm recording ” means a reproduction of a document on film which is a product of photography or process akin to photography and is in general legible with the naked eye.

Destruction of documents connected with applications.

131. At any time after a period of six years from the date of the receipt by the Corporation of an application made to the Corporation for a decision, determination, grant, consent, agreement, approval or permission, the Corporation may destroy any documents received by them in connection with the application:

Provided that nothing in this section shall authorise the Corporation to destroy the application and a copy of any plans approved by them in connection therewith, together with any related certificate, consent, permit or other document issued pursuant to any enactment.

PART XII

GENERAL

Confirming authority for byelaws.

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

Section 14 (Byelaws as to and management of corporate land)	Secretary of State
Section 65 (Golf courses)	Secretary of State
Section 75 (Touting, hawking, etc.)	Secretary of State
Section 93 (Provisions as to motor vehicles let for hire)	Secretary of State
Sub-paragraphs (iv) and (v) of paragraph (c) of sub-section (1) of section 102 (Market byelaws)	Minister of Transport

133. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

PART XII
—cont.

For
protection of
certain
statutory
undertakers.

(1) In this section, unless the subject or context otherwise requires—

“apparatus” means—

- (a) any electric line or works (as respectively defined in the Electric Lighting Act, 1882) 1882 c. 56. belonging to or maintained by the Central Electricity Generating Board or the Midlands Electricity Board;
- (b) mains, pipes or other apparatus belonging to or maintained by the Gas Council or the West Midlands Gas Board;
- (c) mains, pipes or other apparatus belonging to or maintained by the water undertakers;

and includes any works constructed for the lodging therein of apparatus;

“in” in a context referring to apparatus includes under, over, across, along or upon;

“position” includes depth;

“the undertakers” means—

- the Central Electricity Generating Board;
- the Midlands Electricity Board;
- the Gas Council;
- the West Midlands Gas Board;
- the water undertakers;

or any of them as the case may be;

“the water undertakers” means the statutory water undertakers for the time being authorised to supply water in the borough:

(2) (a) Notwithstanding anything contained in section 4 (Appropriation of land for highway purposes) of this Act or shown on the deposited plan the Corporation shall not acquire any apparatus otherwise than by agreement;

(b) If the Corporation appropriate and use for highway purposes under the said section 4 any land in which any apparatus is situated, the provisions of Part II of, and Schedule 4 to, the Act of 1950 shall apply to the carrying out of any works for highway purposes under the said section as if such works were included in paragraph (a) of subsection (1) of section 21 of the Act of 1950:

PART XII
—cont.

- (3) For the purposes of section 15 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (4) Nothing in the said section 15 or in section 16 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from erecting apparatus (including an electricity sub-station, a feeder pillar, pressure governor or meter house) or any temporary structure required in connection with the laying, maintenance of apparatus for the purposes of their undertaking on land abutting on any new street before, in the case of the said section 15, such new street defined or, in the case of the said section 16, such new street is constructed and sewered in accordance with new street byelaws:
- (5) (a) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 18 (Rounding or splaying off corners at street junctions) of this Act require the addition to the carriageway of a street of any portion of a footway or grass margin or garden in which any apparatus is situate the Corporation shall give the undertakers notice of their intention so to do accompanied by a plan and section of the intended street alteration and the undertakers may (and if reasonably so required by the Corporation shall) alter the position of the apparatus to such other position in—
- (i) the carriageway or footway; or
 - (ii) the grass margin or garden (if any) as altered
- as may be reasonable;
- (b) The undertakers shall within twenty-eight days from the date of the receipt of a notice from the Corporation under sub-paragraph (a) of this paragraph give to the Corporation not less than twenty-eight days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation);
- (c) The Corporation or the undertakers, whichever of them has required the alteration of the position of the apparatus, shall submit to the other of them a plan and section of such proposed alteration for their reasonable approval and if such plan and section is not disapproved by the Corporation or the undertakers, as the case may be, in writing within twenty-eight days from the date of the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be approved;

(d) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with the alteration of the position of any apparatus under this paragraph and the reasonable cost of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered necessary in consequence of any such work:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable apply to any payment to be made by the Corporation under this sub-paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 133 (For protection of certain statutory undertakers) of the Kidderminster Corporation Act 1969":

(6) Notwithstanding anything in section 19 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of, or exchange, any operational land except with their consent which shall not be unreasonably withheld:

(7) Nothing in section 20 (Trees, grass verges and gardens) or section 30 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that in exercising such rights the undertakers shall not cause or permit, except in the case of necessity, vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown, or any garden:

(8) Nothing in the following sections of this Act shall relieve the Corporation or any person acting by the requirement of or with the consent of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the

PART XII
—cont.

said powers shall be so exercised as not to obstruct or render unreasonably inconvenient the access to apparatus or operational land:—

Section 20 (Trees, grass verges and gardens);

Section 30 (Verges, etc., of housing estates);

Section 41 (Decorations in streets);

Section 81 (Removal, etc., of dangerous trees);

- (9) Nothing in section 21 (Enforcement of improvement line of this Act shall apply to any building or structure of the undertakers which is used by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity, for the manufacture, distribution or storage of gas or for or in connection with use by them as a pumping station, treatment works or reservoir for water except with the consent of the undertakers which shall not be unreasonably withheld.
- (10) Nothing in section 24 (Retaining walls) of this Act shall apply to any retaining wall erected on operational land of the undertakers:
- (11) Before the Corporation grant any licence under section 26 (Licence to erect scaffolding) of this Act they shall (except in the case of emergency) give at least seven days' notice to the undertakers of their intention to do so and on granting any such licence shall attach thereto such conditions as the undertakers may within the said period of seven days require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers for the protection of any apparatus or for securing access to such apparatus or operational land:
- (12) Nothing in section 32 (Damage to trees, etc., on streets and in open spaces) of this Act shall affect any right of statutory water undertakers to open or break up any street or land in the exercise of any statutory power:
- (13) (a) Before the Corporation determine to give consent pursuant to section 33 (Restriction on buildings under footways) of this Act they shall give at least twenty-eight days' notice to the undertakers of their application therefor and any such consent if granted shall contain such conditions as may be required to secure that the owner or occupier of the building or the person to whom such consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus;

(b) As soon as may be after the Corporation give consent under the said section 33 they shall give notice thereof to the undertakers:

(14) In exercising the powers conferred by subsection (3) of section 62 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used by them for the generation, manufacture, pumping, storage or supply of electricity, gas or water an authorised officer of the Corporation shall conform to such reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:

(15) The provisions of section 74 (Safety of stands) of this Act shall not apply to any stand used by the undertakers on operational land of the undertakers for the purposes of their undertaking:

(16) (a) When the Corporation serve any notice under subsection (1) of section 80 (Securing of unoccupied houses under Act of 1957) of this Act they shall at the same time send a copy of such notice to the undertakers;

(b) Nothing in the said section 80 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 80 shall ensure that the premises are not left less secure by reason of the entry:

(17) (a) Any difference which may arise between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration;

(b) In determining any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus, and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

134.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

PART XII
—cont.

(2) Subsections (2) to (5) of section 290 of the Act of 1937 shall apply in relation to any such inquiry; and for that purpose the definition of "department" in subsection (8) of that section shall include any Minister of the Crown having function under this Act as well as the Ministers therein mentioned.

Arbitration.

135. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by a person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (4) of section 19 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Subsection (2) of section 35 (Exemption for river authorities from last foregoing section)	The President of the Institution of Civil Engineers.
Subsection (6) of section 56 (Supply of water to premises where supply cut off)	The Minister.
Section 133 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

The appointed day.

136.—(1) In this Act "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

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

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

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

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

(a) immediately before that day was carrying on that business, or using any premises for that purpose; and

(b) had before that day duly applied for the licence or registration required by that provision;

shall be permitted to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 140 (appeals) of this Act.

157.—(1) In proceedings under any enactment, a document purporting to be certified by the town clerk as a copy of a resolution passed, order made or report received by the council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the council or committee on that date.

Evidence of proceedings, appointments, etc.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment or of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

(3) In this section “ officer ” includes a servant and an agent.

(4) Section 286 of the Act of 1936, and that section as applied by or incorporated in, any other enactment, shall cease to apply to the council and its committees.

138.—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

PART XII
—cont.

- (2) The provisions hereinbefore referred to are the following—
- Section 26 (Licence to erect scaffolding);
 - Section 33 (Restriction on buildings under footways);
 - Section 34 (Excavations near highways);
 - Section 44 (Sale of food and articles on verges, etc.);
 - Section 77 (Parts of buildings used for storage of inflammable substances);
 - Section 78 (Further precautions against fire in certain high or large buildings);
 - Section 83 (Coffee bars, clubs, etc., open after 11 p.m. or before 5 a.m.);
 - Section 128 (Hairdressers and barbers).

(3) In this section “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction on right to prosecute.

139. The written consent of the Attorney General shall be a requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation or in respect of an offence created by or under section 104 (Traffic offences on market roads) of this Act by a constable.

Appeals.

140.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates’ court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

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

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

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

- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and

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

PART XII
—cont.

1. Section 265 of the Public Health Act, 1875, shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Protection of
members and
officers of
Corporation
from personal
liability.

1875 c. 55.

2.—(1) The sections of the Act of 1936 mentioned in Part I of the schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

Application
of general
provisions of
Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part III (Streets) and Part VI (Public order and public safety) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to the said Parts III and VI of this Act, and also to section 55 (Repair of walls, etc., of yards) and section 56 (Supply of water to premises where supply cut off) of this Act.

3.—(1) For the purposes of this Act—

Reckoning
of periods.

(a) in reckoning any period which is therein expressed to be a period from or before a given date, that date shall be excluded; and

(b) in reckoning any period therein mentioned of eight days or less which apart from this provision would include a day being a Sunday, Christmas Day, Good Friday or a bank holiday, that day shall be excluded.

(2) In this section “bank holiday” means a day which is, or to be observed as, a bank holiday, or a holiday, under the Holidays Act, 1871, or the Holidays Extension Act, 1875.

1871 c. 17.

1875 c. 13.

4.—The provisions of the Town and Country Planning Acts, 1962 to 1968, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Saving for
town and
country
planning.

5.—The costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

Costs of Act.

SCHEDULES

Section 104.

SCHEDULE 1

PROVISIONS APPLIED TO MARKET ROADS

PART I

PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE CORPORATION
DO NOT HAVE THE POWERS OF A POLICE CONSTABLE

Sections of Act of 1960—

- Section 1 (Causing death by reckless or dangerous driving);
 Section 2 (Reckless, and dangerous, driving generally);
 Section 3 (Careless, and inconsiderate driving);
 Section 5 (Driving under age);
 Section 6 (Driving, or being in charge, when under influence of drink or drugs);
 Section 9 (Reckless, and dangerous, cycling);
 Section 10 (Careless, and inconsiderate, cycling);
 Section 11 (Cycling when under influence of drink or drugs);
 Section 13 (Restriction on carriage of persons on bicycles);
 Section 16 (Leaving vehicles in dangerous positions);
 Section 77 (Duty to stop, and furnish particulars, in case of accident);
 Section 97 (Minimum age for driving);
 Section 98 (Drivers of motor vehicles to have driving licence);
 Section 110 (Offence of applying for or obtaining licence, or driving, while disqualified);
 Section 201 (Users of motor vehicles to be insured or secured against third-party risks);
 Section 202 (Exceptions from requirement of third-party insurance or security);
 Section 218 (Penalisation of tampering with motor vehicles);
 Section 219 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
 Section 225 (Power of police constables to require production of driving licences);
 Section 226 (Power of police constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates);
 Section 228 (Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling);
 Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
 Section 231 (Duty of owner of motor vehicle to give information for verifying compliance with requirements of compulsory insurance or security);

- Section 232 (Duty to give information as to identity of driver, &c., in certain cases);
- Section 241 (Restrictions on prosecutions for certain offences);
- Section 250 (Application to the Crown).

SCH. 1
—cont.

Sections of the Road Safety Act, 1967— 1967 c. 30.

- Section 1 (Driving or being in charge with blood-alcohol concentration above the prescribed limit);
- Section 2 (Breath tests);
- Section 5 (Consequences of conviction of certain offences of driving or being in charge);
- Section 6 (Application of Part I to the Crown);
- Section 7 (Interpretation of Part I);
- Section 31 (General provisions as to interpretation, etc.).

Sections of Act of 1967—

- Section 54 (Traffic signs);
- Section 55 (Powers and duties of highway authorities as to placing of traffic signs);
- Section 61 (Removal of traffic signs, etc.);
- Section 79 (Exemption of fire engines, etc., from speed limits).

PART II

SECTIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE CORPORATION HAVE THE POWERS OF A POLICE CONSTABLE

Sections of Act of 1960—

- Section 4 (Speeding);
- Section 8 (Restriction on carriage of persons on motor cycles);
- Section 14 (Drivers to comply with traffic directions);
- Section 223 (Power of police to stop vehicles).

Section of Act of 1967—

- Section 58 (Emergency traffic signs).

SCHEDULE 2

ENACTMENTS MENTIONED IN SECTION 127

Public Health Act, 1875.	Section 127.
Public Health Acts Amendment Act, 1890.	1875 c. 55.
Public Health Acts Amendment Act, 1907.	1890 c. 59.
Public Health Act, 1925.	1907 c. 53.
Land Drainage Act, 1930.	1925 c. 71.
Act of 1936.	1930 c. 44.
Act of 1957.	
The Act of 1959.	
Gravestones and Control of Development Act, 1960.	1960 c. 62.
Highways (Miscellaneous Provisions) Act, 1961.	1961 c. 63.
Land Drainage Act, 1961.	1961 c. 48.
Public Health Act, 1961.	1961 c. 64.

Section 142.

SCHEDULE 3

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
293	Recovery of expenses, &c.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II

SECTIONS APPLIED TO PARTS III AND VI OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act, 1925.

1925 c. 22.

PART III

SECTION APPLIED TO PARTS III AND VI AND SECTIONS 55 AND 56 OF THIS ACT

Section	Marginal note
287	Power to enter premises.