

**ELIZABETH II**



**1980 CHAPTER xi**

An Act to re-enact with amendments and to extend certain local enactments in force within the county of West Midlands; to confer further powers upon the West Midlands County Council, the Birmingham City Council, the Coventry City Council, the Borough Council of Dudley, the Sandwell Borough Council, the Solihull Borough Council, the Walsall Borough Council and the Wolverhampton Borough Council; to make further provision in regard to the improvement, health and local government of that county; and for other purposes.

[20th March 1980]

**WHEREAS—**

(1) By virtue of the Local Government Act 1972 (hereinafter 1972 c. 70. referred to as "the Act of 1972") the county of West Midlands (hereinafter referred to as "the county") was constituted on 1st April 1974:

(2) Numerous local enactments are in force in parts of the county and by section 262 of the Act of 1972 it is provided that,

subject to certain modifications, certain of these shall continue to apply to, but only to, the area, things or persons to which or to whom they applied before 1st April 1974:

(3) It is further provided by the said section 262 that certain local statutory provisions shall cease to have effect at the end of 1979:

(4) It is expedient that certain of these should be re-enacted with amendments and applied to the whole of the county or to parts of the county; that certain other local statutory provisions should continue to have effect and that other local statutory provisions in force in or relating to the county should be repealed:

(5) It is expedient to extend and enlarge in various respects the powers of the West Midlands County Council, the Birmingham City Council, the Coventry City Council, the Borough Council of Dudley, the Sandwell Borough Council, the Solihull Borough Council, the Walsall Borough Council and the Wolverhampton Borough Council and to make further provision for the improvement, health and local government of the county:

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

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

(8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 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

Citation and  
commence-  
ment.

1977 c. xiv.

1.—(1) This Act may be cited as the West Midlands County Council Act 1980.

(2) The West Midlands County Council Act 1977 and this Act may be cited together as the West Midlands County Council Acts 1977 and 1980.

1950 c. 28.

(3) Section 3 (Appointed day), section 88 (Application of Shops Act 1950 to Exhibition Centre) and section 90 (Widows' and orphans' pension scheme) of this Act shall come into operation on the passing of this Act and the other provisions of this Act shall come into operation on the expiration of three months after the passing of this Act.

2.—(1) In this Act, unless the context otherwise requires—

PART I

—cont.

“ the Act of 1936 ” means the Public Health Act 1936;

Interpreta-  
tion.

“ the Act of 1959 ” means the Highways Act 1959;

“ the Act of 1967 ” means the Road Traffic Regulation  
Act 1967;

1936 c. 49.  
1959 c. 25.  
1967 c. 76.

“ the Act of 1971 ” means the Town and Country Planning  
Act 1971;

1971 c. 78.

“ the Act of 1972 ” means the Local Government Act 1972;

1972 c. 70.

“ the Act of 1976 ” means the Local Government  
(Miscellaneous Provisions) Act 1976;

1976 c. 57.

“ the appointed day ” has the meaning given by section 3  
of this Act;

“ contravention ” includes a failure to comply, and  
“ contravene ” shall be construed accordingly;

“ the county ” means the West Midlands county;

“ the county council ” means the West Midlands County  
Council;

“ daily fine ” means a fine for each day on which an offence  
is continued after conviction thereof;

“ district ” means a district in the county;

“ district council ” means the council of a district;

“ the electricity board ” means the East Midlands Electricity  
Board or the Midlands Electricity Board or both those  
boards, as the case may require;

“ enactment ” includes an enactment in any Act, including  
this Act, and in any order, byelaw, scheme or regulation  
in force within the county;

“ functions ” includes powers and duties;

“ the gas corporation ” means the British Gas Corporation;

“ the generating board ” means the Central Electricity  
Generating Board;

“ house ” means a dwelling-house, whether a private dwelling-  
house or not;

“ local authority ” means the county council or a district  
council;

“ officer ” includes servant;

“ open space ” has the meaning given by section 290 of the  
Act of 1971;

“ owner ” has the meaning given by section 343 of the Act  
of 1936;

PART I  
—cont.

1960 c. 16.

“ premises ” includes messuages, buildings, lands, easements and hereditaments of any tenure;

“ public service vehicle ” has the meaning given by section 117 of the Road Traffic Act 1960;

“ the railways board ” means the British Railways Board;

“ statutory undertakers ” means the electricity board, the gas corporation, the generating board, the South Staffordshire Waterworks Company, the water authority and the Post Office, or any of them as the case may be, and “ statutory undertaker ” shall be construed accordingly;

“ street ” has the meaning given by section 295 of the Act of 1959;

“ traffic sign ” has the meaning given by section 54 of the Act of 1967;

“ the water authority ” means the Severn-Trent Water Authority.

(2) Any reference in this Act to a proper officer shall, in relation to any purpose and any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority or, as the case may be, for that area.

(3) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

Appointed  
day.

3.—(1) In this Act “ the appointed day ”, in relation to any provision, means such day (not earlier than three months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, a district council.

(2) The local authority shall publish in a newspaper circulating in their area notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provision for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of any

newspaper being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication.

PART I  
—cont.

## PART II

### OPEN SPACES AND MUNICIPAL PROPERTY

4.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area of the park, pleasure ground or open space for use for the parking of vehicles and provide parking places and facilities in connection therewith:

Provision of parking places in parks, etc.

Provided that a local authority shall not under this section set apart an area of any park, pleasure ground or open space exceeding one-half hectare or one-eighth, whichever is the less, of that park, pleasure ground or open space.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

(3) A local authority shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

5.—(1) A local authority may provide and maintain motor or other conveyances or vehicles, miniature railways and boats for the conveyance of passengers in any park, pleasure ground or open space under their management and control.

Provision of vehicles in parks, etc.

(2) The local authority may, on such terms and conditions as they think fit, carry passengers on any such vehicles and boats and may demand and take for any passengers so carried such fares as they may from time to time determine.

(3) The operation of vehicles in pursuance of this section shall not, for the purpose of section 101 (1) of the Road Traffic Act 1930 (running of public service vehicles by local authorities), be regarded as the operation of a tramway, light railway, trolley vehicle or omnibus undertaking.

1930 c. 43.

(4) A local authority may make arrangements for any vehicles which they have power to provide, maintain and operate under this section to be provided, maintained and operated by some other person including arrangements authorising that person to demand and take fares for passengers carried thereon.

PART II  
—cont.

Grass verges,  
etc.

6.—(1) A district council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

- (a) entering land to which this section applies;
- (b) allowing horses or cattle to enter such land;
- (c) driving or riding a vehicle on such land;
- (d) playing a ball game on such land;
- (e) playing any other game on such land;
- (f) using any equipment provided on such land:

Provided that in the case of such prohibitions as are mentioned in paragraph (a), (d), (e) or (f) above the district council may exempt a child under such age as may be specified in the notice in respect of any or all of those paragraphs and may similarly exempt any other person who is in charge of such a child while the child is on the land.

(2) The land to which this section applies is—

- (a) land provided by the district council laid out as a public garden or used for the purpose of public recreation, or a disused burial ground provided by the council and maintained as a public garden or for those purposes or as a disused burial ground, as the case may be;
- (b) other land provided by the district council and mown or otherwise maintained in an ornamental condition;
- (c) land provided by a person other than the district council and laid out, used, mown or maintained as aforesaid;
- (d) derelict land appearing to the council to be intended for development on which vehicles are, or are likely to be, parked without authority:

Provided that—

- (i) notice shall not be given in respect of land such as is mentioned in paragraph (c) above, except with the consent of the person concerned or his representatives;
- (ii) in respect of land such as is mentioned in paragraph (d) above, the notice shall not prohibit anything but the driving or riding of a vehicle on the land;
- (iii) this section shall not apply to land such as is mentioned in paragraph (d) above, except with the consent of its owner;
- (iv) any prohibition extending to such land as is mentioned in paragraph (d) above shall cease to have effect after six months, or such longer period as the council may by resolution prescribe, after the date when the notice referred to in subsection (1) above was first displayed.

(3) A prohibition under subsection (1) (a), (b) or (c) above shall not extend to going on foot or on horseback or on or in a vehicle to or from premises fronting or abutting on land referred to in subsection (2) (d) above.

(4) A prohibition under subsection (1) (a) or (c) above shall not extend to going on foot or on or in a vehicle—

(a) in the course of building operations; or

(b) by statutory undertakers where reasonably necessary for the exercise of their statutory powers:

Provided that the exemption afforded by paragraph (a) above shall be conditional upon means being taken to the satisfaction of the district council to minimise injury to the land and to protect persons on the land.

(5) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(6) Notice of a prohibition contained in subsection (1) (c) above if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 99 of the Act of 1967) shall be indicated by such traffic sign as shall be prescribed in regulations made by the Minister of Transport under the powers contained in sections 54 and 55 of the Act of 1967 or be specially authorised on behalf of the Minister of Transport.

(7) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(8) Where land to which a prohibition contained in subsection (1) (a), (b) or (c) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

(a) limit any right of way, public or private, over land;

(b) restrict the exercise by any person of any statutory right to enter upon land;

(c) derogate from or diminish the obligation of any person under section 4 of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, premises 1970 c. 44. open to the public);

(d) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 70 of the Act of 1959 (provision of margins for horses and livestock).

## PART III

## HIGHWAYS

Highway  
amenities.

7.—(1) Subject to the modifications specified in subsection (2) below, section 213 of the Act of 1971 (power for local authorities to provide facilities for recreation or refreshment in certain highways) shall in the county apply to—

- (a) footpaths within the meaning of the Act of 1959;
- (b) subways constructed under section 69 of that Act;
- (c) bridges constructed under section 69A of that Act; and
- (d) roads the use of which by vehicular traffic is prohibited by a traffic regulation order made under section 1 (3) of the Act of 1967;

as it applies to a highway in relation to which an order has been made under section 212 (2) of the Act of 1971.

(2) The modifications referred to in subsection (1) above are—

- (a) the omission from section 213 (1) of the words “ giving effect to the order or of ”;
- (b) the substitution in section 213 (3) (a), for the words “ the order under section 212 of this Act was made ”, of the words “ the powers were exercised ”;
- (c) the substitution in section 213 (3) (d), for the words from “ permitted ” to the end, of the words “ lawful; or ”;
- (d) the substitution in section 213 (5) for the words “ consulted the highway authority (if different) and ” of the words “ obtained the consent of the highway authority (if different) and consulted ”.

(3) For the purpose of subsection (1) (d) above, use by vehicular traffic is prohibited where the prohibition applies to the whole width of the road and is so prohibited notwithstanding that the traffic regulation order permits certain vehicles or classes of vehicle to use the road or permits vehicles or classes of vehicle to use the road at certain times or on certain days or during certain periods.

(4) In section 213 (2) of the Act of 1971 as it has effect in the county, the power to provide facilities for recreation or refreshment includes power, subject to subsections (5) and (6) below, to permit their provision by any person on such conditions as the competent authority think fit:

Provided that, except where such facilities are provided on land belonging to the competent authority, the authority shall only make such charge for permission to provide such facilities as will reimburse the authority for their reasonable expenses in connection with granting their permission, but this provision



shall not prejudice the right of the authority to require payment in respect of, or indemnities against, claims, liabilities and obligations arising by reason of the provision of such facilities, and costs incurred by the authority in connection therewith and the removal or alteration of such facilities when required by the authority.

(5) Where a competent authority propose—

- (a) to exercise the powers of section 213 of the Act of 1971 to provide facilities in any such footpath or road as is mentioned in subsection (1) (a) or (d) above; or
- (b) to consider an application for permission to provide facilities for recreation or refreshment pursuant to subsection (4) above for more than 28 days in a calendar year;

they shall give notice of their proposal or, as the case may be, the application, specifying the nature of the facilities and the place where it is proposed that they be provided and the period, not less than six weeks after giving the notice, during which representations regarding their proposal or, as the case may be, the application may be made to them:

Provided that notice shall not be required where the application is for renewal of permission previously given.

(6) Notice for the purpose of subsection (5) above shall be given—

- (a) by fixing the notice in a conspicuous position at or near the place where it is proposed to provide the facilities; and
- (b) by serving the notice on the occupier of any premises appearing to the competent authority to be likely to be affected by the facilities, addressed to him by name or, if his name is not known, by delivering the notice at the premises addressed to him as "The Occupier".

(7) The competent authority shall not proceed with any proposal to exercise any such powers, or to grant any such permission, as are mentioned in subsection (5) above until they have taken into consideration all representations made in accordance with that subsection.

(8) The competent authority shall take such steps as they think necessary for affording to any organisation appearing to them to represent the interests of persons trading in shop premises which may be affected by the provision of facilities under this section an opportunity to make representations to the authority about any such proposal as is mentioned in subsection (5) above.

PART III  
—cont.

(9) Nothing in this section shall be taken to relieve any person from liability for damage caused by him to any apparatus belonging to, or maintained or used by, statutory undertakers.

(10) A competent authority shall not exercise the powers of section 213 of the Act of 1971 as it has effect by virtue of this section in relation to any highway belonging to or repairable by, or any operational land or disused railway belonging to, the railways board except with the consent of the railways board, which consent shall not be unreasonably withheld and any question whether consent is unreasonably withheld shall be determined by arbitration.

Provision of  
stalls, etc., on  
certain  
highways.

8.—(1) The powers of a district council to provide facilities under section 213 of the Act of 1971 (provision of amenity for highway reserved to pedestrians) as extended by section 7 (Highway amenities) of this Act shall extend to the placing of stalls, stands and similar facilities for the sale and display of goods and for the display of advertisements.

(2) Subsections (4) to (10) of the said section 7 shall apply to the powers of the district council under section 213 of the Act of 1971 as extended by subsection (1) above.

Street  
numbers.

9.—(1) A district council may allocate to the buildings in a street in their district such numbers as they think fit.

1847 c. 34.

(2) Where a number has, or numbers have, been allocated to a building under this section or under section 64 of the Towns Improvement Clauses Act 1847, the district council may serve on the owner or occupier of the building a notice requiring him within such period, not being less than three weeks, as may be specified in the notice to mark the building with that number, or those numbers, in such a way as to make the mark legible from the street.

(3) The owner or occupier of a building shall—

- (a) maintain the mark in such a way that it remains legible from the street; and
- (b) keep the view of the mark from the street unobstructed to such extent as is practicable.

(4) A district council may alter the number or numbers allocated to a building, and where they do so subsections (2) and (3) above shall apply to the altered number or numbers.

(5) A district council may, instead of requiring a building to be marked with a number or numbers under this section, require it to

be marked with such other means of identification as they may, at the request of the owner or occupier, allow; and subsections (2) and (3) above shall have effect accordingly.

PART III  
—cont.

(6) An owner or occupier of a building who without reasonable excuse—

(a) fails to comply with a notice served on him under subsection (2) above; or

(b) contravenes subsection (3) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the county:—

1847 c. 34.

(a) in the words introducing sections 64 and 65, the words “and numbering the houses”;

(b) in section 64 the words from “shall from time to time” to “think fit, and” and the words “number or” wherever occurring;

(c) section 65.

10.—(1) Section 153 of the Act of 1959 (prohibition of construction of vaults, arches or cellars under the carriageway of a street without consent) shall have effect in the county as if—

Buildings  
under  
highways.

(a) for the words “a vault, arch or cellar under the carriageway of a street” there were substituted the words “under a highway, any part of a building on land adjoining the highway or a vault, arch or cellar”;

(b) before the words “a vault, arch or cellar” wherever occurring there were inserted the words “any part of a building or”;

(c) for the words “appropriate authority” there were substituted the words “highway authority”;

(d) in subsection (5), for the word “street” there were substituted the word “highway”;

(e) after subsection (5) there were inserted—

“ (5A) Subsection (1) of this section does not apply to the construction of code-regulated works as defined in section 1 (5) of the Public Utilities Street Works Act 1950.”; and

1950 c. 39.

(f) subsection (6) were omitted.

(2) Section 153 of the Act of 1959, as that section has effect in accordance with subsection (1) above, is set out in Schedule 1 to this Act.

PART III  
—cont.  
1959 c. 25.

(3) Section 154 of the Highways Act 1959 (openings to cellars or vaults under footways) shall have effect in the county as if, in substitution for the definition of “appropriate authority” in that section provided by section 153 (6), there were inserted at the end of section 154—

“(6A) In this section ‘appropriate authority’ means, in relation to any street which is a highway, the highway authority for the street, and, in relation to any other street, the local authority in whose area the street is situated.”

Control of  
flood-  
lighting.

11.—(1) If it appears to the highway authority that floodlighting provided on any premises to illuminate the exterior of any building in the county constitutes a danger to the traffic on any street in the county the highway authority may by notice require the owner or occupier of the premises within 21 days of the service of the notice to comply with such terms, conditions or restrictions in relation to the apparatus used for the provision of the floodlighting as may be specified in the notice or, if he so elects, to cease using the apparatus for floodlighting the building.

(2) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to notices mentioned in subsection (1) of that section and that section as so applied shall have effect as if references to the local authority were references to the highway authority.

(3) In this section “building” includes any structure or erection and any part of a building as so defined.

Damage to  
footways, etc.,  
during building  
operations.

12.—(1) The highway authority may recover from any person carrying on building operations, whether on his own account or as a contractor, the cost of making good damage caused in the course of those operations to the grass verge or footway of a highway maintainable at the public expense by vehicles being taken across, or machinery being on, or the loading or unloading or stacking of materials on, the grass verge or footway.

(2) In this section “building operations” includes rebuilding operations, demolition, excavations, structural alterations of, or additions to, buildings and other operations normally undertaken by a person carrying on business as a builder or contractor.

Provision of  
shops, etc., in  
subways.

13.—(1) A district council may in or abutting on any subway in their district maintained or provided by the county council provide, with the consent of the county council, shops, kiosks, show or display cases, advertisement sites, automatic prepayment machines for the sale of goods and facilities to increase the attraction and amenity of such subways and may let the same or let sites for the erection thereof on such terms and conditions as the district council may think fit.

(2) A district council shall not exercise the powers of this section in relation to any part of a subway which is situated over or under or within 15 metres (measured in any direction) from any railway of the railways board or any works connected therewith without the consent in writing of the railways board:

Provided that such consent shall not be unreasonably withheld and any question or dispute arising between a district council and the railways board as to whether consent is unreasonably withheld shall be determined by arbitration.

(3) A district council shall ensure that there are adequate advertisements in its subways for family planning and venereal disease clinics.

(4) This section shall not apply to the Solihull Borough Council.

14.—(1) Notwithstanding anything contained in any other enactment but subject to the provisions of this section the Sandwell Borough Council may sell and the county council may acquire and use the cemetery lands for highway purposes as if no part thereof had ever been used or set apart for the purpose of burial of human remains.

Use of part of  
Wood Green  
Cemetery for  
highway  
purposes.

(2) As from the date on which the county council acquire the cemetery lands for highway purposes the cemetery lands shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which immediately before the commencement of this Act attached to the cemetery lands under ecclesiastical law or otherwise 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 commencement of this Act attached thereto.

(3) Before the county council 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 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.

(4) Before proceeding to remove any such remains the county council shall—

(a) publish a notice of their intention so to do once in each of two successive weeks in a newspaper circulating in

**PART III**  
—cont.

the borough with an interval between each publication of not less than six days;

- (b) 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
- (c) display a like notice in a conspicuous position on the cemetery lands;

and every such notice shall have embodied in it the substance of subsections (5) to (8), (10) and (11) of this section.

(5) At any time within two months after the first 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 county council of his intention to undertake the removal of such remains and thereupon he shall be at liberty within two months from the date of such last-mentioned notice without any faculty (but subject as hereinafter mentioned to any regulations made by the bishop) 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.

(6) If any person giving such notice as aforesaid fails to satisfy the county council 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 registrar of the consistory court of the diocese of Lichfield 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.

(7) The county council shall defray the expenses of the removal and reinterment or cremation of such remains, not exceeding such sum as would be incurred by the county council in the removal and reinterment or, as the case may be, cremation of those remains within a cemetery in the borough, or such other sum as may be reasonable in the circumstances.

(8) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the county council in respect of the remains in any grave or if after such a notice has been given the person giving it or, as the case may be, the person specified in any order made under subsection (6) of this section fails to comply with either a provision of this section or a regulation of the bishop, the county council may, without any faculty for the purpose, remove the remains of the deceased person and cause

them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as, subject to the consent of the bishop, the owner thinks suitable for the purpose but in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall also be required.

(9) Upon the reinterment or cremation of any remains under this section a certificate of reinterment or cremation shall be sent to the Registrar General by the county council 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.

(10) All monuments and tombstones relating to the remains of any deceased person removed under this section shall, at the expense of the county council, be removed and re-erected at the place of reinterment of such remains or at such place as the bishop may direct on the application (if any) of such personal representative or relative as aforesaid, or, failing such application, on the application of the county council and the county council 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 county council consider that by reason of its ruinous condition it is unsuitable for re-erection, and any such monument or tombstone shall be broken up and may be disposed of in such manner as the county council may determine.

(11) The removal of the remains of any deceased person under this section shall be carried out in accordance with any conditions the Secretary of State may impose.

(12) In this section—

“ the bishop ” means the Lord Bishop of Lichfield and during a vacancy in the see of Lichfield includes the guardian of the spiritualities thereof;

“ the borough ” means the borough of Sandwell;

“ the cemetery lands ” means the lands delineated on the plan deposited for the purposes of the West Bromwich Corporation Act 1969 (being part of the Wood Green 1969 c. lix. Cemetery of the Sandwell Borough Council).

## PART IV

## PUBLIC HEALTH

Dust, etc.,  
from building  
operations.

**15.—(1)** This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air.

(2) Except as provided in subsection (6) below, a district council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this section applies in their district requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the district council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications.

1974 c. 37.

(4) Any person aggrieved by a notice under subsection (2) above may appeal to the county court and the judge may make such order, either confirming or quashing or varying the notice, as he thinks fit but shall not so vary the notice that it is more onerous than the notice given by the district council.

(5) (a) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(b) In any proceedings under this subsection it shall be a defence to show that the quantity of dust emitted into the open air was not materially greater than would have been emitted if the notice had been complied with.

(6) (a) If, before the carrying out of any operation to which this section applies, the person who intends to carry it out applies to the district council for their consent to the operation giving particulars of—

(i) the operation and the method by which it is to be carried out; and

(ii) the steps proposed to be taken to reduce the emission of dust from the operation;

and the district council consider that, on the carrying out of the operation in accordance with the application, they would not serve a notice under subsection (2) above in respect of that opera-



tion, the district council may give their consent to the operation for the purposes of this section, either unconditionally or subject to such conditions as may be specified in the consent.

PART IV  
—cont.

(b) In acting under this subsection the district council shall have regard to the matters specified in subsection (3) above.

(c) If the district council do not, within 21 days from the receipt of an application under this subsection, give to the applicant a consent, with or without conditions, which is acceptable to the applicant, he may appeal to the county court.

(d) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions as he thinks fit but shall not so vary any conditions that they are more onerous than those specified by the district council.

(7) In this section “dust” includes chemicals in solution and grit.

16.—(1) No person shall in a district use or cause or permit to be used any air-powered tool or mobile air compressor in connection with works to which section 60 of the Control of Pollution Act 1974 applies unless an effective device or arrangement for minimising the noise emitted is in operation:

Minimising  
noise from use  
of air-powered  
tools and  
compressors.  
1974 c. 40.

Provided that in any proceedings brought by virtue of this section it shall be a defence to prove that the best practicable means had been employed to minimise the noise emitted.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(3) In proceedings for an offence under this section it shall be a defence to prove that the alleged offence was covered by a notice served under section 60 of the Control of Pollution Act 1974 or a consent given under section 61 or 65 of that Act.

(4) In this section “best practicable means” has the meaning given by section 72 of the Control of Pollution Act 1974.

17.—(1) Where any court or yard is appurtenant to, or any passage gives access to, industrial premises in any district as well as to a house or houses the district council may exercise the powers of section 56 of the Act of 1936 (paving and draining of courts, yards and passages) in respect of any such industrial premises as if they were a house.

Paving of  
yards and  
passages.

(2) In this section “industrial” shall be construed in accordance with the Industry Act 1975.

1975 c. 68.

**PART IV**  
—*cont.*

Power to  
order  
alteration of  
chimneys.

**18.—(1)** If, upon a complaint by a district council or any person aggrieved under this section, a magistrates' court is satisfied that any gas, vapour or fumes from a chimney of a building in the district is injurious or likely to be injurious to health or a nuisance, the court may make an order requiring the owner of the chimney within such time as may be specified in the order to cause such means for remedying the cause of complaint to be adopted as the court thinks fit.

(2) 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—

- (a) in the case of a single private dwelling-house £300; and
- (b) in any other case £500;

or, in any case, such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(4) Except with the consent of the Secretary of State, no complaint shall be made to a magistrates' court under this section in respect of a building which is included in—

- (a) a list published by the Secretary of State under any enactment in force with respect to ancient monuments; or
- (b) a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 54 of the Act of 1971.

1961 c. 34.  
1906 c. 14.

(5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation Act 1906 or to such class of premises as may be prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

1956 c. 52.

(6) In this section "chimney of a building" has the meaning given by section 34 of the Clean Air Act 1956.

(7) This section shall not apply to the boroughs of Solihull and Walsall.

Control of  
foxes.

**19.—(1)** As from the appointed day in any district—

- (a) the district council shall, subject to the provisions of this section, have power to take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused in urban areas by foxes;

(b) without prejudice to the generality of paragraph (a) above if in the case of any land it appears to the district council that steps should be taken in respect of foxes on or resorting to the land they may, after giving not less than 7 days' notice to the occupier of their intention to do so, take such steps as appear to them to be necessary for the purpose mentioned in paragraph (a) above specifying the steps proposed to be taken.

(2) A district council acting under this section shall ensure that the exercise of the foregoing powers of this section are carried out humanely.

20.—(1) A district council may with the consent of the owner or occupier of land take any steps for the destruction of rats or mice on the land, or otherwise for keeping it free from rats or mice, and recover from him any expenses reasonably incurred by them in doing so.

(2) Expressions used in subsection (1) above and in the Prevention of Damage by Pests Act 1949 have the same meanings as in that Act.

(3) Section 294 of the Act of 1936 (limitation of liability of owners receiving rent as agent or trustee) shall apply to expenses incurred under this section as if they were expenses incurred under section 5 of the said Act of 1949.

21. Section 22 of the Prevention of Damage by Pests Act 1949 (powers of entry) shall have effect in a district as if after subsection (1) there were inserted—

“(1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any land has been refused; or

(b) that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;

and, in either case, that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section the justice may by warrant under his hand authorise the local authority by any person duly authorised by them in writing to enter upon the land if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the circumstances are as mentioned in paragraph (b) of this subsection.

Powers of  
entry for  
Prevention  
of Damage  
by Pests  
Act 1949.

PART IV  
—cont.

(1B) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary and on leaving any unoccupied land upon which he has so entered shall leave it as effectually secured against trespassers as he found it.

(1C) Every warrant issued under this section shall continue in force until the purpose for which the entry is necessary has been satisfied or for the period of one month, whichever shall be the less.

(1D) Any subsequent application for a warrant relating to premises for which a warrant has previously been issued shall contain a sworn account of the steps taken in the exercise of the previous warrant or warrants and the outcome thereof.”.

Hairdressers  
and barbers.

22.—(1) A person shall not in any district carry on the business of a hairdresser or barber unless he is registered by the district council under this section and except as provided in subsection (2) below he shall not carry on that business on premises occupied by him unless the premises are so registered.

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.

(3) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the district council under section 77 of the Public Health Act 1961 displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(6) (a) Nothing in this section prohibits, until the appointed day, the carrying on of any business in a place outside the specified area.

(b) In this subsection “ the specified area ” means the boroughs of Sandwell and Wolverhampton and so much of the city of Coventry and of the boroughs of Dudley and Walsall as

immediately before 1st April 1974 comprised the county boroughs of Coventry, Dudley and Walsall.

PART IV  
—cont.

(c) This section shall not apply to the city of Birmingham.

**23.—**(1) A person shall not in any district carry on the business of a tattooist unless he is registered by the district council under this section and he shall not carry on that business on premises occupied by him unless the premises are so registered. **Tattooists.**

(2) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(3) The district council may make byelaws for the purpose of securing—

(a) the cleanliness of premises required to be registered under this section and of the instruments, towels, materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) Nothing in this section shall extend to the practice of tattooing by or under the supervision of a person who is a registered medical practitioner or to premises on which the practice of tattooing is carried on by or under the supervision of such a person.

(5) (a) Nothing in this section prohibits, until the appointed day, the carrying on of any business in a place outside the specified area.

(b) In this subsection “the specified area” means the borough of Wolverhampton and so much of the boroughs of Sandwell and Walsall as immediately before 1st April 1974 comprised the county boroughs of West Bromwich and Walsall.

**24.—**(1) As from the appointed day in any district a person shall not in that district carry on the practice of acupuncture unless he is registered by the district council under this section and he shall not carry on that practice on premises occupied by him unless the premises are so registered. **Acupuncture.**

(2) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(3) The district council may make byelaws for the purpose of securing—

PART IV  
—cont.

- (a) the cleanliness of premises required to be registered under this section and of the instruments, towels, materials and equipment used therein; and
- (b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) Nothing in this section shall extend to the practice of acupuncture by or under the supervision of a person who is a registered medical practitioner or a dentist registered under the Dentists Act 1957 or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

1957 c. 28.

Penalties, etc.,  
in respect of  
last two  
foregoing  
sections.

25.—(1) Any person who without reasonable excuse contravenes subsection (1) of either of the last two foregoing sections shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) Any person who contravenes any byelaws made under subsection (3) of either of the last two foregoing sections shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and, if he is registered under either section, the court by which he is convicted may, instead of, or in addition to, imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(3) A court ordering the suspension or cancellation of registration under subsection (2) above may suspend the operation of the order until the expiration of the period prescribed under section 14 of the Courts Act 1971 for giving notice of appeal to the Crown Court:

1971 c. 23.

Provided that if notice of appeal is given within the said period an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(4) Where the registration of any person is cancelled by order of a court under subsection (2) above—

- (a) he shall within 7 days deliver up to the district council the cancelled certificate of registration, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5; and
- (b) he shall not again be registered by the district council under section 23 (Tattooists) or section 24 (Acupuncture) of this Act, as the case may be, except in pursuance of a further order of a magistrates' court made on his application.

(5) The occupier of premises registered under either of the last two foregoing sections shall keep a copy of the byelaws made

and of the certificate of registration of the premises issued under section 23 (Tattooists) or section 24 (Acupuncture) of this Act, as the case may be, displayed in the premises and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

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

Maintenance of and access to bulk refuse containers.

(2) A notice under subsection (1) above may require the owner or occupier of the premises to execute such work and to 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 mentioned in subsection (1) of that section, and subsection (3) (f) of that section as so applied shall have effect as if—

- (a) references to premises included references to parts of premises;
- (b) the reference to work for the common benefit of the premises in question and other premises included a reference to work for the sole benefit of those other premises; and
- (c) the reference to contribution towards the cost of the works included a reference to undertaking the whole of that cost.

27. A district council may at the request of the owner or occupier of any premises within their district provide and maintain at 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 district council.

Provision of bulk refuse containers.

28.—(1) A person who places, or allows to be placed, anything to which this section applies—

- (a) in a dustbin or receptacle used for the reception of refuse to be removed by or on behalf of a district council; or

Restriction on use of dustbins.

PART IV  
—cont.

1961 c. 64.

(b) in a receptacle for refuse or litter provided by a district council under section 51 (1) of the Public Health Act 1961;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) This section applies to—

(a) any corrosive or explosive substance;

(b) anything that may cause injury to a person dealing with refuse.

(3) A person shall not be guilty of an offence under this section in respect of anything other than a corrosive or explosive substance if that thing was placed in the dustbin or receptacle packed or otherwise treated in such a way as to preclude injury to the persons dealing with the refuse.

(4) Until the appointed day this section shall have effect only in so much of the city of Coventry as immediately before 1st April 1974 comprised the county borough of Coventry.

Amendment  
of section 22  
of Public  
Health Act  
1961.

29. In its application to the county section 22 of the Public Health Act 1961 (cleansing and repair of drains) shall have effect as if after the word “drains” there were inserted the words “private sewers”.

Disposal of  
dangerous  
containers.

30.—(1) No person shall within a district dispose of as waste any container (including a container attached to a vehicle or machine) which has been used for the storage of petroleum-spirit without first rendering the container safe from danger of fire or explosion.

(2) If any person knowingly contravenes subsection (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200, and the district council may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing.

(3) In any proceedings for an offence under this section it shall be a defence to show that all such steps as may be reasonably necessary were taken to prevent danger from the container.

1978 c. 3.

(4) No proceedings shall be instituted for an offence under this section if the disposal of the container contravenes section 2 of the Refuse Disposal (Amenity) Act 1978.

1928 c. 32.

(5) In this section “petroleum-spirit” has the meaning given by section 23 of the Petroleum (Consolidation) Act 1928.



PART IV  
—cont.Protection of  
damaged  
buildings.

31.—(1) Where it appears to a district council that a building in their district is, by reason of damage to the building, not secured against entry by trespassers and that the occupier of the building is absent from the building, the district council may do such things as are reasonably required to render the building secure and recover from the owner or occupier the expenses reasonably incurred by them in so doing.

(2) The district council shall not exercise their powers under subsection (1) above without the consent of the owner or occupier of the building unless, having regard to all the circumstances, it is not reasonably practicable to obtain such consent within a reasonable time.

(3) Nothing in this section shall apply to premises to which section 8 of the Act of 1976 applies (unoccupied houses subject to closing orders or undertakings against use for human habitation).

32.—(1) This section applies to any house—

- (a) which is occupied by persons who do not form a single household; or
- (b) which is one of two or more houses or other buildings supplied with water by one common supply pipe.

Urgent repairs  
to supply  
pipes and  
water fittings.

(2) Where a district council are satisfied that, by reason of any injury to, or defect in, a water fitting in, or the supply pipe for supplying water to, any occupied house or houses in the district to which this section applies, any such house, or any part thereof, has ceased to be supplied with water sufficient for the domestic purposes of the occupants the district council may, without prejudice to any other action which they may be authorised to take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things as they may consider necessary to secure that the supply of water is restored and recover from the owner of the house or, as the case may be, from the owners of the houses, the expenses necessarily incurred by them in so doing not exceeding £200 or such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Except in cases of emergency, admission to any premises shall not be demanded as of right for the purpose of doing any work under subsection (2) above unless not less than 24 hours' notice of the intended entry has been given to the occupier.

(4) (a) In proceedings to recover expenses under subsection (2) above the court may inquire whether those expenses ought to be borne wholly or in part by some person, being the occupier of the premises in respect of which they were incurred, other than

PART IV  
—cont.

the defendant in the proceedings and, subject as provided in paragraph (b) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

(b) The court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has, at the instance of the defendant, had due notice of the proceedings and an opportunity of being heard.

(5) The district council may if they think fit themselves bear the whole or any part of any expenses recoverable under this section.

(6) (a) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the statutory water undertakers within whose limits of supply the house is situated, which consent shall not be unreasonably withheld, and in giving their consent the statutory water undertakers—

- (i) may attach thereto such reasonable conditions as they think fit; and
- (ii) may, without prejudice to any action or proceedings which they may take under any other enactment, elect to carry out on behalf of the district council any repair, renewal or other works proposed by the district council, in which case the expenses reasonably incurred by the undertakers in so doing shall be repaid to them by the district council.

(b) Any difference which may arise between any statutory water undertakers and a district council under this subsection, other than a difference as to the meaning or construction thereof, shall be determined by arbitration.

(7) Before, or, in case of emergency, as soon as possible after, exercising the powers of subsection (2) above in relation to any premises the district council shall notify the statutory water undertakers within whose limits of supply the premises are situated.

(8) In this section “supply pipe” and “water fitting” have the meanings given by Schedule 3 to the Water Act 1945.

1945 c. 42.

Byelaws as  
to stables.

33.—(1) A district council may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of any stable within the district.

(2) This section shall not apply in the borough of Solihull.

PART IV  
—cont.Registration  
of hawkers of  
food and  
premises.

34.—(1) (a) No person shall for private gain sell, offer or expose for sale in a district any food from a stall or container unless he is registered by the district council.

(b) No premises in a district shall be used as storage accommodation for any food intended for sale for private gain from a stall or container unless the premises are registered by the district council.

(2) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) (a) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(b) Any such application shall be accompanied by such particulars as to the applicant or the premises, as the case may be, and otherwise, as the district council may reasonably require, including particulars as to any vehicle, receptacle or stand to be used by the applicant.

(c) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises and shall issue to the applicant a certificate of registration.

(4) The district council shall keep a register of the persons and premises registered under this section.

(5) This section shall not apply to—

(a) the sale or offer or exposure for sale of food by a person keeping open shop for the sale of food or by a person employed and in the course of his employment by such a person, or to the use by a person of either of the foregoing descriptions, and in connection with such a shop, of any premises as storage accommodation for food intended for sale;

(b) the sale or offer or exposure for sale of food by a dairyman registered under regulations in force under Part II of the Food and Drugs Act 1955, or having effect by virtue of section 136 (2) of and Schedule 12 to that Act as if they had been made under the said Part II, or by a person employed and in the course of his employment by such a dairyman, or to any dairy so registered;

(c) the sale or offer or exposure for sale of food by any person at any market owned by a district council or at any charter, prescriptive or statutory market not so owned for which such person or his employer has paid a toll, stallage or rent, or to the use of any premises in

1955 c. 16  
(4 & 5  
Eliz. 2).

PART IV  
—cont.

1955 c. 16.  
(4 & 5 Eliz. 2.)

any such market as storage accommodation for food intended for sale by any such person at such market;

(d) any premises registered under section 16 of the Food and Drugs Act 1955 or used as a theatre, cinematograph theatre, music hall or concert hall or used as a canteen or refreshment room in or in connection with and for persons employed at a place of work, or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

(6) In this section—

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

“ food ” does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination;

“ premises ” means a building or part of a building and any forecourt, yard or place of storage used in connection with the building;

“ stall ” includes any stand, mobile canteen vehicle (whether movable or not) or barrow from which food is sold.

(7) (a) Until the appointed day this section shall have effect only in the specified area.

(b) In this subsection “ the specified area ” means so much of the city of Birmingham and of the city of Coventry as immediately before 1st April 1974 comprised the county boroughs of Birmingham and Coventry.

Registration  
of eating-  
houses.

35.—(1) No premises shall be used as an eating-house in any district unless such premises are registered with the district council by the occupier thereof.

(2) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) The district council if they are satisfied that the public health is, or is likely to be, endangered by the use of any premises registered or sought to be registered as an eating-house may serve on the occupier of the premises notice to appear before them, not less than 7 days after the date of the notice, to show cause why the district council should not, for reasons to be specified in the notice, refuse to register such premises or remove them from the register, as the case may be, and if he fails to show cause to their satisfaction accordingly they may refuse to register such premises or remove them from the register, as the case may be.

(4) Any person aggrieved by any such decision of the district council as aforesaid may appeal to a magistrates' court and that court may require the district council to register such premises or not to remove them from the register.

(5) In this section "eating-house" means premises substantially or mainly used for the sale of food to members of the public for consumption on the premises other than premises—

- (a) used as a club; or
- (b) in respect of which a justices' licence to sell intoxicating liquors by retail has been granted and is in force; or
- (c) used as railway refreshment rooms; or
- (d) used as a theatre, cinema, music hall or other similar place of entertainment; or
- (e) provided in connection with a departmental store; or
- (f) for the time being registered as a common lodging-house or as a house let in lodgings.

(6) Until the appointed day this section shall have effect only in so much of the city of Birmingham as immediately before 1st April 1974 comprised the county borough of Birmingham.

36.—(1) When the proper officer reports to a district council that in his opinion any person in the district is suffering, or has recently suffered, from infectious or other disease attributable to shellfish, or that the consumption of shellfish exposed for sale within the district is likely to cause danger to public health the district council may make an order prohibiting the sale in the district for human consumption of shellfish derived from the laying from which such suspected shellfish were in the opinion of the proper officer derived. Further provisions as to shellfish.

(2) When an order is made under this section the district council shall send a copy thereof to the district council of the district in which the said laying is situate and shall serve a copy thereof upon every person in the district of the council making the order who to their knowledge is supplying or has recently supplied shellfish from such laying.

(3) (a) Any person upon whom an order is served in pursuance of this section and who before such order is withdrawn sells, or exposes, distributes or offers for sale for human consumption, or has in his possession for the purposes of such sale, shellfish derived from the laying referred to in such order shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 for every such offence.

(b) In proceedings for an offence under this subsection it shall be a defence for the person charged to prove that he did not know, and could not with reasonable diligence have ascertained, that the shellfish in question were derived from the laying referred to in the said order.

PART IV  
—cont.

(4) When the district council are satisfied that the conditions of the laying referred to in any order made by them under this section have so changed that the order may be withdrawn without prejudice to public health they shall forthwith withdraw the order and shall give notice of such withdrawal to the district council in whose district the said laying is situate and to every person upon whom a copy of the order has been served in pursuance of this section.

(5) No vendor of shellfish shall be liable to an action for breach of contract if the breach shall be due to an order of a district council under this section.

(6) In this section—

“ district ” includes a district outside the county;

“ district council ” (except in subsection (1)) includes the council of such district;

“ laying ” includes any foreshore, bed, laying pond, pit ledge, float or other place where shellfish are taken or deposited.

Medicated,  
sauna and  
other baths.

37. The power of a district council under sections 221 and 222 of the Act of 1936 (power to provide and charge for use of baths, etc.) to provide, and charge for the use of, public baths extends to medicated, sauna and other baths including baths the efficient properties of which are due to agencies other than water.

## PART V

## PUBLIC ORDER AND PUBLIC SAFETY

Notice of  
street  
processions.

38.—(1) (a) No person shall organise or conduct a procession through any street in a district unless there has been served on the chief officer of police at any police station in the district through which the procession is intended to pass, a notice stating the route by which and the date and time on and at which it is intended that it should pass.

(b) Notice under paragraph (a) above shall be served at a time not less than 72 hours before the procession starts to pass through any street or as soon as reasonably practicable after that time.

(2) If any procession passes through any street in a district by a route or at a time which has not been stated in a notice relating to that procession delivered in accordance with subsection (1) above, except in accordance with directions given by the chief officer of police under section 3 of the Public Order Act 1936 or other directions given by the senior police officer, if any, attending the procession, any person organising or conducting the procession shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) Nothing in this section shall apply to a procession—

(a) commonly or customarily held; or

1936 c. 6  
(1 Edw. 8  
& 1 Geo. 6).

(b) organised or conducted for the purpose of a funeral by a person acting in the normal course of his business where his business is that of a funeral director.

(4) For the furtherance of co-operation between the organisers of processions and the police, the chief constable shall issue a code of practice giving guidance to the organisers of processions on any matters which he deems to be relevant, and in particular drawing attention to—

(a) the desirability of notifying the police as early as possible when a procession is planned and publicised; and

(b) the need to make arrangements for stewarding and to agree the route with the police.

(5) Proceedings shall not be instituted for any offence under this section unless the proceedings are instituted by or with the consent of the Director of Public Prosecutions.

39.—(1) This section applies to a stand for the accommodation of spectators, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

(a) comprising a work of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or

(b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961; or

1961 c. 64.

(c) erected in compliance with regulations made under section 4 (Regulations for securing public safety) of the National Exhibition Centre and Birmingham Municipal Bank Act 1976.

1976 c. xix.

(2) As from the appointed day in any district no person shall in the district make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

(3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of 20 or more persons shall—

(a) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and

(b) submit for approval by the district council such particulars of the intended stand as the council may require.

(4) On receipt of a notice under subsection (3) (a) above the district council shall consult the fire authority.

**PART V**  
—*cont.*

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the district council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the district council may give to the person by whom the particulars, plan or section were submitted notice specifying—

- (a) such modifications of any plan, section and particulars submitted to them as they may require; and
- (b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the district council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or, as the case may be, the said period of four weeks, the district council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the district council under this section may appeal to a magistrates' court which may dismiss or allow the appeal, or may vary any requirement of the district council, and may make directions for giving effect to its decisions.

(9) If any person—

- (a) contravenes subsection (2) above; or
- (b) contravenes such requirements as are mentioned in subsection (6) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(10) Where it appears to a district council that any stand to which this section applies has been erected or is in use in the district in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

- (a) to remedy the condition of the stand; or
- (b) to prevent the continued use of the stand until its condition has been remedied; or



(c) to dismantle the stand;  
 as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

40.—(1) A district council may designate, in accordance with subsection (5) below, any of the following places, or any part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:—

- (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
- (b) a street or esplanade, parade, promenade or way to which the public commonly have access, whether or not as of right:

Provided that the district council shall not designate—

- (i) for the purpose of subsection (2) (b) below, any highway specified in a control order under section 7 of the Act of 1976; or
- (ii) for the purpose of subsection (2) (c) (ii) below, any street.

(2) Any person who, in a place designated under this section—

- (a) importunes any person by touting for a hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage, public service vehicle or other conveyance or for a boat; or
- (b) without the consent of the district council or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale anything; or
- (c) without the consent of the district council or in breach of any condition subject to which the council's consent is given—
  - (i) photographs any person by way of trade or business; or
  - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) The conditions of consent referred to in subsection (2) (b) and (c) above include conditions as to the times or period for which the consent is valid and the payment for the consent of such reasonable fee to cover the expense of the district council in dealing with applications for such consents as the council may by resolution prescribe, and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

**PART V**  
—*cont.*

(4) A person aggrieved by—

- (a) the withholding by the district council of consent referred to in subsection (2) (b) or (c) above;
- (b) the conditions subject to which the council give such consent; or
- (c) the revocation of such consent under subsection (3) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the council.

(5) (a) Before designating any place for any of the purposes of subsection (2) above the district council shall give notice of their proposal by advertisement in a newspaper circulating in the district, and by posting it in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(b) After taking into consideration any objections made in accordance with paragraph (a) above, the district council may by resolution designate as places to which this section applies for any of the purposes of subsection (2) above all or any, or any part, of the places specified in the notice given under that paragraph.

(6) A resolution under subsection (5) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (5) (a) above, being a day not less than 28 days after the day on which notice is given under this subsection.

(7) This section shall not prohibit—

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b) the selling or offering or exposing for sale of anything to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;
- (c) the owner or operator of a public service vehicle from touting for passengers for that vehicle at any bus station;
- (d) 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;

and the district council shall not withhold their consent under subsection (2) (b) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the ground that their consent has already been given to a sufficient number of other persons.

(8) Before giving consent under this section to the hawking, selling or offering or exposing for sale of anything in a highway, the district council shall consult the highway authority.

**41.—**(1) No person shall without lawful authority or reasonable excuse remove or otherwise interfere with any property vested in a local authority in any street or public place within the county. Removal of property of local authority.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(3) No proceedings shall be instituted for an offence under this section if the removal or interference with property constitutes an offence under the Theft Act 1968 or the Criminal Damage Act 1971. 1968 c. 60.  
1971 c. 48.

**42.—**(1) A constable may within the county—

(a) search any person who may be reasonably suspected of having in his possession or conveying in any manner anything stolen or unlawfully obtained; and

(b) if there are reasonable grounds to suspect that anything stolen or unlawfully obtained may be found in or on any vehicle or vessel, enter upon and search the vehicle or vessel.

(2) This section shall cease to have effect on 31st December 1984. Powers of search.

**43.—**(1) If it appears to a district council that any unoccupied building in the district is derelict and is not effectively secured against unauthorised entry and, by reason thereof is a cause of annoyance to the inhabitants of any part of the district, the district council may, after giving to each person who is an owner of the building not less than 48 hours' notice that they propose to do so, do such works in connection with the building as may be reasonably necessary for the purpose of preventing unauthorised entry to the building. Securing unoccupied buildings.

(2) This section does not apply to a building in respect of which there is in force such an undertaking or closing order as is mentioned in section 8 of the Act of 1976.

(3) (a) Where the district council do any works in connection with any building under subsection (1) above, they may recover the expenses reasonably incurred in so doing from any person on whom notice of the proposal to do those works was served under that subsection.

**PART V**  
—*cont.*

(b) In proceedings to recover expenses under this subsection the court may inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings and, subject as provided in paragraph (c) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

(c) The court shall not order the expenses or any part of them to be borne—

(i) by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard; or

(ii) by any person for whom the district council are, by any statutory provision, required to provide housing accommodation.

(4) Nothing in this section shall prejudice the rights of statutory undertakers to enter upon a building in exercise of their statutory powers in that behalf but, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, any such undertakers, in exercising their powers of entry in respect of any unoccupied building, shall ensure that it is not left less secure against unauthorised entry by reason of the exercise of those powers.

**PART VI**

**FIRE PRECAUTIONS**

**44.—**(1) This section applies to a parking place comprising or within a building which provides—

(a) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or

(b) parking space for more than 20 motor vehicles; not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.

(2) Where—

(a) plans of any proposed work are deposited with a district council in accordance with building regulations; and

(b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

the district council shall reject the plans unless, after consultation with the fire authority, and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority

Parking  
places:  
safety  
requirements.

under that Act (if not the fire authority), they are satisfied that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

PART VI  
—cont.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

- (a) construction of the vehicular approaches;
- (b) means of access for fire brigade appliances and personnel;
- (c) means of ingress and egress, including the provision of appropriate signs;
- (d) means of ventilation;
- (e) safety of electrical, mechanical and heating equipment;
- (f) provision of an emergency lighting system;
- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

(4) If the district council consent to the construction, extension or alteration of a building subject to compliance with conditions with respect to any of the matters specified in subsection (3) above, they may impose a requirement that the building shall not be used for the parking of vehicles until the conditions have been complied with.

(5) Section 64 (2) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.

(6) Any person aggrieved by the action of the district council under subsection (2) or (4) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

(7) If any conditions, subject to compliance with which plans have been passed under subsection (2) above or under any corresponding statutory provision repealed by this Act are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit its use for the parking of vehicles until those conditions have been complied with.

PART VI  
—cont.

(8) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
- (b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

they may, for the purpose of preventing or reducing danger from fire, or other danger to life, by notice to the owner or occupier of the parking place, require compliance with—

- (i) such conditions with respect to any of those matters as may be specified in the notice; and
- (ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(9) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (8) above as if—

- (a) references in those provisions to that Act included reference to this subsection;
- (b) for the reference in section 290 of the Act of 1936 to the court there were substituted reference to the Secretary of State; and
- (c) in section 290 (6) the words from “and without prejudice” to the end were omitted.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(11) Any person on whom notice is served under subsection (8) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) For the purposes of section 287 (1) (a) 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 fire authority as well as the district council to enforce.

PART VI  
—cont.

(13) (a) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence. 1928 c. 32.

(b) Subject to paragraph (a) above, where plans in respect of any building have been passed subject to compliance with conditions specified under this section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

45.—(1) This section applies to—

Firemen's  
switches.

- (a) apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed;
- (b) apparatus consisting of any electrically operated ventilation system in premises with an area exceeding 930 square metres, other than any local ventilation system for a particular process or room;

and references in this section to a cut-off switch in respect of apparatus referred to in paragraph (a) above are, in the case where a transformer is provided to raise the voltage to operate the apparatus, references to a cut-off switch on the low-voltage side of the transformer.

(2) Apparatus to which this section applies shall not be installed on or in any premises in the county unless it is provided with a cut-off switch and the switch shall be so placed, and coloured or marked, as to satisfy such reasonable requirements as the fire authority may impose to secure that it shall be readily recognisable by and accessible to firemen.

(3) Not less than six weeks before work is begun to install apparatus to which this section applies, the owner or the occupier of the premises where the apparatus is to be installed shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.

(4) Where notice has been given to the fire authority as required by subsection (3) above, the proposed position, colouring or marking of the switch shall be deemed to satisfy the requirements

PART VI  
— cont.

of the fire authority unless, within 21 days from the date of the service of the notice, the fire authority have served on the owner or occupier a counter-notice stating that their requirements are not satisfied.

(5) Where apparatus to which this section applies, being apparatus referred to in subsection (1) (a) above, has been installed before 1st October 1979 or, as the case may be, before the appointed day the owner or the occupier of the premises where it is installed shall, not more than 21 days after that day, give notice to the fire authority stating whether the apparatus is already provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.

(6) Where apparatus to which this section applies, being apparatus referred to in subsection (1) (a) above, has been installed before 1st October 1979 or, as the case may be, before the appointed day, the fire authority may serve on the owner or occupier of the premises a notice—

- (a) in the case of apparatus already provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring him, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed and coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority; or
- (b) in the case of apparatus not already provided with a cut-off switch requiring him, within such period as may be specified in the notice, to provide a cut-off switch in such a position and so coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority.

(7) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers for a fireman's emergency switch as to position, colour and marking shall for the purposes of this section be deemed to satisfy the requirements of the fire authority.

(8) The provisions of section 290 of the Act of 1936 shall apply to notices given by the fire authority under this section as they apply to the notices mentioned in subsection (1) of that section and as if references therein to a local authority included reference to the fire authority.

(9) The foregoing provisions of this section shall not apply to apparatus installed or proposed to be installed on or in premises in respect of which a licence under the Cinematograph Acts 1909



and 1952 is for the time being in force, but where any apparatus to which this section applies is proposed to be installed on or in any such premises, the owner or occupier of the premises shall, before the apparatus is installed, give notice to the fire authority informing them of the position in which it is proposed to place the cut-off switch and how it is to be coloured or marked.

(10) The owner or occupier of premises where apparatus to which this section applies is installed which does not comply with subsection (2) above and the owner or the occupier of the premises who does not comply with the requirements of the fire authority stated in a notice under subsection (6) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(11) Any person who fails to give notice as required by subsection (3), (5) or (9) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) (a) Until the appointed day this section shall only apply in the specified area:

Provided that in relation to apparatus referred to in subsection (1) (b) above until the appointed day this section shall only apply in the borough of Wolverhampton.

(b) In this subsection "the specified area" means the boroughs of Dudley and Wolverhampton and so much of the city of Coventry and of the boroughs of Sandwell and Walsall as immediately before 1st April 1974 comprised the county boroughs of Coventry, Walsall and West Bromwich.

46.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show—

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

PART VI  
—cont.

(3) Section 64 (2) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate, for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

Oil-burning  
equipment.

47.—(1) In this section—

“ apparatus ” and “ fittings ” include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters;

“ boiler ” means a boiler, furnace, heater, oven or similar plant;

“ oil-burning equipment ” means a boiler designed or adapted for the combustion of oil and includes the burners, the storage tanks and the apparatus, fittings, devices and catch-pits and any other equipment used for, or in connection with, the heating of the boiler but does not include—

(a) any such equipment if the tank storage to supply oil to the boiler has a total capacity not exceeding 3,500 litres; or

(b) any such equipment for generating electricity forming part of a generating station of the generating board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957;

“ storage tank ” means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler;

and references to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(2) (a) The county council may make byelaws for securing that arrangements are made for preventing or reducing danger from fire arising in connection with oil-burning equipment installed or placed in any building, or on any land, in the county after the coming into operation of the byelaws.

(b) Without prejudice to the generality of paragraph (a) above, byelaws made under this subsection may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment, and the mode of arrangement of any such work, apparatus, fittings and appliances.

(c) In relation to byelaws made under this subsection section 236 of the Act of 1972 (procedure for making and confirming byelaws) shall have effect as if in subsection (7), after "confirm" where it secondly occurs, there were inserted "or confirm with modifications".

(d) If the Secretary of State, on considering byelaws submitted under section 236 of the Act of 1972 as having effect in accordance with paragraph (c) above, proposes to make a modification which appears to him to be substantial he shall inform the county council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the county council and by other persons who have been informed of it.

(3) (a) Any person intending to install or place oil-burning equipment in any building or on any land in the district shall give to the district council not less than 14 days' notice of his intention to do so.

(b) Until the appointed day this subsection shall only apply in the specified area.

(c) In this subsection "the specified area" means so much of the borough of Dudley as immediately before 1st April 1974 comprised the boroughs of Halesowen and Stourbridge.

(4) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and approved by, the district council shall, for the purposes only of this section, be deemed to comply with the appropriate specification for such equipment prescribed in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the district council do not, within 8 weeks from the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person who submitted the plans and specifications of their disapproval of the said plans and specifications, stating the reasons for their disapproval, they shall be deemed to have approved them.

(5) (a) If, on an application made by a person proposing to install or place oil-burning equipment in any building, or on any

PART VI  
—cont.

land, in their district for waiver of the specification for such equipment prescribed in the byelaws, the district council, after consultation with the fire authority, are satisfied that proper arrangements will be made for preventing or reducing danger from fire arising in connection with the equipment, they may dispense with, or relax, the requirements of the byelaws and approve the installation or the placing of the equipment notwithstanding that it does not comply with the specification for such equipment prescribed in the byelaws.

(b) If the district council do not, within 8 weeks from the making of an application under this subsection, or such longer period as the applicant may in writing allow, notify him of their approval of the application, they shall be deemed to have disapproved it.

(6) (a) Any person aggrieved by—

(i) the withholding by the district council of their approval to the installation or placing of oil-burning equipment under subsection (4) above; or

(ii) by the disapproval by the district council of an application made under subsection (5) above;

may, within 21 days from the receipt of notification of the disapproval or, as the case may be, from the expiration of the period of 8 weeks specified in subsection (5) (b) above, appeal to the Secretary of State stating the grounds of his appeal; and the appellant shall at the same time serve on the district council and the fire authority a copy of that statement.

(b) Where an appeal is brought under this subsection the Secretary of State shall take into account any representations made by the appellant, the district council and the county council within 21 days from the date of the notice of appeal, and may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the district council given under subsection (4) (a) or, as the case may be, subsection (5) (a) above.

(7) Any person who installs oil-burning equipment in any building or on any land in a district without giving such notice as may be required under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(8) (a) Any person who contravenes any byelaw made under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200, and to a daily fine not exceeding £20.

(b) In any proceedings for an offence under this subsection it shall be a defence to show that the contravention occurred by reason of the installation or placing of equipment in accordance with any approval given by the district council under subsection (4) or (5) above.

(9) Nothing in this section shall apply to the installation of oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force.

1968 c. 54.

48.—(1) This section applies to any substance likely to involve special hazard to persons engaged in operations for the purposes of the extinction of fire and the protection of life and property in case of fire.

Prescription  
of signs to be  
used on  
certain  
buildings.

(2) The fire authority may prescribe standard uniform signs or symbols or warning notices, in a form approved by the Secretary of State clearly indicating the nature of any substance to which this section applies and the danger from fire arising therefrom.

(3) The fire authority may, by notice, require the occupier of any part of a building in the county used for the manufacture or storage of any such substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice prescribed under subsection (2) above.

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(5) (a) Nothing in this section shall authorise the fire authority to require the generating board or the electricity board to affix on any building or part of a building on operational land (as defined in section 222 of the Act of 1971) any sign, symbol or notice without the consent of the board concerned, which consent shall not be unreasonably withheld.

(b) Any question whether a consent required by this section has been unreasonably withheld shall be determined by the Secretary of State.

49.—(1) In its application to a district section 60 of the Act of 1936 (means of escape from fire in certain buildings) shall have effect as if—

Provision of  
means of  
escape from  
fire in certain  
buildings.

(a) in subsection (1) for the words "twenty feet" there were substituted "4.5 metres";

PART VI  
—cont.

(b) in subsection (4)—

- (i) for the words “two storeys” there were substituted “one storey”;
- (ii) for the words “twenty feet” there were substituted “4.5 metres”;
- (iii) in paragraph (a) for the words “let in flats or” there were substituted “used in whole or in part as a flat or as”.

(2) (a) A district council may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) above, applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(b) A person served with a notice under this subsection may appeal to a magistrates’ court on any of the following grounds:—

- (i) that the requirement is not justified by the terms of this subsection;
- (ii) that there has been some material informality, defect or error in, or in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made.

(3) The said section 60 of the Act of 1936, as having effect in accordance with this section, and subsection (2) above shall not apply to—

- (a) any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or
- (b) any premises to which section 9A of the Fire Precautions Act 1971 applies.

1971 c. 40.

Fire precau-  
tions in  
registered  
clubs.  
1964 c. 26.

50.—(1) A fire officer authorised in writing by the chief fire officer of the fire authority may on giving (except in a case of emergency) not less than 48 hours’ notice to the secretary of a club in the county registered under the Licensing Act 1964, on production of his authority, enter and inspect as regards any matter affecting fire risks the premises occupied by the club at any reasonable time on such day as may be specified in the notice.

(2) Any person who intentionally obstructs a fire officer in the exercise of the power conferred by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) Nothing in this section shall apply to any premises occupied by a club licensed under the Gaming Act 1968.

PART VI  
—cont.

1968 c. 65.

(4) This section shall cease to have effect upon the designation by order under section 1 of the Fire Precautions Act 1971 of the use of premises for purposes of a registered club as a use for which a fire certificate is required.

1971 c. 40.

**51.**—(1) A district council shall consult the fire authority—

Consultation  
by district  
councils with  
fire authority.

(a) before exercising their functions under section 59 of the Act of 1936 (which requires a local authority to reject building plans for certain public and other buildings unless satisfactory exits, entrances and passages are provided);

(b) before issuing a site licence, with or without conditions to which this paragraph applies or altering any such conditions attached to a site licence, or providing a site for caravans within the county under the Caravan Sites and Control of Development Act 1960.

1960 c. 62.

(2) Paragraph (b) of subsection (1) above applies to conditions for securing that proper measures are taken for preventing and detecting the outbreak of fire and that adequate means of fire fighting are provided and maintained, and consultation in respect of the matters specified in that paragraph shall only be required in relation to such measures for preventing and detecting the outbreak of fire and such means of fire fighting.

(3) This section shall not affect the validity of any exercise by a district council of their functions under any enactment without compliance with this section.

## PART VII

### STORAGE OF FLAMMABLE MATERIAL

**52.**—(1) For the purposes of this Part—

Interpretation  
of Part VII.

(a) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;

(b) two or more stacks shall be treated as one stack if—

(i) the space between them does not allow free passage between them or is at any point less than 1 metre wide; or

(ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

PART VII  
—cont.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

- (a) it is unobstructed; and
- (b) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

Stacks to  
which  
Part VII  
applies.

53.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—

- (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and
- (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

(2) The materials referred to in subsection (1) (a) above are—

- (a) paper or cardboard;
- (b) plastics;
- (c) rags;
- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (b) above are—

- (a) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—
  - (i) 3 metres in height;
  - (ii) 50 cubic metres in capacity;
- (b) for stacks of any materials, not being a stack specified in paragraph (c) or (d) below, if the conditions specified in subsection (4) below are fulfilled—
  - (i) 5 metres in height;
  - (ii) 450 cubic metres in capacity;
  - (iii) 20 metres in any horizontal dimension;
  - (iv) 235 square metres in any horizontal section;
- (c) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—
  - (i) 5 metres in height;
  - (ii) 750 cubic metres in capacity;
  - (iii) 20 metres in any horizontal dimension;
  - (iv) 235 square metres in any horizontal section;



(d) for stacks consisting of wood only, if the conditions specified in subsection (4) below are fulfilled—

PART VII  
—cont.

- (i) 10 metres in height;
- (ii) 1,370 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (b) to (d) above are—

- (a) there is no other stack to which this Part applies within 4 metres;
- (b) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;
- (c) no street is within 5 metres;
- (d) none of the following is on the same premises and within 6 metres, namely:—
  - (i) a furnace or incinerator;
  - (ii) a building;
  - (iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;
  - (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

(5) A stack is not one to which this Part applies—

- (a) if, being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the railways board, it is alongside a railway line on premises occupied by the railways board for the purposes of their undertaking and is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or
- (b) if it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a wagon, vehicle or trailer.

54.—(1) Subject to subsection (2) of section 58 (Transitional Unlawful provisions for Part VII) of this Act, as from the appointed day in stacks. the county it is unlawful for a stack to which this Part applies to

**PART VII**  
*—cont.*

be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

(2) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted on the premises) as the county council may, within 28 days from the date on which the application is made, reasonably require.

(3) Where an application has been made to the county council for their consent under this section and the county council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

(4) Where the county council have given a consent under this section to the stacking of materials on any premises—

(a) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks of the stack;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

(b) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

(5) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire-fighting, including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent under this section to the stacking of materials, the county council are satisfied that by reason of those materials the stack does not create fire risks, the county council shall give their consent unconditionally.

PART VII  
—cont.

**55.** A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent, under section 54 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Part VII  
appeals.

**56.** The power to enter premises conferred upon duly authorised officers of the county council for the purposes of this Part by section 287 (1) (a) of the Act of 1936 as applied by this Act shall include power to take samples for analysis from any stack on the premises.

Powers of  
entry for  
Part VII.

**57.** Where a stack is on any premises in contravention of subsection (1) of section 54 (Unlawful stacks) of this Act, the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Offences  
under  
Part VII.

**58.—**(1) Where under subsection (4) of section 54 (Unlawful stacks) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

Transitional  
provisions  
for Part VII.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 54 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State.

## PART VIII

## LICENSING OF PUBLIC ENTERTAINMENTS

Interpretation  
and  
application  
of Part VIII  
and repeal.

59.—(1) In this Part—

“boxing or wrestling entertainment” means public boxing or wrestling or other public entertainment of the like kind;

“entertainment licence” means a licence under this Part to keep or use premises for a boxing or wrestling entertainment or, as the case may be, a music or dancing entertainment; and includes such a licence for occasions specified in the licence (in this Part referred to as “occasional entertainment licence”);

“music or dancing entertainment” means public dancing, singing, music or other public entertainment of the like kind;

“specified entertainment” means a boxing or wrestling entertainment or a music or dancing entertainment.

1890 c. 59.

(2) Section 51 of the Public Health Acts Amendment Act 1890 shall not be adopted by a district council and if the said section 51 is in operation in any part of a district immediately before the appointed day fixed for the purposes of this Part in that district, it shall on that day cease to have effect therein.

(3) (a) A district council may resolve that in its application to their district this Part shall—

(i) apply only to boxing or wrestling entertainment and in that event this Part shall, in its application to that district, have effect as if a specified entertainment did not include music or dancing entertainment and accordingly the said section 51, if adopted in that district, shall continue to have effect in that district; or

(ii) apply only to music or dancing entertainment and in that event this Part shall, in its application to that district, have effect as if a specified entertainment did not include boxing or wrestling entertainment:

Provided that a district council may by subsequent resolution apply the whole of this Part to their district.

(b) Section 3 (Appointed day) of this Act shall apply to any resolution passed under this subsection.

(4) This Part shall not apply to the city of Birmingham.

60.—(1) Subject to the provisions of this Part, as from the appointed day in a district, premises within the district shall not be kept or used for a specified entertainment except as authorised by an entertainment licence.

(2) The district council may, on the application of any person, grant or renew to him an entertainment licence for premises specified in the licence on such terms and conditions as may be so specified.

(3) An application for an entertainment licence shall be accompanied by such plans and particulars as the district council may by resolution prescribe.

(4) An applicant for an entertainment licence shall give notice of the application to the fire authority and to the chief officer of police and shall give public notice of the application (identifying the premises) in such form as the district council may by resolution prescribe—

(a) by displaying the notice in a conspicuous position on or near the premises for 14 days beginning with the date of the application; and

(b) except in the case of application for the renewal of a licence by advertisement in a newspaper circulating in the district published not later than 7 days after the date of the application.

(5) An application for the grant or renewal of a licence under this Part shall not be entertained by the district council unless they are satisfied that the applicant has complied with subsection (4) above in respect of the application.

(6) On considering an application for the grant or renewal of a licence under this Part the district council shall take into consideration any objection made against the application of which notice has, not later than 21 days after the date of the application, been sent to the district council and to the applicant, stating in general terms the grounds of the objection.

(7) Before refusing to grant or renew an entertainment licence, the district council shall give to the applicant an opportunity of appearing before and of being heard by a committee or sub-committee of the council and, if so required by him, the council shall within 7 days after their decision give him notice thereof containing a statement of the grounds upon which it was based.

(8) Applications for licences under this Part shall be determined without undue delay.

**PART VIII**  
—*cont.*

1961 c. 64.

Nature and  
duration of  
entertainment  
licences and  
conditions.

(9) An entertainment licence is not required—

- (a) in respect of a specified entertainment carried on at a pleasure fair within the meaning of section 75 of the Public Health Act 1961;
- (b) by reason only of the use, for the playing of music or singing, of any place of public religious worship (as defined in section 213 (2) of the Act of 1959) or, if so used as an incident to any religious meeting or service, any other premises.

**61.—**(1) An entertainment licence shall be for such period, not exceeding 12 months, specified in the licence as the district council may determine or for occasions so specified.

(2) (a) With his application for an entertainment licence the applicant shall pay such reasonable fee to cover the expense of the district council in dealing with such applications as the council may by resolution prescribe; and different fees may be prescribed for applications of different kinds.

(b) No fee shall be payable under this subsection where the application relates to an entertainment which, in the opinion of the district council, is of an educational character or is given for a charitable purpose; and in any other case the district council may dispense with, or reduce, the fee.

(3) The district council may on the application of the holder of an entertainment licence, other than an occasional entertainment licence, or of any person to whom he wishes to assign the licence, transfer the licence to that person; and subsections (4) to (8) of section 60 (Licensing of entertainments) of this Act and subsection (2) above shall apply to a transfer as they apply to the grant of an entertainment licence.

(4) Where, before the date of expiry of a licence granted under this Part, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the district council or until the withdrawal of the application.

(5) Where, before the date of expiry of a licence granted under this Part, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed or that the applicant for such transfer is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, until the determination of the application by the district council or until the withdrawal of the application.

62. A person who—

- (a) keeps or uses, or permits the use of, premises contrary to subsection (1) of section 60 (Licensing of entertainments) of this Act; or
- (b) contravenes, or permits the contravention of, a term or condition specified in an entertainment licence;

PART VIII  
—cont.  
Offences  
under  
Part VIII.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

63. If the holder of an entertainment licence is convicted of contravention of any terms or conditions on which the licence has been granted, the licence may be revoked by the district council.

Revocation of  
licences.

64. A person aggrieved by a refusal to grant, renew or transfer an entertainment licence, or by any terms or conditions specified in such a licence or by the revocation of such a licence may appeal to a magistrates' court; and on any such appeal the court may order the grant, renewal or transfer of the licence, or the grant, renewal or transfer of it on such terms or conditions, not more onerous than those imposed by the district council, as the court thinks fit and make directions for giving effect to its decision.

Part VIII  
appeals.

65.—(1) An authorised officer of the district council or any officer of the fire authority in either case on producing if so required a duly authenticated document showing his authority, or any constable, may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used or intended to be used for a specified entertainment, for the purpose of ascertaining—

Part VIII  
powers of  
entry,  
inspection and  
examination.

- (a) whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this Part or of any term or condition on which an entertainment licence for those premises has been granted; or
- (b) whether or not circumstances exist which would authorise the district council to take action under this Part.

(2) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

66.—(1) Section 7 of the Cinematograph Act 1952, section 4 of, and paragraph 1 of Schedule 3 to, the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955, section 182 (1)

Extension of  
general  
enactments.  
1952 c. 68.  
1955 c. 20.

PART VIII  
—cont.

1964 c. 26.  
1968 c. 54.  
1971 c. 40.

of the Licensing Act 1964, section 12 (2) of the Theatres Act 1968 and section 31 of the Fire Precautions Act 1971 (all of which exclude the operation of enactments regulating the use of premises for the provision of entertainments) shall have effect as if the enactments or statutory regulations respectively referred to in those provisions included this Part.

1967 c. 19.

(2) For the purposes of section 1 of the Private Places of Entertainment (Licensing) Act 1967 (power to adopt that Act) this Act shall be deemed to be such an enactment as is referred to in subsection (1) (d) of that section.

Devolution of  
licence under  
this Part or  
under  
Cinematograph  
Act 1909.  
1909 c. 30.

67.—(1) In the event of the death of the holder of an entertainment licence or of a licence under the Cinematograph Act 1909 in respect of premises in a district, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at those premises the functions in respect of which the licence was granted, shall be deemed to be the holder of the licence.

(2) Upon the due constitution of a legal personal representative of the deceased holder of any such licence as is mentioned in subsection (1) above the licence shall be deemed to be granted to that personal representative.

PART IX

FINANCE

Insurance of  
certain  
voluntary  
assistants.

68.—(1) A local authority may enter into a contract with any authorised insurers whereby, in consideration of payments made by way of premium or otherwise by the local authority, those insurers undertake to pay to the local authority such sums as may be provided in the contract in the event of any voluntary assistant meeting with a personal accident, whether fatal or not, while he is engaged as such, or suffering any disease or sickness, whether fatal or not, as a result of being so engaged.

(2) Any sum received by the local authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by the local authority to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the local authority consider appropriate having regard to the circumstances of the case.

1774 c. 48.

(3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed



for the purposes of the Insurance Companies Act 1974 to be a policy of insurance upon the happening of personal accidents, disease or sickness.

PART IX  
—cont.  
1974 c. 49.

(4) In this section—

“ authorised insurers ” means a person who is permitted under the Insurance Companies Act 1974 or the corresponding provision for the time being in force in Northern Ireland to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state;

“ voluntary assistant ” means a person who, at the request of the local authority, or a proper officer of the local authority, performs any service or does anything, otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.

69.—(1) This section applies in the case of any hereditament in a district where—

(a) section 55 of the General Rate Act 1967 (rating of owners instead of occupiers) does not apply by virtue of a resolution of the district council, and there is no agreement in force between the owner of the hereditament and the district council pursuant to section 56 of that Act (agreement for payment or collection of rates by owner); and

(b) the owner of the hereditament has agreed with the occupier of all or any part of the hereditament that the owner shall pay the general rate charged on the hereditament; and

(c) in pursuance of such an agreement a payment equal to all or any part of that general rate, whether expressed as a payment of rent or rates, has been made by the occupier to the owner (in this section referred to as “ the specified payment ”).

(2) Without prejudice to any other remedy available to them for the recovery of the general rate, the district council may recover a sum not exceeding the specified payment from the owner of the hereditament in like manner and subject to the like conditions as rates payable by the occupier of a hereditament (not being an occupier by whom a notice under section 50 (1) of the General Rate Act 1967 has been given and is for the time being in force) are recoverable from the occupier.

(3) Any sum recovered under subsection (2) above shall be set off against any general rate outstanding in respect of the

Recovery of  
rates from  
certain  
owners.  
1967 c. 9.

PART IX  
—cont.

hereditament at the date when the specified payment was made by the occupier to the owner.

1967 c. 9.

(4) In this section "owner" has the same meaning as in section 55 of the General Rate Act 1967.

Recovery of rates from tenants and lodgers.

70. For the purposes of section 61 of the General Rate Act 1967 (recovery of rates from tenants and lodgers) the rates due from the person rated for any hereditament within a district shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

Partly occupied hereditaments.

71.—(1) Where under section 25 of the General Rate Act 1967, a local authority have requested the valuation officer to apportion the rateable value of a hereditament, they may, if they become satisfied that the circumstances giving rise to that request no longer exist, by resolution determine a date from which the value apportioned to the occupied part by the said section 25 shall cease to be treated for rating purposes as if it were the value ascribed to the hereditament in the valuation list.

(2) This section shall not apply to the Walsall Borough Council.

Expenses of executing demolition orders.  
1957 c. 56.

72. Any expenses of demolition adjudged to be payable to a district council consequent upon the exercise of their powers under section 23 (1) of the Housing Act 1957 (demolition of premises) shall, until recovered, be a charge on all estates and interests in the land whereon the premises the subject of the demolition were erected, being the premises in respect of which the expenses were incurred.

## PART X

## MISCELLANEOUS

Armorial bearings.

73.—(1) If any person uses in connection with any trade, business, calling or profession the armorial bearings of a local authority in such a manner as to be calculated to lead to the belief that he is entitled to use those bearings, he may at the suit of the local authority be restrained by injunction from continuing to use them.

(2) If any person without the consent of a local authority uses in connection with any trade, business, calling or profession any part of the armorial bearings of that authority, or any emblem or device closely resembling any such part, in a manner calculated to lead to the belief that he displays the part, emblem or device with the approval of that local authority, he may at the suit of the local authority be restrained by injunction from continuing to use that part, emblem or device.

(3) Nothing in this section shall affect any right of the proprietor to the continued use of any trade mark in existence at the commencement of this Act.

74.—(1) If any lost or uncollected property within six months of coming into the custody of the local authority be not proved to the reasonable satisfaction of the local authority to belong to any claimant it shall thereupon vest in the local authority:

Disposal of  
lost and  
uncollected  
property.

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may notwithstanding that it has not vested in the local authority under this section be destroyed or disposed of at such time and in such manner as the local authority may think fit and if it is sold the proceeds of sale shall vest in the local authority at the expiration of six months from the date on which the property came into their custody.

(2) Where any lost property becomes vested in a local authority in pursuance of this section the local authority may if they think fit deliver to the person whether an employee of the local authority or not who placed the lost property in the custody of the local authority the whole or any part of such property or of the estimated value thereof in cash.

(3) This section shall in the case of uncollected property placed in the custody of the local authority on express terms inconsistent with the rights of the local authority under this section have effect subject to those terms.

(4) This section shall not apply to any uncollected property—

(a) deposited in any cloakroom, parcels store or market storeroom unless there is exhibited in the room or store a notice containing a statement to the effect of subsection (1) above;

(b) which is subject to the Public Service Vehicles (Lost Property) Regulations 1978.

S.I. 1978/1684.

(5) In this section—

“lost property” means any property including money coming into the custody of the local authority after being left on or in any premises occupied by the local authority to which the public have access in circumstances where the owner is not known; and

“uncollected property” means—

(a) any property deposited in any cloakroom or parcels store provided by the local authority for the use of the public; or

(b) any containers deposited in any market storeroom provided by the local authority.

PART X  
—cont.

Weighing  
equipment.

75.—(1) A district council may, if they think fit, make available for the use of other persons any weighbridge or weighing machine which the district council provide on land held by them and which is used for or in connection with the exercise of any of their functions.

(2) The district council may make reasonable charges for the use of any such weighbridge or weighing machine.

(3) The district council shall not allow the use of any such weighbridge, weighing machine or offices so as to obstruct the access to or exit from any station or depot of the railways board or of any passenger road transport undertaker.

Publication of  
bulletins, etc.

76. The powers of a local authority under section 142 (2) of the Act of 1972 to arrange for the publication within their area of information relating to local government extend to their area or outside it and to the publication of works of historical or literary interest with a local connection.

Power to  
provide  
information.

77.—(1) A local authority may within their area at any premises to which section 142 (1) of the Act of 1972 applies supply information with regard to their area and neighbourhood and may, if they think fit, make reasonable charges for the use of such premises or for information supplied by means thereof.

(2) A local authority may incur expenditure in advertising and making known the advantages, facilities and amenities afforded or to be afforded by their area for commerce and industry in any manner which the local authority may think fit, and without prejudice to the generality of the foregoing provisions of this subsection they may for that purpose—

(a) combine with any other organisation, company or person; and

(b) employ such persons, firms or companies as they think fit.

(3) The expenditure of a local authority under this section shall not in any financial year exceed the product of a rate of 2p in the pound for their area for that year and shall be computed in the manner prescribed by subsection (8) of section 137 of the Act of 1972 as estimated for the purpose of section 12 of the

1967 c. 9.

Approval of  
plans to be  
void after  
certain  
interval.

78.—(1) In this section “plans” includes sections, specifications and written particulars and the operations to which this section applies are—

(a) the erection of any building; or

(b) the making of any structural alteration of, or extension to a building; or

- (c) the execution of any works or the installation of any fitting in connection with a building; or
- (d) the making of any material change of use of a building.

PART X  
—cont.

(2) Any notice given to or plans deposited with the district council in accordance with building regulations in relation to an operation to which this section applies shall be null and void if the carrying out of the operation specified in such notice or plans be not commenced within three years from the date of such notice or deposit, and at the expiration of that period fresh notice and deposit shall, unless the district council otherwise determine, be requisite.

(3) The district council shall attach notice of the provisions of this section to every approval of plans relating to an operation to which this section applies given subsequent to the coming into operation of this section.

(4) Until the appointed day this section shall have effect only in the borough of Wolverhampton.

(5) This section shall not apply in the city of Birmingham.

## PART XI

### BIRMINGHAM PROVISIONS

79. In this Part and in Schedule 2 to this Act—

“ the Act of 1954 ” means the Birmingham Corporation Act 1954;

Interpretation  
of Part XI  
and  
Schedule 2.

“ the Big Top site ” means the properties in the city numbered 4 and 5 and 7 to 28 on the 1954 plans;

1954 c. xliv.

“ the Birmingham Council ” means the Birmingham City Council;

“ the city ” means the city of Birmingham;

“ the High Street subway ” means the subway in the city constructed in pursuance of section 15 (Power to construct subway) of the Act of 1954 together with all necessary and proper works and conveniences connected therewith or incidental thereto;

“ the 1954 plans ” means the plans and sections which were deposited for the purposes of the Act of 1954.

80.—(1) Schedule 2 to this Act shall have effect for securing the provision, use and maintenance of subways to connect, with the High Street subway, buildings proposed to be erected or to be altered on the Big Top site.

Subways  
under Big  
Top site.

**PART XI**  
—*cont.*  
1950 c. 39.

(2) The code in Part II of the Public Utilities Street Works Act 1950 shall apply and have effect in relation to apparatus of the statutory undertakers as if the construction of any subway under a street or the execution or doing under a street of any work or thing authorised by this section and Schedule 2 to this Act were works to which paragraph (a) of subsection (1) of section 21 of the said Act of 1950 applies.

(3) In this section “apparatus” includes any structure constructed for the lodging therein of apparatus.

Maintenance  
of High Street  
subway.

**81.** The Birmingham Council may maintain, light, cleanse, drain and ventilate the High Street subway.

Application of  
certain  
enactments  
to subways.  
1824 c. 83.  
1902 c. 28.  
1835 c. 50.  
1972 c. 20.

**82.** The High Street subway and the subways under the Big Top site shall—

(1) for the purposes of the Vagrancy Act 1824 and section 1 of the Licensing Act 1902 be deemed to be public places;

(2) for the purposes of section 72 of the Highway Act 1835 and of the provisions of the Road Traffic Act 1972 relating to the driving of vehicles on roads be deemed to be roads;

(3) for the purposes of the following enactments namely:—

1847 c. 89.

(a) section 28 of the Town Police Clauses Act 1847;

1963 c. 2.

(b) section 8 of the Betting, Gaming and Lotteries Act 1963;

be deemed to be streets.

Byelaws as  
to subways.

**83.** The Birmingham Council may make byelaws with respect to the High Street subway and any subway, connecting way or junction which may be situate under any part of the Big Top site and which may connect directly or indirectly with the High Street subway—

(1) for the regulation, control and protection thereof and of persons resorting to or using the same;

(2) for prohibiting, or regulating, the use thereof by the public;

(3) for the management, regulation, direction and control of traffic of every description using the same with power to fix a speed limit for vehicles;

(4) for the adequate lighting, cleansing, draining and ventilation thereof;

(5) for securing that proper fire precautions are taken.

84.—(1) In this section—

PART XI  
—cont.

“watercourse” means any river, stream, brook or other watercourse within, or forming the boundary of, the city but does not include any canal, canalised river or feeder belonging to or under the control of the British Waterways Board or a main river within the meaning of the Land Drainage Act 1976;

Maintenance of buildings, etc., over watercourses.

1976 c. 70

“work” means a wall, building, structure, erection, bridge, arch, pipe or other work but does not include any work belonging to, or maintained by, the water authority or any work belonging to the railways board and used by them for the purpose of their undertaking or any electric line or work of the generating board or the electricity board.

(2) The owner of every work erected, constructed or placed in, under or over or abutting upon the waterway or bed of any watercourse shall properly and securely maintain the work to the reasonable satisfaction of the Birmingham Council:

Provided that if any question arises as to whether the work has been properly and securely maintained that question shall at the request of either the owner of the work or the Birmingham Council be referred to arbitration.

(3) Any person who fails to comply with the provisions of this section for one month from the service upon him by the Birmingham Council of notice requiring him to comply therewith shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20:

Provided that in the case of a work in reference to which a question has been referred to arbitration under subsection (2) above or an appeal has been made under subsection (4) below the period of one month shall commence on the date of the award or, as the case may be, the final determination or the withdrawal of the appeal.

(4) Any person aggrieved by a notice of the Birmingham Council served under this section may appeal to a magistrates’ court.

85.—(1) Notwithstanding anything contained in the indentures—

Provisions as to Cannon Hill Park.

(a) Cannon Hill Park shall continue freed and discharged from all trusts, uses and restrictions which attach thereto by virtue of the indentures, except—

(i) the conditions and regulations contained in the indenture of 1873 which prohibit the sale of intoxicating liquors and prohibit the use of boats, bands of music, athletic exercises or games in Cannon Hill Park on Sundays;

PART XI  
—cont.

(ii) the covenant contained in the indenture of 1898 by virtue of which the Birmingham Council maintain and renew the fence and trees at their own expense along the north-western boundary of the piece of land thereby conveyed; and

(iii) the covenant contained in the indenture of 1925 by virtue of which the Birmingham Council maintain on the north-east boundary of the land thirdly thereby conveyed an unclimbable iron fence five feet high;

and, subject to the provisions of sub-paragraphs (ii) and (iii) above the Birmingham Council shall hold Cannon Hill Park as public walks or pleasure gardens, provided or maintained by them under section 164 of the Public Health Act 1875:

1875 c. 55.

- (b) the Birmingham Council may from time to time grant a lease or leases of the whole or any part or parts of the specified lands, together with any other part of Cannon Hill Park adjoining the specified lands but not exceeding two acres in extent, for such period and upon such terms and conditions (including the letting thereof at a nominal rent) as they may think fit to any body, whether incorporated or not, whose objects are charitable and comprise or include the provision of an art and cultural centre;
- (c) during the subsistence of any lease granted under paragraph (b) above the land thereby demised shall not be held as a park and (in addition to continuing freed from trusts, uses and restrictions by virtue of paragraph (a) above) shall continue freed and discharged from the conditions and regulations contained in the indenture of 1873 which prohibit the use of boats, bands of music, athletic exercises or games on Sundays.

(2) In this section—

“ the indenture of 1873 ” means the indenture dated the eighteenth day of April eighteen hundred and seventy-three and made between Louisa Anne Ryland of the one part and the mayor, aldermen and burgesses of the borough of Birmingham of the other part;

“ the indenture of 1898 ” means the indenture dated the twenty-eighth day of November eighteen hundred and ninety-eight and made between the Right Honourable Augustus Cholmondeley Baron Calthorpe and the Honourable Walter Gough Calthorpe of the first part, the



mayor, aldermen and citizens of the city of Birmingham of the second part and Edward Orford Smith of the third part;

PART XI  
—cont.

“ the indenture of 1925 ” means the indenture dated the eighth day of July nineteen hundred and twenty-five and made between the Honourable Rachel Anstruther-Gough-Calthorpe of the first part, Ralph Tichborne Hinckes and Cresswell Augustus Cresswell of the second part and the lord mayor, aldermen and citizens of the city of Birmingham of the third part;

“ the indentures ” means the indenture of 1873, the indenture of 1898 and the indenture of 1925;

“ restrictions ” includes terms, conditions, regulations and covenants binding on the Birmingham Council;

“ the specified lands ” means the part of Cannon Hill Park which is shown on the map deposited for the purposes of the Birmingham Corporation Act 1961 and thereon 1961 c. xxii. coloured pink.

86.—(1) In this section the “ Elford Hall Estate ” means the land and premises situate at and in the vicinity of Elford in the district of Lichfield which were conveyed to the predecessors of the Birmingham Council by a deed of conveyance dated 29th September 1936, and made between Francis Edward Howard Paget of the one part and the lord mayor, aldermen and citizens of the city of Birmingham of the other part.

Preservation  
of rural  
character of  
Elford Hall  
Estate.

(2) The Birmingham Council shall so far as possible preserve the rural character which the Elford Hall Estate possessed on 29th September 1936, and had possessed during its ownership and occupation by the said Francis Edward Howard Paget and his ancestors.

87.—(1) In this section “ agricultural ” has the same meaning as in the Agriculture Act 1947.

Power to  
use lands for  
agricultural  
purposes.

(2) The Birmingham Council may manage and use for agricultural purposes any lands whether within or outside the city for the time being belonging to them.

1947 c. 48.

88.—(1) Sections 1, 2, 8 and 47 of the Shops Act 1950 shall not apply to—

Application  
of Shops Act  
1950 to  
Exhibition  
Centre.

(a) a shop to which this section applies during the course of an exhibition and in the period when works or facilities in respect of that exhibition are being provided or removed; and

1950 c. 28.

PART XI  
—cont.

(b) a stand, whether in a building or in the open, while used for the purpose and during the course of an exhibition.

(2) A shop to which this section applies is a permanent shop used for the carrying on of any retail trade or business and comprising or forming part of any building erected at the centre in pursuance of planning permission granted under or by virtue of Part III of the Act of 1971.

(3) In this section—

“the centre” has the meaning given by section 2 (1) of the National Exhibition Centre and Birmingham Municipal Bank Act 1976;

1976 c. xix.

“exhibition” has the meaning given by section 2 (1) of the said Act of 1976;

“stand” means any platform, structure, space or other area provided at the centre for exhibition purposes.

Depths of  
graves.

89.—(1) In this section—

“grave” means a burial place formed in the ground by excavation and without any internal wall of brickwork or stonework or any other artificial lining; and

“vault” includes underground burial places of every description except graves.

(2) A person shall not cause the body of any person to be buried in a grave in the city, not being a vault, in such a manner that any part of the coffin containing the body is less than three feet below the level of any ground adjoining the grave:

Provided that the Birmingham Council, where they consider the soil to be of suitable character may permit a coffin made of perishable materials to be placed not less than two feet below the level of the ground adjoining the grave.

(3) Any person having the preparation, or the immediate charge of the preparation, of a grave to receive a coffin who permits the coffin to be buried in such a manner as to contravene the provisions of this section and any person having the control of a burial ground who knowingly permits any coffin to be buried in a grave therein in a manner contrary to the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(4) Where uncoffined burials are permitted, any reference in this section to a coffin includes a reference to the wrappings of an uncoffined body.

(5) This section shall not apply to a burial to which paragraph 2 of Schedule 2 to the Local Authorities Cemeteries Order 1977 applies.

S.I. 1977/204.

90.—(1) In this section—

PART XI

—cont.

“ the corporation ” means the lord mayor, aldermen and citizens of the former county borough of Birmingham;

Widows' and orphans'

“ the fund ” means the fund managed in pursuance of the scheme;

pension scheme.

“ the scheme ” means the trust deed dated 3rd August, 1934 and made between the lord mayor aldermen and citizens of the city of Birmingham of the first part Horace Edward Goodby Frank Henry Cufaude Wiltshire and John Robert Johnson of the second part and Alfred Henry James Samuel John Grey Harold Roberts John Thomas Ingall Frank Harold Cureton and Rupert Chamberlin of the third part as amended by section 81 (Widows' and orphans' pension scheme) of the Birmingham Corporation Act 1935 by Part III of the Birmingham Corporation Act 1940 and by section 27 (Extension of widows' and orphans' pension scheme) of the Birmingham Corporation Act 1958 and by the deeds of amendment dated respectively 6th March 1953, 26th July 1956, 27th July 1956, 31st July 1957, 6th December 1962, 7th October 1969 and 3rd November 1971.

1935 c. cxxii.

1940 c. xix.

1958 c. xlix.

“ transferred member ” means a person who was a contributor to the fund on 31st March 1974, and who by reason of being employed by the corporation as statutory water undertakers was transferred to the employment of a water authority by virtue of section 255 of the Act of 1972 (transfer of officers) as applied by section 34 of the Water Act 1973;

1973 c. 37.

“ water authority ” means a water authority established under the Water Act 1973.

(2) The Birmingham Council and a water authority may enter into and carry into effect agreements relating to the fund whereby there shall be transferred to the water authority from the fund such sum as is certified by the actuary to the fund as being proper and reasonable in respect of a transferred member.

(3) The Birmingham Council may make any necessary adjustment to the fund consequent on the transfer of any such sum.

(4) A water authority shall pay to any dependant of a transferred member in respect of whom a sum is transferred under this section such payment as the dependant would have received if the transferred member had been transferred to the employment of the Birmingham Council and had continued to be employed by the Birmingham Council.

**PART XI**  
—*cont.*

(5) Notwithstanding the repeal by this Act of any enactments relating to the scheme, the scheme shall continue in full force and effect as amended by those enactments subject to any variation, amendment or extension made in pursuance of the scheme.

**Provision of  
research  
laboratories.**

**91.**—(1) The Birmingham Council may provide research laboratories and make such tests and investigations as they may deem expedient of or with reference to materials and goods (whether finished or in process of manufacture).

(2) Without prejudice to the generality of subsection (1) above the Birmingham Council may in connection with such laboratories provide services in relation to civil engineering including an advisory testing service.

**Appointment  
of persons  
to assist  
justices.**

**92.**—(1) The Magistrates' Courts Committee for the city may with the consent of the Birmingham Council appoint such persons as they deem necessary, being persons with technical qualifications, and their assistants to give them technical advice and assistance in the discharge of their duties as a licensing authority and may with the like consent determine the remuneration of such persons.

(2) Any expenses incurred by the said committee in pursuance of this section shall be paid by the Birmingham Council.

(3) The provisions of this section shall not apply to a justices' clerk or to an assistant or employee of a justices' clerk.

**Extension  
of provisions  
as to music  
and dancing  
licences.  
1890 c. 59.**

**93.**—(1) In this section "petty sessional division" means the petty sessional division of Birmingham.

(2) For the purposes of section 51 of the Public Health Acts Amendment Act 1890 in its application within the petty sessional division—

(a) "licensing justices" shall mean the justices acting for the petty sessional division;

(b) the justices acting for the petty sessional division may delegate all or any of their powers and duties under the said section to a committee or committees appointed by them out of their own number at any special session.

**PART XII**

**COVENTRY PROVISIONS**

**Interpretation  
of Part XII.**

**94.** In this Part—

"the city" means the city of Coventry;

"the Coventry Council" means the Coventry City Council.

95.—(1) In this section—

PART XII

—cont.

“local scheme” means a scheme made by the Coventry Council subject to and in accordance with the provisions of this section; Freedom of Coventry.

“the specified bodies” means—

the Confederation of Shipbuilding and Engineering Unions (Coventry District);

the Coventry and District Engineering Employers' Association;

the Coventry Apprentices' Association;

the City of Coventry Freemen's Guild;

the trustees of the Coventry Freemen's Charity;

and shall include any such body or its successor under whatever name so long as, but only so long as, it continues to have an identifiable existence.

(2) Schedule 3 to this Act (which contains with modifications provisions corresponding to Part XII (Freedom of the city) of the Coventry Corporation Act 1927 repealed by this Act) shall, 1927 c. xc. subject to this section, have effect in respect of the freedom of Coventry as preserved by the Act of 1972.

(3) (a) The said Schedule 3 may be amended from time to time by a local scheme.

(b) A local scheme shall be made by resolution of the Coventry Council and shall be sealed by the Coventry Council.

(4) Before making a local scheme the Coventry Council shall consult such persons and organisations as appear to them to be concerned and as they think appropriate and shall take into consideration any representations made by such persons or organisations.

(5) Without prejudice to the generality of subsection (4) above the Coventry Council shall submit the draft of any local scheme to the specified bodies and shall convene a meeting to consider the draft scheme at which each of the specified bodies and the Coventry Council may be represented by two persons.

(6) No local scheme shall be made without the consent in writing of each of the specified bodies.

(7) The repeal by this Act of Part XII of the said Act of 1927 and of the enactments amending the same, shall not prejudice or affect any enrolment, admission, act or thing which may have been made or done, or any right which may have accrued to any person, by virtue of the said enactments previous to the repeal.

## PART XII

—cont.

Maintaining  
commons as  
recreation  
grounds.

1875 c. 55.

96.—(1) The open spaces shall, subject to the provisions of this Act, be maintained by the Coventry Council as open spaces so as to secure the full enjoyment of the same as places of public resort and recreation, and the provisions of the Public Health Act 1875, and any Acts amending or extending the same, relating to parks and pleasure grounds shall subject as aforesaid apply to the open spaces:

Provided that the Coventry Council—

- (a) shall not let any part of the open spaces for the purposes of sport or recreation to any club or person for a period of more than one year at a time;
- (b) may by resolution dedicate any part or parts of the open spaces for the purpose of making or widening or otherwise altering or improving any street and may as necessary or appropriate convey or transfer the same to the highway authority;
- (c) may, for the purpose of protecting any of the open spaces, or any part of them, enclose it;
- (d) with the consent of the Secretary of State and subject to such conditions as the Coventry Council may think fit, may exchange any part of the open spaces for other lands within or in the neighbourhood of the city or sell any parts of the open spaces which are not in the opinion of the Coventry Council of substantial use for public resort and recreation and any conveyance from the Coventry Council expressed to be made in pursuance of this section shall operate as a valid conveyance of the land to be conveyed and any lands received by the Coventry Council by way of exchange shall be subject in all respects to the provisions of this section as if they were part of the open spaces.

(2) Provisos (c) and (d) to subsection (1) above shall not apply to the open space known as Stivichall Common and provisos (a) and (c) to subsection (1) above shall not apply to the open space known as Keresley Common or recreation ground.

(3) The Coventry Council shall pay yearly to the trustees—

- (a) a sum of £50 in consideration of the extinguishment by the Coventry Corporation Act 1927 of rights and interests in and over the open space known as Whitley Common;
- (b) a sum of £4 in consideration of the surrender, under the Provisional Order of Inclosure Commissioners dated 6th January 1866 in respect of Grey Friars' Green, of the herbage of the open space known as Grey Friars' Green with all rights and privileges appertaining thereto;

1927 c. xc.

- (c) a sum of £20 in consideration of the surrender under the agreement confirmed by the Commons Regulation (Gosford Green) Provisional Order Confirmation Act 1914, of the herbage of the open space known as Gosford Green with all the rights and privileges appertaining thereto; and
- (d) a sum of £50 in consideration of the extinguishment by the Coventry Corporation Act 1927 of rights and interests in and over the open space known as Hearsall Common.

PART XII  
—cont.

1914 c. liii.

1927 c. xc.

(4) The said yearly sums shall be payable half-yearly by equal instalments on 1st January and 1st July in every year.

(5) If at any time such yearly sums or any of them be not paid within 30 days after they become payable and after demand therefor in writing the trustees may recover the same from the Coventry Council.

(6) The trustees may apply the moneys received by them in pursuance of this section as if such moneys were part of the general income of the trustees.

(7) In this section—

“the open spaces” means the following open spaces in the city:—

- (a) Grey Friars’ Green;
- (b) Gosford Green;
- (c) Hearsall Common;
- (d) Keresley Common or recreation ground, being the land delineated on the plan and thereon numbered 1;
- (e) Radford Common;
- (f) Stivichall Common;
- (g) Stoke Common;
- (h) Walsgrave-on-Sowe Common, being the land delineated on the plan and thereon numbered 2;
- (i) Whitley Common;

“the plan” means the plan deposited for the purposes of the Coventry Corporation Act 1958;

1958 c. xxxvi.

“the trustees” means the trustees of the charity called the Coventry Freemen’s Charity regulated by a scheme of the Charity Commissioners of 29th December 1978.

97. Subject to the provisions of this section the Coventry Council may subscribe to any philanthropic association or society, or other associations, institutions or societies rendering

Subscriptions to certain institutions and national public appeals.

**PART XII**  
—*cont.*

national or public service, or to any national public appeal, such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues:

1967 c. 9. Provided that the payments to be made by the Coventry Council under this section in any financial year shall not exceed the equivalent of one-half of the product of a rate of 1p in the pound for the city for that year as determined in accordance with rules made under section 113 (1) (c) of the General Rate Act 1967.

**Control of  
goods service  
areas.**

98.—(1) In this section “the former city” means so much of the city as immediately before 1st April 1974 comprised the county borough of Coventry.

(2) In the former city the Coventry Council as well as the county council shall have the powers conferred by section 37 of the Act of 1976 on a county council.

(3) In its application to the Coventry Council the said section 37 shall have effect as if—

1967 c. 76. (a) in subsection (1), for the word “highway” there were substituted the words “road within the meaning of the Road Traffic Regulation Act 1967”; after the words “occupier of the land” where they first occur there were inserted the words “or by the Coventry City Council”; after the word “may” where that word secondly occurs there were inserted the words “in the case of land in which the Coventry City Council have a freehold or leasehold interest” and for the words “an order made with the consent of the owner and the occupier of the land” there were substituted the word “order”;

(b) in subsection (2) in paragraphs (a) and (b) the words “made with the consent” onwards except the concluding word “and” of paragraph (a) were omitted; and paragraph (c) were omitted;

(c) after subsection (2) there were inserted the following subsection:—

“(2A) If the owner or occupier of a loading area is aggrieved by any proposal of the Coventry City Council to make, vary or revoke an order under subsections (1) or (2) above he may appeal to a county court who may dismiss or allow the appeal and may make directions giving effect to the court’s decision; and the Coventry City Council shall comply with any such directions.”;



PART XII  
—cont.

S.I. 1978/1347.

and in their application to the exercise by the Coventry Council of the powers of the said section 37 having effect by virtue of this section the Control of Parking in Goods Vehicle Loading Areas Orders (Procedure) Regulations 1978 shall be construed as if references to the county council were references to the Coventry Council, as if references to consultation with any local authority were omitted and as if for references to obtaining the consent of the owner or occupier of the land in question there were substituted a requirement that—

- (a) a copy of a notice of proposals be served on any such owner or occupier other than the Coventry City Council before publication; and
- (b) before considering any objection made by any such owner or occupier the city council shall afford to him an opportunity of being heard by a committee of the city council.

99. Notwithstanding anything contained in the following conveyances namely:—

- (a) the conveyance dated 21st April 1887 from David Spencer to the mayor, aldermen and citizens of the city of Coventry (hereafter in this section called “the Corporation”) of the capital messuage No. 38 Earl Street in the city with a manufactory and other buildings and a yard and garden at the back of the said messuage;
- (b) the conveyance dated 30th April 1892 from Albert Samuel Tomson and John Rotherham to the Corporation of a warehouse, buildings and premises situate on the south side of Earl Street in the city and numbered 39 in the said street;
- (c) the conveyance dated 30th April 1892 from John Rotherham and James Cramp to the Corporation of a piece of land with a factory and buildings thereon situate at the rear of a messuage numbered 37 Earl Street in the city and at the rear of a ribbon warehouse fronting to the said street;
- (d) the conveyance dated 20th December 1892 from John Rotherham and Albert Samuel Tomson to the Corporation of a piece of land of the measurements specified in the said conveyance on the south side of Earl Street in the city; and
- (e) the conveyance dated 7th June 1924 from William Fitzthomas Wyley William Coker Iliffe and Richard Alexander Rotherham to the Corporation of lands in the city at the rear of Earl Street in the city and adjacent to the Technical Institute and the Palace Yard;

Use of  
technical  
college lands  
for municipal  
and other  
purposes.

**PART XII**  
—*cont.*

the lands conveyed by the said deeds may be used by the Coventry Council for the erection and maintenance by them of buildings for and in connection with all or any municipal or local government purposes and the Coventry Council, if they think fit, as part of any buildings so erected may provide shops, offices and other like buildings and may let the same.

Cleansing of  
river  
Sherbourne.

**100.**—(1) The Coventry Council may cleanse and scour the river Sherbourne and its tributaries within the city and the beds and banks thereof and for that purpose may enter upon the adjoining lands and buildings and execute and do all acts and things necessary in that behalf.

(2) Where the river Sherbourne or any of its tributaries pass under, through or by the side of any railways or works of the railways board the powers of subsection (1) above shall be exercised subject to the following conditions:—

- (a) the Coventry Council shall not commence to cleanse or scour the said river or tributaries or the beds or banks thereof until after 14 days' previous notice shall have been given to the chief civil engineer of the railways board for the time being responsible for the area in which those railways or works are situated;
- (b) all such cleansing and scouring shall be done under the superintendence (if given) and to the reasonable satisfaction of that chief civil engineer and shall be done so as not to cause any injury to the said railways or works and if any injury shall arise to the said railways or works in consequence of such cleansing or scouring the Coventry Council shall make compensation to the railways board in respect of such injury;
- (c) any question or dispute which may arise between the railways board and the Coventry Council with reference to the provisions of this subsection, or as to any works to be carried out in pursuance thereof, shall be determined by arbitration.

**PART XIII**

**DUDLEY PROVISIONS**

Interpretation  
of Part XIII.

**101.** In this Part—

“the borough” means the borough of Dudley;

“the Dudley Council” means the borough council of Dudley.

Byelaws as to  
Lodge Farm  
Reservoir and  
Himley Hall.

**102.** The Dudley Council may make byelaws—

- (a) to regulate the grounds of and to prohibit or regulate bathing in the whole or any part of the reservoir in the grounds of Lodge Farm Reservoir at Netherton in the borough;

(b) to regulate the grounds of Himley Hall in the district of South Staffordshire in the county of Staffordshire; and such byelaws may provide for the removal from those grounds and from that reservoir or any part thereof of any person infringing any such byelaws by any officer of the Dudley Council.

PART XIII  
—cont.

103.—(1) Byelaws made by the Dudley Council under section 15 of the Open Spaces Act 1906 with respect to the open space in the borough known as Sedgley Beacon shall if the Dudley Council so resolve apply to the area of the reservoirs to which the public have access on or in the vicinity of that open space subject in the case of the company's reservoir to the prior consent of the company, and in the case of the water authority's reservoir to the prior consent of the water authority.

Byelaws as to  
Sedgley  
Beacon.  
1906 c. 25.

(2) In this section—

“the company” means the South Staffordshire Waterworks Company;

“the company's reservoir” means the service reservoir or reservoirs of the company at Sedgley being Work No. 11 authorised by the South Staffordshire and Wolverhampton (River Severn) Water Order 1963;

S.I. 1963/492.

“the reservoirs” means the company's reservoir and the water authority's reservoir;

“the water authority's reservoir” means the service reservoir or reservoirs of the water authority at Sedgley being Work No. 12 authorised by the above-mentioned order.

#### PART XIV

##### SANDWELL PROVISION

104.—(1) The Sandwell Borough Council shall be deemed to have established their markets within the borough of Sandwell, except those in the former borough of Wednesbury, under section 49 of the Food and Drugs Act 1955; and accordingly they shall be a market authority within the meaning of Part III of that Act except with respect to the said Wednesbury markets.

Application  
of Part III  
of Food  
and Drugs  
Act 1955.  
1955 c. 16  
(4 & 5 Eliz. 2).

(2) In this section “the former borough of Wednesbury” means the borough of Wednesbury as it existed immediately before 1st April 1966.

#### PART XV

##### WALSALL PROVISION

105.—(1) Notwithstanding anything contained in any other enactment or any rule of law or any restriction contained in the conveyance, the Walsall Council may, if they think fit, charge

Admission to  
arboretum on  
certain  
occasions.

**PART XV**  
—*cont.*

such sum as they may from time to time determine for each person for admission to the arboretum after the hour of six o'clock in the evening during any period when the Walsall Council are providing illuminations in the arboretum.

(2) In this section—

“ the arboretum ” means the land known as the Arboretum in the borough of Walsall and used as public walks or pleasure grounds in accordance with the provisions of the conveyance;

“ the conveyance ” means the conveyance dated 19th July 1884, and made between the Right Honourable Edward Richard Baron Hatherton of the one part and the mayor, aldermen and burgesses of the borough of Walsall of the other part;

“ the Walsall Council ” means the Walsall Borough Council.

**PART XVI**

**WOLVERHAMPTON PROVISION**

As to dustbins. **106.** All dustbins at any time in use in the borough of Wolverhampton for the deposit or collection of refuse from any dwelling-house shall be, or become, the property of the Wolverhampton Borough Council.

**PART XVII**

**GENERAL**

Disputes  
about  
compensation.

**107.**—(1) Any dispute arising on a claim for compensation under this Act, being a dispute for the determination of which no other provision is made by or under this or any other Act, shall be determined, if the parties so agree, by arbitration, or, in default of agreement, by a county court.

(2) A county court shall have jurisdiction to deal with any dispute which by virtue of subsection (1) above is to be determined by such a court notwithstanding that, by reason of the amount of the claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

1959 c. 22.

(3) Nothing in this section shall prejudice the operation of section 115 of the County Courts Act 1959 (removal into the High Court of proceedings commenced in a county court).

Local  
inquiries.  
1975 c. 26.

**108.** A Minister of the Crown (as defined in the Ministers of the Crown Act 1975) may cause such local inquiries to be held

as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry. PART XVII  
—cont.

**109.** Where under any provision of this Act the consent of a local authority to the carrying on of any business or practice or to the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who— Saving for  
conduct of  
business or  
practice or  
use of  
premises.

- (a) immediately before that day was carrying on the business or practice, or using any premises for the purpose; and
- (b) had before that day duly applied for the consent required by that provision;

to continue to carry on that business or practice or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 113 (Suspension of proceedings pending appeal) of this Act.

**110.** Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed on the application of either party to the dispute after notice in writing to the other— Arbitration.

- (a) in any case where a question or dispute arises under the following provisions of this Act:—

Subsection (10) of section 7 (Highway amenities);

Subsection (2) of section 13 (Provision of shops, etc., in subways);

Subsection (6) of section 32 (Urgent repairs to supply pipes and water fittings);

Subsection (2) of section 84 (Maintenance of buildings, etc., over watercourses); and

Subsection (2) of section 100 (Cleansing of river Sherbourne);

by the President of the Institution of Civil Engineers;

- (b) in any case where a question or dispute arises under Schedule 2 to this Act by the President of the Royal Institution of Chartered Surveyors.

**111.** Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act. Appeals to  
magistrates'  
court.

**112.—(1)** On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, the Appeals to  
Secretary  
of State.

PART XVII  
—cont.

Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(2) The provisions referred to in subsection (1) above are the following:—

In section 44 (Parking places: safety requirements), subsection (6);

Section 55 (Part VII appeals);

In section 58 (Transitional provisions for Part VII), subsection (3).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of an appeal under the said section 55 may give directions for the granting of a consent subject to such conditions as the county council may impose under section 54 (Unlawful stacks) of this Act.

(4) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

(6) In this section “decision” includes a direction, and references to the giving of a decision shall be construed accordingly.

1925 c. 49.

Suspension  
of proceedings  
pending  
appeal.

113. Where a requirement, refusal or other decision of a local authority 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 a person to carry on any undertaking, trade, business or practice which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

then until the time for appealing has expired or, if an appeal is lodged, until it is disposed of or withdrawn or fails for want of prosecution—

PART XVII  
—cont.

- (i) no proceedings shall be taken in respect of any failure to execute the work or to take the action, nor shall the local authority themselves execute the work or take the action; and
- (ii) the person may continue to carry on the undertaking, trade, business or practice, or to use the premises for that purpose.

**114.** The written consent of the Attorney-General is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, or a constable. Restriction on right to prosecute.

**115.** Any person who intentionally obstructs any officer of a local authority acting in execution of this Act or of any byelaws made thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200. Penalty for obstruction.

**116.—(1)** In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or under any byelaws made thereunder or under section 32 (Licence for sale out of market) of the Walsall Corporation Act 1969 it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. Defence of due diligence.  
1969 c. lviii.

(2) The provisions referred to in subsection (1) above are the following:—

- Section 15 (Dust, etc., from building operations);
- Section 16 (Minimising noise from use of air-powered tools and compressors);
- Section 23 (Tattooists);
- Section 24 (Acupuncture);
- Section 28 (Restriction on use of dustbins);
- Section 33 (Byelaws as to stables);
- Section 34 (Registration of hawkers of food and premises);
- Section 35 (Registration of eating-houses);
- Section 36 (Further provisions as to shellfish);
- Section 38 (Notice of street processions);
- Section 39 (Safety of stands);
- Section 40 (Touting, hawking, photographing, etc.);
- Part VI (Fire precautions);
- Section 57 (Offences under Part VII);
- Section 62 (Offences under Part VIII);
- Section 84 (Maintenance of buildings, etc., over water-courses).

**PART XVII**  
—*cont.*

(3) If in any case the defence provided under subsection (1) above 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 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

**Application  
of general  
provisions of  
Act of 1936.**

**117.—(1)** The sections of the Act of 1936 mentioned in Schedule 4 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

- Section 11 (Control of floodlighting);
- Section 15 (Dust, etc., from building operations);
- Section 18 (Power to order alteration of chimneys);
- Section 19 (Control of foxes);
- Section 22 (Hairdressers and barbers);
- Section 23 (Tattooists);
- Section 24 (Acupuncture);
- Section 31 (Protection of damaged buildings);
- Section 32 (Urgent repairs to supply pipes and water fittings);
- Section 34 (Registration of hawkers of food and premises);
- Section 36 (Further provisions as to shellfish);
- Section 39 (Safety of stands);
- Section 43 (Securing unoccupied buildings);
- Section 44 (Parking places: safety requirements);
- Section 45 (Firemen's switches);
- Section 47 (Oil-burning equipment);
- Section 48 (Prescription of signs to be used on certain buildings);
- Subsection (2) of section 49 (Provision of means of escape from fire in certain buildings);
- Part VII (Storage of flammable material):

Provided that, before entry on any operational railway line of the railways board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to the railways board and



any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of the railways board for the protection of their undertaking.

PART XVII  
—cont.

**118.**—(1) Section 108 (3) of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to the provisions of this Act mentioned in subsection (2) below as if this Act had been passed before the Control of Pollution Act 1974. Saving for Control of Pollution Act 1974. 1974 c. 40.

(2) The provisions referred to in subsection (1) above are the following:—

- Section 16 (Minimising noise from use of air-powered tools and compressors);
- Section 26 (Maintenance of and access to bulk refuse containers);
- Section 27 (Provision of bulk refuse containers);
- Section 28 (Restriction on use of dustbins);
- Section 106 (As to dustbins).

**119.**—(1) In the Health and Safety at Work etc. Act 1974— Saving for Health and Safety at Work etc. Act 1974. 1974 c. 37.

(a) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;

(b) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

- Section 15 (Dust, etc., from building operations);
- Section 16 (Minimising noise from use of air-powered tools and compressors);
- Section 28 (Restriction on use of dustbins);
- Section 47 (Oil-burning equipment).

PART XVII  
—*cont.*  
Saving for  
Fire  
Precautions  
Act 1971.  
1971 c. 40.

**120.** Subsection (2) of section 30 of the Fire Precautions Act 1971 (avoidance of duplication by local Act provisions) shall apply to this Act as if passed before the coming into operation of that subsection.

Repeals,  
transitional  
provisions  
and savings.

**121.—(1)** The Acts specified in Part I of Schedule 5 to this Act, the orders specified in Part II of that Schedule and the confirmation Acts relating to any of those orders specified in the said Part II are hereby repealed to the extent specified in that Schedule.

(2) The repeal by subsection (1) above of any enactment shall not affect the operation of any byelaw or other instrument made or issued or of any notice displayed or given under an enactment so repealed if the byelaw or instrument is one which could be made or issued or the notice is one which could be displayed or given under any provision of this Act and any such byelaw, instrument or notice shall have effect as if made or issued or displayed or given under this Act.

(3) In so far as anything done under an enactment in force in any area which is repealed by this Act could have been done under any enactment in this Act, or any public general Act, relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned enactment.

(4) Where an instrument or document refers, either expressly or by implication, to an enactment in force in any area which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter in the same area.

(5) (a) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(b) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

(6) References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment in force in any area which is repealed by this Act and any enactment in this Act relating to the same matter in the same area be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

(7) (a) Notwithstanding the repeal by this Act of enactments continued in force by the Water Act 1973 relating to functions exercisable by the water authority for the supply of water within their area— 1973 c. 37.

(i) the water authority may continue and maintain all waterworks authorised by those enactments as if this Act had not been passed; and

(A) for the purposes of section 3 of Schedule 3 to the Water Act 1945, the said waterworks shall be deemed to be authorised, and the lands on which those works are constructed shall be deemed to be specified, in an enactment which is for the time being in force; and 1945 c. 42.

(B) for the purposes of section 36 of the Water Resources Act 1963, the said waterworks shall be deemed to be authorised by virtue of such an alternative statutory provision as is therein referred to; 1963 c. 38.

(ii) the water authority may take any water which may be taken or intercepted by any of the said waterworks under and in accordance with any licences granted under Part IV of the Water Resources Act 1963 and expressed by reference to any of the said enactments repealed by this Act.

(b) Notwithstanding the repeal by this Act of enactments continued in force by the Water Act 1973 relating to any other functions exercisable by the water authority, the water authority may continue and maintain all works authorised by those enactments as if this Act had not been passed.

(8) Nothing in the foregoing provisions of this section shall prejudice or affect any provision made, or which may be made, in any order under section 254 of the Act of 1972 as extended by section 34 of the Water Act 1973.

## PART XVII

—cont.

1883 c. lxx.

1935 c. cxxii.

(9) The repeal by subsection (1) above of section 241 (Power to grant gratuity in certain cases) of the Birmingham Corporation (Consolidation) Act 1883 and section 82 (Annuities for widows) of the Birmingham Corporation Act 1935 shall not affect—

(a) the power of the Birmingham City Council to grant a gratuity to or in respect of any person in the employment of the said council at the passing of this Act; or

(b) any rights or entitlement under the said section 82.

1958 c. xlix.

(10) The repeal by this Act or section 262 of the Act of 1972 of section 34 (Prescribed lines for improvement of rivers, streams and watercourses) of the Birmingham Corporation Act 1958 shall not affect the validity of anything done under that section or the continued operation of that section in respect of any lines prescribed under that section and accordingly subsections (8) to (15) of that section shall continue to have effect in relation to those lines.

(11) Notwithstanding the repeal of section 40 (Appointment of guardian ad litem) of the Birmingham Corporation Act 1958 any person who before 2nd December 1977 had been appointed by the justices for the city of Birmingham to act as guardian ad litem of an infant and who was then remunerated by the Birmingham City Council by virtue of that section shall, if still so acting and remunerated on the coming into operation of this Act, continue to be so remunerated as if the said section 40 had not been repealed until either ceasing so to act or attaining the age of 65 whichever is the sooner.

1948 c. xxxvii.

1961 c. 64.

(12) Byelaws made under section 57 (Registration of hairdressers and barbers and premises) of the Coventry Corporation Act 1948 shall be deemed for all purposes to have been made under section 77 of the Public Health Act 1961 (byelaws as to hairdressers and barbers) and shall have effect and may be enforced accordingly.

1978 c. 30.

(13) Nothing in this section shall affect the operation of sections 15 to 17 of the Interpretation Act 1978 or of section 254 of the Act of 1972.

(14) In this section “the water authority” means the Severn-Trent Water Authority and the Welsh Water Authority or either of those authorities.

122.—(1) The enactments specified in Part I of Schedule 6 to this Act shall continue to have effect to the extent specified in that Part of that Schedule and to that extent section 262 (9) of the Act of 1972 shall not apply to those enactments.

PART XVII  
—cont.  
Continuance  
of certain  
enactments.

(2) The enactments specified in Part II of Schedule 6 to this Act shall continue to have effect to the extent specified in that Part of that Schedule until the end of 1984 and to that extent section 262 (9) of the Act of 1972 shall not apply to those enactments and references in those enactments to “the city” and to “the Corporation” shall be construed as references to the city of Coventry as constituted by the Act of 1972 and to the Coventry City Council respectively.

(3) Section 51 (Prohibition of smoke in certain areas) of the Coventry Corporation Act 1948 and any order made thereunder shall continue to have effect until the end of 1981 or until the coming into operation of any order made by the Coventry City Council and confirmed by the Secretary of State under section 11 of the Clean Air Act 1956 (smoke control areas) in respect of the area defined in the said section 51 as “the central area” as extended by any order made and confirmed under that section whichever is the sooner and section 262 (9) of the Act of 1972 shall not apply to the said section 51 or to any order made thereunder.

**SCHEDULES**

Section 10.

**SCHEDULE 1****SECTION 153 OF THE ACT OF 1959 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 10 OF THIS ACT**

(1) No person shall construct under a highway any part of a building on land adjoining the highway or a vault, arch or cellar without the consent of the highway authority and the authority may by notice served on a person who has constructed any part of a building or a vault, arch or cellar in contravention of this section require him to remove it, or to alter or deal with it in such manner as may be specified in the notice.

(2) A person aggrieved by the refusal of a consent required by the foregoing subsection, or by a requirement of a highway authority thereunder, may appeal to a magistrates' court.

(3) A person who constructs any part of a building or a vault, arch or cellar in contravention of this section shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and subject to any order made on appeal, if he fails to comply with a requirement of a notice served on him under subsection (1) thereof, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day during which the failure continues.

(4) The authority may also cause any part of a building or a vault, arch or cellar constructed in contravention of this section to be removed, altered or otherwise dealt with as they think fit and may recover the expenses reasonably incurred by them in so doing from the offender.

(5) As soon as may be after an authority consent to the construction of any part of a building or a vault, arch or cellar under a highway they shall give notice thereof to any public utility undertakers having any apparatus under the highway.

(5A) Subsection (1) of this section does not apply to the construction of code-regulated works as defined in section 1 (5) of the Public Utilities Street Works Act 1950.

SCHEDULE 2

Sections 79,  
80 and 110.

PROVISION, ETC., OF SUBWAYS UNDER BIG TOP SITE

*Interpretation*

1. In this Schedule—

“ the appropriate authority ” means the county council or the Birmingham Council, as the case may be;

“ owner ” includes—

(a) a person who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; and

(b) a person entitled to the rents and profits of the land or who would be so entitled if the land were let; and

(c) a person holding under a lease or agreement for a lease.

*Subways under Big Top site*

2.—(1) Whenever in pursuance of any enactment requiring plans to be submitted to a local authority application is made to the appropriate authority for the approval of plans for the erection of any building proposed to be erected on the Big Top site or the alteration of any building on the Big Top site the appropriate authority may as a condition of approval of the plans require that—

(a) a subway shall be provided to connect such building with the High Street subway, or with another subway connected with the High Street subway, or so as to form part of a system of subways to be connected with the High Street subway, and that no other means of entrance or egress for vehicles to or from such building and no other accommodation for loading and unloading vehicles at such building shall be used without the consent of the appropriate authority;

(b) such subway shall be constructed in such manner, and with such materials, and shall be of such size, as may be specified by the appropriate authority;

(c) proper provision shall be made for enabling such subway to be used, maintained, cleansed, drained, ventilated, lighted and protected against fire;

(d) the owner and occupier of such building shall, in relation to any such subway under such building or under any land owned or occupied in connection therewith, permit the use thereof for obtaining access to, or egress from, any other building which may be erected on the Big Top site or any other building the owner of which has agreed to use the High Street subway.

(2) Any condition imposed under this paragraph shall be in force as from such date as may be specified therein, not being earlier than the

SCH. 2  
—cont.

date on which notice thereof is served on the applicant and on the owner and occupier of the land on which the building will be situated, and shall remain in force unless and until it is suspended or withdrawn by the appropriate authority, so however that any such condition may at any time be modified by agreement between the appropriate authority and the occupier for the time being of the building to which it relates.

(3) Where under this paragraph the appropriate authority decide to impose a condition section 36 of the Act of 1971 shall apply to such a decision and if an appeal is lodged under the said section 36 no reference in this Schedule to a condition imposed under this paragraph shall apply unless the appeal is dismissed by the Secretary of State but if on appeal the Secretary of State varies any such condition any such reference shall be deemed to be a reference to such condition as so varied and "compliance with a condition imposed under this paragraph" shall be construed accordingly.

(4) Any condition imposed by the appropriate authority under this paragraph shall while in force be binding upon and enforceable by the appropriate authority against every person who is for the time being an owner or occupier of the building to which the condition relates.

(5) If any person upon whom any condition imposed under this paragraph is for the time being binding fails to comply with the condition the appropriate authority may carry out such work as may be necessary to comply therewith and may recover from that person the cost of the work less the amount of any payment which falls to be made by the appropriate authority to that person under sub-paragraph (2) of paragraph 3 (Contributions towards cost of providing certain subways) of this Schedule.

(6) In the event of the erection or alteration of any building on the Big Top site without compliance with any condition in force under this paragraph the occupier of the building shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 and, where any person is convicted of such an offence, the court may, in lieu of, or in addition to imposing a fine, order that the building in respect of which the offence was committed shall not be occupied, or used, until the conditions in force under this paragraph are complied with.

(7) (a) A person charged with an offence under this paragraph (hereafter in this sub-paragraph referred to as "the original defendant") shall upon information duly laid by him, and on giving to the prosecutor not less than three clear days' notice of his intention, be entitled to have any other person to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

- (i) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and



(ii) if the original defendant further proves that he used all due diligence to comply with the conditions in force under this paragraph, and that the other person has committed the offence in question without his consent or connivance, he shall be acquitted of the offence.

SCH. 2  
—cont.

(b) Where the original defendant seeks to avail himself of the provisions of sub-paragraph (a) above—

(i) the prosecutor, as well as the person whom the original defendant charges with the offence, shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(8) (a) The Birmingham Council, by means of an order made by the Birmingham Council and submitted to the Secretary of State and confirmed by him, may be authorised to purchase compulsorily such easements and rights in any land forming part of the Big Top site as they may require for the purpose of constructing, using and maintaining a subway thereunder to connect any subway provided in accordance with a condition imposed under this paragraph with the High Street subway.

(b) Any order made under this sub-paragraph may—

(i) provide that the Birmingham Council may give notice to treat in respect of any such easement or right describing the nature thereof and that the provisions of the Compulsory Purchase Act 1965 shall apply with or without modification in relation to the acquisition of such easements and rights as if they were lands within the meaning of that Act; and 1965 c. 56.

(ii) authorise the Birmingham Council to construct such connecting subway and recover the authorised amount from the owner of the land in which it is constructed.

(c) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land under this sub-paragraph and accordingly shall have effect as if this sub-paragraph were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946. 1946 c. 49.

(d) The Birmingham Council shall not be entitled to recover the authorised amount before such date as may be agreed with the owner of the land under which the subway is constructed or, in default of agreement, as may be settled by arbitration under sub-paragraph (2) (d) of paragraph 3 (Contributions towards cost of providing certain subways) of this Schedule as if it were a question, dispute or difference as to whether a developer's subway has been completed, as being the date on which the said subway has been connected with the building on the said land if such connection has taken place as the result of a condition imposed by the appropriate authority under sub-paragraph (1) above.

SCH. 2  
—cont.

(e) In this sub-paragraph “ the authorised amount ” means the cost of constructing the connecting subway under the land to which the order relates, less any amount which the appropriate authority would have had to pay to the owner under paragraph 3 (Contributions towards cost of providing certain subways) of this Schedule had the subway been constructed as a result of a condition imposed by the appropriate authority under sub-paragraph (1) above and for the purpose of calculating that amount the said paragraph 3 shall apply as if the owner of the land were the developer and the subway were the developer’s subway.

1878 c. 76.

(9) The expression “ Act of Parliament ” in the Telegraph Act 1878 shall be construed as including any order made under this paragraph authorising the construction of any subway, and any reference in that Act to the passing of an Act of Parliament shall, in the case of any such order, be construed as a reference to the making of the order.

*Contributions towards cost of providing certain subways*

3. The following provisions shall unless otherwise agreed in writing between the appropriate authority and the developer apply and have effect:—

- (1) (a) if in pursuance of a requirement imposed under paragraph 2 (Subways under Big Top site) of this Schedule as a condition of the approval of plans for the erection or alteration of a building a person (in this paragraph referred to as “ the developer ”) is required to provide a subway (in this paragraph referred to as “ the developer’s subway ”) under any land forming part of the Big Top site, the developer shall submit to the appropriate authority plans of such (if any) means for providing service roads and facilities for the loading and unloading of vehicles at or in connection with, and for the delivery and despatch of, goods to and from such building as would have been necessary for the purpose of complying with any reasonable requirement which might have been made by the appropriate authority by or under any enactment (other than this Act) in force at the time of the application for the approval of plans referred to in sub-paragraph (1) of paragraph 2 (Subways under Big Top site) of this Schedule (in this paragraph referred to as “ facilities for surface access ”);
- (b) if in the opinion of the developer facilities for surface access would not have been so necessary he shall serve a notice on the appropriate authority to that effect (in this paragraph referred to as the “ developer’s notice ”);
- (c) within six weeks after the submission of plans or of a developer’s notice (as the case may be) the appropriate authority may by notice in the first case inform the developer that they approve the plans as so submitted, either unconditionally or subject to such modifications, alterations or additions as they may specify in the notice, or that they disapprove such plans, and in the second case may submit to the developer plans of such facilities for surface access as in their opinion would have been necessary for the purpose

of complying with any requirement which they might have made under any enactment (other than this Act) in force at the time of the application for the approval of plans referred to in sub-paragraph (1) of paragraph 2 (Subways under Big Top site) of this Schedule:

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—cont.

Provided that the appropriate authority shall be deemed to have approved the said plans unconditionally, or not to have contested the developer's notice, as the case may be, if within the period of six weeks after receipt they do not express their disapproval of the plans or their approval subject to conditions or serve a counter-notice contesting the developer's notice, as the case may be;

- (d) if any such modifications, alterations or additions or the plans submitted by the appropriate authority to the developer, as the case may be, are not agreed between the developer and the appropriate authority the dispute shall be referred to and determined by the Secretary of State as if it were an appeal under section 36 of the Act of 1971 and that section shall apply accordingly.
- (2) (a) as soon as reasonably practicable after approval of the plans submitted by the developer for providing facilities for surface access, or in a case where he has served a developer's notice as soon as reasonably practicable after determination of any issue raised by that notice, valuations as at the date of such approval or determination, as the case may be, shall be agreed between the appropriate authority and the developer or in default of agreement determined by the Lands Tribunal in respect of—
- (i) the value of the developer's interest in the land on the assumption that the developer would have to provide the developer's subway as approved; and
- (ii) the value of the developer's interest in the land on the assumption that the developer would have to provide facilities for surface access as approved or that no such facilities would have been necessary, as the case may be;
- (b) if the amount of the valuation arrived at under sub-paragraph (a) (ii) above exceeds the amount of that arrived at under sub-paragraph (a) (i) above the appropriate authority shall on completion of the developer's subway pay to the developer a sum equal to the difference;
- (c) it is hereby declared that the value of the developer's interest in the land arrived at in accordance with either sub-paragraph (a) (i) or (ii) above may be a minus quantity;
- (d) any question, dispute or difference which may arise between the appropriate authority and the developer as to whether the developer's subway has been completed shall be referred to and settled by arbitration;

SCH. 2  
—cont.

(e) in this paragraph—

“ approved ” means approved unconditionally by the appropriate authority, or deemed to have been so approved, or in the event of disapproval by the appropriate authority, or approval subject to any modifications, alterations or additions not agreed to by the developer, as determined by the Secretary of State and “ approval ” shall be construed accordingly;

“ land ” has the same meaning as in the Act of 1971.

(3) (a) any two or more developers may submit to the appropriate authority under paragraph (1) above plans or a developer’s notice in respect of the provision of facilities for surface access for their lands and such plans may make provision for the joint user of some or all of the facilities;

(b) if in any such case a payment falls to be made under paragraph (2) above it shall be apportioned between the developers concerned in such proportions as they may agree or, in default of agreement, as may be determined by the Lands Tribunal.

(4) in this paragraph “ plans ” includes sections and particulars.

*Agreements with owners and occupiers*

4.—(1) The Birmingham Council and the owner and occupier, or the owner or occupier of any land forming part of the Big Top site, may enter into and carry into effect agreements for the construction, maintenance and use in or under such land of any subways and connecting ways and junctions with the High Street subway upon such terms and conditions as may be agreed.

(2) Any agreement made under paragraph (1) above shall be binding not only upon the Birmingham Council and the owner or occupier who is a party to the agreement but also upon the successors in title of any such owner or occupier and any person claiming through or under them.

(3) Any such agreement shall be a local land charge.

(4) Any person upon whom any such agreement is binding shall be entitled to require from the Birmingham Council a copy thereof.

*Maintenance of subways*

5. The Birmingham Council shall maintain and cleanse any subway which is provided to comply with a requirement imposed under paragraph 2 (Subways under Big Top site) of this Schedule (including the drainage system and all apparatus and equipment provided for the purposes of protection against fire so far as such drainage system, apparatus and equipment are provided for the purpose of such subway) and shall operate and maintain the lighting and ventilation systems of any such subway or shall arrange for such maintenance, cleansing and operation to be carried out at their expense.

SCHEDULE 3

Section 95.

FREEDOM OF COVENTRY

*Definitions in Schedule*

1. In this Schedule—

- “ admission day ” means the last Tuesday in every calendar month unless the last Tuesday falls within the same week as Christmas Day or a bank holiday under the Banking and Financial Dealings Act 1971 in which case “ admission day ” shall mean the next ensuing Tuesday;
- “ area of service ” means the city as for the time being constituted and any area outside the city which is within a distance of four and a half miles from St. Mary’s Hall in the city;
- “ the city ” means the city of Coventry;
- “ day for claiming ” means the first Tuesday in every calendar month unless the first Tuesday falls within the same week as a bank holiday under the Banking and Financial Dealings Act 1971 in which case “ day for claiming ” shall mean the next ensuing Tuesday;
- “ deed of apprenticeship ” means a deed or agreement of apprenticeship, under seal or under hand and includes an assignment of such a deed or agreement of apprenticeship and a new such deed or agreement of apprenticeship made in consequence of the termination of the apprenticeship by operation of law or act of the parties;
- “ enrolled deed of apprenticeship ” means a deed of apprenticeship enrolled in the manner and within the period prescribed by this Schedule;
- “ freedom ” means the freedom of Coventry as preserved by the Act of 1972;
- “ lord mayor ” means the lord mayor of the city;
- “ supplemental employment ” means employment referred to in paragraph 2 (b) of this Schedule;
- “ trade ” means the trade or profession, or combination of trades and professions, as specified in an enrolled deed of apprenticeship or, whether or not so specified, as identified, during or at the end of the apprenticeship under an enrolled deed of apprenticeship.

*Qualification for freedom*

2. The qualification for obtaining the freedom shall subject to compliance with the provisions of this Schedule be—

- (a) the service of not less than five years’ whole-time apprenticeship under an enrolled deed of apprenticeship to a trade within the area of service; or
- (b) the service of such lesser period of whole-time apprenticeship under an enrolled deed of apprenticeship to a trade within the area of service as is required to be served in that trade (as prescribed from time to time by national or local agreements or professional requirements relating to that trade) followed by a period or periods of employment in the same

SCH. 3  
—cont.

trade and within the area of service, so that the period of apprenticeship and the period or periods of employment taken together amount to a period of not less than five years.

Provided that—

- (i) any period or periods not exceeding in the aggregate one-half of the period of service under the enrolled deed of apprenticeship during which an apprentice under an enrolled deed of apprenticeship to a trade within the area of service at the request or with the concurrence of his master renders elsewhere than in the area of service whole-time service to the master in furtherance of the training of the apprentice in the said trade shall be treated as service of whole-time apprenticeship under such enrolled deed of apprenticeship to a trade within the area of service;
- (ii) the period of supplemental employment need not be consecutive to the period of apprenticeship and one period of supplemental employment need not be consecutive to any other such period; the employer during any period of supplemental employment need not be the same person as the master during the period of apprenticeship and the employer during separate periods of supplemental employment need not be the same person;
- (iii) if the person employed is at any time during any period of supplemental employment employed outside the area of service such employment shall be treated as within the area of service if the principal or a major place of business of the employer is within the area of service.

*Enrolment of deeds of apprenticeship*

3. Every deed of apprenticeship which in the contemplation of all the parties thereto was entered into with a view to the apprentice qualifying for the freedom shall, within 12 calendar months from the execution of the deed, be presented, or caused to be presented, by the master to the proper officer for enrolment in the apprentices' enrolment record and a fee of £1 shall be payable by the master in respect of the enrolment.

*Failure to enrol*

4.—(1) If the master fails to present, or cause to be presented, for enrolment such a deed of apprenticeship as is mentioned in paragraph 3 of this Schedule within 12 calendar months from the execution of the deed, the deed shall at any time after the expiration of the said 12 calendar months be voidable at the option of the apprentice if he is of age, or of his legal guardian or next friend if the apprentice is not of age, and if such option is exercised any premium paid to the master in respect of the apprenticeship shall be returned by the master to the person by whom the premium was paid.

(2) If the option given by this paragraph is not exercised within a reasonable time after the failure to enrol the deed of apprenticeship comes to the knowledge of the apprentice, or his legal guardian or next friend, the deed of apprenticeship shall continue to be of full force and effect.

*Discretion to lord mayor to dispense with enrolment in special cases*SCH. 3  
—cont.

5. If it is shown to the satisfaction of the lord mayor that a person has at any time in good faith served the full term of an apprenticeship which was entered into with a view to securing the freedom but is unable to obtain admission to the freedom because of the non-enrolment of the deed of apprenticeship within 12 calendar months from the execution of the deed and further that—

- (a) the failure to enrol the deed was due to ignorance or inadvertence or to a cause beyond the control of the person who has served the apprenticeship;
- (b) in all other material respects the provisions of this Schedule in regard to admission to the freedom have been complied with; and
- (c) having regard to all the circumstances of the case it would constitute a hardship to debar such person from the freedom;

then the lord mayor shall have power upon such person submitting a claim and producing evidence so far as lies in his power of compliance with the requirements of this Schedule in regard to admission to the freedom (except in regard to enrolment of the deed of apprenticeship) to admit such person to the freedom.

*Eligibility of deeds of apprenticeship for enrolment*

6. The proper officer shall have power to decide as to the eligibility of a deed of apprenticeship for enrolment under this Schedule but any person aggrieved by a decision of the proper officer shall have a right to appeal to the lord mayor within 7 days thereafter and the decision of the lord mayor upon the appeal shall be final.

*Apprentices' enrolment record*

7.—(1) The proper officer shall keep an apprentices' enrolment record in which he shall enter in regard to every deed of apprenticeship which he accepts for enrolment the following particulars:—

- (i) the date of execution of the deed;
- (ii) the date of the enrolment;
- (iii) the name of the apprentice;
- (iv) the apprentice's place of abode;
- (v) the name of the master;
- (vi) the master's place of business and, if the master is a limited company, the registered office of the company;
- (vii) the trade of the apprentice as known at the date of the enrolment;
- (viii) the consecutive number of the enrolled deed.

(2) The apprentices' enrolment record shall be open during normal office hours to the inspection of the public without fee.

*Certificate of enrolment*

8. The proper officer shall endorse upon each deed of apprenticeship enrolled by him a certificate of the date of enrolment and the consecutive number of the enrolled deed.

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—cont.

*Claims for admission*

9. Every person seeking admission to the freedom shall deliver to the proper officer a claim in writing containing the following particulars:—

- (i) the claimant's name;
- (ii) his place of abode at the time of the claim;
- (iii) the name of his master during his apprenticeship under the enrolled deed of apprenticeship;
- (iv) the place or places at which the claimant rendered his service under the enrolled deed of apprenticeship;
- (v) details of the duration of the period of apprenticeship under the enrolled deed of apprenticeship and of the periods (if any) which by virtue of proviso (i) to paragraph 2 of this Schedule are to be treated for the purposes of this Schedule as service of whole-time apprenticeship under an enrolled deed of apprenticeship to a trade within the area of service;
- (vi) the name and address of the employer or employers (if any), who employed the claimant in supplemental employment;
- (vii) the place or places (if any) at which the claimant was employed in supplemental employment and if that place or any of those places were outside the area of service, details of the principal or a major place of business of the employer within the area of service, for the purposes of proviso (iii) to paragraph 2 of this Schedule;
- (viii) details of the duration of the period or periods (if any) of supplemental employment;
- (ix) the trade in which the claimant qualified by virtue of his apprenticeship under the enrolled deed of apprenticeship and to which he has served in supplemental employment (if any);

and shall at the same time deposit with the proper officer his enrolled deed of apprenticeship.

*Order of claims*

10. Subject to the consideration of adjourned claims before new claims as provided by paragraph 12 of this Schedule, claims shall be dealt with in the priority determined by the date of the enrolled deeds of apprenticeship and all claims which are delivered to the proper officer up to 12 o'clock noon on the day for claiming in any month shall stand for consideration at the admission court for that month.

*Publication of list of claimants*

11. The proper officer shall not later than 12 o'clock noon on the day following the day for claiming cause to be affixed to the notice-board of the Council House a list of all claimants whose claims stand for consideration at the admission court for that month and such list shall be signed by the proper officer and shall indicate where the particulars which the claimants have stated in their claims may be inspected during normal office hours.



*Admission court*

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—cont.

12.—(1) An admission court shall be held by the lord mayor on the admission day for each month at such hour as the lord mayor may determine for the purpose of deciding upon claims for admission to the freedom and the lord mayor shall have power to adjourn the court from time to time and in case of exceptional circumstances may decide that no admission court shall be held in a particular month.

(2) At each court the adjourned claims (if any) shall be considered first and then new claims.

(3) Every admission court shall be open to the public.

*Evidence to be produced by claimants*

13.—(1) Every claimant shall appear at the admission court in person and in order to be entitled to admission shall substantiate on oath the statements made in his claim.

(2) Subject to (3) below—

(a) the master or masters to whom the claimant has served apprenticeship, and the employer or employers (if any) with whom the claimant has been employed in supplemental employment, shall also appear at the admission court and shall substantiate on oath all statements of the claimant which relate to the service to him or them;

(b) where the master or employer is a limited company or other corporation such company or corporation may appoint in writing a person to attend the admission court on their behalf and with the permission of the lord mayor any other master or employer may appoint in writing a person to attend the admission court on his behalf but the lord mayor may decline to accept the evidence of such a person if he is of opinion that such person cannot so far as is reasonably possible testify as to the claimant's service from his own knowledge.

(3) The lord mayor shall have power to admit any other evidence which he may think fit in regard to the claim and, in particular, where the claim involves supplemental employment, the lord mayor may, if he considers it reasonable to do so, dispense with appearance by an employer at the admission court and instead admit documentary evidence (whether sworn or unsworn) from that employer.

(4) All oral evidence in the admission court shall be given on oath and the lord mayor is hereby authorised to administer oaths for that purpose.

(5) The lord mayor may require that evidence on any matter affecting a claim for admission shall be given by affidavit.

(6) The decision of the lord mayor upon each claim shall be final.

*Procedure on admission*

14. Every claimant whom the lord mayor decides to admit to the freedom shall take before the lord mayor the customary oath of a

SCH. 3  
—cont.

freeman of Coventry and shall pay an admission fee of 15 pence whereupon he shall be admitted to the freedom and shall be entitled to all the rights, liberties, franchises and privileges of a freeman of Coventry.

*Freemen's admission record*

15.—(1) The proper officer shall keep a freemen's admission record and shall in respect of every admission court enter therein—

(a) in regard to every claimant the name, place of abode and trade of the claimant;

(b) in regard to every person admitted as a freeman the date of the enrolled deed of apprenticeship and the particulars which are specified in paragraph 9 of this Schedule as necessary for the claimant to state in his claim;

and the proper officer shall subscribe his name to the particulars stated in sub-paragraph (a) above and the lord mayor shall subscribe his name to the particulars stated in sub-paragraph (b) above.

(2) The freemen's admission record shall be open during normal office hours to the inspection of the public without fee.

*Evidence of contents of freemen's admission record*

16.—(1) A copy of an entry in the freemen's admission record signed by the proper officer shall be conclusive evidence of the admission of any person to the freedom.

(2) The proper officer shall be authorised to charge a fee of five pence for each certified copy of an entry from the freemen's admission record.

*Publication of list of persons admitted*

17. The proper officer shall not later than 12 o'clock noon on the day following an admission court cause to be affixed to the notice board of the Council House a list of all the persons who were admitted to the freedom at that court and shall sign such list and state therein where the freemen's admission record (and accordingly the particulars inscribed therein pursuant to paragraph 15 of this Schedule) may be inspected.

SCHEDULE 4

Section 117.

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
297	Continuing offences and penalties.
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.

Section 121.

## SCHEDULE 5

## ENACTMENTS REPEALED

## PART I

## LOCAL ACTS

Chapter	Title or short title	Extent of repeal
30 Geo. 3 c. 77 (1790)	An Act for the better paving, cleansing, lighting and watching the City of Coventry, and the Suburbs thereof, and removing and preventing Nuisances and Annoyances therein; and for regulating the Publick Wells and Pumps within said City and Suburbs	The whole Act.
3 Geo. 4 c. lxxii (1822)	An Act for building a new Gaol and House of Correction for the City and County of the City of Coventry	The whole Act.
11 Geo. 4 & 1 Will. 4 c. lxxv (1830)	An Act for better assessing and collecting the Poor and other Rates in the Parish of Foleshill in the County of the City of Coventry	The whole Act.
7 & 8 Vict. c. lxxvi (1844)	An Act for enabling the Mayor, Aldermen, and Burgesses of the City of Coventry to make certain Improvements, to provide a Residence for the Judges during Assizes in the said City, and to establish a Cemetery for the Dead near the said City	The whole Act.
19 & 20 Vict. c. xxxviii	Coventry Gas Act 1856	The whole Act except sections XL and LXII.
26 & 27 Vict. c. xcii	Coventry Market House Act 1863	The whole Act.
29 & 30 Vict. c. clxix	Stourbridge Improvement Act 1866	The whole Act except sections 1 to 4, 39 to 44 and 46 to 51 and Schedule (B).
38 & 39 Vict. c. clxxviii	Birmingham (Corporation) Gas Act 1875	The whole Act.
39 & 40 Vict. c. cxlviii	Tipton Local Board (Gas) Act 1876	The whole Act except sections 1 and 14 and paragraph I of Schedule 2.
39 & 40 Vict. c. cxlix	West Bromwich Improvement (Gas) Act 1876	The whole Act except sections 1 and 13 and Schedule B.

Chapter	Short title	Extent of repeal
39 & 40 Vict. c. clxxi	Smethwick Local Board (Gas) Act 1876	The whole Act except sections 1, 13 and 14 and Schedule 2.
39 & 40 Vict. c. cxci	Oldbury Local Board of Health Act 1876	The whole Act.
42 & 43 Vict. c. xxxv	Tipton Local Board Act 1879	The whole Act except sections 1, 4, 8 and 15 and the Schedule.
42 & 43 Vict. c. cxxx	Birmingham Gas (Northfield and Yardley) Act 1879	The whole Act.
43 & 44 Vict. c. clxxxv	Coventry and District Tramways Act 1880	The whole Act.
45 & 46 Vict. c. cxx	Coventry and District Tramways Act 1882	The whole Act.
46 & 47 Vict. c. lxx	Birmingham Corporation (Consolidation) Act 1883	The whole Act except section 1, so much of section 3 as incorporates provisions of the Markets and Fairs Clauses Act 1847, sections 5, 66, 89, 90, 95, 97 to 106, 172, 174, 177 (other than the proviso), 197 and 297 (1) and Schedule 6.
46 & 47 Vict. c. cxl	Coventry and District Tramways Act 1883	The whole Act.
47 & 48 Vict. c. cxxxii	Coventry Corporation Gas Purchase Act 1884	The whole Act.
47 & 48 Vict. c. ccxx	Coventry and District Tramways Act 1884	The whole Act.
50 & 51 Vict. c. lxxxvi	Coventry and District Tramways Act 1887	The whole Act.
52 & 53 Vict. c. xli	Coventry Water Act 1889	The whole Act except sections 1, 3, 5, so much of section 6 as relates to the power to take waters and section 9.
54 & 55 Vict. c. cxix	Stourbridge Improvement Commissioners Act 1891	The whole Act except sections 1, 4, 35 and 36.
55 & 56 Vict. c. clxxxiii	Birmingham Corporation Water Act 1892	The whole Act except sections 1, 4, 19 to 21, 23, 27 to 29, 31 to 35, 39 to 41, 43 to 47, 51, 53 to 60 and 62 to 64.
59 & 60 Vict. c. xxxii	Birmingham Corporation Water Act 1896	The whole Act except sections 1, 5, 6, 8 and 17 to 23.
60 & 61 Vict. c. xlvi	Birmingham Tame and Rea District Drainage Board Act 1897	Sections 14, 16 and 19.

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Chapter	Short title	Extent of repeal
60 & 61 Vict. c. ccxvi	Coventry Electric Tramways Act 1897	The whole Act.
61 & 62 Vict. c. clxxiii	Coventry Corporation Gas Act 1898	The whole Act except sections 1, 3, 13 and 23 and the Schedule.
62 & 63 Vict. c. clxix	Birmingham Corporation Act 1899	The whole Act.
63 & 64 Vict. c. lxxiv	Birmingham Corporation (Stock) Act 1900	The whole Act.
63 & 64 Vict. c. cclxii	Coventry Corporation Act 1900	The whole Act.
1 Edw. 7 c. ccxlv	Smethwick Corporation Act 1901	Part III.
2 Edw. 7 c. xviii	Birmingham Corporation Water Act 1902	The whole Act except sections 1, 5, 6, 9(2), 12, 14 and 15.
3 Edw. 7 c. cxcii	Birmingham Corporation Act 1903	The whole Act except sections 1, 4, 109 to 112 and 155.
3 Edw. 7 c. clxxii	Sutton Coldfield Corporation Act 1903	The whole Act.
3 Edw. 7 c. cclix	Coventry Electric Tramways Act 1903	The whole Act except sections 1, 3 and 6.
5 Edw. 7 c. lviii	Birmingham Corporation Act 1905	The whole Act except sections 1, 3 and 38.
7 Edw. 7 c. xviii	Birmingham Corporation Act 1907	The whole Act.
7 Edw. 7 c. xli	Birmingham Corporation Water Act 1907	The whole Act.
7 Edw. 7 c. ci	Coventry Corporation Act 1907	The whole Act except sections 1, 4, 5, 11, 12, 24 and 25.
9 Edw. 7 c. xxviii	Dudley Corporation Act 1909	The whole Act.
1 & 2 Geo. 5 c. viii	Coventry Corporation Act 1911	The whole Act except sections 1, 4 and 50.
2 & 3 Geo. 5 c. lxxxii	Birmingham Corporation Act 1912	The whole Act except sections 1 and 14.
3 & 4 Geo. 5 c. xlix	Coventry Corporation Act 1913	The whole Act except sections 1, 3 and 14.
4 & 5 Geo. 5 c. cvi	Birmingham Corporation Act 1914	The whole Act except sections 1 and 53.
9 & 10 Geo. 5 c. l	Birmingham Corporation Tramways Act 1919	The whole Act.
9 & 10 Geo. 5 c. lxv	Birmingham Corporation Act 1919	The whole Act.
10 & 11 Geo. 5 c. lxxviii	Sutton Coldfield Corporation Act 1920	The whole Act.
10 & 11 Geo. 5 c. lxxxviii	Coventry Corporation Act 1920	The whole Act except sections 1, 4, 19, 47 and 65 and Schedule 2.

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—cont.

Chapter	Short title	Extent of repeal
1 & 12 Geo. 5 c. lxxxvii	Coventry Corporation Act 1921	The whole Act except sections 1, 4, the provisions of section 26 of the North Warwickshire Water Act 1898, sections 19 to 21 of the North Warwickshire Water Act 1900 and section 18 of the North Warwickshire Water Act 1902 as set out in Schedule 3, so much of section 10 as relates to those sections and sections 11 and 23.
2 & 13 Geo. 5 c. lxxvi	Birmingham Corporation Act 1922	The whole Act except sections 1, 10, 11 and 12 (2).
3 & 14 Geo. 5 c. xv	Smethwick Corporation (Gas) Act 1923	The whole Act except sections 1 and 6 and the Schedule.
4 & 15 Geo. 5 c. lxxv	Birmingham Corporation Act 1924	The whole Act except sections 1, 3 and 9(5), (8), (9), (11) and (12).
7 & 18 Geo. 5 c. lxxv	Smethwick Corporation Act 1927	Part III.
7 & 18 Geo. 5 c. xc	Coventry Corporation Act 1927	The whole Act except sections 1, 4 and 28 and Schedule 5.
7 & 18 Geo. 5 c. xci	Coventry Corporation (Boundary Extension) Act 1927	The whole Act.
7 & 18 Geo. 5 c. cii	Birmingham Extension Act 1927	The whole Act.
8 & 19 Geo. 5 c. cx	Coventry Corporation Act 1928	The whole Act except sections 1, 3, 4, 7, 8, 10 and 22.
9 & 20 Geo. 5 c. lxx	Birmingham Corporation (Rivers Improvement) Act 1929	The whole Act except sections 1, 3, 4, 12, 14, 17, 18, 22 to 40 and Schedule 3.
9 & 20 Geo. 5 c. xcii	Smethwick Corporation Act 1929	Section 101.
20 & 21 Geo. 5 c. xxxviii	Birmingham Corporation (General Powers) Act 1929	The whole Act except sections 1, 18 (2), 19 and 22.

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Chapter	Short title	Extent of repeal
20 & 21 Geo. 5 c. lxxxv	Sutton Coldfield Corporation Act 1930	The whole Act.
20 & 21 Geo. 5 c. lxxxvi	Coventry Corporation Act 1930	The whole Act except sections 1, 4, 13 and 14.
21 & 22 Geo. 5 c. lvi	Coventry Extension Act 1931	The whole Act.
25 & 26 Geo. 5 c. cxxii	Birmingham Corporation Act 1935	The whole Act.
26 Geo. 5 & 1 Edw. 8 c. cix	Coventry Corporation Act 1936	The whole Act except sections 1, 4, 27, 28, 31, 37 and 38.
26 Geo. 5 & 1 Edw. 8 c. cxx	Birmingham Corporation Act 1936	The whole Act.
26 Geo. 5 & 1 Edw. 8 c. cxiv	Solihull Urban District Council Act 1936	The whole Act.
1 Edw. 8 & 1 Geo. 6 c. xliv	Staffordshire County Council Act 1937	So much as applies to the county.
1 & 2 Geo. 6 c. xxv	Aldridge Urban District Council Act 1938	The whole Act.
2 & 3 Geo. 6 c. xxxi	Smethwick Oldbury Rowley Regis and Tipton Transport Act 1939	The whole Act.
2 & 3 Geo. 6 c. lxxxii	Walsall Corporation Act 1939	Section 41.
2 & 3 Geo. 6 c. lxxxviii	Coventry Corporation Act 1939	The whole Act except sections 1, 4, 10, 16, 17 and 26 to 40.
3 & 4 Geo. 6 c. xix	Birmingham Corporation Act 1940	The whole Act except sections 1, 4, 10, 15, 16, 17 (2), 18 to 20, 23, 25, 28, 39 (2) and 41.
3 & 4 Geo. 6 c. xx	Coventry Corporation Act 1940	The whole Act.
5 & 6 Geo. 6 c. xvi	Coventry Corporation Act 1942	The whole Act.
9 & 10 Geo. 6 c. lii	Birmingham Corporation Act 1946	The whole Act except sections 1, 4, 22, 28 (2) to (6) and (9), 29 (4) to (7) and (14) to (16), 34, 36, 37 and 40.
11 & 12 Geo. 6 c. xxxvii	Coventry Corporation Act 1948	The whole Act except sections 1, 4, 13 (1), 24, 28 and 51.
11 & 12 Geo. 6 c. xxxix	Birmingham Corporation Act 1948	The whole Act except sections 1, 4 and 12.



Chapter	Short title	Extent of repeal
11 & 12 Geo. 6 c. xlix	Smethwick Corporation Act 1948	Parts II and III, except sections 14 and 19 and Schedule 2.
2 & 3 Eliz. 2 c. xliv	Birmingham Corporation Act 1954	The whole Act except sections 1, 4, 41 and 59.
2 & 3 Eliz. 2 c. liv	Coventry Corporation Act 1954	The whole Act except sections 1 and 3 and Part II.
6 & 7 Eliz. 2 c. xxxvi	Coventry Corporation Act 1958	The whole Act.
6 & 7 Eliz. 2 c. xlix	Birmingham Corporation Act 1958	The whole Act except sections 1, 3, 27, 35 and 39 and Schedule 2.
9 & 10 Eliz. 2 c. xxii	Birmingham Corporation Act 1961	The whole Act.
9 & 10 Eliz. 2 c. xxvi	Sutton Coldfield Corporation Act 1961	The whole Act except sections 1, 4, 20, 23 to 25 and 30 to 34.
1965 c. xxii	Birmingham Corporation Act 1965	The whole Act.
1968 c. xvi	Birmingham Corporation Act 1968	The whole Act.
1969 c. vii	Coventry Corporation Act 1969	The whole Act.
1969 c. liii	Dudley Corporation Act 1969	The whole Act.
1969 c. liv	Warley Corporation Act 1969	The whole Act except sections 1, 3, 4 and 10.
1969 c. lvi	Worcestershire County Council Act 1969	So much as applies to the county.
1969 c. lviii	Walsall Corporation Act 1969	The whole Act except sections 1 (1), 3, 5, 11, Part III, section 196 so far as it relates to section 32, paragraphs (1), paragraphs (1), (2) (c), (3) to (7), (11) and (12) of section 200 and so much of Part XV as relates to those provisions.
1969 c. lix	West Bromwich Corporation Act 1969	The whole Act except sections 1 (1), 3, 4 and 10 and so much of Part XV as relates to those provisions.

SCH. 5  
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SCH. 5  
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Chapter	Short title	Extent of repeal
1969 c. lx	Wolverhampton Corporation Act 1969	The whole Act except sections 1 (1) and (2), 3, 4, 8 (1), 9 (3), 10, Part III, sections 42 to 46, 49 to 52, the definitions of "effluent" and "sewage lands" in section 80, sections 81, 82 and 202 (2) and Schedules 1 to 3 and 7.
1970 c. vi	Warwickshire County Council Act 1970	So much as applies to the county.
1970 c. xxii	Birmingham Corporation Act 1970	The whole Act.
1970 c. xlix	Staffordshire County Council Act 1970	So much of the Act as applies to the county.
1971 c. lxix	Aldridge-Brownhills Urban District Council Act 1971	The whole Act.
1972 c. xi	Solihull Corporation Act 1972	The whole Act.
1972 c. xxix	Coventry Corporation Act 1972	The whole Act except sections 1, 3, 8 to 10 and 12 to 14.
1977 c. xiv	West Midlands County Council Act 1977	Section 6.

## PART II

## CONFIRMATION ACTS AND ORDERS

Chapter	Short title	Extent of repeal
29 & 30 Vict. c. 94	The Second Annual Inclosure Act 1866	So much as relates to Coventry and the Provisional Order of Inclosure Commissioners dated 6th January 1866 in respect of Grey Friars' Green.
36 & 37 Vict. c. lxxxiii	The Local Government Board Provisional Orders Confirmation Act 1873, No. 3	The Order relating to Coventry.
43 & 44 Vict. c. clxxviii	Local Government Board's Provisional Orders Confirmation (Bethesda, &c.) Act 1880	The Order relating to Birmingham.

Chapter	Short title	Extent of repeal
44 & 45 Vict. c. lxxviii	Local Government Board's Provisional Order Confirmation (Birmingham) Act 1881	The whole Act.
45 & 46 Vict. c. xxvii	Commons Regulation (Crosby Garret and Stivichall Commons) Provisional Orders Confirmation Act 1882	The Order relating to Stivichall Common.
45 & 46 Vict. c. lxi	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1882	The Order dated 3rd May 1882 relating to the borough of Birmingham.
45 & 46 Vict. c. clxix	Local Government Board's (Gas) Provisional Order Confirmation Act 1882	The whole Act except articles I and VI and the Schedule.
47 & 48 Vict. c. ccxi	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1884	The Order relating to Coventry.
48 & 49 Vict. c. cxxviii	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1885	The Order relating to Oldbury.
51 & 52 Vict. c. xxxix	Local Government Board's Provisional Orders Confirmation Act 1888	The Order relating to Coventry.
52 & 53 Vict. c. cxv	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1889	The Order relating to Tipton.
53 & 54 Vict. c. clxxxvi	Electric Lighting Orders Confirmation Act 1890	The Walsall Electric Lighting Order 1890.
53 & 54 Vict. c. ccii	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1890	The City of Coventry Order 1890.
54 & 55 Vict. c. lii	Electric Lighting Orders Confirmation (No. 4) Act 1891	The Coventry Electric Lighting Order 1891.
54 & 55 Vict. c. lxxvii	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1891	The Orders relating to Coventry and Dudley.
54 & 55 Vict. c. clxi	Local Government Board's Provisional Order Confirmation (No. 13) Act 1891	The whole Act.
56 & 57 Vict. c. cxvii	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1893	The Order relating to Smethwick.
56 & 57 Vict. c. cxxix	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1893	The Order relating to Coventry.

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Chapter	Short title	Extent of repeal
57 & 58 Vict. c. cxv	Electric Lighting Orders Confirmation (No. 4) Act 1894	The Birmingham Electric Light and Power Order 1894.
58 & 59 Vict. (Sess. 1) c. xciii	Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1895	The Birmingham (Housing of Working Classes) Order 1895.
60 & 61 Vict. c. cxliii	Local Government Board's Provisional Orders Confirmation (No. 16) Act 1897	The Birmingham Order 1897.
61 & 62 Vict. c. lxxxiv	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1898	The Stourbridge Order 1898.
61 & 62 Vict. c. xciii	Electric Lighting Orders Confirmation (No. 10) Act 1898	The Oldbury Electric Lighting Order 1898. The Smethwick Electric Lighting Order 1898. The West Bromwich (Corporation) Electric Lighting Order 1898.
62 & 63 Vict. c. cxxxvi	Electric Lighting Orders Confirmation (No. 11) Act 1899	The Stourbridge Electric Lighting Order 1899. The Wednesbury Electric Lighting Order 1899.
62 & 63 Vict. c. cxxxix	Electric Lighting Orders Confirmation (No. 14) Act 1899	The Halesowen Electric Lighting Order 1899.
62 & 63 Vict. c. cxlix	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1899	The Coventry Order 1899 and the Coventry (Extension) Order 1899.
63 & 64 Vict. c. xxii	Electric Lighting Orders Confirmation (No. 2) Act 1900	The Brierley Hill Electric Lighting Order 1900.
2 Edw. 7 c. lxxvii	Electric Lighting Orders Confirmation (No. 2) Act 1902	The Tipton Electric Lighting Order 1902.
3 Edw. 7 c. lxxii	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1903	The Coventry Water Order 1903.
4 Edw. 7 c. lxxiii	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1904	The Coventry Order 1904.

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Chapter, S.R. & O. and S.I. number	Short title	Extent of repeal
Edw. 7 c. cxiii	Education Board Provisional Order Confirmation (Birmingham) Act 1904	The order of the Board of Education dated 20th April 1904 and relating to the City and County Borough of Birmingham.
Edw. 7 c. cxviii	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1904	The Tipton Gas Order 1904.
Edw. 7 c. clvii	Local Government Board's Provisional Orders Confirmation (No. 7) Order 1907	The Coventry Order 1907.
Edw. 7 c. cxxii	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1909	The Birmingham (Extension) Order 1909.
Edw. 7 c. cxxiii	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1909	The Coventry Order 1909.
Edw. 7 c. cxli	Electric Lighting Orders Confirmation (No. 1) Act 1909	The Stourbridge Electric Lighting Order 1909.
1 & 2 Geo. 5 c. xxxvi	Local Government Board's Provisional Order (1910) Confirmation (No. 13) Act 1911	The whole Act.
2 & 3 Geo. 5 c. clxii	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1912	The Birmingham (Extension) Financial Adjustments Order 1912.
3 & 4 Geo. 5 c. cxxxii	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1913	The Birmingham (Rating) Order 1913.
4 & 5 Geo. 5 c. liii	Commons Regulation (Gosford Green) Provisional Order Confirmation Act 1914	The whole Act.
4 & 5 Geo 5. c. cxxxiv	Local Government Board's Provisional Order Confirmation (No. 14) Act 1914	The Birmingham (Water and Gas) Order 1914.
S.R. & O. 1915/ 211	Order made by the Local Government Board fixing scale of Charges for supply of water dated 6th March 1915	The whole Order.
5 & 6 Geo. 5 c. xci	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1915	The Birmingham Order 1915.

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Chapter, S.R. & O. and S.I. number	Short title	Extent of repeal
5 & 6 Geo. 5 c. xcii	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1915	The Coventry Order 1915.
8 & 9 Geo. 5 c. xxx	Electric Lighting Orders Confirmation Act 1918	The Wednesbury Electric Supply (Transfer) Order 1918.
8 & 9 Geo. 5 c. xlvi	Local Government Board's Provisional Order Confirmation (No. 7) Act 1918	The whole Act.
S.R. & O. 1921/ 1350	Order made by the Minister of Health fixing scale of Charges for supply of Water dated 17th August 1921	The whole Order.
S.R. & O. 1922/ 1344	Smethwick Corporation Gas Order 1922	The whole Order.
S.R. & O. 1923/ 399	Tipton Gas (Charges) Order 1923	The whole Order.
S.R. & O. 1923/ 883	Oldbury Gas (Charges) Order 1923	The whole Order.
S.R. & O. 1923/ 1422	West Bromwich Gas (Charges) Order 1923	The whole Order.
14 & 15 Geo. 5 c. xiii	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1924	The Coventry Order 1924.
14 & 15 Geo. 5 c. xvi	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1924	The Stourbridge Order 1924.
—	Birmingham Electricity (Extension) Special Order 1924	The whole Order.
—	Walsall Electricity (Extension) Special Order 1924	The whole Order.
S.R. & O. 1924/ 420	Coventry Corporation Tramways Order 1924	The whole Order.
S.R. & O. 1926/ 386	West Bromwich Gas Order 1926	The whole Order.
S.R. & O. 1926/ 863	Coventry Corporation Tramways Order 1926	The whole Order.
—	Birmingham Electricity (Extension) Special Order 1926	The whole Order.
S.R. & O. 1926/ 1643	Birmingham Corporation Light Railway Order 1926	The whole Order.
17 & 18 Geo. 5 c. cxii	Ministry of Health Provisional Order Confirmation (Sutton Coldfield Extension) Act 1927	The whole Act.

Chapter, S.R. & O. and S.I. number	Short title	Extent of repeal
S.R. & O. 1927/ 668	Smethwick Gas (Charges) Order 1927	The whole Order.
S.R. & O. 1927/ 1241	Oldbury Gas Order 1927	The whole Order.
S.R. & O. 1928/ 211	Oldbury Gas Order 1928	The whole Order except sections 1, 3 and 4 and the Schedule.
S.R. & O. 1928/ 385	Birmingham Gas Order 1928	The whole Order.
S.R. & O. 1929/ 1164	Sedgley Gas (Charges) Order 1929	The whole Order.
S.R. & O. 1930/ 167	Coventry Gas Order 1930	The whole Order except sections 1, 3, 8 (4) and 9 and the Schedule.
—	Birmingham and Sutton Coldfield Order 1931	The whole Order.
S.R. & O. 1932/ 84	Sedgley Gas Order 1932	The whole Order except sections 1, 3 and 4 and the Schedule.
—	Walsall Electricity (Extension) Special Order 1933	The whole Order.
S.R. & O. 1934/ 343	Oldbury Gas Order 1934	The whole Order.
S.R. & O. 1934/ 863	Birmingham Gas Order 1934	The whole Order.
S.R. & O. 1935/ 782	Birmingham Gas Order 1935	The whole Order except sections 1, 3, 11, 13 and 14, and Schedule 3.
S.R. & O. 1935/ 794	Smethwick Gas Order 1935	The whole Order except sections 1, 3 and 49 (1) and Schedule 3.
1 Edw. 8 & 1 Geo. 6 c. cxi	Ministry of Health Provisional Order Confirmation (Birmingham Tame and Rea Main Sewerage District) Act 1937	The whole Act.
—	Wolverhampton (Coseley) Water Order 1947	The whole Order.
—	Wolverhampton (Seisdon Rural Water Supply) Order 1949	The whole Order.
—	Wolverhampton (Shifnal Rural Water Supply) Order 1951	The whole Order.
—	Wolverhampton (Cannock Rural Water Supply) Order 1952	The whole Order.
—	Wolverhampton (Coseley Urban Water Supply) Order 1952	The whole Order.

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Chapter, S.R. & O. and S.I. number	Short title	Extent of repeal
—	Wolverhampton (Seisdon Rural Water Supply) Order 1952	The whole Order.
S.I. 1954/812	Bilston Water Order 1942 (Revocation) Order 1954	The whole Order.
S.I. 1955/806	Birmingham Water Order 1955	The whole Order.
—	Bridgnorth (Bridgnorth Rural Water Supply) Order 1955	The whole Order.
—	Wolverhampton (Willenhall Urban Water Supply) Order 1955	The whole Order.
S.I. 1956/1113	Birmingham Water (Charges) Order 1956	The whole Order.
—	Bridgnorth Rural (Bridgnorth Water Supply) Order 1958	The whole Order.
—	Wolverhampton (Coseley Urban Water Supply) Order 1959	The whole Order.
S.I. 1963/1504	Birmingham (Water Charges) Order 1963	The whole Order.
S.I. 1965/420	Coventry (Water Charges) Order 1965	The whole Order.
S.I. 1966/303	Upper Tame Main Drainage Authority Order 1966	The whole Order except articles 1, 2, 20, 23 and 24 and Schedule 5.
S.I. 1966/304	Upper Stour Main Drainage Authority Order 1966	The whole Order except articles 1, 2, 23 and 24.
S.I. 1970/621	Coventry (Repeal of Local Enactments) Order 1970	The whole Order.
S.I. 1971/104	Birmingham (Water Charges) Order 1971	The whole Order.
S.I. 1971/180	Coventry (Water Charges) Order 1971	The whole Order.
S.I. 1972/1412	Birmingham (Romsley Reservoir) Water Order 1972	The whole Order.
S.I. 1973/888	Birmingham (Water Charges) Order 1973	The whole Order.



## SCHEDULE 6

Section 122.

## PART I

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Chapter	Short title	Extent continued
7 & 18 Vict. c. xci	Birmingham and Midland Institute Act 1854	The whole Act.
Edw. 7 c. cxcii	Birmingham Corporation Act 1903	Sections 1 and 155.
4 & 5 Geo. 5 c. cvi	Birmingham Corporation Act 1914	Sections 1 and 53.
9 & 20 Geo. 5 c. lxx	Birmingham Corporation (Rivers Improvement) Act 1929	Sections 1, 3, 4, 12, 14, 17 and 18.
9 & 10 Eliz. 2 c. xxvi	Sutton Coldfield Corporation Act 1961	Sections 1, 4, 20, 23 and 24.
1969 c. lviii	Walsall Corporation Act 1969	Sections 1 (1), 3 and 35.

## PART II

## ENACTMENTS CONTINUED UNTIL 31ST DECEMBER 1984

Chapter	Short title	Extent continued
1972 c. xxix	Coventry Corporation Act 1972	Sections 1, 3 and 12 to 14.

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# West Midlands County Council Act 1980

## CHAPTER xi

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2. Interpretation.
3. Appointed day.

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**Section**

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24. Acupuncture.
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27. Provision of bulk refuse containers.
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