

Blackpool Corporation Act 1969

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ELIZABETH II



1969 CHAPTER vii

to confer further powers upon the mayor, aldermen and burgesses of the borough of Blackpool, to make further provision for the improvement and government of the borough; to enact provisions in regard to markets, finance and superannuation; and for other purposes. [22nd October 1969]

WHEREAS

the borough of Blackpool is a county borough under the management of the mayor, aldermen and burgesses thereof (referred to as "the Corporation");

it is expedient to make further provision with reference to the management, local government and finances of the said borough in relation to the markets of the Corporation and superannuation; and that the powers of the Corporation in relation thereto should be enlarged;

it is expedient that the other provisions contained in this Act

should be enacted for the purposes of this Act cannot be effected without the authority of Parliament;

in pursuance of the powers conferred by section 1 of Part XIII of the Local Government Act 1933 (1933 c. 51), the following provisions are hereby enacted:

May it therefore please Your Majesty that it may be and be it enacted, by the Queen's most Excellent Majesty, 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, that is to say:—

PART I

PRELIMINARY

Short and collective titles.

1. (1) This Act may be cited as the Blackpool Corporation Act 1969.

(2) The Blackpool Corporation Acts 1853 to 1958 and any other Acts which may be jointly cited as the Blackpool Corporation Acts 1853 to 1969.

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Parks, open spaces and other municipal property.
- Part III.—Markets, etc.
- Part IV.—Finance.
- Part V.—Superannuation.
- Part VI.—Miscellaneous.
- Part VII.—General.

Interpretation.

3.—(1) In this Act the several words and expressions which are defined in sections 343 to 350 of the Act of 1963 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

1901 c. cxxviii.

"the Act of 1901" means the Blackpool Improvement Act 1901;

1933 c. 51.

"the Act of 1933" means the Local Government Act 1933;

1936 c. 49.

"the Act of 1936" means the Public Health Act 1936;

"the borough" means the county borough of Blackpool;

"contravention" includes a failure to comply with a requirement;

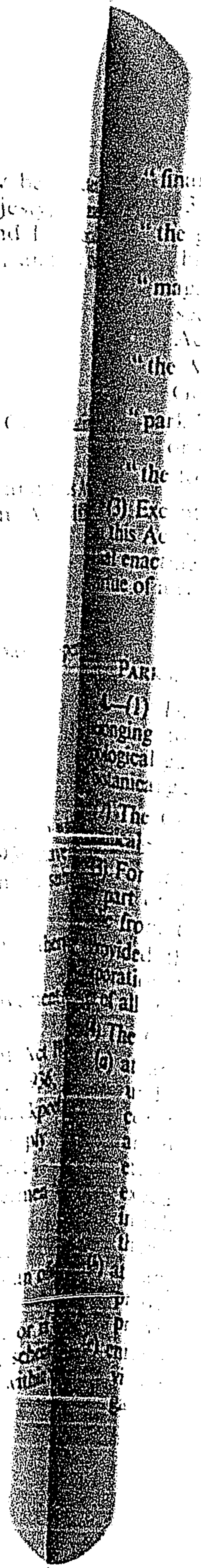
"contravene" shall be construed accordingly;

"the Corporation" means the mayor, aldermen and burgesses of the borough;

"the council" means the council of the borough;

"daily fine" means a fine for each day on which an offence is continued after conviction therefor;

"enactment" includes an enactment in this Act, a general or local Act and any order, bye-law, regulation or by-law for the time being in force in the borough;



financial year" means a period of twelve months ending on 31st March;

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cont.

the general rate fund" means the general rate fund of the borough;

magistrates' court" has the same meaning as in subsection (1) of section 124 of the Magistrates' Courts Act 1952;

1952 c. 55.

Minister" means the Minister of Housing and Local Government;

park" means a park, pleasure ground, recreation ground or open space;

the town clerk" means the town clerk of the borough.

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

PART II

ARTICLED SPACES AND OTHER MUNICIPAL PROPERTY

The Corporation may on land for the time being theirs within or outside the borough provide a garden or botanical garden or a zoological garden and garden.

Provision of zoological and botanical gardens.

The Corporation may purchase or acquire zoological and specimens and exhibits.

For purposes aforesaid the Corporation may enclose any park provided by them, and may exclude the part so enclosed:

but that nothing in this subsection shall empower the Corporation to enclose more than one-hundredth of the total area of parks provided by them.

The Corporation may—

in any zoological garden or botanical garden provided by this section provide such entertainments and erect such buildings and execute such works as they may, in pursuance of section 9 (Provision of entertainments in parks, &c.) of this Act authorised to provide, construct and maintain in a part of a park and may exercise such powers in relation to such entertainments as are conferred upon them by the said section 9;

in any such zoological garden or botanical garden buy and sell articles and commodities subject to the provisions of all enactments relating thereto;

in pursuance of any agreement or arrangement for the purchase and sale at any such zoological garden or botanical garden of such articles and commodities;

PART II
---CONT.

(d) grant upon such terms and conditions and for such periods as they think fit the right so to provide for such articles and commodities.

Golf courses.

5.—(1) The Corporation may provide a golf course within or outside the borough.

(2) The Corporation may make byelaws for regulating the use of golf courses provided under this section (including buildings provided or works executed under section 7 (Further provisions as to last three foregoing sections) of this Act) for the purpose of such golf courses and anything with which such courses or buildings are equipped by virtue of section 271 of the Act of 1936 as applied by this Act), whether within or outside the borough, and the conduct of persons using them or coming thereto.

Roller-skating rinks.

6. The Corporation may provide a roller-skating rink for that purpose may utilise any part of a park provided by or under their management and control:

Provided that the part of any park utilised under this section shall not exceed one-eighth of the area thereof or one acre whichever be the less.

Further provisions as to last three foregoing sections.

7.—(1) In this section the expression "place of recreation" means—

- (a) a zoological garden or botanical garden provided under section 4 (Provision of zoological and botanical gardens) of this Act;
- (b) a golf course provided under section 5 (Golf courses) of this Act; and
- (c) a roller-skating rink provided under section 6 (Roller-skating rinks) of this Act;

or any of them.

(2) The Corporation may provide such buildings and execute such works as may be necessary or expedient for the purpose of any place of recreation and references in the following provisions of this section to a place of recreation shall include references to any buildings provided or works executed under this section and to any thing with which any place of recreation or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

- (a) themselves manage any place of recreation, making reasonable charges for the use thereof or admitting persons thereto as they think fit; or
- (b) let it or any part thereof for such consideration and upon such terms and conditions as they think fit.

PART II
—cont.

Corporation may—

at any place of recreation provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto;

enter into any agreement or arrangement for the production and sale of refreshments as aforesaid;

do upon such terms and conditions and for such periods as they think fit the right so to provide and sell refreshments as aforesaid;

themselves or any person appointed by them in that behalf apply for, and hold, licences for the sale of intoxicating liquor at any such place of recreation.

for the purpose of providing a parking place for vehicles under the provisions of the Road Traffic Regulation Act 1967 the Corporation with the consent of the Minister utilise any part provided by them or under their management and

Parking places in parks, etc. 1967 c. 76.

that a part of any park utilised under this section shall

not exceed one-tenth of the total area thereof; or

in the case of a park having an area not exceeding 100 acres, 1 acre; or

in the case of a park having an area exceeding 100 acres,

not more than

one-tenth of the less.

In this section the expression "entertainments" includes fireworks, pyrotechnic displays, illuminations, exhibitions, miniature railways, model villages and other similar attractions.

Provision of entertainments in parks, etc.

Corporation may enclose or set apart any part of a park by them or under their management and control and the part so enclosed or set apart provide entertainments, erect such buildings and execute such works as may appear to be expedient for the purpose;

that the Corporation shall not under the powers of this section

enclose or set apart any part of a park for the purpose of providing pyrotechnic displays or illuminations except during a period beginning half an hour before sunset on any day and ending at the ordinary time for opening the park on the following day; or

enclose or set apart for the purpose of providing any entertainments other than pyrotechnic displays or illuminations any part of a park exceeding one-tenth of the total area thereof or 1 acre whichever is the greater.

PART II

ENTERTAINMENTS

- (3) The Corporation may either—
- themselves manage any entertainments provided by this section, making such reasonable charges for admission thereto as they think fit; or
 - let the entertainments, or the part of a park enclosed apart for the purpose of entertainments, be held on hire for consideration and on such terms and conditions as they think fit.

(4) Any lessee or tenant of the Corporation under subsection (3) of this section shall have the like powers of providing entertainments and constructing buildings and executing works, making reasonable charges for use or admission as are conferred upon the Corporation by this section.

(5) Any expenditure incurred by the Corporation in the exercise of powers of this section (excluding capital expenditure but including loan charges) less the net amount of the receipts, if any, of the Corporation in respect of the exercise of those powers shall be taken into account for the purpose of determining whether any, and if so what, expenditure may be incurred in any year under subsection (3) of section 132 of the Local Government Act 1948 (which limits the expenditure of a local authority under that section) be taken into account if it was expenditure under the said section 132.

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

1948 c. 26.

Saving for trusts

10. No power conferred upon the Corporation by any provision of this Part of this Act shall be exercised in any manner—

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

PART III
MARKETS, ETC.

Tolls and charges at markets of Corporation.

11.—(1) In this section the expression “the markets” means any market, market place or market hall for the sale of goods forming part of the markets undertaking of the Corporation.

Section 42 of the Food and Drugs Act 1955 (which makes provision for stallages, tolls and other charges in the markets) shall apply to the markets as if the markets were established under that Act and as if the stallages, tolls and charges taken by the Corporation in such markets were authorised under that Act and the Corporation were a market authority in relation to the markets by the meaning of that Act.

Part III
1955 c. 15
(4 & 5 Eliz. 2.)

The following enactments are hereby repealed:—

Blackpool Improvement Act 1853 — 1853 c. cxx.

Section LXXIV (Power to take Tolls for Stalls, &c., as specified in Schedule (A));

Section LXXV (Tolls for weighing and measuring, as in Schedule (B));

Section LXXVI (Tolls for weighing Carts, &c., as in Schedule (C));

Schedules (A), (B) and (C);

Blackpool Improvement Act 1928 — 1928 c. cxi.

Section 49 (Revision of tolls);

Blackpool Corporation Act 1952 — 1952 c. x.

Section 27 (Market tolls and weighing machines):

And notwithstanding the repeals effected by this sub-section the Corporation may, until a table of stallages, tolls and charges is approved by the Minister for the purpose of the markets, demand and recover such stallages, tolls and charges as they are authorised to demand and recover under the enactments so far as they apply to the markets.

Section 42 of the Blackpool Improvement Act 1879 (which provides that the Corporation may grant to any person a licence to sell certain articles in places other than a market stall, booth and empowers the Corporation to demand and recover such licence a sum not exceeding one pound) shall have effect as if for the words "one pound" there were substituted the words "ten pounds".

Increase in
fees for
licences for
sales out of
market.
1879 c. cxxix.

PART IV

FINANCE

The Corporation may borrow—

Power to
borrow.

such sums as may be necessary for any of the purposes of this Act;

and the consent of any sanctioning authority, such consent as may be necessary for the payment of the costs, interest and expenses of this Act;

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

the bor

PART IV
—cont.

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

1946 c. 58.

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

Amendment of
section 64 of
Act of 1901.

14. Section 64 (Provisions as to raising money by bills) of the Act of 1901 is hereby amended as follows:—

1933 c. 51

(1) the words "In addition to the modes of borrowing prescribed by section 196 of the Local Government Act, 1933, the Corporation may raise money—

(a) for any purpose for which the consent of the sanctioning authority within the meaning of the Act of 1933 has been obtained; or

(b) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called 'Blackpool Corporation bills' and in this section referred to collectively as 'bills' and separately as a 'bill') subject to and in accordance with the following provisions of this section:—" shall be substituted for all the words from the beginning of the section to the end of subsection (1)

(2) in subsection (2) the words "under this section" shall be substituted for the words "in pursuance of this Act" and the words "being a date" shall be substituted by the words "so that the date be";

(3) in subsection (3) the word "and" shall be inserted after the words "in such manner" and the words "and a public advertisement in such manner" shall be omitted;

(4) in subsection (4) the words "resolution passed by the council" shall be substituted for the words "warrant sealed by the Corporation";

(5) in subsection (6) the words "shall bear the signature of the treasurer of the borough or of some other person authorised by the council" shall be substituted for the words "shall be under the seal of the Corporation";

(6) subsections (7) and (8) shall be omitted;

(7) the following subsection shall be substituted for subsection (9):—

"(9) The Corporation may make regulations providing for—

(a) the preparation and form and the issue, payment and cancellation of bills;

- (b) the issue of a new bill in lieu of one defaced, lost or destroyed;
- (c) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and
- (d) the giving of a proper discharge on the payment of a bill: ”;

subsection (10) the words “ or person ” shall be inserted after the word “ bank ” (wherever that word occurs) and the words “ Such remuneration shall be paid out of the borough fund and borough rate ” shall be omitted;

subsection (12) shall be omitted;

the following subsection shall be substituted for subsection (13):—

“(13) The aggregate amount payable on bills current at any one time shall not exceed—

- (a) the sum of one million pounds; or
- (b) one-fifth of the amount of the estimated gross rate income of the borough during the then current financial year;

whichever is the greater, except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills: ”;

subsection (15) shall be omitted;

the following subsection shall be substituted for subsection (16):—

“(16) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills: ”;

subsection (18) shall be omitted;

the following subsection shall be substituted for subsection (19):—

“(19) In this section—

‘ gross rate income ’ means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967; and

PART IV

—cont.

1933 c. 51.

General
insurance
fund.

‘revenues’ in relation to the Corporation has the same meaning as in section 218 of the Local Government Act 1933;”

and shall accordingly have effect as set out in Schedule 1 to this Act.

15.— (1) The Corporation may establish a fund to be known as “the insurance fund” with a view to providing a sum of money which shall be available for making good all such losses, damages and expenses as may from time to time be specified by resolution of the council (in this section referred to as “specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund be restored to the prescribed amount. If at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the prescribed amount, such moneys shall be transferred to the general rate fund, and, if any sums shall have been appropriated from the housing revenue account or from the fund or moneys of any undertaking or service under the said subsection (4) from the housing revenue account or, as the case may require, to the fund or moneys of the undertaking or service, in such proportion as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned to the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund or (in the case of an undertaking or service the accounts of which do not form part of the general rate fund) from the fund or moneys of that undertaking or service and, if they think fit, from the housing revenue account and shall show the same in their accounts under the appropriate heading or division in respect of the particular undertaking or service of the Corporation which if the specified risks were insured against in an insurance office would be properly charged with the payment of the premium of such insurance:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the

payments which in the opinion of the Corporation properly cover the specified risks arising from the purposes for which the account is kept.

Subject to so far as the insurance fund and the proceeds of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner permitted by any enactment) be invested in statutory securities, and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the credit of the fund.

The Corporation shall in every financial year, so long as the amount of the insurance fund is less than the prescribed amount, carry to the credit of that fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the credit of the general rate fund in pursuance of the last foregoing section.

And so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the undertakings or services liable to contribute to the cost of the fund, or (in the case of an undertaking or service the cost of which do not form part of the general rate fund) to the fund or moneys of that undertaking or service, in such rates or proportions as may be equitable.

For the purposes of this section the Corporation may, if it appears expedient, include, in the specified risks, risks of injury to any teacher, caretaker or other person employed in any school in the borough.

The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in respect of the specified risks in the order of the dates on which such losses, damages, costs or expenses become ascertained, and from time to time the insurance fund shall be applied to make good any such losses, damages, costs or expenses. The Corporation may, with the sanction of the Minister, borrow under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to meet any such deficiency.

Any amounts of the annual charges in respect of interest and repayment of principal of any sums so borrowed and the amounts of such deficiencies as aforesaid not made up by the insurance fund shall be paid out of the general rate fund or, as the Corporation may determine, out of the fund or moneys of the undertaking

PART IV
—cont.

or service and charged in the accounts of the Corporation on the separate headings or divisions in respect of such undertakings or services of the Corporation, and in such proportions as the Corporation may determine having regard to the risks to which such deficiencies arise.

1953 c. 26.

(8) In the event of the insurance fund ceasing to be available to meet losses, damages, costs and expenses in respect of specified risks, the insurance fund may be carried to and form part of any capital fund established by the Corporation under section 1 of the Local Government (Miscellaneous Provisions) Act 1953, or (if the Corporation so determine) shall be applied in such other manner as the Minister may approve towards the discharge of any debt of the Corporation or otherwise for any purpose for which capital money may properly be applied.

(9) In this section—

“ insurance office ” means—

(i) an insurance company; or

(ii) an underwriter being a member of an association of underwriters;

“ prescribed amount ” means such sum as may from time to time be prescribed by the council; and

“ statutory securities ” means any securities in which moneys are for the time being authorised by law to invest the Corporation or in which the Corporation are authorised to invest moneys forming part of the superannuation fund maintained by them.

(10) (a) If and when the Corporation establish an insurance fund under this section any moneys standing to the credit of the fire insurance fund established under section 55 (Fire insurance fund) of the Act of 1901 and any moneys standing to the credit of the workmen's compensation fund established under section 56 (Workmen's compensation fund) of the Act of 1901 shall be carried to and form part of the insurance fund established under this section.

(b) As from the establishment of an insurance fund under this section the following enactments are hereby repealed:—

the Act of 1901—

Section 55 (Fire insurance fund);

Section 56 (Workmen's compensation fund);

1925 c. cii.

Blackpool Improvement Act 1925—

Section 109 (Further provisions as to accident fund);

1932 c. xxix.

Blackpool Improvement Act 1932—

Section 11 (Amendment of provisions as to accident fund).

Establishment
expenses.

16. Without prejudice to section 292 of the Act of 1934, to that section as applied by any other enactment, where any enactment the Corporation are empowered to execute

request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover as part of, the charges such additional sum, not exceeding five per cent. of the cost of the works, as they think fit, in respect of their disbursement charges.

PART IV
—cont.

Notwithstanding anything in subsection (5) of section 1 of the Small Dwellings Acquisition Act 1899 (which empowers authorities who have duly undertaken to act under that Act to advance money to residents in houses for the purchase of such houses) where any person repays any part of any advance made to such person by the Corporation under the Small Dwellings Acquisition Acts 1899 to 1923, it shall not be obligatory on the Corporation to reduce, in accordance with the table set out in the said subsection, the amount of each periodical instalment subsequently to be made by such person, and the total payments may accordingly remain unvaried, and in any event the period during which the advance is to be repaid shall be appropriately reduced.

As to repayment of loans under Small Dwellings Acquisition Acts 1899 to 1923.
1899 c. 44.

PART V

SUPERANNUATION

(1) In its application to the investment by the Corporation under section (3) of section 21 of the Local Government Finance Act 1937 of any moneys forming part of, but not being required to meet payments out of, the superannuation fund, the Act of 1961 shall have effect as if—

Extension of power to invest superannuation fund moneys.
1937 c. 68.

(2) The following paragraphs were included in Part III (Wider-Range Investments) of Schedule 1 to that Act:—

(a) In any securities issued in any of the scheduled territories within the meaning of section 1 of the Exchange Control Act 1947, or in Canada, the United States of America, Japan, the Netherlands Antilles, or in any of the following countries, namely, Austria, Belgium, Denmark, France, Holland, Italy, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland and Western Germany being securities which at the time of making the investment are listed on any stock exchange in any of the said scheduled territories or any of the territories mentioned in this paragraph;

1947 c. 14.

(b) In the purchase, whether alone or jointly or in conjunction with any other person, of immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands, or of any share or interest in such immovable property, including any interest in such immovable property comprised in a

PART V
—cont.

building agreement providing for the grant of a lease of such property contingent on the erection and completion of the building specified in such agreement.

6. In the advance of money upon the security of a legal estate or interest in immovable property comprised in a building agreement as specified in paragraph 5 of this Part and in any such case where the security be taken by a separate and distinct mortgage or security made exclusively to the Corporation, or by a mortgage or security made jointly to the Corporation and any other person.”;

(b) in Part IV (Supplemental) of the said schedule

(i) in paragraph 1 there were inserted after the word “schedule” the words “other than those mentioned in paragraph 4 of the said Part III”;

(ii) after paragraph 2 there were inserted the following paragraph—

“ 2A. The securities mentioned in paragraph 1 of Part III of this Schedule do not include share debenture stock not fully paid up (except share debenture stock which, by the terms of issue, is required to be fully paid up within nine months of the date of issue).”;

(iii) sub-paragraph (a) of paragraph 3 were omitted and the following were substituted for sub-paragraph (b) of the said paragraph 3:—

“(b) shares or debenture stock of an incorporated company which has not paid a dividend on its ordinary stock or shares for each of the five years immediately preceding the date of investment, if the company has been incorporated or registered or has been trading for less than five years before that date unless—

(i) the company has paid such a dividend on its ordinary stock or shares for each of the five years since incorporation or registration or commencement of trading as the case may be; or

(ii) in the case of a company which has been incorporated or registered or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such companies has paid dividends on its ordinary stock or shares for each of the five years immediately preceding the date of the amalgamation.”;

(vi) after paragraph 4 there were inserted the following paragraph:—

Part V
—cont.

“ 4v. The securities mentioned in paragraph 4 of Part III of this Schedule do not include shares or debentures of an incorporated company of which the total issued and paid-up share capital is less than one million pounds sterling or its equivalent in any foreign currency.”

Notwithstanding anything in the Act of 1961, the Corporation may invest any moneys referred to in subsection (1) in any manner specified in Part III of Schedule 1 of the Act of 1961, as amended by this section, and may also from time to time make any such investments:

(i) such moneys shall be so invested at any time when the value of all the investments made in the manner specified in the said Part III as so amended equals or exceeds three-quarters of the total value of the superannuation fund; and

(ii) such moneys so invested in the manner specified in paragraphs 5 and 6 of the said Part III as so amended shall equal or exceed one-quarter of the total value of the superannuation fund.

For the purposes of this subsection, the value of any investment belonging to the superannuation fund shall be deemed to be the value of the investment at the time at which it was made.

“ the Act of 1961 ” means the Trustee Investments Act 1961; 1961 c. 62.

“ the superannuation fund ” means the superannuation fund maintained by the Corporation under the Local Government Superannuation Acts 1937 to 1953.

“ ordinary salary, wages, fees and other payments paid or payable to an employee of the Corporation or of any other local authority in respect of any part-time employment by the Corporation (in addition to his ordinary whole-time employment)—” means any such salary, wages, fees and other payments paid or payable to an employee of the Corporation or of any other local authority in respect of any part-time employment by the Corporation (in addition to his ordinary whole-time employment)—
— (a) as a constructor or other employee performing duties at a centre; or
— (b) as an instructor or other employee performing duties at a centre; or
— (c) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment where such duties are by the Corporation;

Certain remuneration and service excluded for superannuation purposes.

PART V
---cont.

shall not be remuneration within the meaning of the Government Superannuation Acts 1937 to 1953, or of any enactment affecting the superannuation fund maintained by the Corporation under those Acts and the service of any employee in any such part-time employment shall not be treated as service for any of the purposes of those Acts:

Provided that this subsection shall not apply to an employee of the Corporation who is required by his contract of employment in addition to holding a whole-time employment with the Corporation to hold a part-time appointment or to undertake additional duties in respect of which separate remuneration is payable.

(2) Where before the passing of this Act any person has made any contribution or contributions to the superannuation fund maintained by the Corporation which would not have been required if this section had been in force when such contributions were paid the Corporation may repay to such person a sum equal to the amount of such contribution or contributions together with the compound interest thereon calculated at the rate of repayment at the rate of three pounds per cent per annum with half-yearly rests.

Transfer of certain sums from superannuation fund.

1937 c. 68.

20.--(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or of grave misconduct the Corporation may transfer from the superannuation fund maintained by them to the general rate fund or to any revenue account of any undertaking or service of the Corporation the accounts of which do not form part of the general rate fund (as the case may be) an amount not exceeding the whole or part of any contributions not returned to him or paid to him or his wife or family under subsection (4) of section 10 of the Government Superannuation Act 1937, or the amount of loss suffered by the Corporation in consequence of the contributory employee's offence or misconduct whichever is the less.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund maintained by the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct of which the employing authority have suffered direct loss, the Corporation shall, on demand from the employing authority, pay to them out of such fund an amount equal to so much of the employee's contributions to the fund as the employing authority have not directed to be returned to the employee or paid to his wife or family, or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct, whichever is the less:

PART V
— cont

When a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1959, the Corporation shall not under this sub-section be required to pay to the employing authority so much of the employee's contributions as amounts to the amount of such payment in lieu of contributions;

The Corporation shall not be required to pay to the employing authority so much of the employee's contributions as relates to any period of previous service, if the employing authority have directed that all rights accrued by or in respect of him with respect to that period of previous service, being rights under Part I of the Superannuation Act 1937 or under the Local Government Superannuation Act 1953 or any regulations made under that Act, shall be forfeited.

In this section "contributory employee" and "employing authority" have the same respective meanings as in the Local Government Superannuation Act 1937.

1937 c. 63.

Notwithstanding anything in the Local Government Superannuation Acts 1937 to 1953, the Corporation shall not be required to make any payment by way of superannuation or pension under those Acts, or under the Pensions (Provisional Payments) Act 1920 to 1965, or any other superannuation, pension or other such payment under any other Act, to, or for the benefit of, any person unless a certificate is given to the Corporation, in such manner as they may from time to time require, of the existence of such person.

As to proof of continued existence of pensioners.

Charges and expenses incurred by the Corporation in connection with the investments forming part of the superannuation fund or otherwise in relation thereto, shall be paid out of that fund.

Expenses of investment of superannuation fund.

PART VI

MISCELLANEOUS

The Corporation may advance money to—
any person for the purpose of enabling or assisting him to purchase or lease any land in the borough; or
any person who is a purchaser or lessee of—
any land in the borough; or
any land (whether within or outside the borough) required from or leased by the Corporation;

Loans for erection of buildings, etc.

PART VI
—cont.

for the purpose of enabling or assisting in the erection of a building on such land or to extend or improve a building thereon:

Provided that any such advance shall not exceed the amount which in the opinion of the Corporation is not more than the market value of the interest of the borrower in the land in respect of which the purpose of the loan has been effected.

1963 c. 29.

(2) The provisions of subsections (2), (4) and (5) of the Local Authorities (Land) Act 1963 (which sections relate to the power of local authorities to make advances for the erection of a building on land sold or let by them) shall apply in relation to an advance made under subsection (1) of this section, and for that purpose those provisions shall have effect subject to the substitution of references therein to an advance made under this section and to any other necessary modifications.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have, at any reasonable times, a right to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the Corporation transfer his interest in the land in respect of which the advance has been made but any such transfer shall be made subject to the provisions of the instrument securing the advance.

(5) In this section

“lessee” includes a person to whom the Corporation has agreed to grant a lease and the expression “lease” shall be construed accordingly; and

“owner” means the person (other than a mortgagee in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple interest in the land.

Power to provide facilities for hovercraft, hydrofoil vessels, etc

24. (1) (a) The Corporation may use for such purposes as it may think fit lands and buildings within or outside the Corporation as a terminal or terminals for hovercraft, hydrofoil vessels, or similar craft or vessels, and may erect or adapt or alter buildings and may maintain and manage buildings, structures, and other works for use in connection with such hovercraft, hydrofoil vessels, or similar craft or vessels, and may make reasonable charges in respect of the use of such works.

(5) The Corporation may at any such terminal provide such facilities, appliances and conveniences as may be requisite expedient for the operation, equipment, maintenance, repair or use of such hovercraft or vessels.

(6) Without prejudice to the generality of the provisions of subsection (1) of this section, the Corporation may exercise the powers at any terminal provided by them in accordance with the provisions of subsection (1) of this section:—

(a) they may provide and maintain parking places, cloak-rooms, waiting rooms, refreshment rooms, shelters, offices, information bureaux and displays, lavatories, conveniences and other similar accommodation;

(b) they may make reasonable charges for the use of, or let on hire to any person, any accommodation so provided, or any building or structure;

(c) they may make regulations as to the use of such parking places and accommodation.

Nothing in this section shall exempt the Corporation from the provisions of section 9 of the Harbours Act 1964.

1964 c. 40.

Section 11

"Hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"Hovercraft vessel" means a vessel, however propelled, designed to be supported on foils.

Nothing in this section shall prevent the Corporation, if they think fit, permit any person, subject to such conditions as they may think fit, to sell, offer or expose for sale any wares, merchandise or thing on the promenade or promenade (including any part thereof) or on any parade (not open for selling, &c.) of the Corporation.

Sale of goods on the promenade.

Nothing in this section shall prevent the Corporation from exercising all of the order relating to Blackpool confirmed by the Local Government Board's Provisional Orders (No. 7) Act 1887, shall have effect as if—

1865 c. ccxv.

1887 c. clxxx.

For the words "for the purpose of selling any-thing" there were inserted the words "except with the consent of the Corporation which may be given on such conditions as the Corporation may think fit".

PART VI
— cont.

(ii) after the words "but shall" the inserted the words "subject as aforesaid";

(iii) after the words "any person who" inserted the words "except with the consent of the Corporation and in accordance with such conditions, if any, as the Corporation may impose"; and shall have effect as set out in Part I of Schedule 2 to this Act; and

1893 c. lxxxvi.

1899 c. clxxxiv.

1917 c. lii.

1920 c. lxxxvii.

(b) section 22 (Prohibiting sale on North Shore) of the Blackpool Improvement Act 1893, and as incorporated by section 10 (Incorporation of Act of 1893) of the Blackpool Improvement Act of 1893) of the Blackpool Improvement Act 1899, and as applied by section 58 (Application of sections of Act of 1893 to certain works) of the Blackpool Improvement Act 1917, and as applied by section 10 (Application of sections of Act of 1893 to certain works and lands) of the Blackpool Improvement Act 1920 shall have effect as if after the words "Notwithstanding" there were inserted the words "except with the consent of the Corporation and subject to such conditions, if any, as the Corporation may impose"; and shall have effect as set out in Part II of Schedule 2 to this Act.

1952 c. x.

(2) In this section the expression "promenade" means any part of the promenade (as defined in section 4 (1) of the Blackpool Corporation Act 1952) to which any of the enactments mentioned in subsection (1) of any of the enactments mentioned in subsection (1) of this section apply.

Prohibition
of parking
in front
gardens.

26. (1) (a) If representation is made in writing to the Corporation that the amenities of any neighbourhood are prejudiced by the habitual use of the front garden of any private dwelling-house in a street in the borough as a parking place for one or more heavy commercial vehicles or motor-boats the Corporation on complying with the provisions of this section may make an order precluding the use of the front garden of the private dwelling-houses in that street or any part thereof as a parking place for heavy commercial vehicles or motor-boats.

(b) A representation under the foregoing paragraph shall be made in writing and signed by not less than ten electors residing in private dwelling-houses in the neighbourhood or within 100 yards thereof.

(2) (a) If the Corporation consider that such an order should be made they shall publish a notice thereof in a newspaper circulating in the borough and stating where the order may be inspected and copies purchased, and that an appeal against said order may be made in writing to the Corporation within one month from the date of the first publication of the notice.

The Corporation shall consider all such objections and shall give to the owner or occupier of every dwelling-house fronting on such street or such part thereof who has made an objection an opportunity of being heard by a committee before the order is made.

(a) After considering any objections duly made under the provisions of this subsection the Corporation may make an order prohibiting the use of the front garden of any dwelling-house in any part of a street specified in the order as a parking place for two or more heavy commercial vehicles or caravans or

any such order shall come into operation at the expiration of one month after the first publication in pursuance of subsection (b) of this section of the notice of the order or, if an appeal is made, when the appeal is disposed of or withdrawn or the period of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine, but subject to their power to make a further order in the same or to the original order.

When an order has been made by the Corporation under this section the Corporation shall give notice thereof and of the right of appeal therefrom in a local newspaper circulating in the borough and shall also give notice thereof to the owner or occupier of a dwelling-house in the borough affected by the order may appeal to a magistrates'

and its application to an appeal under this section of the Magistrates' Act of 1936 shall have effect as if the time within which such an appeal may be brought were one month after the first publication in pursuance of this subsection of the notice of the order to which the appeal relates.

The purposes of this section —

(a) any boat or vessel other than —

(i) a boat or vessel which (inclusive of covering and of any trailer or stand on which it rests or is supported) is in every part of an overall height not exceeding four feet 6 inches (measured from the highest to the lowest part of the boat or vessel as it stands or, if it may be, from the highest part of the boat or vessel as it stands to the lowest part of the trailer or stand on which it rests or is supported) and is less than 10 feet in length; or

(ii) a boat or vessel which is not designed or adapted for use as a habitation and in which the mast (if any) is dismounted.

PART VI
—cont.

“ caravan ” means any van or other conveyance (with or without wheels or not) constructed or adapted for use as a place of habitation;

“ dual-purpose vehicle ” means a vehicle constructed or adapted for the carriage both of passengers and of burden of any description being a vehicle the unladen weight does not exceed two tons and which either—

(a) satisfies the conditions as to construction specified in Schedule 3 to this Act; or

(b) is so constructed or adapted that the power of the engine is or by the appropriate controls of the vehicle can be transmitted to the wheels of the vehicle;

“ front garden ” means so much of a garden or land attached to or used in connection with a private dwelling-house as lies in front of—

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

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

(c) if there be neither of such lines then any line beyond which a house or building may not be erected with the consent of the Corporation (being a consent brought forward on the land without contravention of the provisions of section 75 of the Highways Act 1959);

“ heavy commercial vehicle ” means any vehicle (other than a dual-purpose vehicle) whether mechanically propelled or not constructed or adapted for the carriage of goods and having an unladen weight exceeding three hundredweight;

“ private dwelling-house ” means a dwelling-house in which no part is used for the purposes of any trade or business and includes a block of flats no part of which is used for the purposes of any trade or business.

(6) For the purposes of this section a vehicle having an unladen weight exceeding thirty hundredweight in which is fitted freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which the installation of that equipment would have an unladen weight

thirty hundredweight or less shall be deemed not to be a heavy commercial vehicle but the exemption afforded to such a vehicle by this subsection shall only have effect—

- (a) if so long as the equipment is not in operation; or
- (b) if the equipment is in operation, if and so long as it is so operated as not to cause a nuisance by reason of the noise of the equipment in operation or the smell emanating from it.

(1) The person in control of any front garden or part thereof or the person having control of a front garden or part thereof who permits it to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle or motor or boat in a front garden in contravention thereof shall be liable to a fine not exceeding twenty pounds and a daily default fine not exceeding five pounds.

(1) Where any lost or uncollected property is contained in any pack, box or other receptacle, the Corporation may cause it to be opened and the contents examined, if they deem it necessary to do so, for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of the contents.

Disposal of lost and uncollected property.

(1) If any lost or uncollected property within three months of its coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any person, thereupon vest in the Corporation:

(a) any lost or uncollected property which is of a nature and any lost property the custody of which is subject to a reasonable expense or inconvenience may, notwithstanding that the custody has not vested in the Corporation under this section, be disposed of at such time and in such manner as the Corporation think fit, and, if it is sold, the proceeds of sale shall be paid to the Corporation at the expiration of three months from the date on which the property came into their custody.

When any lost or uncollected property becomes vested in the Corporation pursuant to this section, the Corporation shall deliver to the person, whether an employee of the Corporation or not, who placed the lost or uncollected property in the custody of the Corporation, the whole or any part thereof or of the estimated value thereof in cash.

(1) Nothing shall, in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the provisions of this section, have effect.

PART VI
—cont.

(5) In this section—

“lost property” means any property (including any property coming into the custody of the Corporation) which is left on or in—

(a) any street, market or public place within the borough; or

(b) any hackney carriage or pleasure boat within the borough; or

(c) any premises (within or outside the borough) occupied by the Corporation to which the public have access; and

“uncollected property” means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is a notice containing a statement to the effect of the provisions of sections (1) and (2) of this section.

1893 c. lxxxvi.
1958 c. xx.

(6) Section 145 (Lost property deposited may be retained if not found in twelve months) of the Blackpool Improvement Act 1893 and section 40 (Lost property) of the Blackpool Corporation Act 1958 are hereby repealed.

PART VII

GENERAL.

Confirming
authority for
byelaws.

28. As respects byelaws made under this Act the authority for the purpose of section 250 of the Act of 1969 shall be the Secretary of State.

Local
inquiries.

29.—(1) Any Minister of the Crown may cause inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1969 shall apply in relation to any such inquiry; and for the purposes of the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

1946 c. 31.

(3) In this section “Minister of the Crown” has the meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

Restriction
on right to
prosecute.

30. The written consent of the Attorney General shall be a requisite for the taking of proceedings in respect of any offence created by or under this Act by any person other than the Corporation or any person aggrieved or the Corporation.

31. Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

Part VII
cont.
Appeals

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

Application
of general
provisions of
Act of 1936

(2) The section of the Act of 1936 mentioned in Part II of Schedule 4 to this Act shall have effect as if references therein to that Act included references to section 26 (Prohibition of parking about gardens) of this Act.

33. Section 205 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Protection of
members
and officers
of Corpora-
tion from
personal
liability
1875 c. 51

34. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

Costs of Act

SCHEDULES

Section 14.

SCHEDULE 1

ACT OF 1901, SECTION 64 (PROVISIONS AS TO RAISING MONEY BY BILLS) AS AMENDED

1933 c. 51.

64. In addition to the modes of borrowing prescribed by section 64 of the Local Government Act 1933, the Corporation may raise money

(a) for any purpose for which the consent of the sanctioning authority within the meaning of the said Act of 1933 has been obtained; or

(b) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called "Blackpool Corporation bills" and in this section referred to collectively as "bills" and separately as "bill") subject to and in accordance with the following provisions of this section:—

- (1) A Blackpool Corporation bill shall be a bill in the form prescribed by regulations made under this section for the payment of the sum named therein in the manner and at the date therein mentioned being a date not less than three months and more than twelve months from the date of the bill;
- (2) Such bills may be offered for purchase by tender in such manner and on such conditions as the Corporation determine;
- (3) The bills shall be issued under the authority of a resolution passed by the council;
- (4) Each bill shall be for the amount directed by the Corporation and not being less than one thousand pounds;
- (5) Each bill shall bear the signature of the treasurer of the Corporation or of some other person authorised by the Corporation;
- (6) The Corporation may make regulations providing for
 - (a) the preparation and form and the mode of payment and cancellation of bills;
 - (b) the issue of a new bill in lieu of one defaced or destroyed;
 - (c) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and
 - (d) the giving of a proper discharge on the payment of a bill;
- (7) The Corporation may enter into such arrangements with any bank or person for carrying into effect the provisions of this Act with respect to the issue of bills and to the payment of the principal sum named therein and to all matters relating thereto and for the proper remuneration of such bank or person with reference thereto as they may think proper;

Sec. 1
—cont.

The amount of money received by the Corporation in respect of a bill shall be deemed to be principal money raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect of that bill shall be deemed to be interest on the principal money so raised:

The aggregate amount payable on bills current at any one time shall not exceed—

(a) the sum of one million pounds; or

(b) one-fifth of the amount of the estimated gross rate income of the borough during the then current financial year;

whichever is the greater, except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills:

The Corporation may subject to the provisions of the preceding subsection renew bills at maturity:

The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills:

A Blackpool Corporation bill shall entitle the holder to payment at maturity of the sum expressed in such bill to be payable and shall be charged on all the revenues of the Corporation:

In this section—

“gross rate income” means the gross rate income as defined in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967; and

1967 c. 9.

“revenues” in relation to the Corporation has the same meaning as in section 218 of the Local Government Act 1933.

1933 c. 51.

SCHEDULE 2

Section 25.

PART I

PARADE NOT OPEN FOR SELLING, &C.) OF THE BLACKPOOL IMPROVEMENT ACT 1865, AS AMENDED

1865 c. ccxiv.

no part of the Parade will be a public highway; the Parade, after it is open for public use, shall not be used for the purpose of selling anything except with the consent of the Corporation which may be given subject to such conditions as the Corporation may think fit, but shall subject as aforesaid be used exclusively for purposes of recreation by persons on foot without carriages in respect of which toll is authorised by any person who except with the consent of the Corporation shall not be allowed to do so, and subject to such conditions, if any, as the Corporation

Sec. 2
—cont.

may impose hawk, offers, or exposes for sale or sells any wares, merchandise, or thing whatsoever on the parade, or on a wall or embankment now or hereafter made, for the purposes in connection with the carriage drive and parade by this Act authorized or on any road or slade leading from such carriage drive and to the sea shore, shall be liable for any such offence to a penalty not exceeding forty shillings, to be recovered summarily.

PART II

1893 c. lxxxvi. SECTION 22 (PROHIBITING SALE ON NORTH SHORE WORKS) OF BLACKPOOL IMPROVEMENT ACT 1893, AS AMENDED

22. No person shall except with the consent of the Corporation and subject to such conditions, if any, as the Corporation may impose hawk offer or expose for sale or sell any goods wares merchandise or things whatsoever on the North Shore Works and any person who contravenes against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings to be recovered summarily.

Section 26.

SCHEDULE 3

CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

1. The vehicle must be permanently fitted with a rigid roof without a sliding panel.
2. The area of the vehicle to the rear of the driver's seat must—
 - (a) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and the seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to the floor of the vehicle; and
 - (b) be lit on each side and at the rear by a window or window glass or other transparent material having an area of not less than 2 square feet on each side and not less than 120 square inches at the rear.
3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 2 of this schedule (or if there is more than one such row of seats the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

SCHEDULE 4

Section

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section

Marginal note

- 271 Interpretation of "provide".
- 283 Notices to be in writing; forms of notices, &c.
- 288 Penalty for obstructing execution of Act.
- 296 Summary proceedings for offences.
- 297 Offending offences and penalties.
- 304 Magistrates and justices not to be disqualified by liability to rates.
- 323 Powers of Act to be cumulative.
- 341 Power to apply provisions of Act to Crown property.

PART II

SECTIONS OF ACT OF 1936 APPLIED TO SECTION 26 OF THIS ACT

Marginal note

- Power to enter premises.

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