

Surrey County Council Act 1971

CHAPTER xxxvi

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ELIZABETH II



1971 CHAPTER xxxvi

An Act to confer further powers on the Surrey County Council and on local authorities in the administrative county of Surrey in relation to lands, amenities and highways and the local government, improvement and finances of the county; and for other purposes.

[14th July 1971]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to lands, the preservation and improvement of amenities and highways and for the local government, improvement and finances of the administrative county of Surrey; and that the powers of the county council of that administrative county and in certain cases of the local authorities within that administrative county should be enlarged and extended as by this Act provided:

(2) It is expedient to make further provision for the superannuation of officers and servants of the Council and local authorities and of persons who contribute to the superannuation funds of the Council and local authorities, and for the benefit of their dependants:

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

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

1933 c. 51.

(5) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 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

Short title.

1. This Act may be cited as the Surrey County Council Act 1971.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands, planning and amenities.

Part III.—Highways.

Part IV.—Fire protection.

Part V.—Finance.

Part VI.—Superannuation.

Part VII.—Miscellaneous.

Part VIII.—General.

Interpretation.

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

(2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“ the Act of 1933 ” means the Local Government Act 1933:

PART I
—cont.

(b) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and

(c) in the case of any other highway, the local authority for the district in which the highway is situate;

“land” includes land covered by water and any interest in land or any easement or right in, to or over land;

“local authority” means, except in Part VI (Superannuation) of this Act, the council of a district;

1952 c. 55. “magistrates’ court” has the same meaning as in the Magistrates’ Courts Act 1952;

“officer” includes servant;

1969 c. 48. “operational land” in relation to statutory undertakers (other than the Post Office) means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings and in relation to the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;

“parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish;

“the statutory undertakers” means the electricity boards, the gas boards, the Gas Council, the generating board, the water undertakers and the Post Office or any of them, as the case may be;

“the superannuation fund” means the superannuation fund maintained by the Council under Part I of the Act of 1937;

1878 c. 76. “telegraphic line” has the same meaning as in the Telegraph Act 1878;

“verge” includes any lands situated between two carriageways and any part of a street which is not a carriageway, footway or cycle track;

1945 c. 42. “the water undertakers” means any statutory water undertaker (within the meaning of that expression in the provisions of the Water Act 1945, other than those contained in Part II of that Act) whose limits of supply include any part of the county.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Act.

PART I
—cont.

PART II

LANDS, PLANNING AND AMENITIES

4.—(1) If the Council—

Suspension of
restrictive
covenants.

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

for a purpose for which they are for the time being authorised to acquire land compulsorily, or could under any enactment be authorised to acquire the land compulsorily, and the land is, before such acquisition or agreement to acquire, affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or in pursuance of any enactment or a restriction or condition imposed in pursuance of the provisions of section 23 of the Industrial Development Act 1966) as to the user thereof or the building thereon, the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction. 1966 c. 34.

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

(3) The Council shall—

- (a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the period (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the suspension of the restriction can be made;
- (b) on or before the date of the first publication of the said notice serve by registered post or the recorded delivery service a copy of the said notice on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

PART II
—cont.

(c) on or before the date of the first publication of the said notice post a copy or copies of the said notice in a prominent position on the land to which the resolution relates.

(4) Any person able to prove that he is entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection, and of the grounds thereof, to the appropriate Minister within the period specified in the notice and by sending a copy thereof to the Council.

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

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

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

1965 c. 56. (7) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 in respect of any entitlement to the benefit of a restriction suspended under the powers of this section and loss suffered in consequence thereof, and the amount of the compensation shall, in case of dispute, be determined in accordance with the Land Compensation Act 1961.

1961 c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates, or, if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1970, so long as the land is used by that body for the purposes of those Acts, and, if compensation is paid by the Council under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon, or use of, land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall, after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1970, remain unenforceable only so long as the land is used for that purpose.

PART II
—cont.

(9) If the Council dispose of any land to which the restriction suspended under the powers of this section relates, they shall, in two successive weeks, publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction for—

(i) the protection of, or for securing access to, or preventing interference with the use of, operational land or apparatus of the statutory undertakers or a local authority, or the British Railways Board; or

(ii) the prevention of pollution of water which any statutory water undertaker is for the time being authorised to take; or

(iii) the protection or benefit of the airport authority in relation to their undertaking as represented by the aerodromes they own or manage;

contained in any deed, wayleave agreement or other instrument.

(11) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire or propose to appropriate that land.

5.—(1) The Council and any person having an estate or interest in any land within the county may enter into an agreement which may provide for all or any of the following matters:—

Agreements
with
developers.

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

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

(c) providing that the estate or interest of that person in the land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Council shall have first satisfied themselves that that

PART II
—cont.

last-mentioned person has, or can command, sufficient financial resources to carry out development of the land and to implement all the provisions of the agreement;

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

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

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

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

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

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

6.—(1) The Council, when they are required by any enactment to make compensation to any person interested in any land, may by agreement with such person make such compensation wholly or partly in works, land or money, but in the case of land for the alienation of which the consent of any government department is required, only with such consent.

PART II
—cont.

Compensation may be in land.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rent, covenants, restrictions, reservations, terms or conditions made payable by or contained in any conveyance, lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council have derived title to it.

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

Provision of substituted sites.

8.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired by the Council under any enactment with respect to his reinstatement.

Power to reinstate owners or occupiers of property.

(2) Any such agreement may provide for the exchange of land, and for that purpose the Council may pay or receive money for equality of exchange.

9.—(1) (a) If, after the appointed day, representation is made in manner hereinafter mentioned to a local authority that the amenities of any part of the district are prejudicially affected by the use during the prescribed hours of any land within the curtilage of any private dwelling-house in a street in the district as a parking place for one or more heavy commercial vehicles, the local authority may make an order in accordance with the provisions of this section prohibiting the use during the prescribed hours of land within the curtilage of the private dwelling-houses in the street, or any part thereof, to which the representation relates as a parking place for one or more heavy commercial vehicles.

Prohibition of parking of heavy commercial vehicles.

(b) A representation under the foregoing paragraph shall be made in writing and signed by not less than five local government electors residing in private dwelling-houses which are within 100 yards of the parking place.

(2) If the local authority propose to make an order under this section, they shall—

(a) publish notice of their proposal in a local newspaper circulating in the district stating where the draft order

PART II
—cont.

can be inspected and copies purchased and that objections to the order may be made in writing within one month after the date of the first publication of the notice; and

(b) not later than the date on which the notice is so published serve by post a copy thereof on the owner or occupier of every private dwelling-house in the street, or the part thereof, to which the draft order relates.

(3) Before determining to make the order the local authority shall consider any objections so made and shall afford to the owner or occupier of any dwelling-house abutting or fronting on the street, or the part thereof, to which the draft order relates being a person who has made objection, an opportunity of being heard by a committee of the local authority.

(4) (a) Any order made under this section shall specify the street, or the part thereof, to which it applies.

(b) Any such order shall come into operation at the expiration of the period of one month after the first publication in pursuance of subsection (5) of this section of the notice of the making of the order or, if an appeal is lodged, when the appeal is disposed of or withdrawn or fails for want of prosecution, and shall have effect for such period, not exceeding five years, as the local authority may determine.

(5) When an order has been made by the local authority under this section they shall give notice thereof, and of the right of appeal, by publication in a local newspaper circulating in the district, and any person affected by the order and the owner or occupier of a dwelling-house in the district who is aggrieved by the order may appeal to a magistrates' court:

Provided that, in its application to an appeal under this section, section 300 of the 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.

(6) Nothing in any order made under this section shall apply so as to prevent a heavy commercial vehicle waiting during the prescribed hours on any land within the curtilage of any private house in a street to which the order relates for any period not exceeding one hour.

(7) The occupier of the land within the curtilage of a private dwelling-house or any part thereof who permits the same to be used in contravention of an order under this section, and any person who parks a heavy commercial vehicle in contravention thereof, shall be guilty of an offence.

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

PART II
—cont.

(a) if and 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.

(9) In this section—

“prescribed hours” means the hours between 9 o'clock in the evening and 8 o'clock in the following morning;

“private dwelling-house” means a dwelling-house of 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;

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

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

(a) satisfies the conditions as to construction specified in subsection (10) of this section; or

(b) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle.

(10) The conditions as to construction of dual-purpose vehicles referred to in subsection (9) of this section are the following:—

(a) the vehicle must be permanently fitted with a rigid roof with or without a sliding panel;

PART II
—cont.

(b) the area of the vehicle to the rear of the driver's seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle; and

(ii) be lit on each side and the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two square feet on each side and not less than 120 square inches at the rear;

(c) 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 (b) of this subsection (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, when the seats are ready for use, 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.

Information
as to occupiers
of land on
which
caravans are
stationed.
1960 c. 62.

10.—(1) A local authority, for the purpose of ascertaining whether or not an offence has been committed under section 1 of the Caravan Sites and Control of Development Act 1960, may by notice, signed by their clerk or his lawful deputy, require the owner or reputed owner of any land in their district on which a caravan is stationed, or any person who, either directly or indirectly, receives rent in respect of such land, to state in writing the name and address of the occupier of such land, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails without good cause to give that information within twenty-eight days of being so required, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence.

(2) In this section “ occupier ” has the meaning assigned to it by section 1 (3) of the said Act of 1960.

Golf courses.

11.—(1) The Council may upon land within or outside the county, acquired or appropriated after the passing of this Act for that purpose, provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

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

PART II
—cont.

(3) The Council may either—

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

(4) The Council may—

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

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

(6) In this section “golf course” includes a driving range.

12.—(1) The Council may provide and maintain or contribute to the cost of providing and maintaining recreational, social and welfare facilities for their employees.

Recreational
and other
facilities for
employees.

(2) For the purposes aforesaid, the Council may—

- (a) erect or maintain buildings;
- (b) make such charges as they think fit for the use of facilities provided under this section;
- (c) make regulations for the management of such premises.

PART II
—cont.

Application
to local
authorities of
provisions of
Part II.

13.—(1) Subject to section 87. (Certain sections of Act not to apply to Reigate Corporation) of this Act, the provisions of this Part of this Act which apply to the Council shall also apply to a local authority and, for that purpose, shall have effect as if, for references therein to the Council and to the county, there were substituted references to the local authority and to their district, and subject to any other necessary modifications.

(2) In its application to a local authority section 4 (Suspension of restrictive covenants) of this Act shall have effect as if in paragraph (b) of subsection (10) the reference to a local authority included reference to the Council.

PART III

HIGHWAYS

Licence to
erect
scaffolding.

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

Provided that the highway authority shall be entitled to refuse a licence on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such street.

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

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

(3) Any person who erects or places any scaffolding, or causes any scaffolding to be erected or placed, in, upon or over any street in the county without licence from the highway authority under this section or contravenes the terms or conditions of any licence granted to him under this section shall be guilty of an offence.

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

PART III
—cont.

(5) Before the highway authority grant any licence under this section they shall give to any statutory undertaker supplying services in the area notice of their intention to do so, and on giving any such licence shall attach thereto such conditions as any of the statutory undertakers may, within the period of seven days after the giving of such notice to them, reasonably require for the protection of any apparatus belonging to, or used or maintained by, the statutory undertakers or for securing access to such apparatus.

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

(7) This section shall not apply to a street within the boundary of an aerodrome owned or managed by the airport authority and no licence shall be required under this section in respect of any scaffolding erected or placed by the airport authority for the purpose of or in connection with the performance of their functions.

15.—(1) For the purpose of—

(a) making any new street; or

(b) providing a parking place for vehicles under section 28 of the Road Traffic Regulation Act 1967;

Temporary
stoppage
of streets.

1967 c. 76

a local authority may break up, and for any reasonable time stop up, divert and interfere with, any street in their district and divert the traffic therefrom and prevent persons using it:

Provided that the local authority shall not exercise the powers of this section—

(i) as respects any trunk road, without the consent of the Secretary of State; or

(ii) as respects any county road, without the consent of the Council; or

(iii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or

(iv) as respects any road in respect of which the airport authority are the highway authority, without the consent of the airport authority; or

PART III
—cont.

- (v) so as to obstruct or interfere with the access to, or exit from, any station, wharf or depot of the British Railways Board or passenger road transport operators.

(2) A local authority, when considering the question of exercising their powers under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected.

(3) The provisions of Schedule 3 to the said Act of 1967, so far as applicable, shall apply in respect of the exercise by a local authority of the powers of subsection (1) of this section as they apply in respect of the making by a highway authority of an order under subsection (1) of section 12 of that Act.

Extension of
power to
provide public
conveniences.

16.—(1) The provisions of section 87 (2) of the Act of 1936 shall extend so as to authorise the Council to provide public sanitary conveniences in, on or under any land which is adjacent to, but which does not form part of, a county road or a trunk road in the county, and the provisions of section 87 (3) of the Act of 1936 shall apply accordingly:

Provided that the powers of this subsection shall not be exercised in relation to a trunk road, or in relation to any land acquired by the Secretary of State in connection with a trunk road under section 214 (5) or (6) of the Act of 1959, or under section 215 of that Act, without his consent.

(2) The Council may enter into an agreement—

- (a) with any person for the provision by him of any public sanitary conveniences which the Council have power to provide; and
- (b) with the owner and occupier of any such premises as are referred to in section 89 (1) of the Act of 1936 or the owner and occupier of any premises comprising a petroleum filling station, as defined in the Petroleum (Consolidation) Act 1928, for the provision by him, in addition to any sanitary conveniences provided for the use of persons employed at or frequenting such premises, of additional sanitary conveniences for the use of members of the public;

1928 c. 32.

and any such agreement may contain such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement including in particular, but without prejudice to the generality of the foregoing, provision for—

- (i) a contribution, whether by way of a loan or otherwise, by the Council towards the reasonable expenses incurred by any person in providing and maintaining sanitary conveniences for the use of members of the public;

- (ii) the charges to be made to persons making use of any such conveniences, other than urinals;
- (iii) the regulation of the use of any such conveniences.

PART III
—cont.

17.—(1) (a) The highway authority may by order prohibit the placing and leaving of any vehicle, trailer, caravan or tent on the verge of, or on unenclosed land adjacent to, any part or parts of any road in the county.

Prohibition of parking or camping on highway verges, etc.

(b) In this subsection “unenclosed land” means any waste land adjacent to and within 15 yards of the road and any common land or other unenclosed land of whatsoever description within that distance from the road.

(2) Any person who contravenes the provisions of an order under this section shall be guilty of an offence.

(3) Before determining to make an order under this section, the highway authority shall have regard to the availability of—

- (a) suitable parking facilities (whether on or off the road and whether provided by the highway authority or by some other person) for use as an alternative to any verge or land which, before the making of the order, has been lawfully used for parking; and
- (b) public sanitary conveniences in convenient situations.

(4) (a) An order made under this section shall—

- (i) take effect from such date as may be specified in the order;
- (ii) specify the road or roads and any unenclosed land to which it is to apply; and
- (iii) specify the days and hours between 9 o'clock in the evening and 9 o'clock in the morning during which the prohibition applies;

and may specify exceptions (other than those provided in subsection (9) of this section) from the prohibition thereby imposed.

(b) An order made under this section may at any time be altered or revoked by a subsequent order made in like manner.

(5) Before making any order under this section in relation to any road or land, the highway authority shall publish in one or more local newspapers circulating in the area in which the road or land is situated a notice—

- (a) stating the general effect of the order;
- (b) specifying the offices of every local authority in whose district the road or land is situated where a copy of the draft order may be inspected by any person free of

PART III
—cont.

charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and

- (c) stating that, within the said period, any person may by notice to the Secretary of State object to the making of the order.

(6) The highway authority shall also publish a notice in the London Gazette stating that they are about to make an order under this section, naming the area in which any road or land to which the order will apply is situated, specifying the offices of every local authority in whose district any part of the road or land is situated where a copy of the draft order may be inspected, and giving the name and date of issue of a local newspaper in which the notice explaining the general effect of the order will be found.

(7) (a) If before the expiration of a period of twenty-eight days from the first publication of the notice referred to in subsection (5) of this section or of twenty-five days from the publication of the notice in the London Gazette, an objection to the making of the order to which the notice relates is duly made to the Secretary of State and the objection is not withdrawn, the order shall not take effect until it is confirmed by the Secretary of State.

(b) Where the Secretary of State receives any objection to the making of an order he shall send to the highway authority a copy of every such objection and the Secretary of State, after considering every such objection and causing, if he thinks fit, a local inquiry to be held, may confirm the order with or without modifications.

(8) Where an order has been made and confirmed under this section, the highway authority shall erect, or cause to be erected, on or near any road or land to which such an order applies notices indicating the nature and extent of the prohibitions imposed by the order.

(9) (a) No order made under this section shall apply to the placing and leaving on a verge or land of—

- (i) any vehicle, trailer, caravan or tent if it is not left for more than two hours;
- (ii) any vehicle, trailer, caravan or tent by or with the consent of the occupier of the land;
- (iii) any vehicle, trailer or caravan placed and left because of, or in connection with, mechanical breakdown;

(iv) any vehicle, trailer, caravan or tent placed and left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;

PART III
—cont.

(v) any vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining a verge or land;

(vi) any caravan when occupied solely by a person who is a gipsy as defined in the Caravan Sites Act 1968;

1968 c. 52.

(vii) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertaker or the British Railways Board in the exercise of their statutory powers or by the highway authority or the local authority in, or in connection with, the exercise of their statutory functions.

(b) No order made under this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with any terms and conditions on which permission has been given for development by the local planning authority under the provisions of the Town and Country Planning Act 1962, or in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960.

1962 c. 38.

1960 c. 62.

(10) A prohibition on the parking of vehicles on the verge of any road operating by virtue of this section shall be indicated by such traffic sign as may be approved for the purpose pursuant to sections 54 and 55 of the Road Traffic Regulation Act 1967.

1967 c. 76.

18.—(1) Where a plan and sections of a new street deposited with the local authority in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

Adjustment of boundaries of estates in connection with streets.

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

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

as may be necessary or desirable having regard to the line and layout of the new street.

PART III
—cont.

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

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

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the local authority and the persons interested (including mortgagees whether or not in possession) in the respective estates, be referred to and determined by a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, by the Secretary of State.

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

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

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

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

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

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

(11) In this section "estate" includes any parcel of land and "mortgage" and "mortgagee" include a legal charge and a legal chargee respectively.

PART III
—cont.

19.—(1) The local authority may by order made for the purposes of this section designate land, being land to which this section applies, as a service area: **Control of goods service areas.**

Provided that—

(a) land shall not be so designated unless it is expedient to do so to prevent or reduce traffic congestion in a street in their district caused by the loading or unloading of vehicles standing on any such street;

(b) the land shall not be so designated unless either—

(i) it belongs to the Council or the local authority;
or

(ii) it has been provided as an area for the loading or unloading of vehicles pursuant to planning permission;

(c) where the land is in the curtilage of premises and used in connection with only one shop, the order shall relate only to such part of the land as is required for loading or unloading vehicles, including obtaining access to or egress from the point at which vehicles are loaded or unloaded for the purpose of the business conducted at those premises.

(2) No person shall cause or permit any vehicle to wait on a service area designated under this section between the hours of 8 o'clock in the morning and 6 o'clock in the afternoon on a weekday otherwise than for the loading or unloading of that vehicle.

(3) This section applies to such part of any land within the curtilage or vicinity of shop premises as is used or intended to be used as a place where vehicles may wait for the loading or unloading of goods and includes a roadway not being a public highway.

(4) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence.

PART III
—cont.

(5) (a) If the local authority consider that an order should be made under this section they shall give notice thereof to the owner and occupier of the land stating that objections to the said order may be made in writing within one month after the date of service of the notice.

(b) The local authority shall consider all such objections and shall afford to any owner or occupier who has made objection an opportunity of being heard by a committee of the local authority before the order is made.

(6) (a) After considering any objections made under the last foregoing subsection the local authority may make an order.

(b) Any such order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of subsection (7) of this section or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the local authority may determine but without prejudice to their power to make a further order in the same manner as the original order.

(7) When an order has been made by the local authority under this section they shall give notice thereof and of the right to appeal to the owner and occupier of the land and any such owner or occupier who is aggrieved by the order may appeal to the magistrates' court.

(8) In this section, "shop premises" has the meaning assigned to it by section 1 of the Offices, Shops and Railway Premises Act 1963 and for the purposes of subsection (2) of this section the reference therein to the loading or unloading of a vehicle shall include the carrying out of any operation which is required on the occasion of any such loading or unloading for compliance with the need for hygiene in connection with the sale of ice-cream to the public.

(9) This section shall not apply to any land—

(a) belonging to the British Railways Board or any statutory undertaker and primarily used by them for the purposes of their respective undertakings; or

(b) within an aerodrome owned or managed by the airport authority.

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

PART III
—cont.
Protection
of trees,
grass verges
and gardens.

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

(2) Where any grass verge, garden or space which does not form part of a street and which has been provided by a local authority in pursuance of the Housing Act 1957, or by a housing association in pursuance of arrangements made with a local authority under that Act, or any enactment repealed by that Act, is maintained in an ornamental condition or mown, the Council may exercise the power contained in paragraph (f) or paragraph (g) of subsection (1) of this section. 1957 c. 56.

(3) Any such notice as is referred to in paragraph (f) or paragraph (g) of subsection (1) of this section shall be indicated by such traffic sign as may be approved for the purpose pursuant to sections 54 and 55 of the Road Traffic Regulation Act 1967 conspicuously posted on, or in proximity to, the grass verge, garden or space to which it relates. 1967 c. 76.

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

PART III
—cont.

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

(5) Any person (except in a case of emergency) who contravenes a notice so posted in pursuance of the said paragraph (f) or any person who contravenes a notice so posted in pursuance of the said paragraph (g) shall be guilty of an offence and the court may order the payment of such further amount as appears reasonable compensation for any damage caused by such contravention to such grass verge, garden or space, which last-mentioned amount shall be paid to the Council.

1925 c. 68.

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

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

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

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

Provision
of parking
places on
trunk roads
and county
roads.

1967 c. 76.

21.—(1) Where for the convenience of persons using a trunk road or county road it appears to the Council to be necessary to provide parking places for vehicles, they shall have for such purpose the powers of a local authority under the provisions of sections 28 to 32 of the Road Traffic Regulation Act 1967, other than subsections (1), (2), (5) and (7) of section 29 of that Act, to provide, in the county, parking places (other than underground parking places); and the said powers, as extended to the Council by virtue of this section, shall include powers to provide and maintain any camping places, refreshment rooms, office accommodation, shelters, cloakrooms or other conveniences for use in connection with any such parking place:

Provided that, where any parking place is to be provided for the convenience of persons using a trunk road, that parking place and any such convenience as aforesaid shall only be provided with the consent of the Secretary of State for the Environment.

PART III
—cont.

(2) Accordingly, the said provisions of sections 28 to 32, in their application to the Council, shall have effect as if—

- (a) references to a parking place were construed as including references to any such camping places, refreshment rooms, office accommodation, shelters, cloakrooms or other conveniences;
- (b) in section 28 (1) for the words “ purpose of relieving or preventing congestion of traffic ” there were substituted the words “ convenience of persons using a trunk road or county road within the meaning of the Highways Act 1959 ” and the words “ whether above or below ground 1959 c. 25. and ” were omitted;
- (c) for section 28 (5) there were substituted the following subsection:—

“ (5) Any power conferred by this section to provide a parking place includes power to maintain it and any buildings comprised in it ”; and
- (d) in section 28 (6) the words from “ and for the purposes of this section ” to the end of the subsection were omitted;
- (e) section 28 (8) and section 31 (5) were omitted.

(3) Where the Council propose to acquire any land or to utilise any land appropriated by them for the purposes of subsection (1) of this section, they shall, before carrying the proposal into effect—

- (a) cause notice of the proposal (specifying the land to which it relates and notifying the period, which shall not be less than twenty-eight days, within which any representations relating to the proposal shall be sent in writing to the Council) to be published in at least one newspaper circulating in the area in which the land is situated and a copy of the notice to be posted for not less than fourteen days on, or adjacent to, the land; and
- (b) consider any representations which are sent to them in writing within the time fixed in that behalf and give notice of their decision on the representations to the person by whom they were made.

(4) The Council shall not themselves provide or sell refreshments at any refreshment room or other premises provided for the purposes of subsection (1) of this section, and any refreshment

PART III
—cont.

1961 c. 61.

Excavations
near highways.

room or other premises so provided shall be disqualified for receiving a licence granted by licensing justices under the Licensing Acts 1953 to 1961, other than a restaurant licence within the meaning of section 1 of the Licensing Act 1961.

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

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

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

(3) Proceedings for an offence under this section may be brought by the highway authority for the highway to which the proceedings relate.

(4) Where a contravention by any person of this section is due to an act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of the offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.

(5) Where a person who is charged with an offence under this section proves to the satisfaction of the court—

(a) that he exercised all due diligence to secure that the section would not be contravened; and

(b) that the contravention was due to the act or default of another person;

the first-mentioned person shall, subject to the next following subsection, be acquitted of the offence.

(6) A person shall not, without the leave of the court, be entitled to rely on the defence provided by subsection (5) of this section unless, not later than seven clear days before the date of the hearing, he has served on the highway authority a notice in writing giving such information identifying, or assisting in the identification of, the other person in question as was then in his possession.

23.—(1) The provisions of the last foregoing section shall not apply to an excavation made by a river authority for the purpose of any of their functions and in respect of which the following conditions are fulfilled:—

Exemption
for river
authorities
from last
foregoing
section.

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

(b) the excavation is not commenced until the plans have been approved in writing by the highway authority or settled by arbitration:

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

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

(2) In this section—

“plans” includes sections and particulars; and

“river authority” includes the Conservators of the River Thames and any drainage authority within the meaning of the Land Drainage Act 1930.

1930 c. 44.

PART IV FIRE PROTECTION

24.—(1) Where plans of any proposed work deposited with a local authority in pursuance of building regulations include

Underground
parking
places.

PART IV
—cont.

proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the local authority shall, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as appear to them, after consultation with the fire authority, to be satisfactory for preventing or reducing danger from fire, being proposals relating to all or any of the following matters:—

- (a) the construction of the underground parking place and the approaches thereto and the materials to be used in such construction;
- (b) the means of ventilation of the underground parking place;
- (c) the electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of a satisfactory emergency lighting system in connection with the underground parking place;
- (e) fire-fighting equipment and appliances in connection with the underground parking place;
- (f) the means of ingress to and egress from the underground parking place;
- (g) the provision of adequate means of preventing flammable substances from being admitted to any drainage system forming part of the underground parking place;
- (h) the means of access to the underground parking place for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the local authority and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the local authority ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may, on the application of that person, be referred to the Secretary of State for determination, and the Secretary of State shall determine any question submitted to him under paragraph (a) of this subsection or, as the case may be, may direct the local authority to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If, after plans of any underground parking place have been passed by the local authority in consequence of any proposals made under subsection (1) of this section, it appears to the local authority that any such proposal has not been carried into effect or is not being observed, the local authority may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

PART IV
—cont.

(5) Any person on whom a notice has been served under subsection (4) of this section who uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposal specified in the notice shall be guilty of an offence.

25.—(1) Without prejudice to the provisions of section 24 (Underground parking places) of this Act, the local authority may by notice to the owner or occupier of any underground parking place in the district which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the local authority in pursuance of building regulations the local authority may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (h) of subsection (1) of the said section 24 as the local authority think fit.

Further provision as to underground parking places.

(2) Any person on whom a notice under this section has been served who fails to comply with any requirements specified in the notice shall be guilty of an offence.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the local authority shall deliver to him a certificate signed by their clerk stating the grounds on which the local authority have made any requirement under this section, and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

PART IV
—cont.

(5) On consideration of any such appeal the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement made by the local authority under this section.

Interpretation
and powers
of entry for
purposes of
last two
foregoing
sections.
1928 c. 32.

26.—(1) In the last two foregoing sections the expression “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor cars or other vehicles and of which any part of the floor is situated more than 4 feet below the surface of the ground adjoining such building or part of a building.

(2) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of the last two foregoing sections shall be provisions which it is the duty of the local authority to enforce.

Building
plans: access
for fire
brigade.

27.—(1) Subject to the provisions of subsection (3) of this section, where plans for the erection of a building are in accordance with building regulations deposited with a local authority, the local authority, after consultation with the fire authority, shall reject the plans if they show—

- (a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(2) Subject as aforesaid, where plans for the extension of a building are in accordance with building regulations deposited with a local authority, the local authority, after consultation with the fire authority, shall reject the plans if they show—

- (a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or

(b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

PART IV
—cont.

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Town and Country Planning Act 1962 unless notice of the provisions of this section is endorsed on the planning permission so given. 1962 c. 38.

(4) In this section "access by the fire brigade" means access by members of one or more fire brigades and their appliances, and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, references to the neighbouring building as erected, altered or extended in accordance with those plans.

(5) If a local authority reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(6) Any question arising under this section between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans may, on the application of that person, be determined by a magistrates' court.

28.—(1) As from the appointed day in any district any person intending to install or place oil-burning equipment in any building in the district, whether erected before or after the passing of this Act, or on any land in the district, shall give not less than fourteen days' notice to the local authority of his intention to do so. Oil-burning equipment.

(2) (a) The Council, if requested to do so by a local authority, may make byelaws for securing that, in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws, proper arrangements are made for preventing or reducing danger from fire.

(b) Byelaws made under this section may prescribe the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment in any building, or on any land, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(3) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and passed by, the local authority shall, for the purposes only of this section, be deemed to be approved by the local authority as

PART IV
—cont.

complying with the appropriate specification for such equipment contained in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the local authority do not, within two months from the submission of plans and specifications of any equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed not to have passed them.

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land, the local authority are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to install or place such equipment, approve the installation or the placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in the byelaws.

(5) (a) Any person aggrieved by the refusal of the local authority to approve the installation or placing of any equipment under subsection (4) of this section may, within twenty-one days from the receipt of notification of the refusal, appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal, or may vary the decision of the local authority 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 local authority given under this section.

(6) For the purposes of section 287 (1) (a) of the Act of 1936 as applied by this Act, the provisions of this section, and of any byelaws made thereunder, shall be provisions which it is the duty of the local authority to enforce.

(7) Any person who installs oil-burning equipment in any building or on any land in a district without giving notice to the local authority in accordance with subsection (1) of this section shall be guilty of an offence.

(8) Any person who contravenes any byelaw made under subsection (2) of this section shall be liable to a fine not exceeding fifty pounds, and if—

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

(ii) any other person after notice of the conviction has been served on him by the local authority;

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding five pounds for each day on which he so uses it.

(9) In this section—

PART IV
—cont.

“oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner, 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;

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

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

“apparatus” and “fittings” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(10) Nothing in this section or any byelaws made thereunder shall apply to—

(a) any oil-burning equipment installed within the curtilage of a private dwelling-house not comprised in a block of flats; or

(b) any oil-burning equipment if the storage tank or tanks supplying, or designed or adapted to supply, oil to the boiler has or have a total capacity not exceeding 750 gallons; or

(c) the installation of any 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; or

1968 c. 54.

(d) the installation by any statutory undertaker or the British Railways Board for the purposes of their respective undertakings, of any oil-burning equipment in or on any building or land, other than in houses or in buildings used as offices or showrooms not being, in the case of the British Railways Board, buildings so used which form part of a railway station.

(11) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act 1961 applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same subject-matter as this section.

1961 c. 34.

29.—(1) No building of the warehouse class or part of a Fire building used or intended to be used as a warehouse and no precautions building or part of a building used or intended to be used for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding 250,000 cubic feet, or extended to exceed that extent, unless (in accordance with plans and particulars submitted in accordance with building regulations and approved in certain large buildings.

PART IV
—cont.

for the purposes of this section after consultations with the fire authority and the inspector of factories for the district, by the local authority of the district in which the building is to be erected or is situated) it is—

- (a) provided with all such means of escape therefrom in case of fire as may be reasonably required; and
- (b) (if the local authority in all the circumstances think it necessary) fitted with fire alarms and a fire extinguishing system or with either such alarms or such system to the satisfaction of the local authority:

1961 c. 34. Provided that nothing in paragraph (a) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the Act of 1936 applies or to premises to which sections 28 and 29 of the Offices, Shops and Railway Premises Act 1963 applies or to premises to which building regulations imposing requirements as to the provision of means of escape in case of fire apply.

1963 c. 41.

(2) (a) The person proposing to erect, or cause to be erected, or extend, or cause to be extended, any building to which subsection (1) of this section applies shall, when submitting plans and particulars in accordance with building regulations, deposit with the local authority particulars showing how it is proposed to comply with the requirements of subsection (1) (a) and (b) of this section.

(b) A local authority at any time within a period of two months after the deposit of the particulars may, irrespective of any decision under building regulations—

- (i) refuse to approve them; or
- (ii) approve them subject to such conditions (if any) as they think fit.

(c) Where a local authority refuse to approve the particulars or approve them subject to conditions, they shall give to the person who deposited the particulars notice stating their reasons for refusal or for the imposition of conditions:

Provided that if within the said period of two months the local authority fail to give such notice they shall be deemed to have approved the said particulars.

(3) (a) If any building to which subsection (1) of this section applies is erected or extended in contravention of any of the requirements of paragraphs (a) or (b) of that subsection, the local authority, without prejudice to their rights to take proceedings for penalties in respect of the contravention, may by notice

require the person erecting or causing to be erected the building or extension either to pull down and remove it or, if he so elects, to effect such alterations therein as may be necessary in order to comply with the said requirements.

PART IV
—cont.

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

(4) All means of escape, fire alarms and fire extinguishing systems provided or fitted (as the case may be) in accordance with the requirements of subsection (1) (a) and (b) of this section shall be properly maintained and kept free from obstruction.

(5) (a) A person who erects, or causes to be erected, or extends, or causes to be extended, a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(b) The occupier of any premises who fails to maintain the means of escape, fire alarms and fire extinguishing systems provided or fitted (as the case may be) under the requirements of subsection (1) (a) and (b) of this section, or to keep them free from obstruction, shall be guilty of an offence under this section.

(6) Any person aggrieved by—

- (a) a requirement of a local authority; or
- (b) a refusal by a local authority to approve particulars; or
- (c) a condition subject to which approval of particulars is given by a local authority;

under subsection (1) or (2) of this section may appeal to a magistrates' court, and on any such appeal the court may confirm, reverse or vary such requirement, refusal or condition.

(7) Any member of the fire brigade of the county or an officer of the local authority or the Council who is duly authorised for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which subsections (1) to (3) of this section apply—

- (a) for the purpose of ascertaining whether there is, or has been, in, or in connection with, the building, any contravention of the provisions of this section;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise a local authority to take any action under this section.

PART IV
—cont.

(8) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into a building for the purposes of subsection (7) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(9) Nothing in this section shall apply to any building—

1968 c. 54.

(a) 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; or

(b) which is exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by section 71 (c) of that Act; or

(c) in Group V (Shop) in the Table to Regulation E2 of the Building Regulations 1965 which is divided by compartment walls or compartment floors constructed in accordance with those Regulations in such a manner that no division of the building is of a cubic extent exceeding 250,000 cubic feet.

(10) Any reference in this section to plans deposited in accordance with building regulations shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the regulations or this section.

Byelaws for
prevention of
fire at fairs
and circuses.
1961 c. 64.

30.—(1) The power of a local authority to make byelaws under section 75 of the Public Health Act 1961 relating to pleasure fairs shall extend to the making of byelaws for preventing or reducing danger from, or risk of fire in or to, caravans, stands, stalls and structures used or intended to be used for the purposes of, or in connection with, any fair or circus.

(2) Without prejudice to the generality of the foregoing provisions of this section, any byelaws made under section 75 of the said Act of 1961 as extended by this section may—

(a) prescribe the space to be kept free between the bodies of any two such caravans used or intended to be used for sleeping accommodation and between the body of any such caravan so used or intended to be used and such stand, stall or structure;

(b) prohibit or restrict the storage and use of flammable gases other than for domestic purposes;

and such byelaws shall in all circumstances be deemed to be properly made for the preservation of public safety:

Provided that no byelaws so made shall apply to any caravan, stand, stall or structure erected for the purposes of, or in connection with, a fair or circus provided by The Scout Association or The Girl Guides Association or by members of an organisation established by either of such associations in pursuance of their charter.

PART IV
—cont.

31. In its application to a district section 29 of the Public Health Act 1961 (which relates to the demolition of buildings) shall have effect as if, in subsection (5) thereof, there were inserted the following paragraph:—

precautions on
demolition of
buildings.

1961 c. 64.

“(bb) to take such precautions as the local authority may reasonably require with regard to the burning on the site of materials or rubbish or of any structure”.

32.—(1) This section applies to—

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

Parts of
buildings
used for
storage of
flammable
substances.

(b) any substance which is highly flammable:

Provided that this section shall not apply to any building in which—

(i) any highly flammable liquid to which this section applies is stored in securely closed metal containers in good condition and containing not more than five gallons or twenty-three litres each, or is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such liquids stored in such a manner would not, if the whole contents were in bulk, exceed twenty-five gallons or 114 litres;

(ii) any gas to which this section applies would not, if the whole contents were in bulk exceed fifty pounds or twenty-three kilograms.

PART IV
—cont.

(2) If the Council are of the opinion that the storage for the purposes of sale or trade of any substances to which this section applies in any part of a building in the county to which this section applies is—

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

(b) in such manner as to be liable to cause fire or explosion;

they may by notice require the occupier of any part of the building to provide or fit (as the case may be), within such reasonable period as may be specified in the notice—

(i) appropriate means of giving warning, in the case of fire, to persons occupying the building and for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building, being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with, or is adjacent to or constructed at a higher level than the storage part of, the building;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(3) The occupier of any building who—

(a) by reason of a restriction affecting his interest in the building, is unable to execute works for the purpose of complying with a notice given by the Council under subsection (2) of this section; or

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

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with the notice, or (as the case may be) to direct the owner of the building, or any other person who appears to the court to have an interest therein, to contribute towards the cost of such works

as aforesaid such an amount as appears to the court, in all the circumstances of the case, to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

PART IV
—cont.

(4) Upon compliance with a notice under subsection (2) of this section the Council shall forthwith issue to the person to whom the notice was given a certificate of such compliance.

(5) (a) If, after a certificate of compliance with a notice under subsection (2) of this section has been granted by the Council—

- (i) any material extension or material structural alteration of the building to which the certificate relates is intended to be made; or
- (ii) it is intended materially to increase the storage in the said building of any substance to which this section applies;

the occupier of any part of the building shall, not less than twenty-one days before any such extension or alteration is made or any such storage is increased, give notice of such intention to the Council who may serve a further notice varying any requirement made under subsection (2) of this section in respect of that building.

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

(6) All means of escape, fire alarms and means of extinguishing fire provided or fitted (as the case may be) under the requirements of subsection (2) (b) (i) and (ii) of this section shall be properly maintained and kept free from obstruction.

(7) (a) The power to enter premises conferred by section 287 of the Act of 1936, as amended by Section 77 (Application of general enactments) of this Act, shall include power to purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any test of a sample taken by an authorised officer of the Council by virtue of this section shall not be

PART IV
—cont.

admissible as evidence in any legal proceedings under this section, including an appeal under subsection (8) of this section, unless the following requirements have been complied with, that is to say, the said officer shall forthwith after taking the sample notify the occupier of the building of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container, which shall be sealed up and marked, and shall—

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

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

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

(b) Any person aggrieved by the refusal of the Council to grant or amend a certificate under this section, or by the cancellation of a certificate under subsection (5) of this section, may appeal to a magistrates' court.

(9) Any person who contravenes the provisions of this section shall be guilty of an offence.

(10) In this section—

- “building” where used in relation to the storage of substances therein includes the curtilage of the building;
- “habitable room” includes a room or place to which the public resort;
- “highly flammable liquid” means any liquid, liquid solution, emulsion or suspension which, when tested by a method approved by the Secretary of State gives off a flammable vapour at a temperature of less than 90 degrees Fahrenheit (32 degrees Centigrade);
- “highly flammable solid” means any substance in the solid state which is liable to spontaneous combustion;

“ substance which is highly flammable ” means—

- (a) any highly flammable liquid; or
- (b) any highly flammable solid; or
- (c) any highly flammable compressed, liquefied or dissolved gas.

PART IV
—cont.

(11) Nothing in this section shall apply to premises which are subject to the Petroleum (Consolidation) Act 1928, the Factories Act 1961 or to the Offices, Shops and Railway Premises Act 1963 or regulations made under either of those Acts:

1928 c. 32.
1961 c. 34.
1963 c. 41.

33.—(1) A fire officer authorised in writing by the chief fire officer of the Council may, on giving not less than forty-eight hours' notice to the secretary of a club in the county registered under the Licensing Act 1964 and 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; but the chief fire officer shall not so authorise a fire officer unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of functions in relation to any matter affecting fire risks.

Fire precautions in registered clubs.
1964 c. 26.

(2) Any person obstructing a fire officer in the exercise of the power conferred by this section shall be guilty of an offence.

PART V

FINANCE

34.—(1) The Council may borrow—

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

Power to borrow.

(2) A local authority may borrow such sums as may be necessary for any of the purposes of this Act.

(3) Subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(4) The Council shall repay sums borrowed under subsection (1) (b) of this section within five years from the date of borrowing.

PART V
—cont.

1946 c. 58.

Power to
raise money
by bills.

(5) It shall not be lawful to exercise the powers of borrowing conferred by subsection (1) (a) or subsection (2) 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.

35.—(1) In addition to the methods of borrowing prescribed by the Act of 1933, the Council may raise money—

- (i) for any purpose for which the Council are authorised to borrow;
- (ii) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

by means of bills (to be called “Surrey County Bills”, in this section referred to collectively as “bills” and separately as “a bill”) subject to, and in accordance with, the following provisions:—

- (a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:
- (b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:
- (c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:
- (d) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:
- (e) The Council may make regulations providing for—
 - (i) the preparation, form, mode of issue, payment and cancellation of bills;
 - (ii) the issue of new bills in lieu of bills defaced, lost or destroyed;
 - (iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;
 - (iv) the giving of a proper discharge on the payment of a bill; and
 - (v) the amendment or revocation of any regulations previously made or deemed to have been made under this paragraph:

(f) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill, and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

(g) The aggregate amount payable on bills current at any one time issued by the Council shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—

(i) the sum of six million pounds; or

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

whichever is the greater:

(h) Subject to the provisions of the last foregoing paragraph the Council may renew a bill at maturity:

(i) The Council may borrow for the purpose of repaying the principal money raised by bills but, except as aforesaid, any power of the Council to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

(2) (a) The Council may at the request of a local authority to which this subsection applies, raise money by means of Surrey County Bills in accordance with the foregoing provisions of this section and where they do so shall lend such money to the local authority—

(i) for any purpose for which the local authority are authorised to borrow; or

(ii) in anticipation of the receipt of revenues, for any purpose for which the revenues of the local authority may properly be applied:

Provided that the aggregate amount payable on bills issued for the purpose of lending to a local authority under this subsection and current at any one time shall not (except by the amount payable on bills issued shortly before any other such bills fall due in order to pay off the last-mentioned bills) exceed one-fifth of the amount of so much of the gross rate income of that local authority for the then current financial year as is retained by the authority to meet liabilities falling to be discharged by the authority.

(b) The aggregate amount payable on bills issued for the purpose of lending to a local authority under this subsection

PART V
—cont.

current at any one time shall not be taken into account in calculating the aggregate amount referred to in subsection (1) (g) of this section.

(c) Any money lent to a local authority by the Council under this subsection shall be repaid to the Council by the local authority on or before the respective dates on which the bills by which the money was raised fall due for repayment.

(d) This subsection applies to a local authority whose gross rate income in the financial year current at the date of the exercise of the powers of this subsection is not less than three million pounds.

(3) 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;

“revenues” has the same meaning as in section 218 of the Act of 1933;

“signature” includes a facsimile of a signature by whatever process reproduced.

1967 c. 9.

Power to
raise money
by bearer
bonds.

36. In addition to any other method by which the Council may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to
raise money
abroad.

37.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in that enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall be exercised only with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(3) Every sum borrowed by way of mortgage by the Council in a transaction authorised by this section shall be repaid in accordance with the provisions of section 212 of the Act of 1933 or in accordance with the provisions of any consolidated loans fund scheme established by the Council under section 133 (Consolidated loans fund) of the Surrey County Council Act 1931, or under section 55 of the Local Government Act 1958.

1931 c. ci.
1958 c. 55.

(4) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if—

PART V
—cont.

- (a) for any reference in those enactments to sterling, there were substituted a reference to the foreign currency; and
- (b) for any reference therein to a sum expressed in terms of sterling there were substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

38.—(1) In its application to the investment by the Council under section 21 (3) of the Act of 1937 of any moneys forming part of, but which are not for the time being required to meet payments out of, the superannuation fund, the Trustee Investments Act 1961 shall have effect as if—

Extension of
power to
invest super-
annuation
fund.

- (a) at the end of Part III (Wider-Range Investments) of Schedule 1 to that Act there were inserted the following paragraph:—

1961 c. 62.

“ 4. 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 or in the United States of America, or in any of the following countries, namely, Austria, Belgium, Denmark, France, Holland, Italy, Japan, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland and Western Germany being securities which at the time of making the investment are quoted on any recognised stock exchange or similar institution ”;

1947 c. 14.

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

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

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

“ 2A. The securities mentioned in paragraph 4 of Part III of this schedule do not include shares or debenture stock not fully paid up (except shares or debenture stock which, by the terms of issue, are required to be fully paid up within nine months of the date of issue) ”.

(2) Notwithstanding anything in the said Act of 1961, the Council may invest any moneys referred to in subsection (1) of this section in any manner specified in Part III of Schedule 1 to that Act, as having effect in accordance with this section, and may also from time to time vary any such investments:

PART V
—cont.

Provided that no such moneys as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said schedule as so having effect equals or exceeds three-quarters of the total value of the superannuation fund.

Investment
of super-
annuation
fund in
land and
unit trusts.
1961 c. 62.

39.—(1) Subject to the provisions of this section, the powers exercisable by the Council under the Trustee Investments Act 1961, as having effect in accordance with the last foregoing section, to invest any property belonging to the wider-range part of the superannuation fund shall include power to invest such property in such manner as they think fit (and whether alone or in association with any other person) in—

- (a) the acquisition, development or management of land situated in the United Kingdom elsewhere than in the county and used or to be used for residential, commercial or industrial purposes; and
- (b) units or other shares of investment of any unit trust scheme;

but Part IV of Schedule 1 to the said Act of 1961 shall not apply to any investment made under this subsection.

(2) For the purposes of the foregoing provisions of this section an investment in the units of a unit trust scheme or in participation certificates or in any form of participation under any trust or scheme established in the United Kingdom or elsewhere having the effect of enabling persons to participate in the profits and income arising from the acquisition, holding, management or disposal of such securities or of any land or interest in land shall be regarded as an investment in the securities in question or in such land or interest in land.

(3) So long as the value of the investments of property for the time being made under the powers conferred by subsection (1) equals or exceeds one-sixth of the total value of the wider-range part of the superannuation fund no further investment may be made thereunder.

(4) For the purposes of the last foregoing subsection, the value of any investment of property belonging to the wider-range part of the superannuation fund shall be deemed to be the value of the investment at the time at which it was made.

(5) Subsections (2) to (7) of section 6 of the said Act of 1961 (which requires trustees to consider advice in choosing investments) shall apply in relation to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the exercise by the Council of the powers conferred by section 1 of that Act to invest any property belonging to the wider-range part of the superannuation fund in a manner specified in Part III of Schedule 1 to that Act.

(6) The provisions of this section shall have effect notwithstanding anything in section 21 (3) of the Act of 1937.

PART V
—cont.

(7) In this section “property” and “the wider-range part” in relation to the superannuation fund have the same meanings as they have for the purposes of the said Act of 1961.

40. Costs, charges and expenses incurred by the Council in investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, may be paid by the Council out of that fund.

Expenses of investment of superannuation fund.

41.—(1) If any money (other than wages or salary) is payable by the Council to an employee or creditor, or to the holder of any authorised security, and the person entitled to such payment is a minor, the receipt of his guardian shall be a sufficient discharge to the Council.

Receipts in case of minors.

(2) In this section “authorised security” means a mortgage, stock, bond or other security which the Council are for the time being authorised to grant, create or issue, or upon or by means of which the Council are for the time being authorised to raise money.

42.—(1) Subject to any provisions included in the Firemen’s Pension Scheme from time to time in force under section 26 of the Fire Services Act 1947, the Council may pay compensation—

Compensation for injury to or death of certain employees.
1947 c. 41.

(a) to any of their employees who sustains an injury in the course of his employment; or

(b) to a dependant of any of their employees who, in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section may be paid either—

(a) by way of a lump sum; or

(b) by way of periodical payments of such amounts and payable at such times and for such periods as the Council may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an employee of the Council or his dependant may have against any person other than the Council or, except so far as may be agreed when the compensation is granted, against the Council.

(4) In this section “employee” includes a person employed by a magistrates’ courts committee or the probation and after-care committee or the employees of the Surrey Police Committee.

PART V
—*cont.*

Extension of
section 42 to
voluntary
assistants,
etc.

43.—(1) The provisions of section 42 (Compensation for injury to or death of certain employees) of this Act shall extend so as to authorise (in the case of a voluntary assistant) the Council and (in the case of any other person to whom this section applies) with the consent of the Council the body by whom that person is or was employed to pay compensation to any person to whom this section applies or to a dependant of any such person.

(2) This section applies to—

(a) any voluntary assistant;

(b) any person employed by the managers or governors of any voluntary school in the county.

(3) In this section “voluntary assistant” means a person who, at the request of the Council, or an authorised officer of the Council, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Council and includes any officer or member of a voluntary organisation which provides in the county services or facilities of the kind provided by the Council in pursuance of their functions or to which the Council make any financial contribution.

Modification
of mortgages
by endorse-
ment under
hand.

44. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between the Council and a person at any time entitled to any mortgage granted by the Council to extend the time for the repayment of the principal moneys secured by such mortgage, or to alter the rate of interest payable by the Council on the principal moneys so secured and not repaid, or both to extend such time and to alter such rate of interest, effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body, by the duly authorised representative of that body) and of the clerk or his duly authorised representative, endorsed on the deed by which such mortgage was originally granted, and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall, as from the date specified in such endorsement, operate and take effect accordingly.

General
insurance
fund.

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

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

PART V
—cont.

(3) In each financial year after the establishment of the insurance fund the Council shall pay into that fund either—

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks; or
- (b) if the Council insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount and if at any time the Council reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed, such moneys shall be transferred to the county fund, and shall be apportioned between the several accounts of that fund in such proportions as the Council consider equitable.

(5) The Council shall provide the yearly payments aforesaid by contributions from the revenue moneys of the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Council which, if the specified risks were insured against in an insurance office, would be properly chargeable with the payment of the premium of such insurance.

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

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Council shall in every

PART V
—cont.

financial year, so long as the fund is less than the prescribed amount, carry to the credit of that fund out of the revenue moneys of the county fund an amount equal to the interest and other annual proceeds carried to the county fund in pursuance of the last foregoing paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings, departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Council may, if they deem it expedient, include in the specified risks, risks of accident to any teacher, caretaker or other person employed in any voluntary school in the county.

(8) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Council in respect of the specified risks in the order of the dates on which such losses, damages, costs or expenses become ascertained, and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses, the Council may, with the sanction of the Secretary of State, borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings, departments or services of the Council, and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

(9) Any covenant or obligation binding on the Council to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed to be satisfied by a resolution of the Council under subsection (1) of this section and that risk shall be one of the specified risks.

(10) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks, the insurance fund may be carried to and form part of any capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953

or (if the Council so determine) shall be applied in such other manner as the Secretary of State may approve towards the discharge of any debt of the Council or otherwise for any purpose for which capital money may properly be applied.

PART V
—cont.

(11) In this section—

(a) “insurance office” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

(b) “financial year” means a period of twelve months ending on 31st March;

(c) “prescribed amount” means such sum as may from time to time be prescribed by the Council; and

(d) “statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust moneys or in which the Council are by this Act authorised to invest money forming part of the superannuation fund maintained by the Council under Part I of the Act of 1937.

46. Section 12 of the Prices and Incomes Act 1968 (which enables a local authority to increase the rent payable to the authority for houses let on a weekly or other periodical tenancy without the tenancy being terminated) shall apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 of the Council as if, in subsection (1)—

Notice of alteration of rents without notice to quit.
1968 c. 42.
1958 c. 42.

(a) the words “on a weekly or other periodical tenancy” were omitted;

(b) after the word “increased” there were inserted the words “or reduced”; and

(c) after the word “increase” there were inserted the words “or reduction”;

and as if, in subsection (4), the definition of “local authority” included the Council, for the definition of “local authority houses” there were substituted the words “‘local authority houses’ are houses of the local authority”, and after the word “increase” there were inserted the words “or reduction”.

47. Any person who for the purposes of obtaining for himself or another person the tenancy or occupation of a house belonging to, or at the disposal of, the Council knowingly or recklessly makes, or permits to be made, to the Council or to any committee

False statements to obtain tenancies.

PART V
—cont.

of the Council or member of the Council or employee of the Council a statement which is false in a material particular about his, or that other person's, needs or means shall be guilty of an offence.

Application
to local
authorities
of provisions
of Part V.

48.—(1) Subject to section 87 (Certain sections of Act not to apply to Reigate Corporation) of this Act and with the consent of the Secretary of State, the provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority maintaining a superannuation fund and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to such local authority and to their district respectively, and subject to any other necessary modifications.

(2) The provisions referred to in subsection (1) of this section are—

Section 38 (Extension of power to invest superannuation fund);

Section 39 (Investment of superannuation fund in land and unit trusts);

Section 40 (Expenses of investment of superannuation fund).

(3) The provisions of this Part of this Act mentioned in subsection (4) of this section shall apply to a local authority and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to their district respectively, and subject to any other necessary modifications.

(4) The provisions referred to in subsection (3) of this section are—

Section 36 (Power to raise money by bearer bonds);

Section 37 (Power to raise money abroad);

Section 41 (Receipts in case of minors);

Section 42 (Compensation for injury to or death of certain employees);

Section 43 (Extension of section 42 to voluntary assistants, etc.);

Section 44 (Modification of mortgages by endorsement under hand);

Section 46 (Notice of alteration of rents without notice to quit);

PART V
—cont.

Section 47 (False statements to obtain tenancies).

49. Nothing in this Part of this Act shall exempt the Council or any local authority from the provisions of the Exchange Control Act 1947.

Saving for exchange control.
1947 c. 14.

PART VI

SUPERANNUATION

50. In this Part of this Act, unless otherwise expressly enacted or the subject or context otherwise requires, words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings, and—

Interpretation
for Part VI.

“ contributor ” means a contributor to the superannuation fund as respects whom the Council are the employing authority;

“ death grant ” and “ transfer value ” have, in relation to a contributor, the meanings assigned to them respectively by the Regulations of 1954;

“ the new superannuation provisions ” means this section and sections 51 to 53 of this Act;

“ the principal Acts ” means the Local Government Superannuation Acts 1937 to 1953;

“ regular fireman ” has the same meaning as in the Firemen’s Pension Scheme from time to time in force under section 26 of the Fire Services Act 1947;

1947 c. 41.

“ the Regulations of 1954 ” means the Local Government Superannuation (Benefits) Regulations 1954;

“ return of contributions ” in relation to a person who has ceased to be a contributor includes any sum paid to, or in respect of, him by way of interest on the amount of the contributions returned to him;

“ superannuation benefit ” includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme.

51.—(1) The new superannuation provisions shall come into force on 1st October, 1971.

Operation of
new super-
annuation
provisions.

(2) Without prejudice to the provisions of section 53 (Transfers of employment), section 55 (Application of new superannuation

PART VI
—cont.

provisions to other employing authorities) and section 60 (Application of new superannuation provisions to local authorities) of this Act, the provisions of the principal Acts and the regulations made thereunder shall apply and have effect in relation to a person who is a contributor on or after the date of the coming into force of the new superannuation provisions subject to the extensions, modifications and applications of the said Acts and regulations contained in the new superannuation provisions.

Benefits in
certain cases
of premature
retirement.

52.—(1) Where, after the coming into force of the new superannuation provisions, the employment of a contributor who has attained the age of fifty-five years and completed ten years' service is terminated in the interests of efficiency before he has attained the age of sixty-five years, he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Provided that this subsection shall not apply to a contributor if, not later than one month after ceasing to hold his employment, he notifies the Council in writing that he does not wish this subsection to apply to him.

(2) Where, after the coming into force of the new superannuation provisions, a contributor who has attained the age of fifty-five years and completed twenty-five years' service but has not attained pensionable age terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in place of any entitlement to a return of contributions under section 10 of the Act of 1937 or in pursuance of the London Government Act 1963 and article 21 (Protection of rights and obligations) of the London Authorities (Superannuation) Order 1965:

1963 c. 33.

Provided that—

- (i) where a person has become entitled to a superannuation benefit by virtue of this subsection, he may, by notice given to the Council in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection, and any rights to which he is entitled thereunder, shall cease to apply in relation to him as from the date on which such notice is given;
- (ii) unless the Council otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age.

(3) Where a person who has become entitled to a superannuation benefit by virtue of subsection (2) of this section dies before any payment on account of such benefit has been made to him, as from the date of his death the like benefits shall be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

PART VI
—cont.

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of "service" in section 40 (1) of the Act of 1937, whether or not any payment has been made to him on account thereof.

(5) For the purposes of section 16 of the Local Government Superannuation Act 1953, and of any rules made thereunder, a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him, and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16. 1953 c. 25.

(6) In this section "pensionable age" in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to superannuation benefits by reason of having, otherwise than under this section, attained such age and completed such period of service as is prescribed in the principal Acts or the Regulations of 1954, or (as the case may be) in the corresponding provisions of any local Act or scheme or local Act scheme.

53.—(1) The Council may, in accordance with the provisions of a scheme made by them for the purposes of this section— Transfers of employment.

(a) as respects any contributor who ceases or has ceased to hold employment under the Council in order to enter an employment (in this paragraph referred to as "the new employment") in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, instead of making any such payment to him from the superannuation fund as is referred to in section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the superannuation fund by the contributor), either—

(i) make from the superannuation fund in respect of him a payment by way of a transfer value to the

PART VI
—cont.

body or persons responsible for administering any superannuation scheme in connection with the new employment; or

(ii) subject to such consequential provisions as may be prescribed in the scheme, award to or in respect of him superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment under the Council:

Provided that no benefit shall be paid to a person by virtue of this sub-paragraph before such date as may be prescribed under the scheme; and

(b) as respects any person who enters or has entered into employment with the Council from an employment in relation to which interchange arrangements are not for the time being in force, receive any payment made by or in respect of him to the superannuation fund, whether by way of transfer value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts, and the regulations made thereunder, as may be prescribed under the said scheme.

(2) A scheme made under this section shall be of no effect unless it has been approved by the Secretary of State, and the Secretary of State may approve any such scheme, either with or without modifications, after consultation with such organisations as are, in his opinion, representative of the interests concerned.

(3) A scheme made under this section may be amended or revoked by a subsequent scheme.

(4) Any body or persons responsible for administering a superannuation scheme in connection with an employment as respects which interchange arrangements are not for the time being in force, may make any amendments or modifications of that superannuation scheme that may be desirable to facilitate the operation of any scheme made by the Council under this section.

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any such payment by way of a transfer value as is referred to in subsection (1) (a) (i) of this section or to such payment by way of a transfer value or otherwise as is referred to in subsection (1) (b) of this section.

(6) In this section "interchange arrangements" means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948, or by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

PART VI
—cont.

1948 c. 33.

54. For the purposes of section 18 of the Local Government Superannuation Act 1953, as applied to the Council, any person employed by the managers or governors of any voluntary school in the county or employees of the Surrey Police Committee shall be deemed to be employed by the Council and the Council may grant to or in respect of any such person and to a regular fireman a gratuity in accordance with the provisions of the said section 18.

Gratuities to certain employees.
1953 c. 25.

55.—(1) An authority to which this section applies may by resolution adopt all or any of the new superannuation provisions as from such date, not being earlier than 1st October, 1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to the authority as if—

Application of new superannuation provisions to other employing authorities.

(a) any reference therein to a contributor were a reference to a contributor to the superannuation fund as respects whom the authority are the employing authority; and

(b) any reference to the Council in section 52 (Benefits in certain cases of premature retirement) or subsection (1) (a) and (b) of section 53 (Transfers of employment) of this Act were a reference to the authority.

(2) Where in pursuance of the last foregoing subsection any provisions are adopted by an authority to which this section applies as from a date later than 1st October, 1971, any reference in those provisions to the date of the coming into force of the new superannuation provisions shall be construed in relation to the authority as a reference to such later date.

(3) This section applies to—

(a) a local authority which does not maintain or combine to maintain a superannuation fund under Part I of the Act of 1937;

(b) any organisation, undertaking or body in respect of which there is for the time being in force an admission agreement with the Council pursuant to section 15 of the Local Government Superannuation Act 1953;

PART VI
—cont.

- (c) any other employing authority in relation to which the superannuation fund is the appropriate superannuation fund within the meaning of section 1 (3) (d) of the Act of 1937.

Exclusion
of certain
remuneration
and service
for super-
annuation
purposes.
1967 c. 12.

56.—(1) Subject to the provisions of subsection (4) of this section, subsection (2) of this section applies to employees—

- (a) who are contributory employees for the purposes of the principal Acts; or
- (b) who are teachers employed in reckonable service within the meaning of the Teachers' Superannuation Act 1967; or
- (c) who are firemen participating in the Firemen's Pension Scheme for the time being in force under section 26 of the Fire Services Act 1947; or
- (d) who by virtue of the provisions of the Superannuation (Policy and Local Government Schemes) Interchange Rules 1948 to 1970 are not subject to the provisions of the principal Acts;

1947 c. 41.

and who are employed whole-time by the Surrey Police Committee, the Council, a local authority, a magistrates' courts committee, a probation and after-care committee, the managers or governors of a voluntary school, a local valuation panel or any voluntary organisation, undertakers or other body approved by the Secretary of State the employees of which participate in the benefits of the superannuation fund.

(2) The salary, wages, fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this subsection applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Council, or any other authority or body the employees of which participate in the benefits of the superannuation fund—

- (a) as an instructor or other employee performing duties at, or for the purposes of, an evening institute or for the purposes of evening classes; or
- (b) as a warden of, or other employee performing duties at, or for the purposes of, a youth centre; or
- (c) as a civil defence instructor; or
- (d) 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;

shall not be remuneration within the meaning of the principal Acts, or of any other enactment affecting the superannuation fund, and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

PART VI
—cont.

(3) Where, before the passing of this Act, any person to whom subsection (2) of this section applies has paid any contribution or contributions to the superannuation fund which would not have been so paid if this section had been in force when such contribution or contributions were made, the Council shall repay to such person a sum equal to the amount of such contribution or contributions, together with compound interest thereon calculated to the date of repayment at the rate of 3 per cent. per annum with half-yearly rests.

(4) Subsection (2) of this section shall not apply to any such person as is referred to in subsection (3) of this section unless, within six months after the passing of this Act, he gives notice in writing to the Council that the said subsection (2) is to apply to him, whereupon that subsection shall apply to him as if this Act had come into force on the date of the receipt by the Council of such notice.

57.—(1) If a contributor is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct, the Council may transfer from the superannuation fund to the county fund of the Council an amount not exceeding the whole, or any part, of any contributions not returned to him or paid to his wife or family under section 10 (4) of the Act of 1937, or the amount of any loss suffered by the Council in consequence of the employee's offence or misconduct, whichever is the less.

Transfer of
certain sums
from super-
annuation
fund.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund is dismissed, resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct and by reason thereof the employing authority have suffered direct financial loss, the Council shall, on demand from the employing authority, pay to them out of the superannuation 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 VI
—cont.

Provided that—

1965 c. 51.

(a) where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1965 the Council shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions;

1953 c. 25.

(b) the Council 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 unless the employing authority have directed that all rights enjoyed by, or in respect of, him with respect to that period of previous service, being rights under Part I of the Act of 1937 or under the Local Government Superannuation Act 1953, or any regulations made thereunder, shall be forfeited.

As to proof
of continued
existence of
pensioners.

58. Notwithstanding anything in the principal Acts the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts or any other superannuation, pension, compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person.

Power to
require
designated
sums to be
paid to
trustees.

59.—(1) A contributor may at any time by notice in writing to the Council, given in such form as the Council may approve, direct that—

(a) the provisions of this section shall apply to the amount (if any) which would otherwise be payable to his estate by way of death grant or by way of return of contributions to the fund; and

(b) any such amount (hereafter in this section and in Schedule 1 to this Act referred to as "the designated sum") instead of being paid to his estate shall be paid to such responsible persons (not being less than two nor more than four in number and hereafter in this section and in the said Schedule 1 referred to as "the trustees") as shall be appointed for that purpose by the Council, to be held upon the trusts and with and subject to the powers and provisions in force under the said Schedule 1 at the date of such direction.

(2) Any direction given in accordance with this section shall be effective and the designated sum shall accordingly be paid to the trustees and shall be held by them upon the trusts and with and subject to the powers and provisions in force under the said Schedule 1 at the date of such direction.

PART VI
—cont.

(3) The trusts, powers and provisions set out in the said Schedule 1 may from time to time be varied by resolution of the Council, but so that the trusts, powers and provisions as so varied shall only apply in relation to directions received by the Council after the making of such variations.

(4) Any direction given by a contributor under this section shall be irrevocable and binding on such contributor and his estate and all persons interested therein.

(5) In this section and in the said Schedule 1 "contributor" includes any person who on or after the date of the coming into force of the new superannuation provisions is a contributor to the fund and "former contributor" shall be construed accordingly.

60.—(1) Where a local authority or a combination of local authorities maintain a superannuation fund under Part I of the Act of 1937, any such local authority may by resolution adopt all or any of the new superannuation provisions, as from such date, not being earlier than 1st October, 1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to that local authority as if—

Application of
new super-
annuation
provisions to
local
authorities.

- (a) any reference therein to the Council were a reference to that local authority;
- (b) any reference therein to a contributor were a reference to a contributor to the superannuation fund maintained by that local authority or combination of local authorities under Part I of the Act of 1937 as respects whom that local authority are the employing authority; and
- (c) any reference therein to the superannuation fund were a reference to the superannuation fund maintained by that local authority or combination of local authorities under Part I of the Act of 1937.

(2) If any such local authority as is referred to in subsection (1) of this section adopts all or any of the new superannuation provisions, any other employing authority in relation to which that local authority or combination of local authorities are the appropriate administering authority may by resolution adopt all or any of the new superannuation provisions as from such date

PART VI
—cont.

as may be specified in such resolution, and, where any provisions are so adopted, they shall apply and have effect in relation to the employing authority as if—

- (a) any reference therein to a contributor were a reference to a contributor to the superannuation fund maintained by the local authority or combination of local authorities as respects whom the authority are the employing authority; and
- (b) any reference to the Council in section 52 (Benefits in certain cases of premature retirement) or subsection (1) (a) and (b) of section 53 (Transfers of employment) of this Act were a reference to the employing authority.

Application to
certain
authorities of
provisions of
Part VI.

61.—(1) Subject to section 87 (Certain sections of Act not to apply to Reigate Corporation) of this Act, the provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority and to a joint committee of local authorities established under section 2 of the Act of 1937 and, for that purpose, those provisions shall have effect as if, for references therein to the Council, there were substituted, in the case of a local authority, references to the local authority and, in the case of any such joint committee, references to that committee, and subject in both cases to any other necessary modifications.

(2) The provisions hereinbefore referred to are—

- Section 56 (Exclusion of certain remuneration and service for superannuation purposes);
- Section 57 (Transfer of certain sums from superannuation fund); and
- Section 58 (As to proof of continued existence of pensioners).

PART VII

MISCELLANEOUS

Disposal of
dangerous
containers.

62.—(1) No person shall within the county dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of a flammable, explosive or poisonous substance or any herbicide, fungicide or insecticide and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container to any person or property.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence, and the local authority

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.

PART VII
—cont.

(3) In this section “poisonous substance” means a substance specified in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act 1933.

1933 c. 25.

63.—(1) Any person who wilfully, and without the consent of the appropriate authority—

Offences in
respect of
telephone
boxes, fire
hydrants, etc.

- (a) obstructs the access to a police telephone call box in the county or to a structure provided in the county for police purposes, or to a fire alarm provided by the Council; or
- (b) interferes with equipment in such a call box, structure or fire alarm; or
- (c) removes, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, structure or fire alarm, or of a fire hydrant in the county;

shall be guilty of an offence; and on conviction the court may, in addition to any other penalty adjudge him to pay to the appropriate authority a sum as the cost of removing the obstruction or of making good or replacing the equipment or mark, and the amount of such expenses in case of dispute respecting the same may be settled and determined by the county court.

(2) Any person who telephones, or causes to be telephoned—

- (a) from a police telephone call box in the county a statement which he knows to be false; or
- (b) from a call box of the Post Office telephone service in the county a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action;

shall be guilty of an offence and if the false statement is an alarm of fire he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or both.

(3) In this section—

“structure” includes any installation; and

“appropriate authority” means, in relation to a fire alarm or fire hydrant, the Council and in any other case the police authority acting by the chief officer of police as defined in section 62 of the Police Act 1964.

1964 c. 48.

PART VII
—cont.

Extension of
power to
maintain
burial
grounds.

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

- (a) to put, and keep, in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

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

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the area, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such person, can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the burial authority's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the burial authority will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service whichever is the latest; and
- (c) state the effect of the next following subsection.

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

(5) The burial authority may put to such use as they think appropriate, or destroy, any memorial removed under this

section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

PART VII
—cont.

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

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

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

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

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

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

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

(9) In this section—

“burial authority” means any body or authority exercising powers under the Burial Acts 1852 to 1906, the Public Health (Interments) Act 1879, the Cremation Acts 1902 and 1952, or any local Act relating to the provision or maintenance of a burial ground; 1879 c. 31.

“burial ground” has the same meaning as in the Open Spaces Act 1906; 1906 c. 25.

“grave” includes a grave space;

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

PART VII
—cont.

For protection
of Common-
wealth
War Graves
Commission.

65.—(1) In this section—

“ the Commission ” means the Commonwealth War Graves Commission;

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

(2) In relation to any burial ground to which the provisions of section 64 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the burial authority shall—

- (a) not later than the date upon which such notice is first published in a newspaper circulating in their area, serve upon the Commission a copy of any notice which the burial authority are required to publish pursuant to the said section 64;
- (b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 64;

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

(3) The burial authority shall not in pursuance of the powers of the said section 64 remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate namely:—

- (a) that no other memorial shall be placed or erected over such grave;
- (b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised

by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;

PART VII
—cont.

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

(4) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 64, the burial authority shall, not later than the date on which the matter is referred to the Secretary of State, inform the Commission in writing of such reference and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Secretary of State.

66.—(1) At any time after a period of six years from the date of the receipt by the Council of an application made to the Council for a decision, determination, grant, consent, agreement, approval or permission the Council may destroy any documents received by them in connection with the application: Destruction of documents connected with applications.

Provided that the Council shall make and retain a microfilm recording of an application for planning permission, including any plan or plans approved by them in connection therewith, or any industrial development certificate or office development permit relative thereto before any such document is destroyed pursuant to the power contained in this section.

(2) In this section “document” means book, record, letter, map, plan, drawing, photograph or other document or any part thereof.

67.—(1) The Council may make and retain microfilm recordings of documents of the Council. Microfilming of documents.

(2) Notwithstanding anything contained in any enactment, the Council may destroy any documents of the Council, other than minute books, of which they have made microfilm recordings and have made provision for the retention of such recordings:

PART VII

—cont.

1958 c. 51.

1962 c. 56.

Provided that—

(a) the Council shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962;

(b) the Council shall afford to the public the same rights of access to a microfilm recording made under this section as would have been available in respect of the document so recorded if this section had not been enacted.

(3) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or any rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be admissible in evidence for any purpose for which the document would have been admissible in any proceedings in any court in England or Wales if the clerk certifies that—

(a) the document has been destroyed; and

(b) a microfilm recording of the document has been made; and

(c) the enlargement is an enlargement of that microfilm recording.

(5) The Council, in consultation with such persons as appear to them to be the appropriate persons to consult with on matters relating to the destruction or retention of documents, may prepare and agree a code of practice containing guidance and recommendations as to the principles which should, in their opinion, govern the exercise by any person of the powers to destroy documents conferred by subsection (2) of this section, including guidance and recommendations as to the considerations which should govern the retention of certain documents, or classes or examples of documents, on the grounds of the value which the documents have, or may reasonably be expected to have in the future, for administrative or historical purposes or for the purposes of sociological or other research.

(6) In this section unless the context otherwise requires—

(a) “document” means the whole or part of a register, book, record, letter, map, plan, drawing, photograph or

other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the Council or any committee of the Council;

PART VII
—cont.

- (b) references to documents of the Council are references to documents belonging to, or permanently in the possession of, the Council; and
- (c) "microfilm recording" means a reproduction of a document on film or other material which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

68.—(1) The Council may provide services and facilities for the processing of data for any person by computer or by any other equipment which the Council may possess, and the Council may make such charges as may be agreed for the provision of those services and facilities. As to use of computer equipment.

(2) Information obtained by any employee of the Council in the course of the provision of such services or facilities shall not, without the consent of the person from whom it was obtained, be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

69. The provisions of section 8 of the Surrey County Council Act 1958 shall apply to a local authority and for that purpose, shall have effect as if, for the references therein to the Council, there were substituted references to the local authority, and subject to any other necessary modifications. As to application of section 8 of Surrey County Council Act 1958, 1958 c. xlii.

70.—(1) The Council may for the purpose of enabling them to perform any of their functions under— Power to require information as to ownership of premises.

(a) any enactment in force at the passing of this Act which authorises the Council to acquire land compulsorily;

(b) any enactment mentioned in Schedule 2 to this Act; and

(c) any local enactment in force on the passing of this Act which authorises the Council to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises, or which authorises the Council to execute works on lands or premises within the county;

require—

(i) the occupier of, and any person having an interest in, any premises in the county, and any person who either directly or indirectly receives rent in respect of such premises, to state in writing the nature of his own interest therein and the name and address of any other person

PART VII
—cont.

known to him as having an interest in those premises, whether as freeholder, mortgagee, lessee or otherwise, and the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and

(ii) any person who has sold, or otherwise disposed of, leased or let any premises in the county to state in writing the name and address of the person to whom he has sold, or otherwise disposed of, leased or let those premises.

(2) Any person who having been required by the Council in pursuance of this section to give to them any information fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence.

(3) For the purposes of this section "interest" includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Council in so far as they relate to the same subject-matter as this section.

Application
to certain
authorities of
provisions of
Part VII.

71.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority and, for that purpose, shall have effect as if, for references therein to the Council and to the county, there were substituted references to the local authority and to their district respectively, and subject to any other necessary modifications.

(2) The provisions hereinbefore referred to are—

- Section 66 (Destruction of documents connected with applications);
- Section 67 (Microfilming of documents);
- Section 68 (As to use of computer equipment);
- Section 70 (Power to require information as to ownership of premises).

PART VIII

GENERAL

Confirming
authority for
byelaws.

72. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

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

PART VIII
—cont.

Local
inquiries.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 (which relate to the giving of evidence at, and the defraying of the cost of, local inquiries) shall apply in relation to any such inquiry and for that purpose shall have effect as if the expression “department” in that section included any Minister of the Crown having functions under this Act.

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

1946 c. 31.

74. Save where otherwise expressly provided in this Act, in arbitrations under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of any party (after giving notice in writing to the other party or parties) by the President of the Institution of Civil Engineers.

Arbitration

75. Proceedings in respect of an offence created by or under any provision of this Act, or under any byelaw made under any such provision, shall not, without the written consent of the Attorney-General, be taken by any person other than a party aggrieved or the Council, the highway authority, the local authority, or the parish council (as the case may be) having an interest in the enforcement of the provision or byelaw in question.

Restriction
on right to
prosecute.

76.—(1) Section 300 of the Act of 1936 (which relates to appeals to magistrates’ courts) shall apply to appeals to a magistrates’ court under this Act (except under the provisions thereof mentioned in subsection (2) of section 77 (Application of general enactments) of this Act) and sections 301 and 302 of that Act (which make provision for appeals to courts of quarter sessions and as to the effect of a decision of any court upon appeal) shall apply accordingly.

Appeals.

(2) Where any requirement, refusal or other decision of the Council or a highway authority or 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 any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

PART VIII
—cont.

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

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

Application of
general
enactments.

77.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included reference to this Act, except Part III (Highways) of this Act.

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 3 to this Act shall have effect as if references therein to that Act included reference to Part III (Highways) of this Act.

(3) The sections of the Act of 1936 mentioned in Part III of Schedule 3 to this Act shall have effect as if references therein to that Act included reference to Part II (Lands, planning and amenities) and Part IV (Fire protection) of this Act.

Penalties for
offences
against Act.

78.—(1) Any person guilty of any of the offences against the provisions of this Act specified in column (1) of Schedule 4 to this Act shall be liable on summary conviction to a fine not exceeding the maximum specified in column (2) of the said schedule opposite to such offence or where the contravention in respect of which a person is convicted of an offence against this Act is continued after conviction, the person shall be liable on summary conviction to a further fine not exceeding the maximum specified in column (3) of the said schedule opposite to such offence for each day or part of a day during which the contravention is shown to have been continued.

(2) Any person guilty of an offence against the provisions of this Act not hereinbefore specified or specified in Schedule 4 to this Act shall be liable on summary conviction to a fine not exceeding twenty pounds.

The appointed
day.

79.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of a local authority subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The local authority shall cause to be published in a local newspaper circulating in the district notice—

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

(b) of the general effect of the provisions of this Act coming into operation as from that day;

PART VIII
—cont.

and the day so fixed shall not be earlier than the expiration of one month from the date of the publication of the said notice.

(4) Either—

(a) a copy of any such newspaper containing any such notice;
or

(b) a photostatic or other reproduction certified by the clerk of the local authority to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

(a) immediately before that day was carrying on that business, or using any premises for that purpose; and

(b) had before that day duly applied for the licence required by that provision;

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 76 (Appeals) of this Act.

80. Section 265 of the Public Health Act 1875 shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act, and as if references in that section to a member of a local authority included reference to a member of a committee or a sub-committee of the Council or of a local authority.

Protection of
members and
officers from
personal
liability.
1875 c. 55.

81.—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Liability of
directors, etc.

(2) The provisions hereinbefore referred to are the following:—

Section 9 (Prohibition of parking of heavy commercial vehicles);

PART VIII
—cont.

Section 28. (Oil-burning equipment);

Section 29 (Fire precautions in certain large buildings);

Section 32 (Parts of buildings used for storage of flammable substances);

Section 47 (False statements to obtain tenancies).

(3) In this section "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on, under national ownership, any industry, or part of any industry, or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Repeals.

1925 c. cxv.

1931 c. ci.

1936 c. cxxx.

1958 c. xlii.

82.—(1) The provisions of the Surrey County Council Act 1925, the Surrey County Council Act 1931, the Surrey County Council Act 1936 and the Surrey County Council Act 1958 specified in Schedule 5 to this Act shall, to the extent indicated, cease to have effect within the county.

(2) Any orders made under section 89 of the Surrey County Council Act 1931 shall cease to have effect.

Crown rights.

83.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown, and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Council or any local authority, to take, use, or in any manner interfere with, any land or hereditaments or any rights of whatsoever description—

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council or any local authority or highway authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

1950 c. 39.

Increase of penalties.

84. The provisions of the enactments specified in column (1) of Schedule 6 to this Act shall have effect in the county as if the maximum fine which may be imposed on summary conviction of an offence specified in that enactment were a fine not exceeding the amount specified in columns (4) and (5) of that schedule instead of a fine of or not exceeding the amount specified in columns (2) and (3) of that schedule.

85. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

PART VIII
—cont.

Saving for
Town and
Country
Planning Acts.
1962 c. 38.

86. No power conferred upon the Council by the following sections of this Act, namely:—

Saving for
trusts, etc.

Section 11 (Golf courses);

Section 12 (Recreational and other facilities for employees);

shall be exercised in such a manner—

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

87. Section 8 (Power to reinstate owners or occupiers of property); section 41 (Receipts in case of minors); and section 58 (As to proof of continued existence of pensioners) of this Act shall not apply to the council of the borough of Reigate.

Certain
sections of
Act not to
apply to
Reigate
Corporation.

88. For the protection of the statutory undertakers the following provisions shall, unless otherwise agreed in writing between the authority and the statutory undertakers, apply and have effect:—

For
protection
of certain
statutory
undertakers.

- (1) In this section, unless the subject or context otherwise requires—

“ apparatus ” means—

- (a) electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the generating board or the electricity boards, or any of them, as the case may be;

1882 c. 56.

PART VIII
—cont.

(b) mains, pipes or other apparatus belonging to or maintained by the Gas Council or the gas boards; or any of them, as the case may be;

(c) telegraphic lines belonging to or used by the Post Office;

(d) mains, pipes or other apparatus belonging to or maintained by the water undertakers, or any of them, as the case may be;

and includes any works constructed for the lodging therein of apparatus;

“the authority” means the Council, a local authority or the highway authority as the case may require;

“in” in a context referring to apparatus includes under, over, across, along or upon;

- (2) Nothing in the following sections of this Act shall relieve the authority or any person acting with the consent of or on the requirement of the authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:—

Section 11 (Golf courses);

Section 15 (Temporary stoppage of streets);

Section 16 (Extension of power to provide public conveniences);

Section 20 (Protection of trees, grass verges and gardens);

Section 21 (Provision of parking places on trunk roads and county roads):

- (3) Notwithstanding the temporary stopping up or diversion of or interference with any street or the diversion temporarily of traffic therefrom or the prevention of persons from using the street under the powers of section 15 (Temporary stoppage of streets) of this Act, the statutory undertakers, their employees, agents and contractors shall be at liberty at all times to enter upon the street with any necessary vehicles to execute and do all such works and things in any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus:

- (4) (a) Notwithstanding anything in section 18 (Adjustment of boundaries of estates in connection with streets) of this Act the statutory undertakers shall not, under the provisions of that section, be required to adjust or alter

the boundaries of, or exchange, any operational land except with their consent, which shall not be unreasonably withheld and any difference as to whether such consent is withheld unreasonably shall be determined by arbitration under subsection (4) of that section;

- (b) Nothing in subsection (1) of the said section 18 shall apply to any covenant, restriction or condition for the benefit of or for preventing interference with the use of or for securing access to operational land or apparatus of the statutory undertakers:
- (5) Nothing in section 20 (Protection of trees, grass verges and gardens) of this Act shall affect the rights of the statutory undertakers, their employees, agents and contractors with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:
- (6) Notwithstanding anything in section 19 (Control of goods service areas) of this Act, the statutory undertakers may cause or permit their vehicles to wait at any time on any service area designated under the said section 19 for any such period as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing apparatus:
- (7) (a) Except as provided in paragraph (4) of this section any question or any difference which may arise between the authority and the statutory undertakers under this section shall be determined by arbitration;
- (b) In settling any question or difference under this section, the arbitrator shall have regard to any duty or obligation which the statutory undertakers may be under in respect of any apparatus and may, if he thinks fit, require the authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

89. All the costs, charges and expenses preliminary to and of Costs of Act. and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Council out of their county fund or out of moneys to be borrowed under this Act.

SCHEDULES

Section 59.

SCHEDULE 1

SETTING OUT THE TRUSTS, POWERS AND PROVISIONS UPON, WITH AND SUBJECT TO WHICH THE DESIGNATED SUM IS TO BE HELD IN PURSUANCE OF A DIRECTION GIVEN BY A CONTRIBUTOR UNDER SECTION 59 (POWER TO REQUIRE DESIGNATED SUMS TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 59 (Power to require designated sums to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions; that is to say:—

1. During the period of twenty-one years from the death of the former contributor the trustees may pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of all or any one or more exclusively of the other or others of the following persons:—

- (a) the widow or widower of such former contributor;
- (b) the grandparents of such former contributor and the grandparents of the widow or widower of such former contributor and the grandparents of any previous or deceased wife or husband of such former contributor;
- (c) the issue of such former contributor;
- (d) any other issue of any of the grandparents referred to in sub-paragraph (b) of this paragraph; and
- (e) the person or persons (if any and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine and so that the trustees may if they think fit pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

2. In addition to the powers conferred on them by virtue of the foregoing paragraph 1, during the said period of twenty-one years the trustees may at any time pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of any person who in the opinion of the trustees was wholly or in part dependent on the earnings of such former contributor at his death in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this schedule shall be paid to such person or persons

(other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act 1925 c. 23. 1925 as amended by the Intestates' Estates Act 1952 or any statutory modification or re-enactment thereof in force at the death of such former contributor if such former contributor had died possessed thereof intestate and domiciled in England and solvent and so that such persons if more than one shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts and subject to the conditions therein contained. SCH. 1
—cont.

4. In this schedule the expressions "grandparent" and "issue" shall be construed as if the step-child, adopted child or illegitimate child of any person was that person's child, and "issue" includes issue in any degree.

SCHEDULE 2

Section 70.

ENACTMENTS MENTIONED IN SECTION 70

Public Health Act 1875:	1875 c. 55.
Public Health Acts Amendment Act 1890.	1890 c. 59.
Public Health Acts Amendment Act 1907.	1907 c. 53.
Public Health Act 1925.	1925 c. 71.
Land Drainage Act 1930.	1930 c. 44.
Public Health Act 1936.	1936 c. 49.
Public Health (Drainage of Trade Premises) Act 1937.	1937 c. 40.
Shops Act 1950.	1950 c. 28.
Housing Act 1957.	1957 c. 56.
Caravan Sites and Control of Development Act 1960.	1960 c. 62.
Land Drainage Act 1961.	1961 c. 48.
Public Health Act 1961.	1961 c. 64.
Housing Act 1961.	1961 c. 65.
Town and Country Planning Act 1962:	1962 c. 38.
Housing Act 1964.	1964 c. 56.
Civic Amenities Act 1967:	1967 c. 69.
Town and Country Planning Act 1968:	1968 c. 72.

Section 77.

SCHEDULE 3

GENERAL ENACTMENTS APPLIED

PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT, OTHER THAN PART III OF THIS ACT

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
297	Continuing offences and penalties.
301	Appeals to quarter sessions against decisions of justices.
302	Effect of decision of court upon an appeal.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS OF ACT OF 1959 APPLIED TO PART III OF THIS ACT

Section	Marginal note
273	Notice to be given of right of appeal.
274	Appeals and applications to magistrates' courts.
275	Appeals to quarter sessions from decisions of magistrates' courts.
277	Effect of decision of court upon an appeal.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.
281	Authentication of documents, etc.
282	Service of notices, etc.
283	Reckoning of periods.

PART III

SECTIONS OF ACT OF 1936 APPLIED TO PARTS II AND IV OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
287	Power to enter premises.
288	Penalty for obstructing execution of Act.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act 1925.

1925 c. 22.

SCHEDULE 4

Section 78.

MAXIMUM PENALTIES FOR OFFENCES AGAINST ACT

(1) Provision of Act contravened	(2) Maximum fine	(3) Maximum daily fine
Subsection (7) of section 9 (Prohibition of parking of heavy commercial vehicles)	£50	
Subsection (3) of section 14 (Licence to erect scaffolding)	£50	
Subsection (3) of section 17 (Prohibition of parking or camping on highway verges, etc.)	£20	
Subsection (2) of section 22 (Excavations near highways)	£100	
Subsection (5) of section 24 (Underground parking places)	£50	
Subsection (2) of section 25 (Further provision as to underground parking places)	£20	£5.
Subsection (7) of section 28 (Oil-burning equipment)	£50	
Subsection (5) of section 29 (Fire precautions in certain large buildings)	£200	
Subsection (10) of section 32 (Parts of buildings used for storage of flammable substances)	£50	£5.
Section 47 (False statements to obtain tenancies)	£100	
Subsection (2) of section 62 (Disposal of dangerous containers)	£50	
Subsection (1) of section 63 (Offences in respect of telephone boxes, fire hydrants, etc.)	£50	
Subsection (2) of section 63 (Offences in respect of telephone boxes, fire hydrants, etc.)	£50	
Subsection (2) of section 70 (Power to require information as to ownership of premises)	£50	

Section 82.

SCHEDULE 5

ENACTMENTS REPEALED

Session and chapter	Title or short title	Extent of repeal
15 & 16 Geo. 5 c. cxv	Surrey County Council Act 1925	Sections 41 to 59, sections 76 and 77, sections 79 to 82, sections 85 and 86, sections 89 to 96 and in so far as they apply to those sections sections 1 to 4 and sections 97 to 106.
21 & 22 Geo. 5 c. ci	Surrey County Council Act 1931	Sections 5 to 7, sections 9 and 10, sections 50 to 54, section 58, section 60, sections 66 to 68, sections 72 to 86, sections 88 to 90, sections 92 and 93, section 95, section 97, section 99, sections 131 and 132, sections 134 and 135, sections 137 to 146, sections 156 and 157, sections 159 and 160, section 172 and in so far as they apply to those sections, sections 1 to 4, sections 162 to 168, sections 170 and 171 and sections 173 to 175.
26 Geo. 5 & 1 Edw. 8 c. cxxx	Surrey County Council Act 1936	Sections 48 to 76, sections 78 and 79, section 85, sections 89 to 102, sections 109 to 112, section 114, sections 118 and 119, section 123, section 126 and section 130.
6 & 7 Eliz. 2 c. xlii	Surrey County Council Act 1958	Section 14, section 24, section 26, sections 28 and 29, sections 41 to 43, section 46, sections 48 to 52 and section 54.

SCHEDULE 6
INCREASE OF FINES

Section 84.

(1) Enactment	(2) Old maximum fine	(3) Old maximum daily fine	(4) New maximum fine	(5) New maximum daily fine	
The Surrey County Council Act 1925—					
Subsection (1) (i) of section 68 (Penalties)	£50	£20	£100	£20	1925 c. cxv.
Subsection (1) (ii) and (iii) of the said section 68	£5	£2	£20	£5	
The Surrey County Council Act 1931—					
Subsection (1) of section 24 (Penalties for offences in respect of establishments for massage, &c.)	£50	£20	£100	£20	1931 c. ci.
Subsection (2) of the said section 24	£5	£2	£20	£5	
Paragraph (a) of section 46 (Penalties under Part V)	£50	£5	£100	£5	
Paragraph (b) of the said section 46	£20	£5	£50	£5	
Paragraphs (a) and (b) of subsection (4) of section 57 (Court may prohibit move- able dwellings in certain areas)	£10	£5	£20	£5	
Subsection (2) of section 71 (Council may provide bins for litter)	£2		£20		
Subsection (3) of section 91 (Provisions as to structures)	£2	£1	£20	£5	
The Surrey County Council Act 1936—					
Subsection (2) of section 87 (Damage to trees, shrubs, etc., on highways and in open spaces)	£2		£20		1936 c. cxxx.
Subsection (5) of section 121 (Disused petroleum vessels)	£5	£2	£50	£20	
Subsection (2) of section 122 (Restrictions on sales, etc., by persons collecting or dealing in rags, bones, old clothes or similar articles)	£5		£20		
Subsection (5) of section 125 (Byelaws as to hairdressers' and barbers' premises)	£5	£2	£20	£5	
The Surrey County Council Act 1958—					
Subsection (4) of section 18 (Crossings over footways)	£5		£20		1958 c. xliii.
Subsection (3) of section 20 (Hoards to be set up during building operations)	£5	£2	£20	£5	
Subsection (2) of section 22 (Sale of food and articles on verges)	£2		£20		

