

ELIZABETH II



1972 CHAPTER xxix

An Act to confer further powers upon the lord mayor, aldermen and citizens of the city of Coventry; to make further provision with regard to the health, local government, welfare, improvement and finances of the city; and for other purposes. [27th July 1972]

WHEREAS—

(1) The city of Coventry (hereinafter referred to as “ the city ”) is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (hereinafter referred to as “ the Corporation ”):

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

(3) It is expedient that the other provisions contained in this Act 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, that is to say:—

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Coventry Corporation Act 1972.

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

- Part I.—Preliminary.
- Part II.—Estates and general purposes.
- Part III.—General works.
- Part IV.—Planning and development.
- Part V.—Public protection.
- Part VI.—Transportation and highways.
- Part VII.—Finance.
- Part VIII.—Recreation.
- Part IX.—Miscellaneous.
- Part X.—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 provided or the subject or context otherwise requires—

PART I
—cont.

- “ the Act of 1920 ” means the Coventry Corporation Act 1920; 1920 c. lxxxviii.
- “ the Act of 1933 ” means the Local Government Act 1933; 1933 c. 51.
- “ the Act of 1936 ” means the Public Health Act 1936; 1936 c. 49.
- “ the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act 1946; 1946 c. 49.
- “ the Act of 1957 ” means the Housing Act 1957; 1957 c. 56.
- “ the Act of 1959 ” means the Highways Act 1959; 1959 c. 25.
- “ the Act of 1967 ” means the Road Traffic Regulation Act 1967; 1967 c. 76.
- “ the Act of 1971 ” means the Town and Country Planning Act 1971; 1971 c. 78.
- “ the appointed day ” has the meaning assigned to it by section 73 (The appointed day) of this Act;
- “ authorised security ” means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “ the city ” means the city of Coventry;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the lord mayor, aldermen and citizens of the city;
- “ the council ” means the council of the city;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ the electricity board ” means the East Midlands Electricity Board;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation for the time being in force within the city;
- “ financial year ” means a period of twelve months ending on 31st March;
- “ the gas board ” means the West Midlands Gas Board;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the city;
- “ the generating board ” means the Central Electricity Generating Board;

PART I
—cont.

1960 c. 18.

1952 c. 55.

1946 c. 31.

1969 c. 48.

1964 c. 48.

1878 c. 76.

1945 c. 42.

“ industrial building ” has the same meaning as in the Local Employment Act 1960;

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

“ medical officer ”, “ engineer ” and “ public health inspector ” mean respectively the medical officer of health, the engineer and any public health inspector of the city;

“ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946;

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

“ operational land ” has the meaning assigned to it by section 222 of the Act of 1971 except in relation to the Post Office, in which case, such land has the same meaning as in sub-paragraph (4) of paragraph 93 of Schedule 4 to the Post Office Act 1969;

“ the police authority ” has the same meaning as in the Police Act 1964;

“ Post Office apparatus ” means any telegraphic line belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus;

“ the railways board ” means the British Railways Board;

“ statutory undertakers ” means any company, body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity, gas or water and includes the Post Office;

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

“ the Third Schedule ” means the Third Schedule to the Water Act 1945;

“ the town clerk ” and “ the associate town clerk ” mean respectively the town clerk and the associate town clerk of the city;

“ the tribunal ” means the Lands Tribunal;

“ the water undertaking ” means the water undertaking of the Corporation as for the time being authorised.

(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 enactment, including this Act.

PART II

ESTATES AND GENERAL PURPOSES

4.—(1) If the Corporation—

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

Suspension
of restrictive
covenants.

for a purpose for which they are for the time being or could under any enactment for the time being in force 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 any enactment) 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.

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

(3) The Corporation shall—

- (a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected, and specifying the time, not being less than three months 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—
 - (i) 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
 - (ii) cause a copy or copies of that notice to be posted in a prominent position on the land.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by

PART II
—cont.

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 Corporation.

(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 Corporation acquire or appropriate the land, whichever is the latest.

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

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

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

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

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

(ii) post a copy or copies of that notice in a prominent position on the land.

PART II
—cont.

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

(9) The Corporation shall pay compensation in accordance with the provisions of section 10 of the 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 such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961. 1965 c. 56.
1961 c. 33.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates, or, if the Corporation convey the land to any body for any of the purposes of the Education Acts 1944 to 1971, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Corporation under subsection (9) 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 1971 remain unenforceable only so long as the land is used for that purpose.

(11) If the Corporation dispose of any land in relation 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.

(12) Nothing in this section shall apply to any restriction for the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of any statutory undertakers, the railways board, the British Waterways Board or the Severn River Authority contained in any deed, wayleave, agreement or other instrument.

PART II
—cont.

(13) Nothing in this section shall apply to any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave, agreement or other instrument and imposed by or enuring for the benefit of the National Coal Board for the purpose of safety.

(14) Nothing in this section shall apply to 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.

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

Decorations
in streets.

5.—(1) The Corporation may, on such occasions as they think fit, cause flag-poles, pylons and other structures to be erected in any street in the city for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

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

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

(b) The consent required by paragraph (a) of this subsection may be given subject to a condition that the Corporation shall at their expense remove anything placed in, or under the surface of, a trunk road under the powers conferred by this section if required by the Secretary of State to do so.

(4) (a) The powers conferred by this section shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any Post Office apparatus or any operational land of the Post Office.

(b) Any difference which may arise between the Corporation and the Post Office shall be determined by arbitration.

Illuminations.

6.—(1) The Corporation may in, on or over any of the buildings, structures, streets, gardens, parks and places in the city belonging to the Corporation or (with the consent of the owner or occupier) any other buildings, structures, streets, gardens, parks and places in the city provide or arrange on such terms and conditions as they may think fit for the provision of illuminations and may for such purposes provide, fit up, maintain and operate all such brackets, lamps, fittings, equipment, apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith:

Provided that the Corporation shall not continue any illumination under this section which—

- (a) hinders or is likely to hinder the interpretation of any railway signal or is likely to render hazardous the use of any railway; or
- (b) hinders or is likely to hinder the interpretation of any traffic sign as defined by section 54 of the Act of 1967.

(2) The provisions of section 45 of the Public Health Act 1961 shall in their application to the city extend and apply to such brackets, lamps, fittings, equipment, apparatus and appurtenances as may be required for the purposes of this section as if they had been mentioned in that section. 1961 c. 64.

(3) Any illuminations and any brackets, lamps, fittings, equipment, apparatus or appurtenances provided, fitted up, maintained or operated under this section shall be so provided, fitted up, maintained and operated as to prevent interference with—

- (a) any telegraphic line belonging to or used by the Post Office or with telegraphic communication by means of any such line;
- (b) electric lines and works (including works for the lodging therein of such lines and works) as respectively defined in the Electric Lighting Act 1882 and belonging to or maintained by the generating board or the electricity board. 1882 c. 56.

(4) The Corporation shall not exercise the powers of this section in, on, over, above or across a trunk road without the consent of the Secretary of State.

(5) The consent required by the last foregoing subsection may be given subject to a condition that the Corporation shall at their own expense remove anything placed in a trunk road under the powers conferred by this section if required by the Secretary of State to do so.

7.—(1) The Corporation may incur expenditure in advertising and making known the advantages, facilities and amenities afforded or to be afforded by the city for commerce and industry or as a tourist centre, place of architectural, historical or cultural interest or holiday resort in any manner which the Corporation may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

- (a) combine with any other organisation, company or person; and
- (b) employ such persons, firms or companies as they think fit.

(2) Any expenditure under this section shall be separate from, and additional to, the expenditure, if any, of the Corporation

Power to
advertise
advantages
of city.

PART II

—cont.

1931 c. 17.

1936 c. 48.

1967 c. 9.

under the Local Authorities (Publicity) Act 1931 or the Health Resorts and Watering Places Act 1936 and shall not in any financial year exceed the equivalent of twice the product of a penny rate as estimated for the purpose of section 12 of the General Rate Act 1967.

PART III

GENERAL WORKS

Communica-
tion pipes.

8. Section 41 of the Third Schedule in its application to the water undertaking shall have effect as if—

(1) for the proviso to subsection (1) there were substituted the following proviso:—

“ Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe ”;

(2) for subsection (3) there were substituted the following subsection:—

“ (3) The undertakers may make reasonable charges for executing the work which they are required or authorised by this section to execute and such charges shall be paid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt:

Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe, they shall not make any charge in respect of the additional cost incurred in laying a main instead of that part of a service pipe ”;

(3) in subsection (4), for the word “ expenses ” in both places where that word occurs, there shall be substituted the word “ charges ”.

Provision of
cisterns.

9. Section 60 of the Third Schedule, as applied to the water undertaking, shall have effect as if—

(1) for subsection (1) there were substituted the following subsection:—

“ (1) (a) Where it is reasonable in all the circumstances for the purpose of enabling the undertakers to fulfil an obligation to afford a constant supply of water to any premises, they may require that any house or building supplied by them shall be provided

to the satisfaction of the undertakers with a cistern having a ball and stopcock fitted on the pipe conveying water to it;

PART III
—cont.

(b) In determining for the purpose of this paragraph whether a requirement is reasonable in all the circumstances account shall be taken of whether the provision of a cistern in accordance with such a requirement would necessitate a major structural alteration to a building in existence on the 1st April 1958 and of which the use has not been changed since that date”;

(2) in subsection (2) for the words “his building” there were substituted the words “his house or building” and for the words “the building” there were substituted the words “the house or building”.

10. Subsection (1) of section 63 of the Third Schedule as applied to the water undertaking shall have effect as if after the word “property” there were inserted the words “or, in a case where two or more houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe, that some injury or defect in a part of the supply pipe in one or more houses or buildings or any land occupied therewith is causing, or is likely to cause, an interruption in the supply of water to any other house or building supplied by such common supply pipe”.

Further
power to
repair supply
pipes.

11.—(1) As from the appointed day no person shall deposit in a dustbin or other receptacle used for the reception of refuse or trade refuse which is to be removed by or on behalf of the Corporation, or in a receptacle provided by the Corporation under paragraph (a) of subsection (1) of section 76 of the Act of 1936 or under subsection (1) of section 51 of the Public Health Act 1961—

Restriction
on use of
dustbins, etc.

1961 c. 64.

- (a) any refuse of a liquid or partially liquid character;
- (b) any corrosive or explosive substance; or
- (c) any other matter or thing of whatsoever nature in such a state or condition that injury to employees of the Corporation may be caused thereby.

(2) As from the appointed day, no person shall use any dustbin provided by the Corporation (being a dustbin so provided for the removal of house refuse) for any purpose other than the deposit of refuse for removal by, or on behalf of, the Corporation.

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

PART IV

PLANNING AND DEVELOPMENT

Loans for
erection of
buildings, etc.

12.—(1) The Corporation may advance money to—

(a) any person for the purpose of enabling or assisting him to purchase or take on lease any land in the city; or

(b) the owner, purchaser or lessee of—

(i) any land in the city; or

(ii) any land (whether within or outside the city) acquired, or taken on lease, from the Corporation;

for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building on such land or to execute on or adjacent to such land any works which the Corporation would require him to execute by virtue of any enactment:

Provided that any such advance shall not exceed nine-tenths of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose for which the advance is made has been effected.

1963 c. 29.

(2) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963 (which section empowers local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to an advance made under the foregoing subsection, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3 of references to an advance made under subsection (1) of this section and to any other necessary modifications.

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

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) In this section—

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

“owner” means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land.

PART IV
—cont.

(6) Section 69 (Power to Corporation to advance moneys for erection etc. of buildings) of the Coventry Corporation Act 1948 is hereby repealed.

1948 c. xxxvii.

13.—(1) The Corporation may, if requested so to do by any person—

(a) who is the owner or lessee or intended owner or lessee of any land in the city; or

(b) who has purchased or taken on lease or intends to purchase or take on lease from the Corporation any land (whether within or outside the city);

Power to
Corporation
to assist
industry.

being in either case land upon which an industrial building is built or is intended to be built, extended or improved, carry out any work required in relation to the preparation or improvement of the site for that building or for the provision or improvement of buildings or of services or facilities on which any trade or business carried on or intended to be carried on in such building depends, and may make grants or loans towards the cost of such works, buildings and the provision or improvement of such services or facilities or any part thereof and towards the cost of the machinery and equipment which it is proposed to install therein.

(2) The Corporation may erect industrial buildings in advance of requirements for the purpose of attracting industry to the city.

(3) Nothing in this section shall authorise the Corporation to carry out works for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

14.—(1) The Corporation may, if requested to do so by any person who is the owner or intended owner or lessee or intended lessee of any building or part of a building in the city to which this section applies or of land in the city on which it is proposed that any such building should be erected, guarantee or contract to secure the payment of—

Power to
Corporation
to guarantee
rents, etc.,
of certain
buildings.

- (a) any rent or other sum payable in respect of the building or part thereof;
- (b) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purpose of any trade or business carried on or to be carried on in the building.

PART IV
—cont.
1963 c. 41.

Agreements
with
developers.

(2) This section applies to industrial buildings and buildings which are office or shop premises within the meaning of the Offices, Shops and Railway Premises Act 1963.

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

- (a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;
- (c) ensuring that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated, including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;
- (e) the use by the public of any paths or ways, which are not dedicated to the public, over that land or over a part or parts of any building or structure which is comprised in the development of that land, upon such terms and conditions as may be specified in the agreement (including terms and conditions as to the maintenance and cleansing of the surface of such paths or ways and the lighting of any building or structure over or above such paths or ways and the maintenance of any support of such paths or ways);
- (f) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;
- (g) arrangements for the maintenance of open space provided in connection with development of that land;
- (h) any other related or consequential matters.

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

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

(c) Except as may be expressly provided in the agreement, an agreement entered into under the preceding subsection 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.

(d) Nothing in any agreement entered into in pursuance of paragraph (e) of subsection (1) of this section shall prejudice or affect any powers exercisable by the electricity board or the generating board, whether by agreement or otherwise, for the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus in, on, under or over any land or building to which the agreement relates or any obligations or rights of the said boards in relation to the exercise of such powers.

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

(4) In this section "development" has the same meaning as in section 22 of the Act of 1971.

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

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

Adjustment
of boundaries
of estates in
connection
with streets.

PART IV
—cont.

(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.

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

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

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the Corporation and the persons interested (including mortgagees, whether or not in possession) in the respective estates, be determined by arbitration.

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

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

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

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

(9) Any land received by any person as aforesaid shall also be held subject to the same 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 Corporation 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) Notwithstanding anything in this section the Post Office shall not, under the provisions of this section, be required to adjust or alter the boundaries of, or exchange, any operational and except with its consent, which shall not be unreasonably withheld and any question whether a consent under this subsection is unreasonably withheld shall be determined by arbitration.

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

(13) Section 73 (As to adjustment of boundaries on exchange of lands) of the Act of 1920 is hereby repealed.

17.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959, section 33 of the Public Health Act 1925 or section 71 (Corporation may define future line of streets) of the Coventry Corporation Act 1900, the Corporation may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building which, or any part of which, was beyond, or in front of, the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the notice not being less than six months from the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

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

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

- (i) the notice is not justified by the terms of subsection (1) of this section; or
- (ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or

PART IV
—cont.

- (iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

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

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

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

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

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

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

1961 c. 33.

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

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

- (a) he has an interest in land abutting on so much of the improvement line as, immediately before the service of the notice under subsection (1) of this section, intersected, or abutted on, the building or land occupied in connection therewith; and
- (b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

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

(6) Where compensation is payable under this section in right of an interest in land which is subject to a mortgage—

- (a) the compensation payable in respect of the depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;
- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) no compensation under this section shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
- (d) the compensation payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

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

(8) Nothing in this section shall apply to any building or structure erected on operational land except with the consent of the Post Office which consent shall not be unreasonably withheld, and any question whether a consent under this subsection is unreasonably withheld shall be determined by arbitration.

(9) In this section—

“ building ” includes a structure;

“ improvement line ” includes a line prescribed by the Corporation under the said section 71 of the Coventry Corporation Act 1900;

PART IV
—cont.

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

Protection of
grass verges,
etc.

18.—(1) Where any grass verge, garden or space is provided by the Corporation in pursuance of the Act of 1957 or some other enactment or by any other person in pursuance of arrangements made with the Corporation and maintained in an ornamental condition or mown, they may by notice prohibit either entirely or between such hours or on such days as may be specified in the notice any one or more of the following acts upon any such grass verge, garden or space:—

- (a) entry thereon by any person and causing or permitting any vehicle or horse or cattle to enter thereon;
- (b) causing or permitting any vehicle to enter thereon;
- (c) use thereof for any ball game;
- (d) use thereof for playing games by any children whose age exceeds the age specified on the notice;
- (e) use of any equipment thereon by children whose age exceeds the age specified on the notice.

(2) (a) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the grass verge, garden or space to which it relates and if any person contravenes a notice so posted (except in a case of emergency) he shall be guilty of an offence and shall be liable, in the case of a first offence, to a fine not exceeding five pounds and, in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.

(b) Any such notice as is referred to in the preceding subsection, being a notice which prohibits one or more of the acts referred to in paragraph (a) or (b) of that subsection upon a grass verge forming part of a highway used by motor vehicles (as defined in section 99 of the Act of 1967) and not being such a notice as is referred to in paragraph (b) of subsection (5) of this section, shall be indicated by such traffic sign as shall be approved for the purpose pursuant to sections 54 and 55 of the Act of 1967.

(3) Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided by any other person, the Corporation shall consult that other person.

(4) Nothing in this section shall restrict, prevent, interfere with or prejudice the exercise by any person of any statutory right or power to enter upon any lands.

(5) (a) Section 13 (Prohibition of persons vehicles etc. on grass margins) of the Coventry Corporation Act 1942 is hereby repealed.

PART IV
—cont.

1942 c. xvi.

(b) Any notice placed on or in proximity to any grass or other area in pursuance of the said section 13 shall be deemed to be a notice under this section prohibiting entirely the entry on such grass or other area by any person and the causing or permitting of any vehicle or horse or cattle to enter thereon.

19. Section 55 of the Act of 1936 shall in its application to the city have effect as if the following subsections were substituted for subsections (1) and (2) thereof:—

Means of
access for
removal of
refuse, etc.

“(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority shall reject the plans, unless it is shown to them that—

- (i) satisfactory means of access can, and will, be provided from the building to a street for the purpose of the removal of refuse; and
- (ii) the facilities for storage and collection of refuse, together with the related facilities to be provided, are adequate:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans and specifications approved by the Secretary of State in connection with housing operations to which section 145 of the Housing Act 1957 applies. 1957 c. 56.

(b) Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a magistrates' court.

(c) In this section ‘refuse storage accommodation’ in relation to a building, means accommodation for the storage of dustbins or other refuse containers containing or intended to contain the refuse arising from the use or occupation of the building.

(2) (a) It shall be unlawful for any person except with the consent of the local authority so to close or obstruct the means of access by which refuse is removed from any building that removal of refuse is thereby impeded and the local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.

PART IV
—cont.

(b) Any person who contravenes the provisions of this subsection shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds for each day on which the offence continues after conviction thereof”.

Further power in relation to demolitions.
1961 c. 64.

20. Section 29 of the Public Health Act 1961 shall have effect in its application to the city as if after paragraph (f) of subsection (5) thereof there were added the following paragraph:—

“(g) to leave any surfaces of an adjacent building which are exposed by the demolition in such a condition that they are not detrimental to the area in which the adjoining premises are situate”.

Repair of damaged buildings, etc.

21.—(1) Where the Corporation are satisfied that it is in the public interest to execute urgent repairs to any building or structure in the city arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by riot, insurrection or civil commotion or by natural disaster, the Corporation may at their expense execute such emergency works of repair to the building or structure as in their opinion are necessary.

(2) Before exercising their powers under this section, the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building or structure.

Boundary walls.

22.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation leaving exposed a wall of adjoining premises, the Corporation may—

(a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

(i) weatherproofing the surface of the wall;

(ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where, in the opinion of the Corporation, any consent required for the carrying out of works proposed by them

for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to a magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer or servant of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the Crown Court made in pursuance of the foregoing provisions of this section, and after the giving of not less than twenty-four hours' notice to the occupier of the land on which the exposed wall is situated, may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works thereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

PART V

PUBLIC PROTECTION

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

(2) (a) The Corporation 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 will be made for preventing or reducing danger from fire.

(b) Byelaws made under this section may include provisions—

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided, and the mode of arrangement of any such works, apparatus, fittings and appliances; and

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—cont.

- (ii) empowering the Corporation, if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire, to approve the installation or placing of any oil-burning equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(3) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and passed by, the Corporation shall, for the purposes only of this section, be deemed to be approved by the Corporation as 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 Corporation do not, within two months from the submission of plans and specifications of any oil-burning 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 to have passed them.

(4) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any oil-burning equipment under any byelaw made under sub-paragraph (ii) of paragraph (b) of subsection (2) 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 Corporation 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 Corporation given under the byelaw.

(5) (a) If any person installs oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he 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 Corporation;

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

(6) (a) In this section—

PART V
—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” include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(b) References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

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

(a) 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

(b) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

(c) the installation of any oil-burning equipment by the railways board, the generating board, the electricity board, the Post Office or the gas board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms (other than buildings so used which form part of a railway station).

(8) Section 250 of the Act of 1933 shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words “or confirm with modifications” after the word “confirm” in the second place where that word occurs in subsection (6) thereof:

PART V
—cont.

Provided that, where the Secretary of State proposes to confirm such byelaws with a modification which appears to him to be substantial, he shall inform the Corporation and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Corporation and by other persons who have been informed of it.

(9) The provisions of any byelaw made under this section shall cease to apply in relation to any premises—

1961 c. 34.
1963 c. 41.

(a) to which the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963 apply on the coming into force in relation to those premises of regulations made under either of those Acts and relating to the same subject-matter as this section;

1971 c. 40.

(b) on the coming into force in relation to those premises of regulations made under section 12 of the Fire Precautions Act 1971 and relating to the same subject-matter as this section.

Fire precautions in registered clubs.

1964 c. 26.

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

(2) Any person obstructing a fire officer in the exercise of the power conferred by this section shall be liable to a fine not exceeding fifty pounds.

1968 c. 65.

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

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

Prescription of signs, etc., to be used on certain buildings.

25.—(1) The Corporation may in relation to any substance to which this section applies—

(a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;

(b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance to affix, within such reasonable time as is specified in the notice, and thereafter keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice.

PART V
—cont.

(2) This section applies to any substance likely to involve special hazard to persons engaged in operations for fire-fighting purposes.

(3) If any person fails to comply with the requirements of the Corporation under this section he shall be liable to a fine not exceeding fifty pounds, and to a daily fine not exceeding five pounds.

(4) In this section “fire-fighting purposes” has the same meaning as in the Fire Services Act 1947.

1947 c. 41.

26.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts or other equipment so designed and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

Firemen's
switches
for
luminous
tube signs.

(2) As from the appointed day apparatus in the city to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer; and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Corporation may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

(3) Not less than fourteen days before work is begun to install apparatus to which this section applies, the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

PART V
—cont.

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section, the proposed or, as the case may be, actual position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless, within ten days from the date of the service of the notice if the notice is served under subsection (3) of this section, or within twenty-one days from the date of the service of the notice if the notice is served under subsection (4) of this section, the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court; and the court, if it allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding fifty pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding five pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937 or any regulations that may be made under section 60 of the Electricity Act 1947, the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963.

(12) The provisions of this section shall not apply to apparatus forming part of a lifting barrier installation at a railway level crossing.

(13) This section shall not apply to apparatus installed on or in premises, or any part of premises, in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

1947 c. 54.

1961 c. 34.

1963 c. 41.

Provided that where any luminous tube sign to which, but for this subsection, this section would apply is proposed to be fitted on or in any such premises, the owner or occupier thereof shall, before such apparatus is fitted, give notice under subsection (3) of this section to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

PART V
—cont.

27.—(1) No person shall in the city use or cause or permit to be used any air-powered tool or mobile air compressor unless it is equipped with effective means for reducing the noise emitted: Reduction of noise from use of air-powered tools and compressors.

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

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) In determining in any case whether the best practicable means have been employed the court shall include in their consideration amongst other things cost and local conditions and circumstances and the current state of technical knowledge.

(4) In this section “best practicable means” includes the provision and maintenance of suitable plant and the proper use thereof.

28.—(1) No person shall within the city dispose of or deposit any container (including a container attached to a vehicle or machine) which either— Disposal of dangerous containers.

(a) is used for the storage of flammable, explosive or poisonous substance; or

(b) has been used for the storage of flammable, explosive or poisonous substance 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) If any person contravenes the provisions of subsection (1) of this section, he shall be liable to a fine not exceeding one hundred pounds, and the Corporation 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:

Provided that no proceedings shall be instituted for an offence under this section if the disposal or deposit of the container contravenes section 19 of the Civic Amenities Act 1967.

1967 c. 69.

PART V
—cont.
1933 c. 25.

(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.

Protection of
dangerous
ponds and
excavations.

29.—(1) Where there is on any land in the city a pond, well, mineshaft, quarry or other excavation which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a source of danger to children or other persons, the Corporation may pay, or contribute to the payment of, any expenses incurred in the execution, by any person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger:

1954 c. 70.

Provided that, in the case of any such excavation in respect of which any person may, under section 144 of the Act of 1959 or section 151 of the Mines and Quarries Act 1954, be required to execute works to obviate the danger, the Corporation shall only pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such person to be required to bear the expense, or the whole of the expense (as the case may be), of executing such works.

(2) If in the case of any such pond, well, mineshaft, quarry or other excavation as aforesaid on any land in the city—

- (a) the Corporation are unable, after making reasonable inquiry to ascertain the name and address of the owner or occupier of the land; or
- (b) the Corporation have, by notice given to the owner or occupier of the land, requested the execution of such works of repair, protection or enclosure as they may consider necessary to obviate the danger and, despite an offer made by the Corporation, to pay or contribute to the payment of any expenses incurred by the owner or occupier in the execution of such works, the works are not executed within such reasonable time thereafter as may be necessary for the purpose;

the Corporation may, subject to the provisions of subsection (3) and subsection (5) of this section, themselves execute such works at their own expense.

(3) (a) Where, in a case referred to in paragraph (b) of subsection (2) of this section, the Corporation propose themselves to execute works on any land, they shall, before carrying the proposal into effect, serve notice on the owner or occupier of the land specifying—

- (i) the place where the Corporation propose to execute such works;

- (ii) the effect of paragraphs (b) and (c) of this subsection;
- (iii) the nature of the works proposed; and
- (iv) the period, which shall not be less than twenty-eight days, within which notice of objection to the proposal may be sent in writing to the Corporation.

(b) The Corporation shall consider any notice of objection sent to them by the owner or occupier of the land within the period so specified and give notice of their decision on the objection to the person by whom it was made.

(c) If that person is aggrieved by the decision of the Corporation he may, within twenty-one days after receiving notice thereof, appeal to a magistrates' court, and the court shall have power to make such order in the matter as it considers reasonable.

(4) If in pursuance of subsection (2) of this section or of an order of a court made under paragraph (c) of subsection (3) of this section, the Corporation themselves execute works of repair, protection or enclosure on any land, they shall, unless otherwise agreed in writing between the Corporation and the owner or occupier of the land and unless otherwise provided in any such order of the court, maintain those works.

(5) Paragraph (b) of subsection (2) of this section shall not apply to any mineshaft vested in the National Coal Board.

(6) This section shall not apply to any canal belonging to or under the control of the British Waterways Board.

30.—(1) Where the Corporation are of the opinion that, by reason of damage caused thereto or as the result of unlawful breaking and entering or breaking out, or attempted breaking and entering or breaking out, any house or building in the city is not effectively secured so as to prevent unlawful entry, they may themselves do such things in relation to the house or building as are reasonably required effectively to secure it against such entry and may recover from the owner or occupier thereof any reasonable expenses incurred by them in so doing:

Protection of
property
broken into,
etc.

Provided that the Corporation shall not exercise their powers under this section without the consent of the owner or occupier of the house or building unless his identity or whereabouts cannot after reasonable inquiry be ascertained.

(2) The Corporation may delegate their powers under this section to the police authority with or without restrictions or conditions.

PART V
—cont.Removal of
property of
Corporation.

31.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with any property vested in the Corporation in any street or public place within the city.

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

Provided that no proceedings shall be instituted for an offence under this section if the removal or interference with property constitutes an offence under the Criminal Damage Act 1971.

1971 c. 48.

Carrying
bones, etc.

32.—(1) No person shall in any street or public place in the city carry by way of trade the bones of any dead animal otherwise than in a suitably covered vehicle suitable for the purpose.

(2) Any person who contravenes a provision of this section shall be liable to a fine not exceeding twenty pounds.

Prohibition
of sale; etc.
of open food
at insanitary
food premises
and stalls.

33.—(1) If on complaint by the medical officer or the chief public health inspector a magistrates' court is satisfied that any premises in the city at which open food is stored, sold or offered or exposed for sale are by reason of the insanitary or defective condition of the structure or fittings or fixtures or equipment, or by reason of infestation of vermin or accumulation of refuse, in such a condition that the carrying on of a food business in or at those premises would contravene the regulations made under section 13 of the Food and Drugs Act 1955 and would be dangerous to health, the court shall by order prohibit the storage, sale or offer or exposure for sale at those premises of open food until the state of the premises be remedied.

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

(2) (a) Where a complaint is or has been made under subsection (1) of this section the court may, on application by the medical officer or the chief public health inspector, if it appears to the court that the premises to which the application relates are in such a condition as is mentioned in subsection (1) of this section, make an interim order prohibiting the storage, sale or offer or exposure for sale at those premises of open food until the earliest opportunity for hearing and determining the complaint.

(b) In exercising its powers under this subsection the court may be composed of a single justice.

(c) Before making application under this subsection the medical officer or chief public health inspector shall give not less than three clear days' notice to the person who is carrying on a food business in or at the premises and, if that person is not the owner of the premises, to the owner, and any person to whom such notice is given shall, if he attends before the court upon the application, be entitled to be heard and to call witnesses:

Provided that any notice required by this subsection to be given to a person carrying on a food business in or at the premises to which the notice relates shall not be sent by post but shall be delivered to the person or delivered at his usual or last known residence or at the premises or, in the case of an incorporated company or body, shall be delivered at their registered or principal office or at the premises.

(d) As soon as practicable after the making of an interim order under this subsection the Corporation shall serve a copy of the order upon the person who immediately before the date of the order was carrying on a food business in or at the premises to which the order relates and, if that person is not the owner of the premises, upon the owner, and shall affix a copy of the order in or on the premises in a conspicuous position.

(3) (a) If on the hearing and determining of a complaint under subsection (1) of this section in respect of which an interim order has been made under subsection (2) the court determines that the condition of the premises at the time of the making of the interim order was not such as to justify the making of that order, the court shall require the Corporation to pay to the person who immediately before the date of the order was carrying on a food business in or at the premises, or to the owner of the premises, or to both such person and such owner, such compensation as in the opinion of the court represents any loss which he or they respectively have suffered from the making of the order and the Corporation shall comply with such requirement.

(b) The Corporation or a person aggrieved by an order, determination or other decision of a magistrates' court under this section may appeal to the Crown Court.

(4) Any person who contravenes an order or an interim order made under this section shall be liable to a fine not exceeding one hundred pounds.

(5) (a) Any person who intends to carry on a food business in or at any premises with respect to which an order or an interim order has been made under this section may make application to the medical officer or the chief public health inspector who, if satisfied that the state of the premises has been remedied, shall give to the applicant a certificate to that effect and such a certificate shall be conclusive evidence that the state of the premises has been so remedied.

(b) The medical officer or the chief public health inspector shall deliver a copy of his certificate to the court who may withdraw the order or interim order.

(c) Any person aggrieved by a refusal or failure of the medical officer or the chief public health inspector to give a certificate under this subsection may appeal to a magistrates' court who may either dismiss the appeal or order the medical officer or the chief public health inspector to give the certificate.

PART V
—cont.

(d) Subsection (2) of section 77 (Appeals) of this Act shall not apply in respect of a refusal or failure of the medical officer or the chief public health inspector to give a certificate under this subsection.

(6) In this section—

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

“equipment”, “food business”, “open food” and “stall” have the respective meanings assigned to them by the regulations made under section 13 of the Food and Drugs Act 1955 which apply to premises or the stall (as the case may require):

Provided that the expression “stall” shall not in this section include any movable vehicle;

“the chief public health inspector” means such public health inspector as has been determined by the council to be the senior public health inspector;

“premises” includes a stall.

PART VI

TRANSPORTATION AND HIGHWAYS

Interpretation
for Part VI.

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

1847 c. 89.

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

“hackney carriage” has the same meaning as in the Act of 1847, save that it does not include a public service vehicle;

“the prescribed distance” has the meaning assigned to that expression by section 111 (Extending limits of byelaws as to hackney carriages) of the Act of 1920;

1960 c. 16.

“private hire vehicle” (except in section 35 (Signs or notices on, and advertisements in connection with, private hire vehicles) of this Act) means a motor vehicle (within the meaning of the Road Traffic Act 1960) not being a vehicle licensed under the provisions of the Act of 1847 with respect to hackney carriages, which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

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

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

(c) a public service vehicle; or

(d) any vehicle belonging to or used by the railways board for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises;

“public service vehicle” has the same meaning as in section 117 of the Road Traffic Act 1960.

1960 c. 16.

Hackney carriages

35.—(1) On and after the appointed day there shall not, in the city, be displayed on any private hire vehicle any sign or notice—

(a) which consists of or includes the word “taxi”, “tax” or “cab” whether in the singular or plural and whether alone or as part of another word; or

(b) which consists of the words “for hire”, or the form or wording of which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it, or would be so available if not already hired.

Signs or notices on, and advertisements in connection with, private hire vehicles.

(2) On and after the appointed day no advertisement—

(a) indicating that motor vehicles can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the city; or

(b) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the word “taxi”, “tax” or “cab”, whether in the singular or plural and whether alone or as part of another word, unless the vehicles offered for hire are hackney carriages or the advertisement makes it clear that they are not.

(3) Any person who—

(a) drives a vehicle in respect of which subsection (1) of this section is contravened or causes or permits that subsection to be contravened in respect of any vehicle; or

(b) subject to subsection (4) of this section, issues, or causes to be issued, an advertisement which contravenes subsection (2) of this section;

PART VI
—cont.

shall be guilty of an offence and liable, in the case of a first offence under the paragraph of this subsection in question, to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence under that paragraph, to a fine not exceeding fifty pounds.

(4) Where a person is charged with an offence under paragraph (b) of subsection (3) of this section, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that paragraph.

(5) In this section—

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly;

“private hire vehicle” means a motor vehicle, other than a hackney carriage or public service vehicle, which is used within the prescribed distance for the purpose of carrying passengers for hire or reward in the course of a business of carrying passengers.

Suspension
and revocation
of proprietors'
licences.

36.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle on the ground of the unfitness of the hackney carriage or vehicle or for any other reasonable cause, and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been suspended or revoked.

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

Suspension
and revocation
of drivers'
licences.

37.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle—

(a) on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence; or

(b) for any other reasonable cause and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such driver notice of the grounds on which the licence has been suspended or revoked.

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

PART VI
—cont.

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

Transfer of
hackney
carriages,
etc.

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

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

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

39.—(1) The Corporation may fix the rates or fares, as well for time as distance, to be paid in respect of hackney carriages plying for hire within the prescribed distance by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.

Fixing of
fares for
hackney
carriages.

(2) (a) Where the Corporation make or vary a table of fares they shall publish in at least one newspaper circulating in the city a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the town clerk and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on 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, whichever is the later.

PART VI
—cont.

(4) If objection is duly made as aforesaid and is not withdrawn, the table of fares or variation shall be of no effect unless and until it is confirmed by the Secretary of State and before confirming a table of fares or variation the Secretary of State may, if he thinks fit, cause a local inquiry to be held into the same and, after considering the report of the person who held the inquiry, may confirm the table of fares or variation with or without modification.

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if included in byelaws made by the Corporation under section 68 of that Act.

(6) On the coming into operation of a table of fares made under this section, section 110 (Further powers as to making byelaws for regulating motor hackney carriages) of the Act of 1920 and any byelaws made by the Corporation for fixing the rates and fares under section 68 of the Act of 1847 or under the said section 110 of the Act of 1920 or any table of fares previously made under this section shall cease to have effect.

(7) Section 252 of the Act of 1933 shall extend and apply to a table of fares made under this section as it applies to byelaws made by the Corporation.

Stands for
hackney
carriages.

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

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

(3) Nothing in this section shall empower the Corporation to appoint any such stand—

- (a) so as unreasonably to prevent access to any premises or in any station of the railways board except with their consent;
- (b) so as unreasonably to prevent access to any apparatus or operational land of the generating board, except with their consent;
- (c) in such a position as to interfere unreasonably with access to any premises of passenger road transport operators except with their consent;

and in deciding the position of stands the Corporation shall have regard to the position of any bus stops for the time being in use.

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

41.—(1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 40 (Stands for hackney carriages) of this Act. Prohibition of other vehicles on hackney carriage stands.

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

(3) Nothing in this section shall be deemed to make it an offence for a public service vehicle driver on a stage carriage or express carriage route to stop his vehicle on a stand or part thereof for so long as may be necessary solely for the taking up or setting down of passengers.

42. The cost not exceeding five pounds for inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether licences should be granted therefor under the Act of 1847 shall, if the council so resolve, be recoverable (either before or after the carrying out of an inspection) from the proprietors thereof. Recovery of costs of inspections.

43.—(1) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to inspect any hackney carriage in the city and any private hire vehicle in the city which is for the time being licensed by the Corporation under the Act of 1847 for the purpose of ascertaining its fitness, and if he is not satisfied of the fitness of the hackney carriage or vehicle or of the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or vehicle to make it or its taximeter available for further inspection at such reasonable time and place as may be specified in the notice and suspend the licence of the proprietor until such time as he is so satisfied or the expiration of a period of two months, whichever shall first occur. Fitness of hackney carriages, etc

(2) Section 112 (Power to inspect and certify taximeters) of the Act of 1920 is hereby repealed.

44. Notwithstanding anything in the Act of 1847 the Corporation shall not grant a licence to act as a driver of a hackney carriage or a private hire vehicle to any person who has not for Qualification for drivers of hackney carriages, etc.

PART VI
—cont.

1960 c. 16.

Fitness of
drivers.

at least twelve months been the holder of a licence granted under Part II of the Road Traffic Act 1960 (not being a provisional licence) authorising him to drive a motor car.

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

(1) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or such a vehicle; and

(2) whether or not such a certificate has been produced to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage or such a vehicle.

Penalty on
persons
refusing to
pay fares, etc.

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

Extension of
section 68 of
Act of 1847.

47. The powers of the Corporation under section 68 of the Act of 1847 shall extend so as to enable them to make byelaws for regulating the conduct of passengers in hackney carriages and private hire vehicles and for the furnishing by the owner of every hackney carriage and private hire vehicle to an authorised officer of the Corporation or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such hackney carriage or private hire vehicle at any specified time within seven days prior to such request being made.

Corporation
may extend
period of
hackney
carriage
licences,
etc.

48. Notwithstanding anything in section 43 of the Act of 1847, any licence granted by the Corporation in respect of a hackney carriage or a private hire vehicle shall, if the Corporation think fit, remain in force for such period exceeding one year, but not exceeding three years, from the date of such licence as they may determine:

Provided that nothing in this section shall affect the powers of the Corporation to suspend or revoke such a licence.

Provisions as
to motor
vehicles let
for hire.

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

(a) sections 37 to 67 of the Act of 1847, as subsequently amended, as they apply with respect to hackney carriages and their proprietors and drivers; and

(b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers; to private hire vehicles and their proprietors and drivers.

(2) Section 89 (Provisions as to motor and other vehicles let for hire) of the Coventry Corporation Act 1927 is hereby repealed:

PART VI
—cont.
1927 c. xc.

Provided that until byelaws made under subsection (1) of this section come into operation any byelaws made under the said section 89 and in force at the date of the passing of this Act shall be deemed to have been made under the said subsection (1).

Highways

50.—(1) Where the Corporation are satisfied—

- (a) that traffic on any street in the city for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be prohibited or restricted; and
- (b) that it is desirable that such prohibition or restriction should come into force without delay and that for this reason it is not expedient to effect the same by means of an order made under subsection (1) of section 12 of the Act of 1967;

Temporary prohibition or restriction of traffic during execution of works, etc.

they may by notice restrict or prohibit for any period not exceeding twenty-four hours the use of that street or any part thereof by vehicles, or by vehicles of any particular class, or pedestrians, to such extent and subject to such conditions and exceptions as they may consider necessary:

Provided that the powers conferred on the Corporation by this section shall not be exercised—

- (i) with respect to any street or any part thereof on more than one occasion in any period of fourteen consecutive days; or
- (ii) with respect to any street upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed; or
- (iii) so as to prevent such access to, or egress from, any station or depot used by public service vehicles as may be reasonably required for vehicles using such station or depot; or
- (iv) so as to prevent such access to, or egress from, any station or depot of the railways board as may be reasonably required for vehicles using such station or depot; or
- (v) so as to obstruct or interfere with the access to, or exit from, any colliery, manufactured fuel plant, rescue station, landsale depot or opencast site belonging to the National Coal Board.

(2) The provisions of subsections (3) to (5) and (8) to (11) of section 12 of the Act of 1967 shall extend and apply for the

PART VI
—cont.

purposes of this section as if any notice issued by the Corporation under subsection (1) of this section had been issued under subsection (2) of that section.

(3) Notwithstanding the imposition of any restriction or prohibition on the use of any street under the powers of this section, any statutory undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under such street as may be necessary for inspecting, repairing, maintaining, renewing or removing any apparatus of those undertakers which at the time of the imposition of such restriction or prohibition is in that street.

(4) The engineer may exercise the powers conferred on the Corporation by subsection (1) of this section and by subsection (2) of section 12 of the Act of 1967 without being empowered to act by the Corporation.

Temporary
stoppage of
footpaths and
bridleways.

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

Provided that—

(a) the Corporation shall not exercise the powers of this section so as to deprive persons with or without animals bona fide going to or from any building or land of reasonable access to the building or land;

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

(i) to lay, erect, maintain, inspect, repair, renew or remove any telegraphic line or apparatus in, under, upon, over, along or across the footpath or bridleway or part thereof, as the case may be; or

(ii) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal, to enter upon or break open that footpath or bridleway or part thereof, as the case may be.

Regulation
of placing
of things on
footpaths.

52.—(1) The Corporation may, and any person who occupies premises adjoining or comprising any part of a footpath may, with the consent of the Corporation, place and maintain in, on or over that part of the footpath tables, chairs, showcases, decorative features or other things for the use, convenience or entertainment of the public.

(2) Any consent given by the Corporation under this section may be given subject to such conditions as they think fit, including conditions as to—

(a) the positions in the footpath in which any such things may be placed;

- (b) the time during which anything so placed in a footpath shall be allowed to remain there;
- (c) the nature or design of the thing to be placed in the footpath and the steps to be taken to avoid risk of injury or inconvenience to members of the public and to prevent injury to amenity; and
- (d) payment or other consideration.

PART VI
—cont.

(3) The powers of this section may be so exercised as to restrict the access of the public to part of a footpath, but shall not be so exercised as to prevent—

- (a) persons from entering the footpath at any place where they could enter it before the exercise of the said powers; or
- (b) the passage of the public along the footpath; or
- (c) normal access by pedestrians to premises adjoining the footpath.

(4) No payment or consideration shall be payable under the provisions of paragraph (d) of subsection (2) of this section other than a reasonable sum in respect of legal, administrative and other expenses incurred in connection with the giving of the consent:

Provided that where the land on which a footpath is situated is owned by the Corporation nothing in this section shall affect any right of the Corporation as the owner of that land to require payment of such consideration as they think fit for the right to place anything in or over the footpath.

(5) (a) Not less than three weeks before taking into consideration any proposal to permit any person or persons to place and maintain on more than twenty-eight days in any calendar year in, on or over a footpath any things for the use, convenience or entertainment of the public, not being things previously so placed or maintained by such person or persons, the Corporation shall give notice of the proposal in manner provided by paragraph (b) of this subsection specifying the footpath in, on or over which it is proposed that such things should be placed and maintained and the nature of the things and stating the date (not being less than three weeks after the notice was first displayed) by which any representations with respect to the proposals may be made to the Corporation; and the Corporation shall take into consideration any representations so made.

(b) Notice of any such proposal shall be given by displaying the notice in a conspicuous position at or adjacent to each end of the footpath, or the part thereof, to which the proposal relates and by delivering a copy of the notice, addressed to the occupier, at such premises within the locality as may appear to the Corporation to be affected by the proposals.

PART VI
—cont.

(6) The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions subject to which a consent has been given.

(7) If a person contravenes any condition subject to which a consent has been given under this section the Corporation may require him to remove the things in respect of which that consent was given, and if within twenty-four hours he fails to do so, they may themselves remove such things and recover the expenses reasonably incurred by them in so doing from the person in default.

(8) In this section “footpath” has the meaning assigned to it by section 295 of the Act of 1959.

Power to
provide
moving
footways.

53.—(1) The Corporation may in the city install, maintain and operate moving footways and any necessary or convenient apparatus, machinery or plant required in connection therewith.

(2) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Secretary of State.

(3) In this section a moving footway includes an escalator.

Control of
goods service
areas.

54.—(1) In this section “service land”—

(a) means land (including a roadway not being a public highway) in the city which has been (whether before or after the passing of this Act)—

(i) provided by the Corporation; or

(ii) provided by any person in pursuance of planning permission;

as an area for use as a place where vehicles may wait for the loading or unloading of goods in connection with any business carried on in any premises in the vicinity of the area;

(b) includes any other land within the city provided as a means of access to or egress from any such land as is referred to in paragraph (a) of this subsection:

Provided that where an area of service land is in the curtilage of premises and used in connection with only one shop, the expression “service land” in this section shall relate only to such part of the area 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) The Corporation may by order made for the purposes of this section (in this section referred to as a “service area order”) designate any area of service land as a service area:

Provided that no area of service land shall be so designated unless it is expedient to do so in order to ensure the availability of service land as a place where vehicles may wait for the loading or unloading of those vehicles.

(3) (a) A service area order may contain different provisions relating to different parts of the service area, and may either—

- (i) prohibit entirely the waiting or parking of any vehicle between the hours and on the days specified in the order; or
- (ii) permit the waiting or parking of any vehicle for the purposes only of the loading or unloading of that vehicle between the hours and on the days specified in the order:

Provided that a service area order relating to service land in which the Corporation have neither freehold nor leasehold interest shall not, without the consent of each owner and occupier of the service land affected, prohibit the waiting of any vehicle for the loading or unloading of that vehicle between 8 a.m. and 6 p.m. on a weekday or the parking of vehicles with the consent of such owner or occupier outside those hours.

(b) A service area order may contain such incidental provisions relating to excepted vehicles or classes of vehicles as the Corporation think fit.

(4) (a) If the Corporation consider that a service area order should be made they shall give notice thereof to each owner and occupier of the service land affected stating the general effect of the proposed order and stating that objections to the said order may be made in writing within one month from the date of service of the notice.

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

(5) After considering any objections duly made under the last foregoing subsection the Corporation may make a service area order.

(6) When a service area order has been made by the Corporation they shall give notice thereof and of the right to appeal to each owner and occupier of the service land affected and any such owner or occupier who is aggrieved by the order may appeal to a magistrates' court.

(7) A service area order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of the last foregoing subsection 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 Corporation may determine.

PART VI
—cont.

(8) The Corporation shall inform traffic on any service area of the provisions of the service area order relating to that service area by means of such traffic signs as shall be approved for the purpose pursuant to sections 54 and 55 of the Act of 1967.

(9) (a) No person shall cause or permit any vehicle to wait or park on a service area in contravention of any of the provisions of a service area order relating to that service area.

(b) If any person contravenes the provisions of paragraph (a) of this subsection he shall be guilty of an offence and shall be liable, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

(10) (a) Where the driver of a vehicle is alleged to be guilty of an offence under this section—

(i) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required in writing by or on behalf of the Corporation to give; and

(ii) any other person shall if required as aforesaid give any information which it is in his power to give and which may lead to the identification of the driver.

(b) (i) A person who fails to comply with a requirement of sub-paragraph (i) of the preceding paragraph shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.

(ii) A person who fails to comply with a requirement of sub-paragraph (ii) of the preceding paragraph shall be guilty of an offence.

(iii) A person guilty of an offence under this subsection shall be liable to a fine not exceeding fifty pounds.

(11) For the purposes of this section reference to the loading or unloading of a vehicle shall include the carrying out of any operation required on the occasion of such loading or unloading for compliance with the need for hygiene in connection with the sale of food (as defined in section 135 of the Food and Drugs Act 1955) to the public.

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

(12) This section shall not apply to any operational land of the railways board, the generating board or the Post Office.

(13) This section shall not apply to any vehicle which is being used by the Post Office for or in connection with the placing, inspecting, repairing, maintaining, renewing or removing of Post Office apparatus in, under, upon, over, along, across or adjoining a service area designated under this section.

PART VII

FINANCE

55.—(1) The Corporation may give notice by post to the registered holder of an authorised security that they intend to send interest or dividends on the security to him by post if he does not object; and, unless the registered holder within twenty-one days after the date of the service of the notice notifies the Corporation that he objects, the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post at the address in the register. Interest and dividends by post.

(2) If the registered holder of an authorised security notifies the Corporation that he wishes interest or dividends on the security to be sent to another person at an address specified in the notice, the Corporation may from time to time send orders for the payment of interest, or dividend warrants, to that person by post at that address.

(3) For the purposes of subsection (1) of this section the Corporation may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register, or such other of them as the joint holders may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest, or a dividend warrant, in pursuance of this section shall discharge the Corporation from any obligation to deliver the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque; and the Corporation shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882. 1882 c. 61.

(6) In this section “ authorised security ” means any mortgage or other security that the Corporation are for the time being authorised to grant or issue.

56.—(1) (a) Where the holder of an amount of any authorised security occupies an office or official position, his official description may be entered in the register in lieu of his name, and where in relation to an amount of an authorised security of any description any such official description is so entered, an instrument of transfer and an instrument containing directions with respect to the payment of interest on that amount shall, if executed by the person for the time being occupying that office or position, be as effectual as if his name were entered as the holder of that amount. Designation of holders of authorised securities in register.

PART VII
—cont.

(b) The entry in the register of the official description of the holder of an office or official position shall not be deemed to constitute notice, express, implied or constructive, of the existence of any trust in connection with the authorised security to which it relates.

(2) Notwithstanding anything in subsection (1) of this section, the Corporation shall not be required—

(a) to enter in the register any designation or description which appears to them unreasonably long or elaborate; or

(b) to enter in the register both the name of a holder of an authorised security and any such official description as could under subsection (1) of this section be so entered in lieu of his name.

(3) In this section “register” means the register of an authorised security kept by or on behalf of the Corporation.

Closing of registers.

57.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities during the whole of the period of thirty days, or any shorter consecutive period, next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who, on the date on which the transfer book or register is closed, are entered therein as holders of any security of the class to which such transfer book or register relates, shall be entitled to the interest next payable thereon.

Amendment of power to issue bonds. 1963 c. 46.

58. Section 7 of the Local Government (Financial Provisions) Act 1963 and Schedule 1 to that Act in their application to the Corporation shall have effect as if the following provisions were substituted for paragraph 1 in that schedule:—

“ 1.—(a) Subject to the provisions of sub-paragraph (b) of this paragraph bonds issued under this Act shall—

(i) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;

(ii) be issued for such period as the local authority may determine being not less than a period of one year.

(b) For the purposes of sub-paragraph (a) of this paragraph—

(i) bonds issued to and held continuously by building societies and persons and bodies of such other

classes as the local authority may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;

PART VII
—cont.

- (ii) a bond shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.”.

59. In addition to any other method by which the Corporation 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
by bearer
bonds.

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

Power to
raise money
abroad.

(2) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Corporation 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 for any reference in those enactments to sterling there were substituted a reference to the foreign currency and 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 Corporation consider appropriate having regard to all the circumstances of the transaction).

(4) Nothing in this section shall be taken as exempting the Corporation from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

61. Notwithstanding anything in any other enactment the moneys standing to the credit of any capital, repairs, reserve, renewals, insurance or other similar fund established by the Corporation other than funds applicable wholly or partly for

Investments
of certain
funds of
Corporation.

PART VII
—cont.

the redemption of debt may be invested in similar manner and subject to the same restrictions as money of the superannuation fund maintained by the Corporation under—

1972 c. 11.

(a) the provisions of any enactment having effect as provisions of regulations made under section 7 of the Superannuation Act 1972; or

(b) regulations made under the Superannuation Act 1972.

PART VIII

RECREATION

Publication
of bulletins,
etc.

62.—(1) The Corporation may publish or contribute to the publication of, and sell or dispose of, works of scholarship, bulletins, journals, periodicals, leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Corporation.

(2) Nothing in this section shall affect the rights of any person under the law for the time being relating to copyright.

Museum of
science and
technology.

63.—(1) The Corporation acting jointly with any other body or bodies may within or outside the city by agreement provide or maintain or both provide and maintain a museum of science and technology (in this section referred to as “the science museum”) and may employ such officers and servants and do all such things as may be necessary or expedient for or in connection with the provision or maintenance thereof.

(2) Without prejudice to the generality of the foregoing subsection, there may be provided in the science museum—

(a) machinery, equipment, exhibits and things of scientific technological and commercial interest; and

(b) a planetarium.

1964 c. 75.

(3) The science museum shall be deemed to be a museum provided and maintained by a local authority under section 12 of the Public Libraries and Museums Act 1964, and sections 13, 15, 19 and 20 of that Act shall, with the necessary modifications apply accordingly.

(4) Without prejudice to the generality of the foregoing subsections, in or in connection with the science museum, provision may be made for—

(a) the giving of lectures (including the giving of lectures in schools or elsewhere), teaching and the provision of facilities for research;

- (b) the giving of information and advice and the publication of bulletins, journals or other documents;
- (c) receiving by way of purchase or loan exhibits, specimens and other objects and the lending of the same to other persons;
- (d) the provision and maintenance (on payment or otherwise) of such facilities as may be expedient for the promotion or furtherance of science and technology or scientific, historic or other research;
- (e) the holding of commercial exhibitions and trade conferences;
- (f) the provision of meals and refreshments and the making of reasonable charges therefor:

Provided that nothing in paragraph (f) shall affect the provisions of any enactment by virtue of which a licence is required for the sale of intoxicating liquor.

(5) The Corporation and any other body with whom an agreement has been made under subsection (1) of this section may concur in appointing a joint committee for the exercise of such of the functions under the preceding provisions of this section as may be agreed.

(6) An agreement entered into between the Corporation and any other body under this section may (inter alia) provide—

- (a) that the Corporation shall provide or maintain a building for the science museum;
- (b) that a building provided or maintained by the Corporation for the purposes of this section shall, for such period and on such terms and conditions as may be specified in the agreement, be used jointly by the Corporation and any such other body for such purposes;
- (c) for the making of contributions by the Corporation and any such other body towards the expenditure incurred in the provision and maintenance of any building as a science museum and any other expenditure incurred for the purposes of this section;
- (d) for the constitution of a joint committee appointed under the last preceding subsection and the regulation of its proceedings.

(7) The Secretary of State may authorise the Corporation to purchase compulsorily any land which they require for the

PART VIII
—cont.

purposes of this section, and the Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(8) It shall be lawful for the Corporation to permit any person who is not an officer or servant of the Corporation but is employed in or in connection with the science museum to become a contributor to the superannuation fund as if he were an officer or servant of the Corporation.

Provision of
vehicles in
parks, etc.

64.—(1) The Corporation may provide and maintain motor or other vehicles, miniature railways and boats for the conveyance of passengers in any park, pleasure ground, recreation ground or open space belonging to or controlled by them.

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

(3) The drives, roads and paths in any public park, pleasure ground, recreation ground or open space belonging to or controlled by the Corporation shall be deemed not to be roads for the purposes of section 127 of the Road Traffic Act 1960.

1960 c. 16.

PART IX

MISCELLANEOUS

Power to
borrow.

65.—(1) The Corporation may borrow—

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

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

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

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section,

except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

PART IX
—cont.
1946 c. 58.

66. The Corporation may in connection with the exercise of any of their functions contribute, by grants or otherwise, towards the cost of investigations and research undertaken by other bodies of persons into matters affecting the city relating to—

Research into matters concerning social conditions, etc.

(a) social or economic conditions; or

(b) health or hygiene.

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

Securing of unoccupied houses under Act of 1957.

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

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

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

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

1961 c. 64.

(3) In this section—

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

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

68. Notwithstanding anything in any enactment any licence granted by the Corporation may be given under the hand of the town clerk or the associate town clerk instead of under the common seal of the Corporation.

Signing of licences.

PART IX
—cont.

Delegation of
powers to
sub-
committees.

69.—(1) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to any direction of the council, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit, and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

(2) A sub-committee appointed under this section (other than a sub-committee of a committee for regulating and controlling the finance of the council or of the city) may include persons who are not members of the council:

Provided that—

- (a) a majority of the members of any such sub-committee shall be members of the council; and
- (b) whenever at any meeting of any such sub-committee the members present thereat do not include a majority of members of the council any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(3) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which any committee of the council are authorised to appoint a sub-committee under any other enactment.

(4) The provisions of this section shall not operate to permit the council to delegate the power to levy, or issue a precept for, a rate or to borrow money.

Power to
change titles
of officers.

70.—(1) Notwithstanding anything in Part IV of the Act of 1933, or in any other enactment, the council may from time to time by resolution determine that the office, style or title of any officer of the Corporation shall be that specified in the resolution instead of that specified in the Act of 1933 or in any other enactment and anything done by an officer as holding the office, or in the style or title specified in the resolution, shall be valid and effectual for all purposes as it would have been had it been done by the officer in the office and holding the style or title specified in the Act of 1933:

Provided that no such resolution may alter the office, style or title of the director of social services.

(2) As from the date of the passing of any resolution by the council pursuant to subsection (1) of this section, any reference (whether specific or general) in any enactment or document to the office or title of an officer to whom the resolution relates shall be construed as if the office or title specified in the resolution were substituted for the office or title specified in that enactment or document.

PART X

GENERAL

71. 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. Confirming authority for byelaws.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

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

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

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

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

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

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

(4) Either—

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

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

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

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

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

PART X
—cont.

(b) had before that day duly applied for the licence or registration 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 77 (Appeals) of this Act.

Evidence of proceedings, appointments, etc.

74.—(1) In proceedings under any enactment, a document purporting to be certified by the town clerk as a copy of a resolution passed, order made or report received by the council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

(3) In this section “officer” includes a servant and an agent.

(4) Section 286 of the Act of 1936, and that section as applied by, or incorporated in, any other enactment, shall cease to apply to the council and its committees.

Liability of directors, etc.

75.—(1) Where an offence under the sections of this Act mentioned in Schedule 1 to this Act 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.

(2) In the foregoing subsection, “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction on right to prosecute.

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

Appeals.

77.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates’ court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

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

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

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

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

79. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to and not in derogation of any other powers and duties conferred or imposed by any enactment, law or custom, and subject to any express provision of this Act all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

Powers of Act to be cumulative.

80. Nothing in this Act shall be taken as exempting the Corporation from the provisions of the Exchange Control Act 1947.

Saving for provisions of Exchange Control Act 1947.
1947 c. 14.

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

Arbitration.

- (a) in any case where a question or dispute arises under subsection (4) of section 5 (Decorations in streets), subsection (11) of section 16 (Adjustment of boundaries

PART X
—cont.

of estates in connection with streets), subsection (8) of section 17 (Enforcement of improvement line) or section 83 (For protection of generating board) of this Act, by the President of the Institution of Civil Engineers;

(b) in any other case by the Secretary of State.

Application
of general
provisions of
Act of 1936.

82.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part IV (Planning and development), Part V (Public protection) and section 67 (Securing of unoccupied houses under Act of 1957) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to section 17 (Enforcement of improvement line), section 23 (Oil-fired boilers), section 25 (Prescription of signs, etc., to be used on certain buildings), section 26 (Firemen's switches for luminous tube signs), section 29 (Protection of dangerous ponds and excavations), section 33 (Prohibition of sale, etc., of open food at insanitary food premises and stalls) and section 67 (Securing of unoccupied houses under Act of 1957) of this Act.

For
protection of
generating
board.

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

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

“ apparatus ” means any electric line or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

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

“ the undertakers ” means the generating board:

(2) Nothing in the following sections of this Act shall relieve the Corporation or any person acting with the consent of or on the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the

said powers shall be so exercised as not to obstruct or render unreasonably inconvenient the access to any apparatus or operational land:—

PART X
—cont.

section 5 (Decorations in streets);

section 29 (Protection of dangerous ponds and excavations);

section 52 (Regulation of placing of things on footpaths);

section 53 (Power to provide moving footways):

(3) (a) Notwithstanding anything in section 16 (Adjustment of boundaries of estates in connection with streets) of this Act the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of, or exchange, any operational land except with their consent, which shall not be unreasonably withheld;

(b) Nothing in subsection (1) of the said section 16 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 undertakers:

(4) Nothing in section 17 (Enforcement of improvement line) of this Act shall apply to any building or structure of the undertakers which is used by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity, except with the consent of the undertakers which shall not be unreasonably withheld:

(5) Nothing in section 25 (Prescription of signs, etc., to be used on certain buildings) of this Act shall authorise the Corporation to require the undertakers to affix to any building on operational land any sign, symbol or notice:

(6) Nothing in section 41 (Prohibition of other vehicles on hackney carriage stands) of this Act shall apply to any vehicle of the undertakers so as to prohibit such vehicle from waiting on a stand for hackney carriages for any such period as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus of the undertakers:

(7) Nothing in section 54 (Control of goods service areas) of this Act shall apply to any vehicle of the undertakers which is being used for or in connection with the placing, inspecting, repairing, maintaining, renewing or removing of any apparatus in or adjoining land designated as a service area under the said section:

PART X
—cont.

(8) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by an arbitrator;

(b) In settling any difference under this section, the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the Corporation to execute any temporary or other work so as to avoid so far as may be reasonably possible any interference with any purpose for which the apparatus is used.

Costs of Act.

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

SCHEDULES

SCHEDULE 1

Section 75.

SECTIONS OF ACT TO WHICH SECTION 75 (LIABILITY OF DIRECTORS, ETC.) APPLIES

- Section 25 (Prescription of signs, etc., to be used on certain buildings);
- Section 26 (Firemen's switches for luminous tube signs);
- Section 33 (Prohibition of sale, etc., of open food at insanitary food premises and stalls);
- Section 35 (Signs or notices on, and advertisements in connection with, private hire vehicles);
- Section 38 (Transfer of hackney carriages, etc.);
- Section 41 (Prohibition of other vehicles on hackney carriage stands);
- Section 54 (Control of goods service areas).

Section 82.

SCHEDULE 2

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Coventry Corporation Act 1972

CHAPTER xxix

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30. Protection of property broken into, etc.
31. Removal of property of Corporation.
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33. Prohibition of sale, etc., of open food at insanitary food premises and stalls.

PART VI

TRANSPORTATION AND HIGHWAYS

34. Interpretation for Part VI.

Hackney carriages

35. Signs or notices on, and advertisements in connection with, private hire vehicles.
36. Suspension and revocation of proprietors' licences.
37. Suspension and revocation of drivers' licences.
38. Transfer of hackney carriages, etc.
39. Fixing of fares for hackney carriages.
40. Stands for hackney carriages.

Section

41. Prohibition of other vehicles on hackney carriage stands.
42. Recovery of costs of inspections.
43. Fitness of hackney carriages, etc.
44. Qualification for drivers of hackney carriages, etc.
45. Fitness of drivers.
46. Penalty on persons refusing to pay fares, etc.
47. Extension of section 68 of Act of 1847.
48. Corporation may extend period of hackney carriage licences, etc.
49. Provisions as to motor vehicles let for hire.

Highways

50. Temporary prohibition or restriction of traffic during execution of works, etc.
51. Temporary stoppage of footpaths and bridleways.
52. Regulation of placing of things on footpaths.
53. Power to provide moving footways.
54. Control of goods service areas.

PART VII

FINANCE

55. Interest and dividends by post.
56. Designation of holders of authorised securities in register.
57. Closing of registers.
58. Amendment of power to issue bonds.
59. Power to raise money by bearer bonds.
60. Power to raise money abroad.
61. Investments of certain funds of Corporation.

PART VIII

RECREATION

62. Publication of bulletins, etc.
63. Museum of science and technology.
64. Provision of vehicles in parks, etc.

PART IX

MISCELLANEOUS

65. Power to borrow.
66. Research into matters concerning social conditions, etc.
67. Securing of unoccupied houses under Act of 1957.
68. Signing of licences.
69. Delegation of powers to sub-committees.
70. Power to change titles of officers.

PART X

GENERAL

Section

71. Confirming authority for byelaws.
72. Local inquiries.
73. The appointed day.
74. Evidence of proceedings, appointments, etc.
75. Liability of directors, etc.
76. Restriction on right to prosecute.
77. Appeals.
78. Protection of members and officers of Corporation from personal liability.
79. Powers of Act to be cumulative.
80. Saving for provisions of Exchange Control Act 1947.
81. Arbitration.
82. Application of general provisions of Act of 1936.
83. For protection of generating board.
84. Costs of Act.

SCHEDULES:

Schedule 1—Sections of Act to which section 75 (Liability of directors, etc.) applies.

Schedule 2—Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts IV and V and section 67 of this Act.

Part III—Section applied to sections 17, 23, 25, 26, 29, 33 and 67 of this Act.