

ELIZABETH II



1972 CHAPTER iii

An Act to confer powers on the lord mayor, aldermen and citizens of the city of Stoke-on-Trent in relation to the supply of steam for industrial use; and for other purposes.

[23rd March 1972]

WHEREAS—

(1) The city of Stoke-on-Trent (hereinafter referred to as “the city”) is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is under the management and local government of the lord mayor, aldermen and citizens of the city acting by the council (hereinafter referred to as “the Corporation”): **1888 c. 41.**

(2) As the authority responsible for refuse collection and disposal within the city the Corporation are proposing to establish an incineration plant for the destruction of refuse:

(3) In the operation of the incineration plant steam will be produced which is capable of utilisation in industrial processes, and it is envisaged that by agreement with the Michelin Tyre Company Limited that company will acquire steam from the Corporation:

(4) It is expedient that the Corporation should be empowered to make arrangements as in this Act provided whereby steam as a by-product of the incineration of refuse may be usefully turned to account:

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

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

1933 c. 51. (7) 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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Stoke-on-Trent Corporation Act 1972.

(2) The Stoke-on-Trent Corporation Acts 1923 to 1970 and this Act may be cited together as the Stoke-on-Trent Corporation Acts 1923 to 1972.

Interpretation.

2.—(1) In this Act the following expressions have the meanings hereby assigned to them:—

“ the city ” means the city of Stoke-on-Trent;

“ the company ” means the Michelin Tyre Company Limited;

“ the Corporation ” means the lord mayor, aldermen and citizens of the city acting by the council;

“ enactment ” means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“ the Street Works Act ” means the Public Utilities Street Works Act 1950.

1950 c. 39.

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

3.—(1) The Corporation may enter into and carry into effect agreements with the company for the supply of steam from the Corporation's refuse incineration plant to be situated on land having access to Campbell Road, Stoke-upon-Trent in the city to the industrial premises of the company on such terms and conditions as may be agreed between the Corporation and the company.

Power to supply steam to company.

(2) The Corporation may on, in or under any lands for the time being belonging to or leased by them in the city and (subject to the terms of any such agreement as aforesaid) on, in or under any lands within the curtilage of the said industrial premises of the company provide, maintain, work and use such boilers, containers, pumping stations, mains, pipes and other works, machinery or apparatus as they may require for providing, storing and transmitting steam in pursuance of any such agreement.

(3) For the purpose of affording a supply of steam under the provisions of this section the Corporation may—

- (a) lay or procure the laying of mains in the street in the city known as Campbell Road and also in the proposed Stoke-on-Trent "D" Road and may from time to time inspect, repair, alter or renew or may at any time remove any main so laid down by them;
- (b) erect and maintain in the said streets notices indicating the position of underground fittings used by them for controlling the passage of steam through the said mains and may affix such a notice to any house or other building, wall or fence; and
- (c) for the purpose of laying, constructing, inspecting, repairing, altering, renewing or removing any such mains, break open, alter or interfere with the roadway and footpaths of the said streets and any sewer, drain or tunnel, pipes, tubes, cables, wires and apparatus in or under any such roadway or footpaths and may remove and use the soil in or under any such roadway or footpaths:

Provided that nothing in this paragraph shall authorise the Corporation to break open, alter or interfere with any apparatus of protected undertakers.

(4) In exercising the powers conferred by the last foregoing subsection the Corporation shall do as little damage as may be

and shall make compensation for any damage done in the exercise of those powers. Any dispute as to the amount of compensation payable under this subsection shall be referred to arbitration in accordance with the provisions of the Street Works Act.

(5) Nothing in this section shall exonerate the Corporation from any proceedings for nuisance in the event of any nuisance being caused or permitted by them.

(6) For the avoidance of doubt it is hereby declared that any works executed by the Corporation in any street under the powers of this section shall be deemed for the purposes of the Street Works Act to be undertakers' works other than works for purposes of a railway undertaking or a tramway undertaking.

(7) In any case in which—

- (a) the Corporation are the operating undertakers within the meaning of section 26 of the Street Works Act in respect of undertakers' works authorised by this section or are the owning undertakers within the meaning of the said section 26 in respect of apparatus laid down under the powers of this section; and
- (b) the protected undertakers are the owning undertakers or (as the case may be) the operating undertakers;

the said section 26 shall be modified as follows:—

- (A) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans, sections and particulars of the works;
- (B) on each occasion on which the Corporation execute undertakers' works under this section the said notice shall be given not less than twenty-eight days before the works are commenced and shall be accompanied by information as to—

- (i) the maximum temperatures and pressures at which steam is proposed to be transmitted by the Corporation by means of such works; and

- (ii) the measures (if any) proposed to be taken by the Corporation with respect to the securing of the safety of any apparatus of the protected undertakers from damage or injury arising directly or indirectly from such works and with respect to the insulation of such works so as to prevent the escape of steam therefrom;

- (C) any question which may arise under the said section 26 as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Street Works Act but the proviso to subsection (2) of that section shall not apply.

(8) In this section—

- (a) the expression “main” includes any valves, stopcocks, manholes and other apparatus required in connection therewith;
- (b) “the protected undertakers” means the Central Electricity Generating Board, the Midlands Electricity Board, the Gas Council, the West Midlands Gas Board, the Staffordshire Potteries Water Board and the Post Office; and
- (c) any words and expressions to which meanings are assigned by the Street Works Act have the same respective meanings.

4.—(1) The Corporation may borrow—

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

Power to borrow.

and subject to the provisions of this section, Part IX of the Local Government Act 1933 shall have effect as if money borrowed under this section were borrowed under that Part. 1933 c. 51.

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

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

1946 c. 58.

5. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act. Saving for Town and Country Planning Acts. 1962 c. 38.

6. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act. Costs of Act.

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

8p net

SBN 10 510372 1



Stoke-on-Trent Corporation Act 1972

CHAPTER iii

ARRANGEMENT OF SECTIONS

Section

1. Short and collective titles.
2. Interpretation.
3. Power to supply steam to company.
4. Power to borrow.
5. Saving for Town and Country Planning Acts.
6. Costs of Act.