



Hampshire Act 1983

CHAPTER v

LONDON
HER MAJESTY'S STATIONERY OFFICE

Hampshire Act 1983

CHAPTER v

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Citation and commencement.
2. Interpretation.
3. Appointed day.

PART II

PUBLIC HEALTH

4. Hairdressers and barbers.
5. Amendment of Food and Drugs (Control of Food Premises) Act 1976.
6. Control of deposits of sewage.

PART III

PUBLIC ORDER

Section

7. Touting, hawking, photographing, etc.
8. Control of stray dogs.
9. Seizure of horses.
10. Byelaws as to leisure centres.

PART IV

FIRE PRECAUTIONS

11. Parking places: safety requirements.
12. Access for fire brigade.
13. Fire precautions in certain large buildings.
14. Fire alarms.
15. Prescription of signs to be used on certain buildings.

PART V

ITCHEN BRIDGE

Preliminary

16. Interpretation of Part V.
17. Incorporation of Railways Clauses Consolidation Act 1845.

Maintenance, etc., of bridge

18. Maintenance, etc., of bridge.
19. Subsidiary works.
20. Power to provide toll-houses, etc.
21. No mains or pipes to be laid in bridge.

Tolls

22. Tolls.
23. Revision of tolls by Secretary of State.
24. Further provisions as to prescription or revision of tolls.
25. Exclusion from application of section 6 of Transport Charges &c. (Miscellaneous Provisions) Act 1954.
26. List of tolls to be exhibited.
27. Regulations as to payment of tolls and charges.
28. Failure to pay tolls.
29. Power to compound for payment of tolls.
30. Tickets.
31. Exemption from tolls.

Finance

32. Application of money and accounts.
33. Bridge to be exempt from rates.

Miscellaneous

Section

34. Byelaws relating to bridge.
35. As to closing bridge.
36. Tidal works not to be executed without approval of Secretary of State.
37. Provision against danger to navigation.
38. Abatement of works abandoned or decayed.
39. Survey of tidal works.
40. Permanent lights on works.
41. Lights on works during construction.
42. Provisions applicable to sections 38, 39 and 41.
43. Saving for Trinity House.
44. Application of certain provisions of Part X of Southampton Corporation Act 1960.
45. For protection of electricity undertakers.
46. For protection of British Railways Board.

PART VI

FERRY FROM GOSPORT TO PORTSMOUTH

47. Interpretation of Part VI.
48. Management of ferry works and lands, etc.
49. Power to establish or assist ferry service, etc.
50. Power to dredge.
51. Restriction on mooring.
52. Preferential use of part of landing stage, charges, etc.
53. Byelaws as to ferry.
54. Application of sections 37 to 40 and 43 to Gosport tidal works.

PART VII

FURTHER PROVISIONS APPLICABLE ONLY TO PARTS OF HAMPSHIRE

Portsmouth

55. Riding of cycles in pedestrian areas.

Southampton

56. Interpretation of sections 57 to 61.
57. Southampton Common enactments excluded from repeal, etc.
58. Removal of unlawfully parked vehicles.
59. Identity of drivers of unlawfully parked vehicles to be given.
60. Use of Mayflower Park for Boat Show.
61. Policing and control of pedestrian ways.

Gosport

62. Application in Gosport of certain enactments to vessels and floating structures.
63. Power to order alteration of chimneys in Gosport.
64. Management of Clifflands.

Gosport and Fareham

Section

65. Alteration of Gosport and Fareham omnibus routes.

PART VIII

MISCELLANEOUS

66. Pensions of officers transferred under River Hamble Harbour Revision Order 1969.
 67. Byelaws as to speed of vessels, etc., on river Hamble.
 68. Extension of section 21 of Town Police Clauses Act 1847
 69. Recording of documents.
 70. Facilities for hovercraft, hydrofoil vessels, etc.
 71. For protection of other shipping, hovercraft and hydrofoil services.

PART IX

GENERAL

72. Local inquiries.
 73. Saving for conduct of business or use of premises.
 74. Arbitration.
 75. Appeals to magistrates' court.
 76. Appeals to Secretary of State.
 77. Suspension of proceedings pending appeal.
 78. Restriction on right to prosecute.
 79. Liability of directors, etc.
 80. Penalty for obstruction.
 81. Defence of due diligence.
 82. Application of general provisions of Act of 1936.
 83. Saving for Coast Protection Act 1949.
 84. Saving for Health and Safety at Work etc. Act 1974.
 85. Saving for Fire Precautions Act 1971.
 86. Crown rights.
 87. Repeals and savings.

SCHEDULES:

Schedule 1—Section 3 of the Dogs Act 1906 as having effect in accordance with section 8 (Control of stray dogs) of this Act.

Schedule 2—Enactments referred to in section 57 (3) (Southampton Common enactments excluded from repeal, etc.).

Schedule 3—Enactments applied to pedestrian way.

Schedule 4—Enactments applied in Gosport to certain vessels and floating structures.

Schedule 5—Sections of Act of 1936 applied to this Act

Schedule 6—Enactments repealed.

Schedule 7—Saving provisions.

ELIZABETH II



1983 CHAPTER v

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Hampshire; to confer further powers on the Hampshire County Council and local authorities in the county; to make further provision with regard to the environment, local government, improvement, health and finances of the county; and for other purposes. [9th May 1983]

WHEREAS by virtue of the Local Government Act 1972 1972 c. 70. (hereinafter referred to as "the Act of 1972") the county of Hampshire (hereinafter referred to as "the county") was constituted on 1st April 1974 so as to consist of an area comprising the following districts described by reference to administrative areas existing immediately before the passing of the Act of 1972:—

The city of Portsmouth—
the county borough of Portsmouth:

The city of Southampton—
the county borough of Southampton:

The city of Winchester—
the borough of Winchester;

the rural district of Droxford;
the rural district of Winchester except the parishes in the
borough of Eastleigh:

The borough of Basingstoke and Deane—
the borough of Basingstoke;
the rural district of Basingstoke;
the rural district of Kingsclere and Whitchurch:

The borough of Eastleigh—
the borough of Eastleigh;
in the rural district of Winchester, the parishes of Botley,
Bursledon, Fair Oak, Hamble, Hedge End, Hound and
West End:

The borough of Fareham—
the urban district of Fareham:

The borough of Gosport—
the borough of Gosport:

The borough of Havant—
the urban district of Havant and Waterloo:

The borough of Rushmoor—
the borough of Aldershot;
the urban district of Farnborough:

The borough of Test Valley—
the borough of Andover;
the borough of Romsey;
the rural district of Andover;
the rural district of Romsey and Stockbridge:

The district of East Hampshire—
the urban district of Alton;
the urban district of Petersfield;
the rural district of Alton;
the rural district of Petersfield:

The district of Hart—
the urban district of Fleet;
the rural district of Hartley Wintney:

The district of New Forest—
the borough of Lymington;
the rural district of New Forest;

the rural district of Ringwood and Fordingbridge except the parishes of Hurn and St. Leonards and St. Ives, so much of the parish of Christchurch East as lies west of the boundary referred to in paragraph 8 of Part III of Schedule 1 to the Act of 1972 and so much of the parish of Sopley as lies west of the boundary referred to in paragraph 9 of Part III of that Schedule:

And whereas numerous local enactments were in force in parts of the said area and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before 1st April 1974:

And whereas it was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984:

And whereas it is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole or part, as the case may be, of the county:

And whereas it is expedient at the same time to extend and enlarge in various respects the powers of the Hampshire County Council and local authorities in the county:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Hampshire Act 1983. Citation and

(2) This Act shall come into operation on the expiration of three months after its passing, except that section 7 (Touting, hawking, photographing, etc.) and section 2 (Interpretation) of this Act, so far as material for the purposes of that section, shall commence-
ment.

PART I
—cont.

in their application to the city of Winchester come into operation upon the passing of this Act.

- Interpretation. 2.—(1) In this Act, unless the context otherwise requires—
- 1936 c. 49. “the Act of 1936” means the Public Health Act 1936;
- 1961 c. 64. “the Act of 1961” means the Public Health Act 1961;
- 1971 c. 78. “the Act of 1971” means the Town and Country Planning Act 1971;
- 1972 c. 70. “the Act of 1972” means the Local Government Act 1972
- “the Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976;
- 1976 c. 57. “the Act of 1980” means the Highways Act 1980;
- 1980 c. 66. “apparatus” means in relation to the electricity undertakers electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the said undertakers and includes any works constructed for the lodging therein of apparatus;
- 1882 c. 56. “the appointed day” has the meaning given by section 3 of this Act;
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “the county” means the county of Hampshire;
- “the county council” means the council of the county;
- “daily fine” means a fine for each day on which an offence is continued after conviction thereof;
- “district” means a district in the county;
- “district council” means the council of a district;
- “electricity undertakers” means the Central Electricity Generating Board and the Southern Electricity Board, or either of them, as the case may be;
- “enactment” means an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the county;
- “food” has the meaning given by section 135 of the Food and Drugs Act 1955;
- 1955 c. 16
(4 & 5 Eliz. 2). “the Gosport Council” means the council of the borough of Gosport;
- “the harbour authority” means Associated British Ports;
- “the level of high water” means the level of mean high-water springs;
- “local authority” means the county council or a district council;
- “open space” has the meaning given by section 290 of the Act of 1971;
- “owner” has the meaning given by section 343 of the Act of 1936;

- “ parish council ” means the parish or town council of a parish in the county or, where there is no such council, the parish meeting of such a parish; PART I
—cont.
- “ premises ” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “ the Portsmouth Council ” means the council of the city of Portsmouth;
- “ public service vehicle ” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981; 1981 c. 14.
- “ the Southampton Council ” means the council of the city of Southampton;
- “ street ” has the meaning given by section 329 of the Act of 1980.

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

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

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

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

- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the provision for the purposes of which the day has been fixed;

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

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of any newspaper being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication.

PART II

PUBLIC HEALTH

4.—(1) As from the appointed day in any district, a person shall not in that district carry on the business of a hairdresser or barber unless he is registered by the district council under this section and, except as provided in subsection (2) below, he shall Hairdressers and barbers.

PART II
—cont.

not carry on that business on premises occupied by him unless the premises are so registered.

(2) A departmental store is not required to be registered under this section by reason only that part of the premises is occupied by a hairdresser for the purpose of attending to persons employed at the premises.

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

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

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

Amendment of
Food and
Drugs
(Control of
Food
Premises) Act
1976.
1976 c. 37.
Control of
deposits of
sewage.
1974 c. 40.

5. In its application to the county, the Food and Drugs (Control of Food Premises) Act 1976 shall have effect as if in section 2 (2) (emergency order for closing food premises or stalls where imminent risk of danger to health) for the words “three clear days” there were substituted the words “twenty-four hours”.

6. Notwithstanding anything in any regulations having effect under section 3 (1) or 30 (4) of the Control of Pollution Act 1974, untreated sewage deposited on land in the county shall for the purposes of sections 3 to 11 and 16 of that Act be treated as being industrial waste, other than sewage—

(a) deposited, whether inside or outside the curtilage of a sewage treatment works—

(i) as an integral part of the operation of those works; or

(ii) by or on behalf of a water authority, in any emergency arising either from the breakdown or malfunctioning of such works or from other circumstances of necessity;

(b) deriving from livestock and spread on land for agricultural purposes;

- (c) deposited on land from a sanitary convenience forming part of a moving or stationary vehicle which is being used for the conveyance of passengers; and
- (d) buried on land, being matter taken from a movable receptacle contained in a sanitary convenience serving a camp site, caravan site, building site, signal box or other land or premises not being a dwelling-house.

PART II
—cont.

In this section “untreated sewage” means sewage which has not undergone any form or stage of treatment at a sewage treatment works and does not include sewage sludge.

PART III

PUBLIC ORDER

7.—(1) A district council may designate, in accordance with subsection (6) below, any of the following places, or any part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:—

Touting,
hawking,
photographing,
etc.

- (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
- (b) a street, precinct or esplanade, parade, promenade, marine drive, or way to which the public commonly have access, whether or not as of right;
- (c) the seashore, including all parts of the beach or shore above and below high-water mark and (where a promenade or esplanade exists) between the promenade or esplanade and low-water mark:

Provided that the district council shall not designate—

- (i) for the purpose of subsection (2) (b) below any highway specified in a control order under section 7 of the Act of 1976; or
 - (ii) for the purpose of subsection (2)(c) (ii) below, any street.
- (2) Any person who, in a place designated under this section—
- (a) importunes any person by touting for an hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage or other conveyance, not being a public service vehicle, or for a ship or boat; or
 - (b) without the consent of the district council or in breach of any condition subject to which the council’s consent is given, hawks, sells or offers or exposes for sale anything; or

PART III
—cont.

(c) without the consent of the district council or in breach of any condition subject to which the council's consent is given—

(i) photographs any person by way of trade or business; or

(ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

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

(3) A police officer may arrest without warrant a person who has contravened, or whom the police officer with reasonable cause suspects to have contravened, subsection (2) above if—

(a) the name and address of that person are unknown to, and cannot be ascertained by, the officer; or

(b) the officer is not satisfied that a name and address furnished by that person as his name and address are true.

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

(5) A person aggrieved by—

(a) the withholding by the district council of consent referred to in subsection (2) (b) or (c) above;

(b) the conditions subject to which the council give such consent; or

(c) the revocation of such consent under subsection (4) above;

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

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

(b) After taking into consideration any objections made in accordance with paragraph (a) above, the district council may

by resolution designate as places to which this section applies for any of the purposes of subsection (2) above all or any, or any part, of the places specified in the notice given under that paragraph.

PART III
—*cont.*

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

(8) This section shall not prohibit—

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the selling or offering or exposing for sale of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b) the selling or offering or exposing for sale of anything to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;
- (c) the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical or carries on a business which consists in, or includes, selling or supplying photographs for such publication;

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

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

(10) Subsection (3) above shall cease to have effect on 31st December 1986.

(11) (a) The following provisions of this section shall not have effect in any district in which Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 is in force at the commencement of this Act and, if the said Schedule comes into force in any district on any day after the commencement of this Act, shall cease to have effect in that district on that day:—

In subsection (1) proviso (i);

Subsection (2) (b);

In subsection (4), the words “ (b) and ”;

PART III
—cont.

In subsection (5) (a), the words “ (b) or ”;

In subsection (8), paragraph (b) and the words from “ and the district council ” to the end of the subsection; and

Subsection (9);

(b) Where the said Schedule 4 comes into force in any district after the commencement of this Act and a street trading consent is thereafter required for trading in any street under that Schedule, any consent then in force under this section for hawking, selling or offering or exposing for sale anything in that street (within the meaning of that Schedule) shall have effect as such a street trading consent for a period of 12 months or until the sooner expiry of the consent or its revocation under that Schedule.

Control of
stray dogs.
1906 c. 32.

8.—(1) As from the appointed day in any district, a duly authorised officer of a district council may exercise the powers in section 3 of the Dogs Act 1906 with respect to the seizure, detention and disposal of stray dogs in their district and for the purposes of that section, as it applies to a district, a dog shall be treated as a stray if it appears not to be in the charge of any person.

(2) Subject to subsection (1) above, section 3 of the Dogs Act 1906 shall have effect in a district subject to the following modifications:—

(a) the substitution for subsection (1) of the following:—

“ (1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its seizure or detention.”;

(b) in both subsections (2) and (4), the substitution for “ the chief officer of police, or any person authorised by him in that behalf ” of the words “ the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf,”;

(c) in subsection (6) the substitution for “ of a police area ” of the words “ and the district council ” and for “ in that area ” of the words “ by him or them respectively ” and the deletion of the words “ on payment of a fee of one shilling ”; and

(d) in subsection (7), the substitution for “ The police shall not dispose of any dog seized under this section ” of the words “ A dog seized under this section shall not be disposed of ” and the insertion after “ inspection ” of the words “ at all reasonable times ” and the deletion of the words “ on payment of a fee not exceeding one shilling ”.

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Schedule 1 to this Act.

PART III
—cont.
1906 c. 32.

9.—(1) A district council may seize and impound any horse which is on land without the consent of the owner and occupier of the land but shall not do so, unless they are themselves the occupier, except at the request or with the consent of the owner and the occupier of the land.

Seizure of
horses.

(2) A district council shall, within 24 hours after impounding any horse under this section, give notice of the impounding to the officer in charge of a police station and also to the owner of the horse if his identity be known to them.

(3) A district council shall keep a register of all horses seized by them under this section containing a brief description of each horse, the date of seizure and particulars as to the manner in which each such horse is disposed of and the register shall be open to public inspection at all reasonable times.

(4) If after 7 clear days from the date of impounding the owner has not claimed a horse and paid all expenses incurred in seizing, impounding and maintaining it, the district council may sell or otherwise dispose of the horse otherwise than by destruction, and if after 14 clear days from the said date the owner has not claimed the horse and paid all such expenses the district council may destroy the horse in a manner to cause as little pain as possible.

(5) Whilst any horse is impounded by a district council under this section the district council shall cause it to be properly fed and maintained.

(6) Where the district council dispose of any horse under subsection (4) above, they shall be accountable to the owner of the horse for any money arising from the disposal after deducting all expenses incurred by reason of its seizure, impounding, maintenance and disposal; but nothing in this subsection shall render a district council so accountable if the council have accounted to any other person whom they reasonably believed to be the owner.

(7) In this section “horse” includes a pony, mule or ass.

10.—(1) A local authority may make byelaws for all or any of the following purposes:—

Byelaws as to
leisure centres.

- (a) the use of any leisure centre and the good and orderly conduct of persons resorting thereto;
- (b) regulating the movement and parking of vehicles at any leisure centre;

PART III
—cont.

1960 c. 16.

(c) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road as defined in section 257 of the Road Traffic Act 1960.

(2) Byelaws made under paragraph (a) of subsection (1) above may provide for the removal from the leisure centre of any person infringing any such byelaw by any proper officer of the local authority.

(3) In this section “leisure centre” means any place owned or managed by a local authority (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976 are provided.

(4) In this section “local authority” includes a parish council.

PART IV

FIRE PRECAUTIONS

Parking places: safety requirements. 11.—(1) This section applies to a parking place comprising or within a building which provides—

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

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

(2) Where—

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

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

1928 c. 32.

the district council shall reject the plans unless, after consultation with the fire authority and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority), they are satisfied that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions specified in their consent with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

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

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

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

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

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

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

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

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
- (b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and

PART IV
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(c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

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

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

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

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

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

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

(12) For the purposes of section 287 (1) (a) of the Act of 1936 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the district council to enforce.

1928 c. 32. (13) (a) In the case of a building in respect of which a licence, under section 2 or 3 of the Petroleum (Consolidation) Act 1928, is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to

in subsection (2) above no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.

PART IV
—cont.

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

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

Access for
fire brigade.

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

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

- (a) notice of the provisions of this section is endorsed on or accompanies the planning permission; or
- (b) in any case where the planning permission has been granted before the coming into operation of this section, notice of the provisions of section 43 (Building plans: access for fire brigade) of the Hampshire County Council Act 1972 is so endorsed or so accompanies the permission.

1972 c. xlvii.

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

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

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

PART IV
—cont.Fire
precautions
in certain
large
buildings.

13.—(1) This section applies to the following operations, namely:—

- (a) the erection of a building of the warehouse class or intended to be used for the purpose of trade or manufacture and of a cubic extent exceeding 7,000 cubic metres; or
- (b) the extension of a building so used or intended to be so used so that, as extended, the building will be of a cubic extent exceeding 7,000 cubic metres.

(2) (a) Where plans and particulars are deposited with a district council in accordance with building regulations in respect of the carrying out of an operation to which this section applies, the district council may reject the plans and particulars unless it is shown to their satisfaction that the building the subject of the operation will be provided with—

- (i) fire alarms (whether automatic or otherwise) and a fire extinguishing system, or either such alarms or such system; and
- (ii) effective means of removing smoke in case of fire.

(b) Before approving or disapproving any such plans and particulars the district council shall consult the fire authority and the Health and Safety Executive.

(c) The district council shall not reject plans and particulars under paragraph (a) above on the ground that it is not shown to their satisfaction that there will be provided fire alarms or a fire extinguishing system, in any case where in respect of the building the subject of the operation a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(3) (a) The person proposing to carry out an operation to which this section applies shall, when submitting plans and particulars in accordance with building regulations, deposit with the district council particulars showing how it is proposed to comply with the requirements of subsection (2) above.

(b) A district council, irrespective of any decision under building regulations—

- (i) may refuse to approve the particulars; or
- (ii) may approve them subject to such conditions (if any) as, after consultation with the fire authority, they think fit.

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

(5) A person aggrieved by the action of the district council under subsection (3) (b) above in rejecting plans, or in imposing conditions, may appeal to the Secretary of State.

PART IV
—cont.

(6) For the purposes of section 287 (1) (a) of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the fire authority as well as the district council to enforce.

(7) Nothing in this section shall apply to an operation with respect to—

(a) any building for which a licence under the Cinematograph Acts 1909 to 1982, or the Theatres Act 1968, is for the time being in force; or

1968 c. 54.

(b) any building which is divided by compartment walls or compartment floors, constructed in accordance with the Building Regulations 1976, in such a manner that no division of the building is of cubic extent exceeding 7,000 cubic metres, or, being fitted throughout with such automatic sprinkler system as accords with the requirements of those regulations, is so divided in such manner that no division of the building is of cubic extent exceeding 14,000 cubic metres; or

S.I. 1976/1676.

(c) any parking place for vehicles and to which section 12 (Parking places: safety requirements) of this Act applies.

14.—(1) This section applies to a fire alarm system for the protection of any premises in the county and connected to the telecommunication system of British Telecommunications through a device commonly known as a digital or an auto-dialler which, in the event of an alarm, connects without manual intervention to the emergency network of that system of British Telecommunications.

Fire alarms.

(2) (a) As from the appointed day in the county no person shall install or cause to be installed a fire alarm system to which this section applies unless there has been served on the fire authority notice of intention in that behalf, specifying the text of the pre-recorded message to be passed by the system, and the fire authority have by notice to that person approved the text as sufficiently identifying the premises which the system is intended to protect.

(b) Unless within 14 days after service of a notice under paragraph (a) above the fire authority have given notice to the person serving that notice that they disapprove of the text of the pre-recorded message the fire authority shall be deemed to have approved the same.

(3) If any person contravenes subsection (2) (a) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and, in the case of failure to comply with any such notice, a daily fine not exceeding £20.

PART IV
—cont.

(4) (a) This section shall cease to have effect on 31st December 1987.

(b) The Secretary of State may by order extend the period of operation of this section until not later than 31st December 1992; and upon the making of an order under this paragraph the fire authority shall cause to be published in two successive weeks in a newspaper circulating in the county notice of the making and general effect of the order.

Prescription of signs to be used on certain buildings.

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

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

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

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

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

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

PART V

ITCHEN BRIDGE

Preliminary

Interpretation of Part V.
1960 c. xlii.

16. In this Part, unless the context otherwise requires—
“the bridge” means the Itchen bridge being Work No. 5 authorised by the Southampton Corporation Act 1960,

such of the works authorised by Part III of that Act as are held by the county council in connection with that bridge and any works constructed or to be constructed in association with the bridge and any such works; and includes all the lands, easements, rights, toll-houses, toll-gates, signals, offices and other assets of whatever description and conveniences for the time being held or used by the county council for the purposes of or in relation to that bridge or any of the aforementioned works;

PART V
—cont.

- “ the ferry works ” means all piers, jetties, quays, landing and shipping places and other works and conveniences held, constructed or provided in connection with the ferry now abandoned pursuant to Part IV (Abandonment of ferry) of the Southampton Corporation Act 1973; 1973 c. xix.
- “ financial year ” means any period of 12 months ending on 31st March;
- “ the limits of deviation ” means the limits of deviation specified in the Southampton Corporation Act 1960; 1960 c. xlii.
- “ scheduled service ” means—
- (a) any service of stage carriages or express carriages (as respectively defined in section 3 of the Transport Act 1980) upon a timetabled journey; or 1980 c. 34.
 - (b) any service of transport for—
 - (i) pupils to or from any school or other educational establishment; or
 - (ii) employees to or from any factory or other place of employment;
- provided by any public service vehicle;
- “ the statutory maximum ” means the prescribed sum as defined in section 32(9) of the Magistrates’ Courts Act 1980; 1980 c. 43.
- “ tidal work ” means any part of the bridge or the ferry works vested in the county council at the commencement of this Act or thereafter constructed by them, on, under or over tidal waters or tidal lands below the level of high water.

17.—(1) The provisions of sections 78 to 85 (as to working of mines) of the Railways Clauses Consolidation Act 1845, as those sections were enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923, are so far as applicable for the purposes of this Part of this Act hereby incorporated with this Part. Incorporation of Railways Clauses Consolidation Act 1845. 1845 c. 20. 1923 c. 20.

(2) In the construction of the said provisions “ the railway ” means such of the works authorised by Part III of the Southampton

PART V
—cont.
1960 c. xlii.

Corporation Act 1960 as are comprised in the bridge and “ the company ” means the county council.

Maintenance, etc., of bridge

Maintenance,
etc., of bridge.

18. The county council may continue and maintain the bridge, and may alter or renew the bridge within the limits of deviation, subject nonetheless to such constraints as applied to the construction of the bridge (Work No. 5) authorised by section 19 (Power to construct works) of the Southampton Corporation Act 1960 as are specified in the description of that work and in subsections (3) and (4) of section 20 (Power to deviate) of that Act.

Subsidiary
works.

19.—(1) The county council, in connection with the maintenance and use of the bridge and within the limits of deviation, may make on or in the banks, bed, soil and foreshore of the river Itchen and elsewhere in connection with the bridge, and at or near any works or erections to be made or put up by the county council, and may place and keep in the river and elsewhere permanently, all such caissons, piers, fenders, mooring posts and bollards and temporarily all such piles, fenders, booms, dolphins, pontoons, caissons, stagings, cofferdams, embankments, piers, abutments, wharves, walls, fences, drains, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient:

Provided that the county council shall ensure that—

(a) any permanent or temporary works authorised by this section shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water;

(b) no materials excavated, obtained or raised in carrying out any such works shall be deposited—

(i) below the level of high water except after consultation with the harbour authority and in such position and under such conditions and restrictions as may be fixed by the Secretary of State;

(ii) above the level of high water and within the port of Southampton except with the consent of the harbour authority.

(2) After the purpose of any temporary works authorised by this section has been accomplished, the county council shall, unless otherwise agreed by the harbour authority, remove all such temporary works and shall at their own expense keep repaired any permanent works authorised by this section or constructed under section 22 (Subsidiary works in river and elsewhere) of the Southampton Corporation Act 1960.

(3) If any works placed or kept by the county council in the river Itchen under the powers of this section or of the said section 22 shall at any time become redundant the county council shall, unless otherwise agreed by the harbour authority, remove the same.

PART V
—cont.

20. The county council may from time to time provide, set up, maintain and remove such toll-houses, toll-gates, signals, offices and other conveniences in connection with the bridge as may be necessary or convenient.

Power to provide toll-houses, etc.

21. Notwithstanding anything contained in the Public Utilities Street Works Act 1950 or in any other enactment relating to the breaking up of streets or the installation of apparatus therein or attached thereto no person shall be entitled to enter upon, break up or interfere with the bridge or the carriageways and footways of the same for the purposes of laying down any main, pipe or wire or executing any work therein, thereon or thereunder except with the consent of the county council and in accordance with such terms and conditions as the county council may determine.

No mains or pipes to be laid in bridge. 1950 c. 39.

Tolls

22.—(1) The county council may demand, take and recover in respect of all or any class of traffic passing over or on the bridge, other than pedestrians, tolls not exceeding those specified in any order made under this Part (or under Part III of the Southampton Corporation Act 1973) and for the time being in force; and for any other services rendered by the county council in connection with the bridge, such reasonable charges as they think fit.

Tolls.

1973 c. xix.

(2) Subject to subsection (4) below, the power to make an order under this section includes power to make an order amending or revoking any earlier order made hereunder (or under section 15 of the Southampton Corporation Act 1973), including power to make an order whereby the council cease to demand, take and recover tolls or tolls in respect of any specified class of traffic, or resume demanding, taking and recovering tolls.

(3) In exercising their powers under this section the county council shall have regard to—

first, the financial position and future prospects of the bridge; secondly, the need to control the composition and flow of traffic over the bridge so as to avoid causing traffic congestion in areas adjacent to the bridge and so as to preserve the character and amenities of those areas; and thirdly, whether to allow any class of traffic to use the bridge without payment of tolls or on payment of tolls at a reduced rate either generally or during specified hours or on specified occasions—

(a) where the grant of any such concession would assist the disabled or aged;

PART V
—cont.

(b) where, in the opinion of the county council the grant of any such concession for a limited period would be desirable in the interests of assisting the establishment of industry or commerce in the city;

(c) where the traffic is of a local character.

(4) If an order for the time being in force has been made by the Secretary of State in pursuance of section 23 (Revision of tolls by Secretary of State) of this Act, the county council may not make a further order revising all or any of the tolls or any classification of traffic specified in any such order unless—

(a) a period of not less than 12 months has elapsed since the making of the order by the Secretary of State; and

(b) the county council have notified the Secretary of State of their intention to make such an order and considered any observations of the Secretary of State; and

(c) in the opinion of the county council there has been, since the date of the making of the order by the Secretary of State, a material change in any of the circumstances relating to any of the matters referred to in subsection (2) above.

(5) Before making an order under this section the county council shall give notice by advertisement in one or more local newspapers circulating in the city stating the contents of the proposed order and shall take into consideration any objections or representations in respect of the proposed order made within 28 days of the first publication of the notice.

Revision of
tolls by
Secretary of
State.

23.—(1) If at any time—

(a) it is represented in writing to the Secretary of State—

(i) by any person or any body sufficiently representative of persons appearing to the Secretary of State to have a substantial interest in the use of the bridge; or

(ii) by the county council; or

(b) it appears to the Secretary of State after consultation with the county council to be expedient;

that, in the circumstances then existing, all or any of the tolls authorised in pursuance of this Part or any classification of traffic specified in any order for the time being in force under this Part should be revised, the Secretary of State may, if he thinks fit, make an order revising all or any of such tolls or any classification of traffic as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or revised by a further order of the Secretary of State or of the county council made in pursuance of this Part.

(2) As soon as may be after the receipt by the Secretary of State of a representation pursuant to subsection (1) above from any person or any body other than the county council the Secretary of State shall send a copy of the representation to the county council.

PART V
—cont.

(3) Before making an order under this section the Secretary of State shall, if required by—

(a) any such person or body as is referred to in subsection (1) (a) (i) above, being a person or body who either has made a representation to the Secretary of State pursuant to that subsection or has pursuant to section 24 (Further provisions as to prescription or revision of tolls) of this Act objected to the representation made to, or the proposals of, the Secretary of State and has not withdrawn the objection; or

(b) the county council;

and may in any other case, if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(4) In deciding whether to make an order under this section, the Secretary of State shall have regard to—

(a) the matters referred to in subsection (3) of section 22 (Tolls) of this Act; and

(b) such other matters as he thinks proper.

24.—(1) If representation is made to the Secretary of State under section 23 (Revision of tolls by Secretary of State) of this Act or if it appears to the Secretary of State to be expedient to revise the tolls or any classification of traffic pursuant to subsection (1) (b) of the said section 23, the county council shall furnish the Secretary of State with such information and particulars as the Secretary of State may require and shall upon being required to do so by the Secretary of State publish in the London Gazette and in such one or more newspapers as the Secretary of State may specify a notice stating—

Further provisions as to prescription or revision of tolls.

(a) the general effect of the representation or the proposals of the Secretary of State;

(b) the place or places at which copies of the representation or the proposals of the Secretary of State, as the case may be, may be inspected free of charge and copies thereof purchased and the price of such copies;

(c) the date, being 42 days after the first publication of the notice, by which objections to the representation or the proposals of the Secretary of State, as the case may be, may be made in writing to the Secretary of State.

(2) The power of the Secretary of State to make an order under the said section 23 shall be exercisable by statutory instru-

PART V
 —cont.
 Exclusion
 from
 application of
 section 6 of
 Transport
 Charges &c.
 (Miscellaneous
 Provisions)
 Act 1954.
 1954 c. 64.
 List of tolls
 to be
 exhibited.

ment and the Secretary of State may by any order made by him under the said section 23 amend, vary or revoke any order made by the county council under section 22 (Tolls) of this Act.

Regulations
 as to payment
 of tolls and
 charges.

25. Section 6 of the Transport Charges, &c. (Miscellaneous Provisions) Act 1954 shall not apply in relation to the tolls and charges by this Act authorised to be demanded and taken.

26. A list of the tolls authorised under this Part which are from time to time charged by the county council shall be exhibited in a conspicuous position at or near the places where such tolls are payable.

Failure to
 pay tolls.

27.—(1) The tolls and charges authorised under this Part shall be paid at such places and in such manner and under such regulations as the county council may appoint and make.

(2) Where any such toll or charge is not paid before or at the time the bridge is used or the services provided, the county council may recover such sum as they think reasonable to cover administrative expenses in addition to the toll or charge payable and any legal costs recoverable.

28.—(1) If any person refuses or neglects to pay any toll or part thereof lawfully due from him, the persons appointed to receive tolls may refuse to permit the person so in default to pass through or by any toll-gate or other place at which such toll should be paid and may stop and prevent the person so in default from passing through or by the same.

(2) A person who—

- (a) passes through or by any toll-gate or other place at which any toll should be paid or otherwise passes over or onto the bridge, in either case with intent to avoid paying any toll lawfully due from him; or
- (b) operates or attempts to operate a machine provided by the county council for the collection of tolls authorised in pursuance of this Act by the insertion of objects other than current coins of the realm of the appropriate denomination or tokens authorised by the county council to be used for the payment of such tolls; or
- (c) otherwise interferes with such a machine as is mentioned in paragraph (b) above with the intention of dishonestly obtaining for himself a pecuniary advantage;

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

(3) Where the driver of a vehicle is alleged to be guilty of an offence under subsection (2) above—

PART V
—cont.

- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required in writing to give by or on behalf of a police officer or a person appointed to receive tolls; and
- (b) any other person shall if so required give any information which it is in his power to give and may lead to the identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a bicycle or tricycle.

(4) (a) A person who without reasonable excuse fails to comply with the requirement of subsection (3) (a) above 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 or, as the case may be, the rider of the bicycle or tricycle, was; and a person who fails to comply with the requirement of subsection (3) (b) above shall be guilty of an offence.

(b) A person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding £200.

29. The county council may enter into a composition with any person with respect to the payment of any tolls or charges under this Act, but so that no preference be in any case given to any person, and may issue season tickets.

Power to
compound for
payment of
tolls.

30. The county council may in exchange for the payment of any toll provide a ticket to any person intending to pass through or by any toll-gate or other place at which the toll is payable and any person to whom a ticket is so provided may be required on demand to deliver up the ticket to the person appointed by the county council to collect the same at such place or places as the county council may determine.

Tickets.

31.—(1) Nothing in this Part shall prejudice any existing right of Her Majesty including the exemptions and rights contained in section 184 of the Army Act 1955 and section 184 of the Air Force Act 1955.

Exemption
from tolls.
1955 c. 18.
1955 c. 19.

(2) Nothing in this Part shall extend to authorise any tolls to be demanded or received—

- (a) from any person when on duty in the service of the Crown;
- (b) for any animal, vehicle, or goods the property of, or when being used in the service of, the Crown, or returning after being so used;

PART V
—cont.

- (c) from any police officer acting in the execution of his duty;
or
- (d) in respect of any public service vehicle on a scheduled service.

*Finance*Application of
money and
accounts.

32.—(1) The county council may (if they think fit) apply their income from the bridge in the construction, maintenance, alteration or renewal, extension and improvement of the works and conveniences comprised therein or in the provision of funds for working capital for the bridge or in the provision of funds under Schedule 13 to the Act of 1972.

(2) The county council shall keep an annual account of their income from and of their expenditure in connection with the bridge.

Bridge to be
exempt from
rates.

33. Notwithstanding anything contained in any enactment, the bridge and the buildings (not being dwelling-houses or office buildings), machinery, apparatus and works in the vicinity of the bridge and used in connection therewith shall not be assessed to any rate.

*Miscellaneous*Byelaws
relating to
bridge.

34.—(1) The county council may make byelaws—

- (a) for preventing injury and damage to the bridge or persons or vehicles, including any class of vehicles using or intending to use the bridge;
- (b) for regulating the conduct of all persons using the bridge;
- (c) for regulating the traffic along and over the bridge, for regulating the use of the bridge and for prohibiting the use thereof by certain engines, carriages, vehicles and animals or other classes of traffic and for ensuring that road traffic shall not be unreasonably delayed;
- (d) for prohibiting the conveyance upon the bridge of any goods which may, in the opinion of the county council, be injurious to or prejudicially affect the use of the bridge or the traffic to be carried thereon, or endanger the safety of the bridge or the passenger and other traffic carried thereon;
- (e) relating to the issue and inspection of tickets and the collection of tolls; and
- (f) generally for regulating and controlling the use of the bridge:

Provided that—

- (i) no such byelaw shall impose any restriction upon navigation in the river Itchen;

- (ii) no such byelaw, unless made for any of the purposes specified in paragraphs (a) and (d) of this subsection, shall impose any prohibition on the operation over the bridge of any public service vehicle on a scheduled service or regulate any public service vehicle in such a manner as to prevent compliance with the terms of a road service licence authorising a service over the bridge.

PART V
—cont.

(2) Any such byelaws may be confirmed with or without modifications; but, if so directed by the Secretary of State, the county council shall cause notice of any proposed modification to be given in accordance with such directions before any byelaw is confirmed with modifications.

35. The county council may close the whole or any part of the bridge to traffic whenever in their opinion this is necessary for the purposes of the maintenance, repair or improvement of the bridge or in connection with public events or in case of emergency.

As to closing
bridge.

36.—(1) A tidal work shall not be constructed, altered or renewed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

Tidal works
not to be
executed
without
approval
of Secretary
of State.

(2) If a tidal work is constructed, altered or renewed in contravention of this section or of any condition or restriction imposed under this section—

- (a) the Secretary of State may by notice in writing require the county council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the county council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
- (b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition without serving, or before the expiry of, notice under paragraph (a) above;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the county council.

37.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the county council shall forthwith notify the harbour authority and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as shall from time to time be directed by the harbour authority.

Provision
against
danger to
navigation.

PART V
—cont.

(2) If the county council fail to notify the harbour authority as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of
works
abandoned
or decayed.

38.—(1) Where a tidal work is abandoned or suffered to fall into decay, the Secretary of State or the harbour authority may by notice in writing require the county council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State or the harbour authority (as the case may be) think proper.

(2) Where a work authorised by this Part of this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State or the harbour authority (as the case may be) may include that part of the work, or any portion thereof, in any notice under this section.

(3) If on the expiration of 30 days from the date when a notice under this section is served upon the county council they have failed to comply with the requirements of the notice, the Secretary of State or the harbour authority (as the case may be) may execute the works specified in the notice and any expenditure incurred by the Secretary of State or the harbour authority in so doing shall be recoverable from the county council.

Survey of
tidal works.

39. The Secretary of State or the harbour authority may at any time if he or they deems or deem it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State or the harbour authority in any such survey and examination shall be recoverable from the county council.

Permanent
lights on
works.

40.—(1) The county council shall on each side of the bridge and after the completion thereof at the outer extremity of any other tidal work exhibit every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the harbour authority shall from time to time direct.

(2) If the county council fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

41.—(1) The county council shall at or near a tidal work during the whole time of the construction, alteration or renewal thereof exhibit every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Secretary of State or the harbour authority shall from time to time direct.

PART V
—cont.

Lights on works during construction.

(2) If the county council fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

42.—(1) If it appears to the county council that any requirements or order made by the harbour authority under section 38 (Abatement of works abandoned or decayed) or section 39 (Survey of tidal works) or section 41 (Lights on works during construction) of this Act are unreasonable they may within 28 days after the receipt of notice of any such requirement or of any such order refer the matter to the Secretary of State who may confirm or annul the requirement or order or make such other requirement or order as he may think fit.

Provisions applicable to sections 38, 39 and 41.

(2) If there shall be any inconsistency between any requirement, order or (in the case of the said section 41) direction of the Secretary of State and any decision thereon of the harbour authority under any of the said sections of this Act the requirement, order or direction of the Secretary of State shall prevail.

43. Nothing in this Part of this Act shall prejudice or derogate from the powers, rights and privileges of the Corporation of Trinity House of Deptford Strond.

Saving for Trinity House.

44.—(1) Notwithstanding the repeal by this Act of Part III (Works) of the Southampton Corporation Act 1960 but subject to the provisions of this section, the following provisions of Part X (Protective provisions) of that Act shall with necessary modifications apply and have effect (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) for the protection or benefit of the parties now entitled thereto and so that all rights, powers, duties and obligations of any of those parties thereunder (so far as aforesaid) shall enure for or against the county council and such other parties respectively for the purposes of this Act:—

Application of certain provisions of Part X of Southampton Corporation Act 1960. 1960 c. xlii.

PART V
—cont.

Provisions in Part X	Provisions applied
Section 100 (For protection of Hampshire River Board)	Paragraphs (2)(b), (4) and (5).
Section 101 (For protection of Southampton Harbour Board)	Paragraphs (1), (2), (7) to (13) and (15).
Section 104 (For further protection of certain statutory undertakers) ...	Paragraphs (1), (2), (6), (7) and (9).
Section 105 (For protection of Postmaster-General)	Paragraph (6).

(2) Without prejudice to subsection (1) above, for the purposes of the application of provisions by that subsection—

- (a) references in those provisions to works authorised by the said Act of 1960 shall be construed as references to the bridge or to the ferry works or to the part of either of them to which those provisions respectively refer; and
- (b) the repeal by this Act of provisions of the said Act of 1960 shall not affect the interpretation of the provisions so applied.

For protection of electricity undertakers. 1960 c. xlii.

45. For the purposes of this Part, the provisions of paragraphs (1) and (3) to (8) of section 103 (For protection of certain statutory undertakers) of the Southampton Corporation Act 1960 shall extend and apply with respect to the bridge and for the protection of the electricity undertakers, subject to the following and all necessary modifications:—

- (a) for references to the Corporation and to the undertakers there shall be substituted respectively references to the county council and to the electricity undertakers;
- (b) the expression “ authorised work ” shall, instead of having the meaning given in paragraph (1) of the section, mean any work carried out or thing done, other than solely by way of maintenance, under section 18 (Maintenance, etc., of bridge) or section 19 (Subsidiary works) of this Act.

For protection of British Railways Board.

46. For the protection of the British Railways Board (in this section referred to as “ the railways board ”) the following provisions shall, unless otherwise agreed in writing between the county council and the railways board, apply and have effect:—

- (1) In this section—

“ railway property ” means any railway of the railways board and any works connected therewith for the

PART V
—cont.

maintenance or operation of which the railways board are responsible and includes any lands held or used by the railways board for the purposes of such railway or works and the Central Bridge;

“specified works” means so much of the works (whether temporary or permanent) authorised by sections 18 (Maintenance, etc., of bridge) and 19 (Subsidiary works) of this Act as may be situated upon, across, under or over, or may in any way affect, railway property and includes the maintenance and renewal of such works;

“the Central Bridge” means so much of the bridge known as the Central Bridge and the approaches thereto as is the property of and maintainable by the railways board under an agreement dated the twenty-seventh day of November eighteen hundred and seventy-nine and made between the London and South Western Railway Company of the one part and the mayor, aldermen and burgesses of the borough of Southampton of the other part;

“construction” includes execution, placing and altering and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer to be appointed by the railways board;

“plans” includes sections, drawings, specifications, soil reports, calculations and descriptions (including descriptions of methods of construction):

- (2) The county council shall before commencing the specified works (other than works of maintenance or repair) furnish to the railways board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within 28 days after such plans have been furnished to the Board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

- (3) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of railway property

PART V
—cont.

and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board or by the county council (if the railways board so desire) in either case with all reasonable dispatch and the county council shall not commence the construction of the specified works until the engineer shall have notified the county council that the protective works have been completed to his reasonable satisfaction:

- (4) The county council shall give to the engineer not less than 28 days' notice in writing of their intention to commence the construction of any of the specified works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the specified works:
- (5) The specified works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property; and if any damage to railway property or any such interference or obstruction shall be caused or take place the county council shall notwithstanding any such approval as aforesaid make good such damage and shall on demand pay to the railways board all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction other than damage, interference or obstruction caused by the neglect or default of the railways board, their servants or agents:
- (6) The county council shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:
- (7) The railways board shall at all times afford reasonable facilities to the county council and their agents for access to any works carried out by the railways board under this section during their construction and shall supply the

county council with such information as they may reasonably require with regard to such works or the method of construction thereof:

PART V
—cont.

- (8) If any alterations or additions either permanent or temporary to railway property shall be reasonably necessary in consequence of the construction of the specified works such alterations and additions may be effected by the railways board after notice has been given to the county council accompanied by an estimate of the cost of the alterations and additions, and the county council shall pay to the railways board on demand the reasonable cost thereof including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:
- (9) The county council shall repay to the railways board all costs charges and expenses reasonably incurred by the railways board—
 - (a) in constructing any protective works under the provisions of paragraph (3) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the specified works;
 - (c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the specified works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;
 - (d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works being lighting made reasonably necessary as a result of the specified works:
- (10) If at any time after the completion of the specified works not being works vested in the railways board the railways board shall give notice to the county council informing them that the state of repair of the specified works appears to be such as to affect prejudicially railway property, the

PART V
—cont.

county council shall within 28 days of the receipt of such notice, commence to take and thereafter complete taking such steps (if any) as may be reasonably necessary to put the specified works in such state of repair as not to affect prejudicially railway property and, if and whenever the county council fail to do so, and at any time in cases of emergency (without being required to give notice as aforesaid) the railways board may make and do in and upon the lands of the railways board or of the county council all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the railways board in so doing shall be repaid to them by the county council:

- (11) Any additional expense which the railways board may reasonably incur after giving two months' notice to the county council in widening, altering, reconstructing or maintaining railway property in pursuance of any power existing on 29th July 1960 by reason of the existence of the specified works shall be repaid by the county council to the railways board:
- (12) The county council shall be responsible for and make good to the railways board all costs, charges, damage and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the railways board—
- (a) by reason of the specified works or the failure thereof; or
 - (b) by reason of any act or omission of the county council or of any persons in their employ or of their contractors or others whilst engaged upon the specified works;

and the county council shall effectively indemnify and hold harmless the railways board from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the railways board on behalf of the county council or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the railways board or of any person in their employ or of their contractors or agents) excuse the county council from any liability under the provisions of this section.

Provided that the railways board shall give to the county council reasonable notice of any claim or demand

as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the county council:

PART V
—cont.

- (13) Any difference arising between the county council and the railways board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART VI

FERRY FROM GOSPORT TO PORTSMOUTH

47. In this Part, unless the context otherwise requires—

Interpretation
of Part VI.
1919 c. cxxii.

“the Act of 1919” means the Gosport and Alverstoke Urban District Council Act 1919;

“ferry service” means a ferry service between the landing stage at Gosport and the floating pontoon at Portsmouth adjacent to the northern end of the landing stage at the Portsmouth Harbour Station of the British Railways Board; and “ferry” shall be construed accordingly;

“the ferry works and lands” means the landing stage and the Town Quay, the works connected therewith respectively and all lands, buildings, easements, rights, property and conveniences held or used by the Gosport Council in relation thereto;

“the landing stage” means the quay wall or embankments (Works Nos. 1 and 2), the floating landing stage (Work No. 3) and the bridge (Work No. 4) authorised respectively by the Act of 1919;

“the Queen’s harbour master” means the person appointed as the Queen’s harbour master of the dockyard port of Portsmouth under the Dockyard Ports Regulation Act 1865;

1865 c. 125.

“the Town Quay” means the wharf or quay (Work No. 5) authorised by the Act of 1919.

48.—(1) The Gosport Council shall continue to hold and manage the ferry works and lands for or in connection with the ferry service or so much of the ferry works and lands as appears to them necessary or requisite for that purpose and, subject thereto, may dispose of the whole or part thereof in any manner, or may appropriate the same for the purposes of any of their functions.

Management
of ferry works
and lands, etc.

(2) The Gosport Council may maintain and within the limits of deviation therefor specified in the Act of 1919 may alter or renew the landing stage and the Town Quay.

(3) As from the passing of this Act but subject to subsection (1) above, all duties and obligations of the Gosport Council which attached to the undertaking (as defined in the Act of 1919) by virtue of its being constituted a harbour or otherwise by virtue of that Act shall cease and determine.

PART VI
—*cont.*
Power to
establish or
assist ferry
service, etc.
1919 c. 75.

49.—(1) The Gosport Council and the Portsmouth Council, or either of them after consultation with the other in addition to and not in derogation of their powers under the Ferries (Acquisition by Local Authorities) Act 1919, may—

- (a) take all such action as is necessary to provide a ferry service and for that purpose purchase, hire or otherwise provide and maintain such vessels, equipment and conveniences, lands and buildings as they may deem necessary;
- (b) demand, take and recover for the conveyance of passengers and their luggage and parcels, vehicles, articles and merchandise conveyed by any ferry service so established by them, such reasonable tolls and dues as they think fit;
- (c) let to such persons, upon such terms and for such consideration as they think fit, the right to provide a ferry service conferred by paragraph (a) above with all rights and powers incident thereto, and whether or not a service is already provided;
- (d) contribute towards the expenses of the working, maintenance or improvement of a ferry by any other person.

(2) Nothing in subsection (1) (b) above shall require the Gosport Council or the Portsmouth Council to convey any thing which is not carried or accompanied by a passenger.

(3) Nothing in subsection (1) (a) above shall authorise the Gosport Council or the Portsmouth Council themselves to provide a ferry service unless and until—

- (a) any other person who at the passing of this Act is providing a ferry service, or thereafter has had let to him under subsection (1) (c) above the right to provide a ferry service, has ceased to provide such a service or a service which is reasonably sufficient; or
- (b) the undertaking of that person in connection with that service has been acquired by agreement by either of those councils of the county council in pursuance of the Ferries (Acquisition by Local Authorities) Act 1919 or otherwise.

Power to
dredge.

50.—(1) The Gosport Council may, with the consent of the Queen's harbour master, dredge, scour, deepen and improve the bed, shores and channels of the sea adjoining or near to the landing stage and the Town Quay for the purpose of affording access thereto or the accommodation of vessels thereat.

(2) All chalk, gravel, rock and other materials dredged up or removed pursuant to this section shall be the property of the Gosport Council and they may use, sell, dispose of, remove or deposit the same, as they think fit:

Provided that no such materials shall be laid down or deposited in any place below the level of high water—

PART VI
—cont.

- (a) except in such position and subject to such conditions and restrictions as may be approved by the Secretary of State; and
- (b) without the consent in writing of the Queen's harbour master.

51. Any person who, without either reasonable excuse or the consent of the Gosport Council, causes a vessel to be moored alongside the landing stage or the Town Quay except for the purpose of and for such time only as is reasonably necessary for embarking or disembarking passengers, their luggage and parcels, vehicles, articles and merchandise, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Restriction on mooring.

52.—(1) The Gosport Council may from time to time enter into agreements with any other person providing for the exclusive or preferential use by that person of any part of the landing stage.

Preferential use of part of landing stage, charges, etc.

(2) The Gosport Council may levy for the use of the landing stage and for any services provided thereat such charges as they think fit.

53.—(1) The Gosport Council may make byelaws for all or any of the following purposes:—

Byelaws as to ferry.

- (a) for regulating the conduct of persons and preventing the commission of nuisances in or upon the ferry, any vessels used in the ferry service and the ferry works and lands;
- (b) for preserving and for preventing damage to vessels used in the ferry service;
- (c) for regulating the conveyance by the ferry of passengers, their luggage and of parcels, vehicles, articles and merchandise, the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any thing by the ferry which may in the opinion of the Gosport Council prejudice the safety or proper working of the ferry;
- (d) for regulating or prohibiting the fastening or mooring of vessels of all or any particular descriptions to any of the ferry works and lands;
- (e) for preventing the obstruction of vessels used in the ferry service by other vessels and of persons and vehicles coming to or from the landing stage or the ferry works and lands in connection with the use or operation of the ferry.

PART VI
—*cont.*

(2) Before making any byelaws under this section the Council shall consult the British Railways Board and Sealink U.K. Limited.

Application of sections 37 to 40 and 43 to Gosport tidal works.

54.—(1) The provisions of sections 37 (Provision against danger to navigation), 38 (Abatement of works abandoned or decayed), 39 (Survey of tidal works), 40 (Permanent lights on works) and 43 (Saving for Trinity House) of this Act shall apply and have effect with respect to the Gosport tidal works subject to the following modifications:—

- (a) for references to the county council wherever they occur there shall be substituted references to the Gosport Council;
- (b) in subsection (1) of the said sections 37 and 40 for the words “harbour authority” there shall be substituted the words “the Queen’s harbour master”;
- (c) in the said sections 38 and 39 the words “or the harbour authority” wherever they occur, and in the said section 38 the words “or the harbour authority (as the case may be)”, shall be omitted;
- (d) in the said section 39 for the words “if he or they deems or deem” there shall be substituted the words “if he deems”;
- (e) in the said section 40 for the words “on each side of the bridge and after the completion thereof at the outer extremity of any other tidal work” there shall be substituted the words “at the outer extremity of any tidal work”; and
- (f) in the said section 43 the words “this Part of this Act” shall be construed and have effect as referring to this Part.

(2) In this section “the Gosport tidal works” means so much of the ferry works and lands as is on, under or over tidal waters or tidal lands below the level of high water.

PART VII

FURTHER PROVISIONS APPLICABLE ONLY TO PARTS OF HAMPSHIRE
Portsmouth

Riding of cycles in pedestrian areas.
1972 c. 20.

55.—(1) In this section—

“cycle” has the meaning given by section 196 (1) of the Road Traffic Act 1972;

“pedestrian area” means any place, other than a footway, over which the public have a right of way on foot only or, in the case of land not dedicated to public use, to which the public are permitted to have access on foot only; and includes any such place in, under or over any building.

(2) The Portsmouth Council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the riding of cycles in any pedestrian area in the city.

PART VII
—cont.

(3) A prohibition shall not be imposed under this section except with the consent of—

- (a) the highway authority, as respects any place over which the public have a right of way; or
- (b) the owner of the land, as respects any other place.

(4) For the purpose of subsection (2) above notice shall be given by displaying it in a conspicuous position on or near the pedestrian area to which it relates.

(5) Any person who without reasonable excuse contravenes a notice given under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(6) In any case in which proceedings can be taken either under this section or under a byelaw made under section 35 (6) of the Act of 1980 (creation of walkways by agreement) those proceedings shall be taken under that byelaw and not under this section.

Southampton

56. In sections 57 to 61 of this Act—

“the city” means the city of Southampton;

“the Common” means Southampton Common as delineated on the Common plan;

“the Common plan” means the plan prepared in triplicate, one copy of which has been deposited in each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office of the House of Commons;

(c) the principal office of the Southampton Council;

“the parks” means the parks known respectively as East Park (otherwise known as East Marlands or Andrews Park), Hoglands, Houndwell, Palmerston Park, Queen’s Park and West Park (otherwise known as West Marlands or Watts Park).

Interpretation
of sections 57
to 61.

57.—(1) Section 262 (9) of the Act of 1972 shall not apply to the following enactments:—

sections CXV, CXVI, CXVIII and CXXI of the Southampton Marsh Act 1844;

section 72 of the Southampton Marsh and Markets Act 1865;

Southampton
Common
enactments
excluded from
repeal, etc.
1844 c. liv.
1865 c. clxii.

PART VII
—*cont.*
1910 c. cxliii.
1960 c. xliii.
1971 c. xxx.

section 87 of the Southampton Corporation Act 1910;
sections 87 and 88 of the Southampton Corporation Act 1960;
sections 2 to 8 of the Southampton Corporation (Southampton
Common) Act 1971.

(2) The enactments referred to in subsection (1) above shall be amended as follows:—

- 1844 c. liv. (a) in sections CXV, CXVI, CXVIII and CXXI of the Southampton Marsh Act 1844, for the words “ Mayor, Aldermen, and Burgesses ” wherever they occur there shall be substituted the words “ council of the city of Southampton ”;
- 1865 c. cxlii. (b) in section 72 of the Southampton Marsh and Markets Act 1865, for the words “ Marsh Act ” wherever they occur there shall be substituted the words “ Southampton Marsh Act 1844 ” and for the words “ the Corporation ” there shall be substituted the words “ the council of the city of Southampton ”;
- (c) in section 87 of the Southampton Corporation Act 1910—
(i) for the words “ the borough ” where they first occur there shall be substituted the words “ the city of Southampton ”;
- (ii) for the words “ the Corporation ” in both places where they occur there shall be substituted the words “ the council of the city of Southampton ”;
- (iii) for the words “ borough fund and borough rate ” there shall be substituted the words “ general rate fund of the city ”;
- (d) in section 87 of the Southampton Corporation Act 1960—
(i) for the words “ Notwithstanding anything contained in section 134 (Prohibition of vehicles on the Common) of the Act of 1931 ” there shall be substituted the words “ Notwithstanding anything in any enactment ”;
- (ii) for the words “ the Corporation ” in all three places where they occur there shall be substituted the words “ the council of the city of Southampton ”;
- (iii) after the words “ invalid carriage ” in subsection (1) there shall be inserted the words “ or other vehicle constructed or adapted for use for the carriage of a person suffering from some physical defect or disability ”;
- (iv) for the words “ the borough ” there shall be substituted the words “ the city of Southampton ”;
- (v) subsection (2) shall be deleted;

- (e) in section 88 of the Southampton Corporation Act 1960— PART VII
—cont.
- (i) for the words “ section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 ” there shall be substituted the words “ section 28 of the Road Traffic Regulation Act 1967 ”; 1960 c. xlii.
1925 c. 71.
1935 c. 47.
1967 c. 76.
- (ii) for the words “ the Corporation ” there shall be substituted the words “ the council of the city of Southampton ”;
- (iii) for the word “ Minister ” there shall be substituted the words “ Secretary of State ”;
- (f) in section 2 of the Southampton Corporation (Southampton Common) Act 1971— 1971 c. xxx.
- (i) for the words “ the mayor, aldermen and citizens of the city and county of the city of Southampton ” there shall be substituted the words “ the council of the city of Southampton ”;
- (ii) subsection (2) shall be deleted;
- (g) in section 8 (1) of the Southampton Corporation (Southampton Common) Act 1971 for the words “ Southern Gas Board ” there shall be substituted the words “ British Gas Corporation ”.

(3) In accordance with the provisions of this section the enactments mentioned in subsection (1) above shall have effect as set out in Schedule 2 to this Act and the repeal by section 262 of the Act of 1972 of other provisions of the Acts mentioned in the said Schedule 2 shall not affect the interpretation of those enactments as set out in that Schedule.

58. If any vehicle is left without authority on the Common, the parks or any park or recreation ground vested in the Southampton Council or under their management or control, the Southampton Council may remove the vehicle for safe custody, and may recover from the person responsible the expenses reasonably incurred in such removal and safe custody. Removal of unlawfully parked vehicles.

In this section “ person responsible ” has the same meaning as in section 52 (3) of the Road Traffic Regulation Act 1967.

59.—(1) This section applies where the presence of any vehicle on the Common, the parks or any park or recreation ground vested in the Southampton Council or under their management and control, is alleged to be a contravention of— Identity of drivers of unlawfully parked vehicles to be given.

(a) section 193 of the Law of Property Act 1925; or 1925 c. 20.

(b) a byelaw made under section 164 of the Public Health Act 1875 or section 15 of the Open Spaces Act 1906; or 1875 c. 55.
1906 c. 25.

(c) section 36 of the Road Traffic Act 1972. 1972 c. 20.

PART VII
—cont.

(2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

(a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give—

(i) by or on behalf of a chief officer of police;

(ii) in writing by a proper officer;

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

(3) A person who fails to comply with a requirement under subsection (2) above, shall be guilty of an offence unless, in the case of a requirement under paragraph (a) of that subsection, 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.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £200.

(5) Where on the summary trial in England or Wales of an information for an offence to which this section applies—

(a) it is proved to the satisfaction of the court on oath, or in manner prescribed by rules made under section 144 (which provides for a rule committee to make rules for magistrates' courts) of the Magistrates' Courts Act 1980, that a requirement under subsection (2) above to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion;

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

1980 c. 43.

Use of
Mayflower
Park for Boat
Show.

60.—(1) In this section—

“the park” means the park known as Mayflower Park in the city;

“the show” means the Southampton International Boat Show.

(2) Notwithstanding the provisions of section 44 (which authorises district councils to close parks and pleasure grounds for limited periods) of the Public Health Acts Amendment Act 1890, the Southampton Council may—

1890 c. 59.

(a) close the park to the public or restrict public access to any part of the park for 9 consecutive days in each year

for the purpose of the show, provided that the children's play equipment in the park shall continue to be available free for recreation during such closure;

PART VII
—cont.

- (b) subject to subsection (3) below, authorise a person—
- (i) during a total of 25 days in each year (divided into periods immediately before and after the 9 days mentioned in paragraph (a) above) to use the park, other than the grassed areas, for the provision for the show of temporary pontoons and works ancillary thereto; and
 - (ii) within the said period of 25 days, for a total of 21 days (divided into periods immediately before and after the 9 days mentioned in paragraph (a) above) to use or station in the park anything brought into the park for the show;

and the public shall be excluded from such area or areas of the park as are thereby occupied.

(3) No person may be authorised under subsection (2) above to erect any marquee upon the grassed areas of the park more than 12 days before the opening of the show.

(4) In any twelve-month period commencing on 1st January in any year in which the park is closed under the provisions of this section, the park shall not be closed under the provisions of section 44 of the Public Health Acts Amendment Act 1890.

1890 c. 59.

61.—(1) Where there is in the city a way or place laid out or otherwise suitable for public use on foot, but not subject to a public right of way, the Southampton Council may by resolution, with the consent in writing of all persons interested in the land comprising that way or place, declare it to be a pedestrian way.

Policing and control of pedestrian ways.

(2) In this section and in the enactments specified in Schedule 3 to this Act as applied and having effect for the purposes of this section, "pedestrian way" means a way or place declared to be a pedestrian way under subsection (1) above.

(3) For purposes of, or relating to, criminal law, and the jurisdiction of the justices and of the police, a pedestrian way shall be deemed to be a highway.

(4) The Southampton Council may make byelaws for regulating the following matters in relation to all pedestrian ways within the city or in relation to any such pedestrian way or any part thereof:—

- (a) the use of a pedestrian way by the public;

PART VII
—cont.

- (b) the times at which a pedestrian way may be closed to the public;
- (c) the conduct of persons using a pedestrian way;
- (d) the use of invalid chairs or other wheeled vehicles on a pedestrian way;
- (e) the placing or retention of anything (including any structure or projection) in, on or over any pedestrian way:

Provided that not less than two months before making byelaws in relation to any pedestrian way, or any part thereof, under this section, not being byelaws in relation to all pedestrian ways within the city, the Southampton Council shall display in a conspicuous position on or adjacent to the pedestrian way a notice of their intention to consider the making of such byelaws, and such notice shall specify the place where a copy of the proposed byelaws may be inspected and the date by which any representations should be made to the Southampton Council (not being less than six weeks after the date on which the notice was first displayed as aforesaid), and the Southampton Council shall take into consideration any representations so made.

(5) Without prejudice to subsection (3) above the enactments specified in Schedule 3 to this Act shall apply and have effect for the purpose of this section as if each of those enactments were in terms re-enacted in this Act, subject to the modifications set out opposite thereto in the said Schedule.

(6) Nothing in this section or any byelaw made or resolution passed under this section shall affect the powers of British Telecommunications under the Telegraph Acts 1863 to 1916.

(7) Nothing in any byelaws made under this section shall apply to prevent the electricity undertakers or their agents and employees from executing or doing all such works and things in, under and upon any pedestrian way as may be necessary for the purpose of placing, inspecting, repairing, maintaining, renewing or removing any apparatus in, under, over, across, along or upon such pedestrian way or to restrict the bringing on to the pedestrian way of any necessary vehicle of the said undertakers for any such purpose as aforesaid.

Gosport

Application in Gosport of certain enactments to vessels and floating structures. 1974 c. 40.

62.—(1) The enactments mentioned in Schedule 4 to this Act in their application to the borough shall apply in relation to a vessel or floating structure used for human habitation—

- (a) as if that vessel or floating structure were a house, building or premises, or, as the case may be, a private dwelling (within the meaning of section 30 of the Control of Pollution Act 1974);

- (b) as if the person in charge of the vessel or floating structure were the occupier; and
- (c) subject to the modifications specified in subsection (2) below.

PART VII
—cont.

(2) The said enactments shall have effect subject to the following modifications:—

- (a) in section 58 (1) (a) of the Act of 1936 the words “ or is used to carry such loads ” and paragraph (i) (b) shall be omitted;
- (b) in subsection (1) of section 4 of the Housing Act 1957, 1957 c. 56. for paragraph (b) there shall be substituted “ (b) seaworthiness as a houseboat; ”;
- (c) in subsection (4) of section 12 of the Housing Act 1957, for the words from “ site ” where it first occurs to the word “ district ” there shall be substituted the words “ vacated mooring station or site of the houseboat ”;
- (d) in subsection (1) of section 17 of the Housing Act 1957 for the words from “ demolition order ” where they first occur to the end of the subsection there shall be substituted the words “ closing order as respects the premises ”;
- (e) in section 78 (2) of the Housing Act 1957 for the words “ appointed day ” in each place where they occur there shall be substituted the words “ coming into operation of section 62 (Application in Gosport of certain enactments to vessels and floating structures) of the Hampshire Act 1983. ”.

(3) This section shall not apply to any vessel which is being used for the purpose of navigation.

(4) In this and the next two following sections “the borough ” means the borough of Gosport.

63.—(1) If, upon a complaint by the Gosport Council under this section, a magistrates’ court is satisfied that any gas, vapour or fumes from a chimney of a building in the borough is injurious or is likely to be injurious to health or a nuisance, the court may make an order requiring the owner of the chimney, within such time as may be specified in the order—

Power to order alteration of chimneys in Gosport.

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.

PART VII
—cont.

(2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—

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

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

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

1979 c. 46. (4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the Act of 1971 for the alteration of any chimney of a building being a scheduled monument or listed building, no complaint shall be made to a magistrates' court under this section in respect of any chimney of such a building.

1961 c. 34.
1906 c. 14.
1974 c. 37. (5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation Act 1906 or to such class of premises as may be prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974.

1956 c. 52. (6) In this section "chimney of a building" has the meaning given by section 34 of the Clean Air Act 1956.

Management
of
Clifflands.
1970 c. xxiii.

64.—(1) In this section "the Clifflands" means the land in the borough known by that name and which was shown coloured green on the map referred to in the Preamble to the Gosport Corporation Act 1970.

(2) The Gosport Council may continue to maintain the Clifflands and may develop or redevelop and use the same or permit the same to be used for purposes appearing to them to be desirable in the interests of recreation and entertainment of any nature and may exercise in relation thereto all or any of the powers of section 145 (provision of entertainments) of the Act of 1972.

(3) Without prejudice to subsection (2) above, the Gosport Council may—

- (a) let any part of the Clifflands or of the premises for the time being thereon for such period and on such terms and conditions as they think fit;

- PART VII
—cont.
- (b) lay out, improve, maintain and plant the Clifflands and provide buildings, enclosures, pavilions, stands, shelters, lavatories, kiosks, seats and other facilities; and
- (c) by resolution from time to time determine which parts of the Clifflands shall be used—
- (i) as public parks or pleasure grounds; or
 - (ii) for the provision of recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976; or
 - (iii) for the provision of parking places for vehicles;
- and any parts of the Clifflands the subject of a resolution under paragraph (c) (i) above shall be treated for the purposes of all relevant enactments as public parks or pleasure grounds provided by the Gosport Council.

(4) Where the Gosport Council have passed a resolution under subsection (3) (c) above, they shall publish notice of it explaining the effect of the resolution by advertisement in a newspaper circulating in the borough.

(5) (a) The Gosport Council may make such reasonable charges as they think fit for admission to and for the use of the Clifflands and of any buildings or facilities provided thereon:

Provided that no charge for admission to any part for the time being determined to be public parks and pleasure grounds shall be made on more than 32 days in any year or more than 16 consecutive days on any one occasion.

(b) Paragraph (a) of this subsection shall have effect notwithstanding the provisions of section 44 of the Public Health Acts Amendment Act 1890.

1890 c. 59.

(6) The Gosport Council may make byelaws to regulate the Clifflands and such byelaws may provide for the removal therefrom of any person infringing any such byelaw by any proper officer of the Gosport Council or by a police officer.

Gosport and Fareham

65.—(1) Section 3 (Interpretation) of the Gosport and Fareham Omnibus Services Act 1929 is hereby amended, as respects the definition of “The prescribed routes”, as follows:—

- (a) in paragraph (i), after the words “The tramway routes” there shall be inserted the words “other than High Street Gosport and Walpole Road (between High Street and Creek Road)”; and

Alteration of
Gosport and
Fareham
omnibus
routes.
1929 c. lxxv.

PART VII
—cont.

(b) in paragraph (ii) for the words “and The Crossway” there shall be substituted the words “The Crossway and South Street (between Mumby Road and Creek Road) and Creek Road”.

(2) (a) The Fareham Borough Council may from time to time by resolution alter the tramway routes as defined in the said section 3 which lie in the borough of Fareham—

(i) by the addition thereto of Hartlands Road; or

(ii) by that addition and by the exclusion of the part of West Street between its junctions with Hartlands Road and Portland Street, and of the part of Portland Street between its junctions with West Street and Hartlands Road.

(b) A resolution under this subsection may be rescinded by a subsequent resolution.

(c) Where the Fareham Borough Council have passed a resolution under this subsection they shall publish notice thereof explaining the purport of the resolution by advertisement in a newspaper circulating in the borough of Fareham.

PART VIII

MISCELLANEOUS

Pensions of
officers
transferred
under River
Hamble
Harbour
Revision
Order 1969.
S.I. 1969/249.

66. For the avoidance of doubt it is hereby declared that—

(a) the county council shall have power and shall be deemed always to have had power, as respects any officer transferred to the service of the county council pursuant to Part III (Transfer of Staff of Docks Board) of the River Hamble Harbour Revision Order 1969, to make such payments to any company or person as the county council may think fit for the provision or maintenance for such officer, his spouse and dependants of pensions or other like benefits to which they are entitled;

(b) notwithstanding anything in the Superannuation Act 1972, in any regulations made thereunder, or in any other enactment, an officer in respect of whom payments are or have been before the passing of this Act made by the county council as authorised by paragraph (a) of this section shall not, by virtue of his employment by the county council before or after the passing of this Act, be deemed to be or to have been a pensionable employee for the purposes of the said Act or regulations.

1972 c. 11.

67. The county council may make byelaws for—

- (a) restricting the speed of vessels; or
- (b) prohibiting or controlling water-skiing or any similar activity;

PART VIII
 —cont.
 Byelaws as to speed of vessels, etc., on river Hamble.

on the whole or any part of the river Hamble (whether or not within the limits for the time being of the river Hamble navigation), either generally or during specified periods and subject to such exceptions as in the byelaws may be specified.

68.—(1) The power to make orders under section 21 of the Town Police Clauses Act 1847 (prevention of obstruction in streets during public rejoicings, etc.) shall in the county include power to make orders—

Extension of section 21 of Town Police Clauses Act 1847.

- (a) directing particular routes to be taken by particular classes of traffic; or
- (b) directing or prohibiting the passage or stopping of vehicles along or in particular streets.

1847 c. 89.

(2) Section 57 of the Road Traffic Regulation Act 1967 (traffic signs for giving effect to local traffic regulations) shall apply in the county to orders made under the said section 21 as if the reference in that section to traffic signs included reference to bollards or other obstructions.

1967 c. 76.

(3) Nothing in any order made under the said section 21, as extended by this section, shall prevent the electricity undertakers from obtaining access to any apparatus, with any necessary vehicles, in a case of emergency.

69. Section 229 of the Act of 1972 (photographic copies of documents) in its application to any local authority or parish meeting in the county shall have effect as if, at the end of subsection (1), there were inserted the words “ or a recording in non-legible form from which a facsimile of the document may be reproduced ” and, in subsections (2) and (4) to (7), there were inserted after the words “ photographic copy ” the words “ or a facsimile produced from a recording ”.

Recording of documents.

70.—(1) The county council may within the county, and a district council may within their district, use for such time as they may think fit land as a terminal for hovercraft and hydrofoil and similar craft or vessels, and may erect or adapt on any such land and may maintain and manage buildings, structures, slipways and other works for use in connection with hovercraft, hydrofoil and similar craft or vessels, and may make reasonable charges in respect of the use of such works.

Facilities for hovercraft, hydrofoil vessels, etc.

PART VIII
—cont.

(2) A local authority may at any terminal provided by them under this section provide such plant, facilities, appliances and conveniences as may be requisite or expedient for the operation, equipment, maintenance, repair and use of hovercraft, hydrofoil and similar craft or vessels.

(3) A local authority may let to any person buildings, structures or facilities provided by them under this section.

(4) (a) Before establishing a terminal under this section or providing any works or carrying out any operations in connection with the establishment of such a terminal the local authority shall, if the terminal is to be situated within, or on land adjoining, the port seek the consent of the harbour authority.

(b) The consent of the harbour authority under this subsection shall not be unreasonably withheld but may be granted subject to such reasonable conditions as may be reasonably necessary for the prevention of obstruction or danger to navigation in the port or (in the event of dispute between the harbour authority and the local authority) as may be determined by arbitration.

(c) In this subsection, “the port” means the port of Southampton as defined in section 5 (Defining the port) of the Southampton Harbour Act 1887 as that section has effect in accordance with section 16 (Extension of limits of Port of Southampton, etc.) of the British Transport Docks Act 1972 and excluding the navigation as defined in the said section 16.

1887 c. lii.

1972 c. xxxvii.

(5) A local authority may make byelaws with respect to any terminal provided by them under this section and for maintaining order in and for regulating the use of any premises used in connection therewith.

(6) The Secretary of State in deciding whether to confirm any byelaw under this section shall take into account any representations which may be made regarding the adverse effect of such byelaw on the commercial operation of hovercraft and from bodies representative of recreational users.

(7) In this section—

1968 c. 59.

“hovercraft” has the same meaning as in the Hovercraft Act 1968;

“hydrofoil” has reference to a vessel, however propelled, designed to be supported on foils.

For
protection
of other
shipping,
hovercraft
and
hydrofoil

71.—(1) In the exercise of the powers of section 70 (Facilities for hovercraft, hydrofoil vessels, etc.) of this Act, a local authority shall ensure that the operation of established shipping services, hovercraft services or hydrofoil services of other operators (including those of the company) are not thereby unreasonably impeded.

(2) In this section "the company" means Sealink U.K. Limited and includes any subsidiary (within the meaning of section 154 of the Companies Act 1948) of the company.

PART VIII
—cont.
1948 c. 38.

PART IX
GENERAL

72. A 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, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Local inquiries.

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

Saving for conduct of business or use of premises.

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

to continue to carry on that business or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 77 (Suspension of proceedings pending appeal) of this Act.

74. Where under this Act any question or dispute is 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 by the President of the Institution of Civil Engineers.

Arbitration.

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

Appeals to magistrates' court.

76.—(1) On an appeal to the Secretary of State under subsection (6) of section 11 (Parking places: safety requirements) or subsection (5) of section 13 (Fire precautions in certain large buildings) of this Act, the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

Appeals to Secretary of State.

PART IX
—*cont.*

(2) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination.

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

1981 c. 54.

(4) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

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

Suspension of proceedings pending appeal.

77. Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

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

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

Restriction on right to prosecute.

78. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority or a police officer.

79.—(1) Where an offence under this Act, or against any byelaw made under 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, a 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 the offence.

PART IX
—cont.
Liability of
directors, etc.

(2) Where the affairs of a body corporate are managed by its members, the foregoing subsection shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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

Penalty for
obstruction.

81.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Defence of
due diligence.

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

- Section 4 (Hairdressers and barbers);
- Section 7 (Touting, hawking, photographing, etc.);
- Part IV (Fire precautions).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

82.—(1) The sections of the Act of 1936 mentioned in Schedule 5 to this Act shall have effect as if references therein to that Act included references to this Act.

Application
of general
provisions
of Act of
1936.

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

- Section 4 (Hairdressers and barbers);
- Section 11 (Parking places: safety requirements);

PART IX
—cont.

Section 13 (Fire precautions in certain large buildings);

Section 63 (Power to order alteration of chimneys in Gosport):

Provided that, before entry on any operational railway line of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of the British Railways Board for the protection of their undertaking.

Saving for
Coast
Protection
Act 1949.
1949 c. 74.

83. Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Secretary of State to certain operations and contain other provisions for the safety of navigation).

Saving for
Health and
Safety at
Work etc.
Act 1974.
1974 c. 37.

84.—(1) In the Health and Safety at Work etc. Act 1974—

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

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

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

Section 13 (Fire precautions in certain large buildings);

Section 63 (Power to order alteration of chimneys in Gosport).

Saving for
Fire
Precautions
Act 1971.
1971 c. 40.

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

Crown
rights.

86.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and

in particular and without prejudice to the generality of the foregoing nothing in this Act authorises a local authority to take, use, enter upon, or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

PART IX
—cont.

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under subsection (1) of this section may be given unconditionally or subject to such conditions and upon such terms as may be specified in the consent.

87.—(1) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in that Schedule. Repeals and savings.

(2) The saving provisions in Schedule 7 to this Act shall have effect in relation to repeals effected by this Act.

SCHEDULES

Section 8.

SCHEDULE 1

1906 c. 32.

SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 8 (CONTROL OF STRAY DOGS) OF THIS ACT

(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its seizure or detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the district council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them respectively which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as

dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public.

SCH. 1
—cont.

(8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

(9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

SCHEDULE 2

ENACTMENTS REFERRED TO IN SECTION 57 (3) (SOUTHAMPTON COMMON ENACTMENTS EXCLUDED FROM REPEAL, ETC.) Section 57 (3).

SOUTHAMPTON MARSH ACT 1844

1844 c. liv.

CXV. And be it enacted, That from Time to Time when the council of the city of Southampton shall, under the Authority of this Act, have purchased, acquired, or taken, for the Purposes of this Act, any Part of the said Common Fields, the Part thereof respectively for the Time being so purchased, acquired, or taken shall thereupon and for ever thereafter be vested in the council of the city of Southampton as Lords of Southampton, in the same Manner in all respects as the Waste Lands in Southampton are now vested in them, and be deemed Part of such Waste Lands.

Common
Fields when
purchased to
be vested in the
Corporation as
Waste Lands.

CXVI. And be it enacted, That except as herein otherwise provided, all the Waste Lands in Southampton which are now vested in the council of the city of Southampton, as Lords of Southampton, and over which at all Times of the Year Rights of Common and of Recreation and other public Rights are now claimed, exercised, and enjoyed, shall at all Times for ever hereafter remain subject to the same or like Rights, and that all the Lands in Southampton which by virtue of this Act shall be vested in the council of the city of Southampton as Waste Lands shall, from and at all Times for ever after the Time of the same respectively becoming so vested, be subject to the same or like Rights.

Waste Lands
to be for ever
subject to
Rights of
Common, and
other public
Rights.

CXVIII. And by reason that the several Powers and Authorities hereby granted to the council of the city of Southampton have been so granted, and that the several Sums hereby authorized to be offered and paid and accepted as the Compensation for the Purchase of Lands have been so authorized to be offered and paid and accepted, for the sole Purpose and in consideration and on the Condition of the Lands purchased and taken under the Authority of this Act being devoted for ever thereafter, subject to the Provisions of this Act, exclusively as open Spaces for the general and public Advantage of the Inhabitants of Southampton, and of all other Persons interested in the same, being so devoted, and by reason also that the Parties interested in resisting the passing of this Act have assented to the several Provisions herein contained, in the full Faith and Confidence that such Purpose should for ever be strictly observed, be it enacted, That such Parts of the said Common Fields as for the Time being shall have been by the council

Common
Fields, when
purchased, to
be kept for ever
as open spaces.

SCH. 2
—cont.

of the city of Southampton purchased, taken, or acquired for the Purposes of this Act, shall, for ever after the same shall have been so purchased, taken, or acquired, be devoted and kept, subject to the Provisions of this Act, exclusively as open Spaces for the general and public Advantage of the Inhabitants of Southampton, and of all other Persons for the Time being interested in the same, being so devoted and kept.

Corporation
empowered to
erect Lodges.

CXXI. Provided also, and be it enacted, That it shall be lawful for the Council of the city of Southampton from Time to Time to cause to be erected and maintained, on such Parts of the said Common Fields as they shall have purchased, taken, or acquired for the Purposes of this Act, and as they shall think fit, such Lodges, to be appropriated and used exclusively for the Residence of Persons to be employed by the Council of the city of Southampton to superintend, manage, or watch the same Lands, as the Council of the city of Southampton shall from Time to Time think proper, so as the extreme Height of the Roof of any such Lodge be not more than Fifteen Feet from the Surface of the surrounding Land.

1865 c. clxii.

SOUTHAMPTON MARSH AND MARKETS ACT 1865

Provision for
keeping
Common
Lands always
open.
1844 c. liv.

72. In order that (except only as is by this Act otherwise expressly provided) all the Common and Waste Lands to which the Southampton Marsh Act 1844 applies be devoted and kept exclusively as open Spaces for the general and public Advantage of the Inhabitants of Southampton and Persons resorting thereto, and no Part thereof be at any Time (except on the Terms and Conditions expressed in this Section) taken or used for any other Purpose; therefore the following Provisions shall be in force and full Effect shall be given thereto; (that is to say,)

(A.) Subject to the Provisions of the Southampton Marsh Act 1844 as amended by this Act, and of this Act respectively, all those Lands shall for ever hereafter be devoted and kept exclusively as Parks, Gardens, Pleasure Grounds, Play-grounds, and other open Spaces for the general and public Advantage of the Inhabitants of Southampton and Persons resorting thereto, and with such Statues, Fountains, Seats, and other Ornaments and Conveniences for public Use and with such Lodges as are described in Section One hundred and twenty-one of the Southampton Marsh Act 1844, but not exceeding Five Lodges on the Common, as the council of the city of Southampton from Time to Time think fit:

(B.) Every Owner, Lessee, and Occupier from Time to Time of Property in Southampton rateable to the Relief of the Poor shall have a separate and distinct Right to require that those Lands shall be so devoted and kept:

1910 c. cxiii.

SOUTHAMPTON CORPORATION ACT 1910

Application of
Public Health
Acts to
Common and
other lands.

87.—(1) The following lands within the city of Southampton which are vested in the council of the city of Southampton shall be deemed to be parks or pleasure grounds within the meaning of the Public Health Acts and the provisions of those Acts shall apply thereto accordingly (namely):—

- (a) The lands known as "The Common"; SCH. 2
 (b) The lands formerly known as East Marlands West Marlands Houndwell and Hoglands and now known as "The Parks"; —cont.
 (c) The lands referred to as the waste lands in the Southampton Marsh Act 1844 but excluding the lands therein referred to as 1844 c. liv. "The Marsh"; and
 (d) The lands known as "Queen's Park" referred to in the Southampton Corporation (Cemetery &c.) Act 1884 as 1884 c. lix. "Porter's Meadow";

(2) Provided that—

- (a) Nothing contained in this Act or in the Public Health Acts shall authorise the erection of buildings on the Common or in the Parks in contravention of the provisions of section 72 (Provision for keeping common lands always open) of the Southampton Marsh and Markets Act 1865; 1865 c. clxii.
 (b) Notwithstanding anything contained in the Public Health Acts all expenses incurred by the council of the city of Southampton in connection with the said lands shall be defrayed out of the general rate fund of the city.

SOUTHAMPTON CORPORATION ACT 1960

1960 c. xlii.

87. Notwithstanding anything in any enactment a person may with the consent of the council of the city of Southampton and upon such terms and conditions as the council of the city of Southampton may from time to time prescribe drive an invalid carriage or other vehicle constructed or adapted for use for the carriage of a person suffering from some physical defect or disability on to or upon a road-way or footpath in a park, recreation ground or common within the city of Southampton vested in the council of the city of Southampton or under their control. Driving of invalid carriages in parks, etc.

88. For the purpose of providing an underground parking place under section 28 of the Road Traffic Regulation Act 1967 the council of the city of Southampton may with the consent of the Secretary of State utilise any part of a park pleasure ground or open space provided by them or under their management and control: Underground parking places in parks, etc. 1967 c. 76.

Provided that the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less.

SOUTHAMPTON CORPORATION (SOUTHAMPTON COMMON) ACT 1971

1971 c. xxx.

2.—(1) In this Act—

Interpretation.

- "Cemetery Road" means that road on the common which runs from Northlands Road in a north-westerly direction for approximately 367 yards and then in a south-westerly direction for approximately 350 yards to the gates of Southampton Cemetery;
 "the common" means Southampton Common as delineated on the plan deposited as recited in the Preamble to this Act;
 "the Corporation" means the council of the city of Southampton.

- SCH. 2
—cont.
Power to close
common.
- 3.—(1) Subject to the provisions of the next following section, the Corporation may for such time or times as they think fit close to the public or restrict public access to any part or parts of the common for the purpose of fairs, shows, circuses or other functions of a like nature on the common and of providing temporary parking areas for the use of the persons attending such fairs, shows, circuses or other functions:
- Provided that—
- (a) no surface tarmacadam paths may be closed other than for the purposes of providing an enclosed site for the Southampton Show;
- (b) no highway may be closed under this section except the surface tarmacadam path which runs from a point in the Avenue, approximately 173 yards north of Highfield Road, in a west-south-westerly direction for approximately 233 yards to Coronation Avenue and that public access may not be restricted under this section over any highway except Coronation Avenue and the surface tarmacadam path leading from Holly Lodge to the eastern end of Cemetery Road.
- (2) When the Corporation close, or restrict access to, any part or parts of the common under the powers of this section, they may permit vehicles to be parked thereon and may erect thereon seats, stands and structures and may demand and take or permit to be demanded and taken such reasonable sums as they think fit for the use of the part or parts so closed or access to which has been so restricted and may exclude therefrom any person who does not pay the reasonable sum demanded.
- Limitations on
power to close
common.
4. The Corporation shall not, under the powers of the last foregoing section, close to the public or restrict public access to any part or parts of the common—
- (1) for more than twenty-one consecutive days; or
- (2) for more than a total of sixty days in any year; or
- (3) so that there is at any one time more than fifty acres of the common so closed or to which access is so restricted.
- Fences to
prevent access
by vehicles.
5. The Corporation may erect on the common such fence or fences (not exceeding 3 feet in height above the ground) or form mounds or ditches as they may think appropriate for the purpose of preventing vehicles being driven on to any part or parts of the common from any road on or across or adjoining the common.
- Parking of
vehicles
alongside
Cemetery
Road.
- 6.—(1) The Corporation may use any part of the common adjoining and on either side of Cemetery Road for the provision of parking places for vehicles for use by persons resorting to the common or to any premises lying within the common or attending any activity on the common; and for that purpose may surface the same in such manner as they may think fit and construct and maintain such mounds, fences, kerbs and other physical boundaries (not exceeding 3 feet in height) as they may think necessary:

Provided that—

SCH. 2
—cont.

- (a) in respect of any use of the common under this section, the total width of the part or parts so used together with the width of that part of Cemetery Road which they adjoin shall not at any point exceed 72 feet measured at right angles to an imaginary line along the centre of Cemetery Road;
- (b) not more than three-quarters of the total area, which (but for this proviso) might be used for the provision of parking places, may be so used.

(2) The Corporation may make such charges for the use of parking places so provided, and may erect such devices for the collection of charges for and controlling such use, as they may think fit.

7.—(1) Nothing in this Act shall prevent a person, with the consent of the Corporation and in accordance with such terms and conditions as they think fit, from bringing on to the common, or to any part thereof to which such consent relates, a vehicle for the sale or offering for sale of ice-cream or other similar commodities. Protection for ice-cream vendors.

(2) Any person aggrieved by the refusal of the Corporation to give their consent under this section, or by any terms and conditions attached to any such consent may appeal to a magistrates' court.

8. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers concerned, apply and have effect:— Protection for certain statutory undertakers.

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

“ apparatus ” means mains, pipes or other apparatus and electric lines and 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; 1882 c.56.

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

“ the undertakers ” means—

the Southern Electricity Board, British Telecommunications and the British Gas Corporation; or any of them as the case may be:

(2) If in accordance with section 3 (Power to close common) the Corporation exercise their power to close to the public or to restrict public access to any part or parts of the common, the undertakers shall be entitled to exercise the same rights and powers in respect of any apparatus in such part or parts as they enjoyed immediately before the passing of this Act:

(3) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them 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 less convenient, so far as is reasonably practicable, the access to any apparatus:—

SCH. 2
—cont.

Section 3 (Power to close common);
Section 5 (Fences to prevent access by vehicles);
Section 6 (Parking of vehicles alongside Cemetery Road):

- (4) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by a single arbitrator to be appointed by agreement between the parties, or in default of agreement, to be appointed on the application of either party (after notice in writing to the other party) by the President of the Institution of Civil Engineers;
- (b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

Section 61.

SCHEDULE 3

ENACTMENTS APPLIED TO PEDESTRIAN WAY

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
1980 c. 66	Highways Act 1980	<p>Section 137 (Penalty for wilful obstruction)</p> <p>Section 148 (Penalty for depositing things, or pitching booths, etc., on highway)</p> <p>Section 161 (Penalty for causing certain kinds of danger or annoyance)</p> <p>Section 162 (Penalty for placing rope, etc., across highway)</p> <p>Section 163 (Prevention of water falling or flowing on to highway)</p>	<p>In subsection (1) for the word "highway" there shall be substituted the words "pedestrian way". Paragraphs (a) and (b) shall be omitted; and in paragraphs (c) and (d) for the word "highway" wherever it occurs there shall be substituted the words "pedestrian way".</p> <p>For the word "highway" wherever it occurs there shall be substituted the words "pedestrian way" and in subsection (2) the words "which consists of or comprises a carriageway" shall be omitted.</p> <p>For the word "highway" in both places where it occurs there shall be substituted the words "pedestrian way".</p> <p>Paragraph (b) of subsection (1) shall be omitted and in the second paragraph of the subsection for the words from "the competent authorities" to "authority" there shall be substituted "the competent authority is"; for the word "highway" wherever it occurs there shall be substituted the words "pedestrian way".</p>

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
1980 c. 66— <i>cont.</i>	Highways Act 1980— <i>cont.</i>	Section 178 (Restriction on placing rails, beams, etc., over highways)	In subsection (1) for the word "highway" there shall be substituted the words "pedestrian way"; for the words "highway authority for the highway" and for the words "highway authority" there shall be substituted the words "Southampton Council" in each case.

SCH. 3
—*cont.*

SCHEDULE 4

Section 62.

ENACTMENTS APPLIED IN GOSPORT TO CERTAIN VESSELS AND FLOATING STRUCTURES

The Act of 1936—

- Section 39 (Provisions as to drainage, &c., of existing buildings);
- Section 40 (Provisions as to soil pipes and ventilating shafts);
- Section 42 (Power of local authority to alter drainage system of premises);
- Section 44 (Buildings having insufficient closet accommodation or closets so defective as to require reconstruction);
- Section 45 (Buildings having defective closets capable of repair);
- Section 46 (Sanitary conveniences in factories, workshops and workplaces);
- Section 51 (Care of closets);
- Section 58 (Dangerous or dilapidated buildings and structures);
- Section 72 (Removal of house refuse, cleansing of ashpits, &c.);
- Section 74 (Power of local authorities in certain cases to remove refuse or cleanse cesspools, &c., on behalf of owner or occupier);
- Section 83 (Cleansing of filthy or verminous premises);
- Section 84 (Cleansing or destruction of filthy or verminous articles);
- Section 90 (Interpretation of Part II);
- Part III (Nuisances and offensive trades);
- Section 138 (Power of local authority to require any occupied house to be provided with sufficient water supply);
- Subsections (3) and (4) of section 152 (Restrictions on sending or taking infected articles to laundry or public wash-house, or to cleaners);
- Section 153 (Power to prohibit home work on premises where notifiable disease exists);

- SCH. 4
—cont.
- Section 157 (Provisions as to the letting of houses, or rooms in hotels, after recent case of notifiable disease);
- Section 158 (Persons ceasing to occupy house to disclose to owner any recent case of notifiable disease, and to disinfect);
- Section 164 (Avoidance of contact with body of person who suffered from notifiable disease);
- Section 165 (Wake not to be held over body of person who suffered from notifiable disease);
- Section 167 (Cleansing and disinfection of premises and articles therein);
- Section 168 (Power of local authority to remove temporarily inmates of infected house);
- Part XII (General);
- 1957 c. 56. Housing Act 1957—
- Section 4 (Matters to be taken into account in determining whether a house is unfit);
- Section 9 (Power of local authority to require repair of unfit house);
- Subsections (1) to (6) and (9) of Section 10 (Enforcement of notice requiring execution of works);
- Section 11 (Right of appeal);
- Section 12 (Power of local authority to buy house found on appeal not to be capable of repair at reasonable cost);
- Section 13 (Recovery by lessees of proportion of cost of execution of works);
- Section 14 (Charging orders in favour of owner executing works);
- Section 15 (Form, effect, etc., of charging orders);
- Section 16 (Power of local authority to accept undertaking as to reconstruction or use of unfit house);
- Subsection (1) of section 17 (Duty of local authority to make demolition or closing order or to purchase house where no undertaking is accepted);
- Subsection (1) of section 18 (Power to make a closing order as to part of a building);
- Section 20 (Right of appeal against demolition order, etc.);
- Section 27 (Closing orders: general provisions);
- Section 33 (Provisions for protection of owners of houses);
- Section 37 (Date of operation of notices, demands and orders subject to appeal);
- Section 38 (Provisions as to appeals under Part II);
- Section 39 (Interpretation of Part II);
- Section 40 (Saving for certain restrictions of Part II);
- Part IV (Abatement of Overcrowding);
- The Act of 1961—
- Section 36 (Power to require vacation of premises during fumigation);
- Section 39 (Information to be furnished by occupier in case of notifiable disease or food poisoning);
- 1974 c. 40. Control of Pollution Act 1974—
- Section 12 (Collection of waste).

SCHEDULE 5

Section 82.

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notice, &c.
285	Service of notices, &c.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

SCHEDULE 6

Section 87.

ENACTMENTS REPEALED

Chapter (1)	Title or short title (2)	Extent of repeal (3)
7 & 8 Vict. c. lxxv. (1844).	An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of Southampton, and for removing and preventing Nuisances and Annoyances therein.	Section cclxi (Power to impound stray Cattle); Section cclxii (Power to sell stray Cattle for Penalty and Expenses); Section cclxiii (Persons guilty of Pound-breach or Rescue or Distress to be committed for Three Months).
9 & 10 Geo. 5. c. cxxii.	Gosport and Alverstoke Urban District Council Act 1919.	The whole Act other than Part V.
10 & 11 Geo. 5. c. lxxviii.	Portsmouth Corporation Act 1920.	Part V (Ferry Undertaking), other than section 82; Section 117 (Rag and bone dealers not to sell food); Section 166 (Power to maintain golf course).
21 & 22 Geo. 5. c. xliii.	Portsmouth Corporation Act 1931.	Section 102 (Prohibition of hawking on seashore); Section 105 (Power of constables to enforce byelaws as to parks &c.); Section 124 (Power to make orders as to traffic on carnival &c. days); Section 131 (Prohibition of toutting in streets &c.).
21 & 22 Geo. 5. c. xcix.	Southampton Corporation Act 1931.	Section 136 (Power to make regulations as to traffic on carnival &c. days).

SCH. 6
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1 Edw. 8 & 1 Geo. 6. c. cxxii. 2 & 3 Geo. 6. c. xxiv.	Southampton Corpora- tion Act 1937. Gosport Corporation Act 1939.	Part VII (Hairdressers' and bar- bers' premises). Part II (Lee-on-the-Solent Under- taking); Part III (Lee-on-the-Solent Pier); Section 134 (Registration of hawkers of meat, fish, fruit and vegetables and premises).
15 & 16 Geo. 6 & 1 Eliz. 2. c. xxxvi.	Fareham Urban District Council Act 1952.	Section 56 (Golf courses); Section 83 (Hairdressers and barbers).
15 & 16 Geo. 6. & 1 Eliz. 2. c. xiv.	Winchester Corporation Act 1952.	Section 25 (Undertakings and agreements binding successive owners); Section 82 (Registration of hawkers of food and their premises); Section 91 (Touting, hawking &c.).
7 & 8 Eliz. 2. c. xlv.	Portsmouth Corporation Act 1959.	Section 17 (Undertakings and agreements binding successive owners); Section 48 (Demolition of buildings); Section 58 (Hairdressers and barbers); Section 59 (Precautions against fire in certain buildings); Section 60 (Precautions against fire in certain buildings and cubical extent of buildings).
8 & 9 Eliz. 2. c. xlii.	Southampton Corpora- tion Act 1960.	Part III (Works); Section 54 (Demolition of buildings); Section 59 (Means of access for fire brigade to certain buildings); Section 60 (Precautions against fire in certain buildings and cubical extent of buildings); Section 66 (Underground car parks); Section 67 (Further provision as to underground car parks); Section 68 (Interpretation and powers of entry for purpose of last two foregoing sections); Section 69 (Prescription of signs etc. to be used on certain buildings).
1967 c. xxxvi.	Portsmouth Corporation Act 1967.	Section 9 (Power to Corporation to assist industry);

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1967 c. xxxvi. — <i>cont.</i>	Portsmouth Corporation Act 1967— <i>cont.</i>	Section 10 (Agreements with developers); Section 37 (Tattooists); Section 38 (Entertainment clubs); Section 39 (Mobile coffee stalls, etc.); Section 43 (Underground car parks); Section 44 (Further provision as to underground car parks); Section 45 (Interpretation and powers of entry for purposes of last two foregoing sections); Section 46 (Prescription of signs, etc. to be used on certain buildings); Section 61 (Golf courses); Section 64 (Power to provide facilities for hover vehicles, hydrofoil vessels, etc.).
1969 c. xxxvii.	Portsmouth Corporation Act 1969.	Section 14 (Amendment of section 9 of Portsmouth Corporation Act 1967); Section 15 (Loans for erection, etc., of buildings).
1970 c. xxiii.	Gosport Corporation Act 1970.	Section 4 (Power to remove pier buildings); Section 6 (Golf courses); Section 11 (Further power to make byelaws); Section 12 (Power to order alteration of domestic chimneys); Section 13 (Power as to houseboats); Section 23 (Loans for erection of buildings, etc.); Section 25 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.).
1971 c. xii.	Southampton Corporation Act 1971.	Section 12 (Policing and control of pedestrian ways); Schedule 2.
1972 c. xlvii.	Hampshire County Council Act 1972.	Section 7 (Agreements with developers); Section 14 (Undertakings and agreements binding successive owners); Section 19 (Byelaws for controlling river Hamble); Section 40 (Underground parking places);

SCH. 6
—*cont.*

SCH. 6
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1972 c. xlvii. —cont.	Hampshire County Council Act 1972.— cont.	Section 41 (Further provision as to underground parking places); Section 42 (Interpretation and powers of entry for purposes of last two foregoing sections); Section 43 (Building plans: access for fire brigade); Section 47 (Fire precautions in certain large buildings); Section 49 (Fire precautions on demolition of buildings); Section 55 (Prohibition on solicitation of school children to sell or exchange articles, etc., at schools); Section 60 (Refuse dump); Section 61 (Power to stop, etc., deposit of refuse in certain circumstances); Section 76 (Pensions of officers transferred under the River Hamble Harbour Revision Order, 1969).
1973 c. xix.	Southampton Corporation Act 1973.	The whole Act.

Section 87.

SCHEDULE 7

SAVING PROVISIONS

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

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

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

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

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

SCH. 7
—cont.

5. For the purpose of any provision of this Act specifying penalties for a second or subsequent offence, a previous conviction under an enactment repealed by this Act creating the like offence shall be taken as an offence under that provision of this Act.

6. The repeal by this Act of any enactment shall not affect the operation of any byelaw, registration or licence made or issued under that enactment if the byelaw, registration or licence is one which could be made or issued under any provision of this Act and any such byelaw, registration or licence shall have effect as if made or issued under this Act.

7. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

8. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.

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