



Surrey Act 1985

CHAPTER iii

LONDON
HER MAJESTY'S STATIONERY OFFICE

Surrey Act 1985

CHAPTER iii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Citation and commencement.
2. Interpretation.

PART II

LAND AND OPEN SPACES

3. Provision of parking places in parks, etc.
4. Closing of Stoke Park, Guildford.
5. Control of grass verges, etc.
6. Merrow Downs.
7. Norbury Park Estate: powers.
8. Runnymede: river passengers.
9. Byelaws as to riverside walk, Runnymede.
10. Saving for Thames Water Authority.
11. Redhill and Earlswood Commons.

PART III**HIGHWAYS AND STREETS**

Section

12. Use of common land for highways.
13. Excavations near highways.
14. Exemption for internal drainage boards and British Railways Board from last foregoing section.

PART IV**PUBLIC ORDER AND PUBLIC SAFETY**

15. Byelaws as to leisure centres.
16. Touting, photographing, etc.

PART V**FIRE PRECAUTIONS**

17. Fire precautions in registered clubs.
18. Parking places: safety requirements.
19. Fire precautions in large storage buildings.
20. Access for fire brigade.

PART VI**FINANCIAL**

21. Recovery of rates from tenants and lodgers.
22. Division of county superannuation fund.

PART VII**MISCELLANEOUS**

23. Protection of members of sub-committees.
24. Devolution of licence under Cinematograph Act 1909.

PART VIII

GENERAL

Section

25. Local inquiries.
26. Appeals to magistrates' court.
27. Appeals to Secretary of State.
28. Suspension of proceedings pending appeal.
29. Restriction on right to prosecute.
30. Liability of directors, etc.
31. Penalty for obstruction.
32. Defence of due diligence.
33. Application of general provisions of Act of 1936 and Building Act 1984.
34. Saving for Health and Safety at Work etc. Act 1974 and Building Act 1984.
35. Saving for Fire Precautions Act 1971.
36. Repeals, transitional provisions and savings.

SCHEDULES:

- Schedule 1—Sections of Act of 1936 applied to this Act.
- Schedule 2—Enactments repealed.

ELIZABETH II



1985 CHAPTER iii

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Surrey; to confer further powers on the Surrey County Council and local authorities in the county; to make further provision in regard to the environment, local government, improvement and finances of the county and those local authorities; and for other purposes.
[27th March 1985]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter referred to as “the Act of 1972”) the county of Surrey (hereinafter referred to as “the county”) was on 1st April 1974 constituted as a local government area comprising the districts of Elmbridge, Epsom and Ewell, Guildford, Mole Valley, Reigate and Banstead, Runnymede, Spelthorne, Surrey Heath, Tandridge, Waverley and Woking, all of which, with the exception of Mole Valley and Tandridge have been granted borough status: 1972 c. 70.

(2) By section 262 of the Act of 1972 certain local statutory provisions in force within the county are to cease to have effect at the end of 1986 unless exempted, or the date postponed, by order of the Secretary of State:

(3) Many of these existing provisions are spent or obsolete or their continuation otherwise inappropriate, and it is expedient that others be re-enacted in more modern form:

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

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

(6) In relation to 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

- | | |
|--|---|
| Citation and commencement. | 1.—(1) This Act may be cited as the Surrey Act 1985.
(2) This Act shall come into operation on the expiration of the period of three months after the passing of this Act. |
| Interpretation.
1936 c. 49.
1971 c. 78.
1972 c. 70.
1980 c. 66.
1984 c. 27. | 2.—(1) In this Act, unless the context otherwise requires—
“the Act of 1936” means the Public Health Act 1936;
“the Act of 1971” means the Town and Country Planning Act 1971;
“the Act of 1972” means the Local Government Act 1972;
“the Act of 1980” means the Highways Act 1980;
“the Act of 1984” means the Road Traffic Regulation Act 1984;
“contravention” includes a failure to comply, and
“contravene” shall be construed accordingly;
“the county” means the county of Surrey;
“the county council” means the Surrey County Council; |

“the deposited plans” means the plans respectively marked—

PART I
—cont.

(a) “Surrey. Plan of Stoke Park and Merrow Downs”;

(b) “Surrey. Plan of the Norbury Park Estate”;
and

(c) “Surrey. Plan of Redhill and Earlswood Commons”;

prepared in triplicate, one copy of each having been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office of the House of Commons and one respectively in the offices of the proper officers of the Guildford Council, Millmead House, Guildford, the County Council, County Hall, Kingston upon Thames and the Reigate and Banstead Council, Town Hall, Reigate;

“district” means a district in the county;

“district council” means the council of a district;

“the electricity board” means the South Eastern Electricity Board or the Southern Electricity Board, or both of them, as the case may require;

“fire authority”, in relation to any premises, means the authority discharging in the area in which the premises are situated the functions of fire authority under the Fire Services Act 1947;

1947 c. 41.

“functions” includes powers and duties;

“the generating board” means the Central Electricity Generating Board;

“the Guildford Council” means the council of the borough of Guildford;

“highway authority” means—

(a) in the case of a trunk road, the Secretary of State;

(b) in the case of any other highway, the county council;

“local authority” means the county council or a district council;

“open space” has the same meaning as in section 290 of the Act of 1971;

“owner” has the same meaning as in section 343 of the Act of 1936;

“the Runnymede Council” means the council of the borough of Runnymede;

PART I
—*cont.*
1982 c. 48.

“the standard scale” has the same meaning as in section 37 (3) of the Criminal Justice Act 1982;

1984 c. 12.

“statutory undertakers” means the British Gas Corporation, the East Surrey Water Company, the electricity board, the generating board, the Mid Southern Water Company, the North Surrey Water Company, the operator of a telecommunications code system (as defined in paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984), the Post Office, the Sutton District Water Company and the water authority (in respect of any of the authority’s functions), or any of them, as the case may require;

“street” has the same meaning as in section 329 of the Act of 1980;

“traffic sign” has the same meaning as in section 64 of the Act of 1984;

“the water authority” means the Southern Water Authority or the Thames Water Authority, or both of them, as the case may require.

(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 for that area, as the case may be.

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

PART II

LAND AND OPEN SPACES

Provision of
parking places
in parks, etc.

3.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area (not exceeding the prescribed area) of the park, pleasure ground or open space for use for the parking of vehicles and provide parking places and facilities in connection therewith.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

(3) A local authority shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

(4) In this section “the prescribed area” means—

- (a) where the total area of the park, pleasure ground or open space does not exceed 4 hectares, one-eighth of that area;
- (b) where such area exceeds 4 hectares but does not exceed 6 hectares, one-half hectare;
- (c) in any other case, one-twelfth of such area.

PART II
—cont.

(5) The Council shall consult the British Railways Board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated—

- (a) over; or
- (b) within a distance of 15 metres (measured in any direction) from;

any railway of that board.

4.—(1) Subsection (1) of section 44 of the Public Health Acts Amendment Act 1890 (which authorises the closing of parks and pleasure grounds) shall have effect in relation to Stoke Park as if—

Closing of
Stoke Park,
Guildford.
1890 c. 59.

- (a) for so much of the subsection as restricts the power of closing the park in any one year to 12 days there were substituted a provision restricting the closing in any one year to—
 - (i) 26 days for the purposes only of the County Agricultural Show customarily there held; and
 - (ii) 28 days for purposes other than the said show;
- (b) the reference to 6 consecutive days (excluding Sundays) and the provision for computing any such period of 6 consecutive days were omitted;
- (c) for so much of the proviso to the subsection as prohibits the closing of the park on a Sunday there were substituted a provision restricting the closing of such park to no more than 6 Sundays in any one calendar year; and
- (d) for the words from “to any public” to “show or” there were substituted “to any person for any”.

(2) On each occasion of the exercise of the powers of the said subsection (1) for purposes other than the County Agricultural Show the Guildford council shall give reasonable prior notice thereof by advertisement in a newspaper circulating in the borough of Guildford and shall affix a copy or copies of the notice to some conspicuous object or objects in Stoke Park.

PART II
—cont.

(3) In this section “Stoke Park” means the lands in the borough of Guildford comprising a public park and pleasure ground, containing 69.5 hectares or thereabouts, which lands are coloured red on the deposited plan.

Control of
grass verges,
etc.

5.—(1) This section applies to any of the following land in a district which, being in, adjoining or accessible from a highway, is maintained in an ornamental condition (whether by mowing or otherwise):—

- (a) a grass verge, garden, lawn or green managed by a local authority; or
- (b) land laid out as a public garden or used for the purpose of public recreation which is vested in a person other than a local authority.

(2) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the doing of any of the following things on land to which this section applies:—

- (a) driving, riding or leaving vehicles;
- (b) allowing horses or cattle to enter;
- (c) using any equipment provided on such land.

(3) Notice of a prohibition under subsection (2) (c) above may provide exemption from the prohibition of a child under such age as shall be specified in the notice and of any person in charge of such a child while on the land.

(4) Notice of a prohibition under subsection (2) (a) or (c) above shall not prohibit the driving or leaving of vehicles or the use of equipment on land—

- (a) by any person engaged in building operations; or
- (b) by statutory undertakers or the British Railways Board where reasonably necessary in the exercise of their statutory functions;

but the exemption afforded by paragraph (a) above is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.

(5) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(b) Where the notice is notice of a prohibition under subsection (2) (a) or (c) above and relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Act of 1984) it shall be a traffic sign, and the erection and display of the notice by the local

authority shall be subject to, and in conformity with, general directions given under section 65(1) of the Act of 1984 whether or not they are also the highway authority.

PART II
—cont.

(6) A person who, without reasonable excuse, contravenes a notice displayed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) (a) If a vehicle is left on any land in contravention of a prohibition under subsection (2) (a) above, the local authority may cause the vehicle to be removed.

(b) For the purposes of this subsection section 99 of the Act of 1984 and the regulations in force under that section shall have effect as if the removal of a vehicle under this subsection were authorised by those regulations.

(8) Notice of a prohibition relating to land vested in a person other than a local authority shall not be given under this section except with the consent of that person.

(9) Where land to which notice of a prohibition under subsection (2) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall limit any right of way, public or private, over land or restrict the exercise by any person of any statutory right to enter upon land.

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

6.—(1) The Guildford council may—

Merrow
Downs.

- (a) execute any necessary works for the protection and improvement of the common;
- (b) plant trees and shrubs for the purpose of shelter or ornament;
- (c) construct plantations;
- (d) set out, construct and maintain footpaths and roads as they may consider expedient or necessary for the enjoyment of the common by the public;
- (e) for the purposes of games, sports or entertainment set apart a portion or portions of the common as they may consider expedient, and allow such portion or portions to be temporarily enclosed with an open fence.

(2) The Guildford council may with the consent of the Secretary of State use any part of the common for the construc-

PART II
—cont.

tion of public walks, parks, pleasure grounds or for other purposes.

(3) Save as hereinbefore provided the Guildford council shall do nothing that may otherwise vary or alter the natural features or aspects of the common, and shall not construct on the common any shelter, pavilion, drinking fountain, convenience, car park, building or permanent fence without the consent of the Secretary of State.

(4) The Guildford council may make byelaws for the regulation and preservation of, and the preservation of order on, the common and such byelaws may provide for the removal from the common of any person infringing any such byelaws by any officer of the Guildford council or a police constable.

(5) Nothing in this section shall affect—

1925 c. 20. (a) the rights of members of the public under section 193 of the Law of Property Act 1925; or
(b) common or commonable rights (if any);

1967 c. xxviii. exercisable in respect of the common at the passing of the Guildford Corporation Act 1967.

(6) In this section “the common” means the common lands in the borough of Guildford called or known as “Morrow Downs”, containing 155.96 hectares or thereabouts, which lands are coloured green on the deposited plan.

Norbury Park
Estate: powers.

7.—(1) The county council shall continue to have power to sell, lease, exchange or otherwise dispose of the whole or any part of the Estate (subject to any leases and agreements for leases and tenancies affecting the same and for the time being subsisting) on such terms and conditions and subject to such covenants, reservations and restrictions as the council may think fit or (subject as aforesaid) may convey the whole or any part thereof to any local authority or to the National Trust for Places of Historic Interest or Natural Beauty to be held by the Trust under and subject to the provisions of the National Trust Acts 1907 to 1971.

(2) The county council may farm or otherwise manage the Estate or any part thereof and for that purpose may thereon erect buildings, make adaptations of buildings, construct roads, sewers and drains, erect fences, cut timber and do all such things as may be necessary for maintaining those buildings, roads, sewers, drains and fences or otherwise for maintaining the Estate or any part thereof in a proper condition.

(3) The county council may with regard to the Estate or any part thereof (subject to any leases and agreements for leases and tenancies affecting the same and for the time being subsisting)

exercise all or any of the statutory powers and duties from time to time exercisable by the council and also all or any of the powers of—

PART II
—cont.

- (a) the Open Spaces Act 1906 as if the Estate were an open space within the meaning of section 20 of that Act; and 1906 c. 25.
- (b) Part VI (Recreation grounds) of the Public Health Acts Amendment Act 1907 and section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925 as if the council were a local authority and the Estate were a park or pleasure ground within the meaning of that Part and that section. 1907 c. 53.
1925 c. 71.

(4) Any local authority to or with whom the county council may under the powers of this section sell, lease, exchange or dispose of any part of the Estate may (notwithstanding anything in any enactment or in any conveyance, deed or other instrument relating to the Estate but subject to any leases or agreements for leases and tenancies affecting the same and for the time being subsisting) exercise in regard to that part of the Estate all or any of the powers conferred on local authorities by this Act and all or any of the powers of Part VI (Recreation grounds) of the Public Health Acts Amendment Act 1907 and section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925 as if that part of the Estate were a park or pleasure ground.

(5) The county council may close to the public any part of the Estate for the time being belonging to them together with the footpaths (if any) thereover:

Provided that no part of the Estate exceeding 40.5 hectares in area shall be closed under the provisions of this subsection for more than 30 days in any year or more than 6 consecutive days or more than 4 Sundays in any year.

(6) During any period in which any part of the Estate is closed to the public in pursuance of the provisions of subsection (5) above, the county council may—

- (a) let the part of the Estate so closed to, or permit the use thereof by, any association, society or person for the purposes of any agricultural, horticultural or other show, or any entertainment, or any other public purpose of a temporary nature, and authorise such association, society or person to make charges for the use thereof or for access thereto; or
- (b) use the part of the Estate so closed for the purpose aforesaid and make such charges as they think fit for access thereto.

PART II
—cont.

(7) Any local authority may defray any part of the expenses incurred by the county council in the execution of the powers of this section.

(8) Nothing in this section shall exonerate the county council or any local authority from any action, indictment or other proceeding for nuisance if any nuisance be caused or permitted by them.

(9) In this section the “Estate” means the lands in the district of Mole Valley comprising woodland and farmland containing 523 hectares or thereabouts, which lands are coloured pink on the deposited plan and known as the Norbury Park Estate.

Runnymede:
river
passengers.

8.—(1) No person having the control of any launch (as hereinafter defined) shall pick up or set down passengers on—

- (a) the Runnymede Pleasure Ground;
- (b) the portion of the land vested in the National Trust for Places of Historic Interest or Natural Beauty known as Runnymede which abuts upon the river Thames; or
- (c) the land near Magna Carta Island bounded on the north-west by the property of the said National Trust and on the south-west and south by the road from Staines to Windsor (A.308);

without the consent of the Runnymede council.

(2) The Runnymede council may give any consent under this section upon such terms and conditions as they think fit including a condition that passengers shall not be picked up or set down except at such place or places as shall be prescribed by the council, and the council shall prescribe at least one such place on each of the areas referred to in subsection (1) above.

(3) Any person who without reasonable excuse contravenes any of the provisions of this section or the terms or conditions upon which any consent is given thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) In this section “launch” means any vessel propelled otherwise than manually which is used for carrying passengers for reward.

Byelaws as to
riverside walk,
Runnymede.

9.—(1) The Runnymede council may make byelaws with respect to the riverside walk for all or any of the following purposes:—

- (a) the prevention of encroachments on the riverside walk;

- (b) the prevention of the displacement or removal of seats, shelters, fountains, conveniences, fences or barriers or other things put up or maintained by the council on the riverside walk;
- (c) the prohibition of the posting or painting of bills, placards, notices or advertisements on fences or trees on the riverside walk;
- (d) the regulation of hawking or touting on the riverside walk;
- (e) the prevention of singing or playing any instrument on the riverside walk with a view to receiving reward, or conducting or taking part in any entertainment, exhibition or performance thereon with a like view;
- (f) the regulation of games to be played on the riverside walk and of assemblages of persons thereon; and
- (g) generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the riverside walk or to interfere with the use thereof by the public for the purposes of exercise and recreation.

PART II
—cont.

(2) No byelaw made under this section shall affect any public right of towing on the riverside walk.

(3) If and so far as a byelaw made under this section is inconsistent with a byelaw made by the Thames Water Authority the latter shall prevail.

(4) In this section “the riverside walk” means that part of the towing-path on the south-west side of the river Thames which lies between the eastern boundary of the Runnymede Pleasure Ground and the boundary of the borough to the north-west of Bellweir Lock.

(5) Any person who contravenes any byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

10. Nothing in or done under section 6 (Marrow Downs), section 8 (Runnymede: river passengers) and section 9 (Byelaws as to riverside walk, Runnymede) of this Act shall affect any right, power, authority, jurisdiction or privilege of the Thames Water Authority under any enactment.

11.—(1) In this section—

“the commons” means the common lands in the southern part of the borough of Reigate and Banstead, containing 135 hectares or thereabouts which lands are coloured blue on the deposited plan;

Redhill and
Earlswood
Commons.

PART II
—cont.

“the council” means the council of the borough of Reigate and Banstead.

(2) Notwithstanding anything contained in the conveyance dated 9th November 1922 whereby Henry Charles Somers Augustus Somerset conveyed to the mayor, aldermen and burgesses of the borough of Reigate hereditaments comprising the major part of the commons, the council shall have in relation to the commons power to sell or let any part subject to the consent of the Charity Commissioners.

1960 c. 58.

(3) The proceeds of any disposal made under subsection (2) above shall be applied in accordance with any directions given under the Charities Act 1960.

(4) The council may from time to time set apart and lay out any part of the commons for cricket or for other games and for recreational purposes and permit their use for such games and purposes, and may make reasonable charges in relation to the part so used and may on such days as they shall think fit close any such part to the public.

(5) The council shall maintain the commons free from all encroachments except as herein provided.

(6) The Council shall have power to permit temporary enclosures to be made and tents or booths to be erected on the commons on such occasions as they shall think fit:

Provided that no part of the commons shall be utilised for the purposes mentioned in this subsection for more than 30 days in any year or more than 10 days in any consecutive period.

(7) It shall not be lawful for any persons other than the council without the consent of the council in writing to make any temporary or other enclosure of any part of the commons or to put any tents, removable lodges, fences, posts, rails or other matters or things thereon or to make any road or footpath or to lay any sewer, drain, pipe, waterway or other work of a like nature in or through any part of the commons.

(8) Nothing in this section shall interfere with the exercise by statutory undertakers of any of their functions.

(9) Nothing in this section shall affect the rights of the lord of the manor of Reigate in the soil of the commons.

PART III

HIGHWAYS AND STREETS

Use of
common land
for highways.
1866 c. 122.

12.—(1) Notwithstanding section 5 of the Metropolitan Commons Act 1866 the Secretary of State may entertain an application by the highway authority in connection with the construction, widening or improvement by them of any

highway in exercise of their powers under the Act of 1980 for consent to the inclosure of such portions of any metropolitan common within the meaning of the Metropolitan Commons Acts 1866 to 1898 in the county as may be required by the highway authority for the purpose of such construction, widening or improvement as aforesaid and for purposes incidental thereto, and the Secretary of State if he thinks fit may give his consent accordingly.

PART III
—cont.

(2) In any case where the Secretary of State gives his consent to the inclosure of any portion of a metropolitan common for the purposes specified in subsection (1) above, that portion shall cease for all purposes—

- (a) to form part of that common; and
- (b) to be subject to any Act or scheme made or established for the local management of that common by the conservators or other body or person charged with the control, regulation and management thereof.

(3) Any land given in exchange for land inclosed for the purposes specified in subsection (1) above shall be subject to the like rights, trusts and incidents as attached to the land so inclosed immediately before such inclosure to the intent—

- (a) that the land so given in exchange shall be controlled, regulated and managed by the conservators or other body or person charged as aforesaid; and
- (b) that any byelaws and regulations made under any Act or scheme established as aforesaid shall be enforceable as fully and effectually as if the land so given in exchange formed part and had always formed part of the metropolitan common from which the land inclosed is severed.

(4) A plan showing the boundaries of any such portion of a metropolitan common as is mentioned in subsection (2) above and of any such land given in exchange therefor as is mentioned in subsection (3) above sealed with the seal of the conservators or other body or person charged as aforesaid or if there be no such conservators, body or person as aforesaid sealed with the seal of the highway authority shall be deposited by them with the Secretary of State.

(5) In this section “improvement” has the same meaning as in section 329 of the Act of 1980.

13.—(1) This section applies to any works carried out after the passing of this Act for the making of an excavation on land in the county within 10 metres from a highway maintainable at the public expense where any part of the excavation will, within the said distance of 10 metres, meet a plane drawn downwards

Excavations
near highways.

PART III
—cont.

in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to works in connection with apparatus belonging to statutory undertakers.

(2) In the carrying out of any works to which this section applies steps shall be taken to prevent the withdrawal of support (whether vertical or lateral) for the highway.

(3) If the carrying out of any works to which this section applies causes the withdrawal of support as aforesaid for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 59 (Recovery of expenses due to extraordinary traffic) of the Act of 1980 applies), the person carrying out the works shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale:

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

Exemption for
internal
drainage
boards and
British
Railways
Board from
last foregoing
section.

14.—(1) The provisions of the last foregoing section shall not apply to an excavation made by an internal drainage board or the British Railways Board for the purpose of any of their functions or in the exercise of any of their statutory powers in respect of which the following conditions are fulfilled:—

- (a) not less than 28 days before commencing the excavation plans are submitted by the drainage board or the British Railways Board to the highway authority for their approval;
- (b) the excavation is not commenced until the plans have been approved in writing by the highway authority or settled by arbitration:

Provided that if the highway authority do not within 28 days after the submission to them of any such plans signify to the drainage board concerned or the British Railways Board (as the case may be) in writing their disapproval thereof they shall be deemed to have approved thereof; and

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

PART III
—cont.

(2) Where under this section any question is to be determined by arbitration, then, unless otherwise provided, the question shall be referred to, and settled by, a single arbitrator to be agreed between the parties, or failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

- (3) In this section “plans” includes sections and particulars.

PART IV

PUBLIC ORDER AND PUBLIC SAFETY

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

Byelaws as to
leisure centres.

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

1960 c. 16.

(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) Any person who contravenes any byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) 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 Local Government (Miscellaneous Provisions) Act 1976 are provided.

1976 c. 57.

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

16.—(1) A district council may designate, in accordance with subsection (5) below, any of the following places, or any

Touting,
photographing,
etc.

PART IV
—cont.

part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:—

- (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 or esplanade, parade, promenade or way to which the public commonly have access, whether or not as of right:

Provided that the council shall not designate for the purpose of subsection (2) (b) (ii) below, any street.

(2) Any person who, in a place designated under this section—

- (a) gives reasonable cause for annoyance to 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, public service vehicle or other conveyance or for a 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—
 - (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 an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The conditions of consent referred to in subsection (2) (b) above include conditions as to the times or period for which the consent is valid 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.

(4) A person aggrieved by—

- (a) the withholding by the district council of consent referred to in subsection (2) (b) above;
- (b) the conditions subject to which the council give such consent; or
- (c) the revocation of such consent under subsection (3) above;

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

(5) (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 it 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.

PART IV
—cont.

(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.

(6) A resolution under subsection (5)(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 (5)(a) above, being a day not less than 28 days after the day on which notice is given under this subsection.

(7) 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 doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b) 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.

PART V

FIRE PRECAUTIONS

17.—(1) A fire officer authorised in writing by the chief fire officer of the fire authority may on giving (except in a case of emergency) not less than 48 hours' notice to the secretary of a club in the county registered under the Licensing Act 1964, on production of his authority, enter and inspect as regards any matter affecting fire risks the premises occupied by the club at any reasonable time on such day as may be specified in the notice.

Fire precautions in registered clubs.
1964 c. 26.

(2) Any person who intentionally obstructs a fire officer in the exercise of the power conferred by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART V
—cont.
1968 c. 65. (3) Nothing in this section shall apply to any premises occupied by a club licensed under the Gaming Act 1968.

1971 c. 40. (4) This section shall cease to have effect upon the designation by order under section 1 of the Fire Precautions Act 1971 of the use of premises for purposes of a registered club as a use for which a fire certificate is required.

Parking places:
safety
requirements. **18.**—(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 space 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 they are satisfied 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) 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.

PART V
—cont.

(4) Section 16 (6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act. 1984 c. 55.

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

(6) If any conditions, subject to compliance with which plans have been passed under subsection (2) above or under any corresponding statutory provision repealed by this Act, are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit or, as the case may be, require the cessation of its use for the parking of vehicles until those conditions have been complied with.

(7) 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
- (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.

PART V
—cont.
1984 c. 55.

(8) The provisions of sections 99 and 102 of the Building Act 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall apply in relation to any notice under subsection (7) above as if—

- (a) references in those provisions to that Act included a reference to that subsection;
- (b) in section 99 (2) the words from “and (b) without prejudice” to the end were omitted; and
- (c) for the reference in section 102 to the court there were substituted a reference to the Secretary of State.

(9) Any person on whom notice is served under subsection (6) 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 level 3 on the standard scale.

(10) Any person on whom notice is served under subsection (7) 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 level 3 on the standard scale.

(11) For the purposes of section 95 (1) (a) of the Building Act 1984 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 a district council to enforce.

1928 c. 32.

(12) (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.

(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.

Fire
precautions in
large storage
buildings.

19.—(1) In this section—

- (a) reference to the use of a building for a purpose to which this section applies is a reference to the use of any building for the purpose of storing or depositing goods or materials where more than 7,000 cubic metres of

the building are so used, not being the use for the parking of vehicles of a parking place to which section 18 (Parking places: safety requirements) of this Act applies;

PART V
—cont.

- (b) a change of use of a building from use for the storage of goods or materials of the kind specified in any condition imposed in relation to that building under subsection (3) (d) below, to use for the storage of goods or materials of another kind, shall be taken to be a material change of use of the building.

(2) Where—

- (a) plans are deposited with a district council in accordance with building regulations in respect of any proposed work or material change of use of a building; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building used, or to be used, for a purpose to which this section applies or, as the case may be, the change of use is for use for a purpose to which this section applies;

the district council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or change of use 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 the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to any of the following matters relating to the building in respect of which those plans are deposited:—

- (a) the division of the building or any part of the building into compartments with a cubic extent not exceeding 7,000 cubic metres by compartment walls or compartment floors, or by both such walls and floors (including any openings in such walls and floors), being walls and floors having a fire resistance of not less than two hours for the purposes of building regulations;
- (b) the provision of not less than two hours' fire resistance for any external wall of the building which encloses the storage space within the building used for the purpose to which this section applies, or is at a distance from that space less than the height of that space as

PART V
—cont.

ascertained in accordance with subsection (11) (a) below, due allowance being made for unprotected areas of the wall permitted for the purposes of building regulations;

(c) the vertical extension of any such walls as are referred to in paragraph (a) or (b) above to such height above the roof of the building as may be required to prevent the spread of fire from a building of which the roof has a fire resistance of less than two hours for the purposes of building regulations;

(d) the kind of goods or materials to be stored in any such storage space in respect of which consent is given;

(e) except where the first use to which any premises constituting or comprised in the building or, as the case may be, the building as extended or altered, will be put, after the proposed work or change of use has been carried out, will be a use in respect of which a fire certificate is for the time being required under the Fire Precautions Act 1971, the means of ingress to, and egress from, the building or any part of the building, including provision for safe ingress and egress in case of emergency;

(f) the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the district council to be necessary:—

(i) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;

(ii) fire-extinguishing systems;

(iii) effective means of removing smoke in case of fire;

(iv) adequate means of access for fire brigade appliances and personnel.

(4) (a) To the extent to which any conditions imposed by the district council in relation to any building in respect of the matters specified in subsection (3) (e) above conflict with the requirements of section 9A of the Fire Precautions Act 1971, those conditions shall not have effect.

(b) Sub-paragraphs (i) and (ii) of paragraph (f) of subsection (3) above shall not apply to any building in respect of which 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.

(5) Section 16 (6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and section 36 (2) to (6)

1971 c. 40.

1974 c. 37.
1984 c. 55.

of that Act shall apply as if this section were a section of Part I of that Act.

PART V
—cont.

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

(7) If it appears to the district council after consultation with the fire authority, that any building in the district—

- (a) has been first brought into use after the commencement of this Act for a purpose 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
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the building had been so deposited, the district council would have passed the plans without specifying conditions with respect to any of the matters specified in subsection (3) above;

they may, for the purpose of preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building, by notice to the owner or occupier of the building 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 building until those conditions have been complied with, such other conditions as may be so specified.

(8) The provisions of sections 99 and 102 of the Building Act 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall apply in relation to any notice under subsection (7) above as if— 1984 c. 55.

- (a) references in those provisions to that Act included a reference to that subsection;
- (b) in section 99 (2) (b) the words from “and to a further fine” to the end were omitted; and
- (c) for the reference in section 102 to the court there were substituted a reference to the Secretary of State.

(9) For the purposes of section 95 (1) (a) of the Building Act 1984 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.

(10) If any person, without reasonable excuse, obstructs any means of ingress or egress provided in pursuance of a condition

PART V
—cont.

imposed under subsection (3) (e) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) (a) For the purpose of paragraph (a) of subsection (1) above, the aggregate cubic extent of a building, or part of a building, used for any purpose mentioned in that paragraph (hereafter in this subsection referred to as “the relevant purpose”) shall be ascertained by measuring the volume of the space therein so used contained within—

- (i) the inner finished surfaces of the external walls of the building and any internal enclosing wall which (including any openings therein) has a minimum fire resistance of two hours for the purpose of building regulations, or, on any side where there is no such wall, a vertical plane at the limit of the space used for the relevant purpose;
- (ii) the upper surface of the lowest floor used for the relevant purpose in the building; and
- (iii) the under surface of the roof of the building, or any floor over the space used for the relevant purpose which has a minimum fire resistance of two hours for the purpose of building regulations.

(b) For the purpose of this subsection—

- (i) no deductions shall be made for any space which is used for ingress or egress or for placing or removing contents of the building, or for any space less in width than the height between the floor and roof specified in paragraph (a) (ii) and (iii) above which is between that used for the relevant purpose and an external wall of the building; and
- (ii) where the part of the space used for the relevant purpose, when ascertained in accordance with paragraph (a) above, consists of a number of separate spaces, those spaces and any intervening spaces used for any other purpose shall, except as provided in sub-paragraph (iii) below, be taken as one space wholly used for the relevant purpose; but
- (iii) there shall be excepted from sub-paragraph (ii) above any space which is separated from another space by a distance, or by walls or floors, adequate to prevent a spread of fire to or from that other space.

Access for fire
brigade.

20.—(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—

PART V
—cont.

- (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 notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16 (6) and (7) of the Building Act 1984 shall apply to plans mentioned in subsection (1) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act. 1984 c. 55.

(4) A 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 VI

FINANCIAL

21. For the purposes of section 61 of the General Rate Act 1967 (recovery of rates from tenants and lodgers) the rates due from the person rated for any hereditament within a district shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same. Recovery of rates from tenants and lodgers. 1967 c. 9.

22.—(1) In this section expressions to which meanings are assigned by the Local Government Superannuation Regulations 1974 shall have the same respective meanings, and references to regulations are to those regulations. Division of county superannuation fund. S.I. 1974/520.

(2) (a) In its application to the county council regulation B1 shall have effect so as to require the county council to establish and administer from the relevant date a further superannuation

PART VI
—cont.

fund to be known as “the Admission Agreement etc. Superannuation Fund” (hereinafter in this section referred to as “the second fund”).

(b) The regulations shall with necessary modifications apply to the second fund as they apply to the Surrey County Council Superannuation Fund (hereinafter in this section referred to as “the main fund”).

(c) In paragraph (a) above the relevant date means the date from which the county council resolve to establish the second fund.

(3) (a) Upon the establishment under subsection (2) above of the second fund that fund shall be the appropriate superannuation fund for all such pensionable employees and other persons who prior to such establishment have been entitled to participate in the benefits of the main fund by virtue of the operation of regulations B4, B4A or J8 (admission agreements for employees of other bodies) or who thereafter are admitted by virtue of the operation of any of the said regulations.

(b) Following the establishment and during currency of the second fund any employee admitted by the county council under an agreement to which regulation B4 or B4A applies shall be admitted to participate in that fund and not in the main fund.

(4) (a) Upon the establishment of the second fund the main fund shall be apportioned and the provisions of Schedule 24 of the regulations shall apply for such apportionment and for the transfer of assets from the main fund to the second fund as those provisions apply where such a change of employment occurs as is mentioned in regulation P2 (6), and the provisions of Schedule 24 shall apply as if—

- (i) the fund to be apportioned under that Schedule were the main fund and the fund of the new fund authority were the second fund;
- (ii) the relevant date under that Schedule were the relevant date as defined in subsection (2) above;
- (iii) under paragraph 14 it had been agreed that the assets to be transferred should be solely money.

(b) The county council shall bear the costs of the apportionment required by this subsection.

(c) As soon as reasonably practicable after the establishment of the second fund, the county council shall obtain from an actuary a certificate specifying, in respect of each admitted body whose former and current employees become members of the second fund, in relation to the period beginning on the day on which the second fund is established and ending with the day on which the certificate under regulation B8 of the regulations

applicable to such body in force immediately before the establishment of the second fund would have ceased to have effect, the matters referred to in regulation B8.

PART VI
—cont.

(d) For the period mentioned in paragraph (c) above regulation C5 of the regulations shall in relation to an admitted body apply as if for references to a certificate under regulation B8 there were substituted references to the certificate required by that paragraph.

(5) The county council may in connection with the second fund and out of the moneys of that fund insure pensionable employees in the second fund against death in service to an amount not exceeding pensionable remuneration for one year payable by way of death gratuity under regulation E11.

(6) (a) The county council may if they think fit wind up the second fund and transfer the assets thereof to the main fund and thereupon—

- (i) the pension rights in the second fund of all pensionable employees and persons entitled to participate in that fund shall be transferred to and become rights in and entitlements to participate in the main fund;
- (ii) the main fund shall become the appropriate super-annuation fund for those employees and persons; and
- (iii) the foregoing provisions of this section shall cease to have effect.

(b) As soon as reasonably practicable after such a transfer of assets, the county council shall obtain from an actuary a certificate specifying, in respect of each admitted body whose former and current employees had then been members of the second fund in respect of the period beginning on the day on which the assets of the second fund are transferred to the main fund and ending with the day on which the certificate under regulation B8 of the regulations applicable to such body immediately before the transfer of assets would have ceased to have effect, the matters referred to in regulation B8.

(c) For the period mentioned in paragraph (b) above, regulation C5 of the regulations shall in relation to an admitted body apply as if for references to a certificate under regulation B8 there were substituted references to the certificate required by that paragraph.

PART VII MISCELLANEOUS

23.—(1) This section applies where a sub-committee is appointed under section 102 of the Act of 1972 by—

- (a) a committee of the county council or a district council;
- or

Protection of
members of
sub-
committees.

PART VII
—cont.

(b) a joint committee appointed by authorities comprising the county council or a district council;

and the sub-committee includes a person (“the non-member”) who is not a member of a relevant authority.

1875 c. 55. (2) Where this section applies the non-member shall be treated for the purposes of section 265 of the Public Health Act 1875 (which protects members of local authorities from personal liability) as if he were a member of a relevant authority.

(3) In this section, in relation to a sub-committee “relevant authority” means—

(a) where it was appointed by a committee, the authority which appointed that committee; and

(b) where it was appointed by a joint committee any of the authorities which appointed that joint committee.

Devolution of licence under Cinematograph Act 1909.
1909 c. 30.

24.—(1) In the event of the death of the holder of a licence under the Cinematograph Act 1909 in respect of premises in a district, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at those premises the functions in respect of which the licence was granted, shall be deemed to be the holder of the licence.

(2) Upon the due constitution of a legal personal representative of the deceased holder of any such licence as is mentioned in subsection (1) above the licence shall be deemed to be granted to that personal representative.

PART VIII

GENERAL

Local inquiries.

25. 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.

Appeals to magistrates' court.

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

Appeals to Secretary of State.

27.—(1) On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, 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.

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

PART VIII
—cont.

In section 18 (Parking places: safety requirements), subsection (6);

In section 19 (Fire precautions in large storage buildings), subsection (6).

(3) 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.

(4) 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.

(5) 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 or order 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 or order of the High Court).

1981 c. 54.

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

Suspension of proceedings pending appeal.

- (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.

- PART VIII**
—*cont.*
Restriction on
right to
prosecute.
- 29.** 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 constable.
- Liability of
directors, etc.
- 30.—(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.
- (2) Where the affairs of a body corporate are managed by its members subsection (1) above 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.
- Penalty for
obstruction.
- 31.** 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 level 3 on the standard scale.
- Defence of
due diligence.
- 32.—(1)** In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or any byelaw made under any such provision 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.
- (2) The provisions referred to in subsection (1) above are the following:—
- Section 16 (Touting, photographing, etc.);
Part V (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.

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

PART VIII
—*cont.*
Application of
general
provisions of
Act of 1936
and Building
Act 1984.
1984 c. 55.

(2) Sections 95 and 96 of the Building Act 1984 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

Section 18 (Parking places: safety requirements);

Section 19 (Fire precautions in large storage buildings):

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 sections 95 and 96 as they have effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in a 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.

34.—(1) Subsection (1) of section 80 (repeal or modification of certain provisions by regulations) of the Health and Safety at Work etc. Act 1974 shall apply to any provision of this Act and to any regulation and byelaw made under it as it applies to any provision to which it applies.

Saving for
Health and
Safety at
Work etc. Act
1974 and
Building Act
1984.
1974 c. 37.

(2) Nothing in section 13 (Excavations near highways) or section 19 (Fire precautions in large storage buildings) 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.

(3) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Building Act 1984 (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 sub-paragraph applies to any enactment mentioned therein.

35. 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 this Act had been passed before the coming into operation of that subsection.

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

36.—(1) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in that Schedule.

Repeals,
transitional
provisions and
savings.

(2) The repeal by subsection (1) above of any enactment shall not affect the operation of any byelaw or other instrument made or issued or of any notice displayed or given under the enactment so repealed if the byelaw or instrument is one which

PART VIII
—cont.

could be made or issued or the notice is one which could be displayed or given under any provision of a public general Act, and any such byelaw, instrument or notice shall have effect as if made, issued, displayed or given under that last-mentioned provision.

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

(4) (a) Anything begun under any enactment repealed by this Act may be continued under any provision of this Act relating to the same matter as if begun under that last-mentioned provision.

(b) Where any period of time specified in, or having effect in relation to, any 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.

(5) 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 any enactment in force in any area which is repealed by this Act and any provision of this Act relating to the same matter in the same area, be construed as including a reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

(6) Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from the repeal, the repeal shall not affect the interpretation of the excepted provision.

(7) The following land shall be deemed to have been appropriated under section 122 (1) by virtue of section 122 (2) of the Act of 1972 for the purposes of section 32 (provision of parking places) of the Act of 1984, namely:—

(a) any part of the Runnymede Pleasure Ground which at the passing of this Act was set aside as a parking place under section 5 of the Egham Urban District Council Act 1948;

(b) any part of Foxenden Quarry which at the passing of this Act was set aside as a parking place under section 6 of the Guildford Corporation Act 1967.

1948 c. xlv.

1967 c. xxviii.

(8) (a) Where immediately before the conveyance of any land in pursuance of section 44 (Adjustment of boundaries of streets) of the Guildford Corporation Act 1938, section 43 (Adjustment of boundaries of streets) of the Reigate Corporation Act 1945, section 14 (Adjustment of boundaries of streets) of the Egham Urban District Council Act 1948 or section 22 (Adjustment of boundaries of streets) of the Chertsey Urban District Council Act 1956 or before the making of an order under section 15 (Stopping up and diversion of highways) of the said Act of 1948 or section 30 (Stopping up and diversion of highways) of the said Act of 1956 there was under, in, upon, over, along or across the land any apparatus belonging to or maintained by specified statutory undertakers or their predecessors and that apparatus was under, in, upon, over, along or across the land immediately before the commencement of this Act, Part II of Schedule 12 to the Act of 1980 shall apply to the land as if it had been conveyed in pursuance of section 256 of the Act of 1980 or, as the case may be, had ceased to form part of a highway by virtue of an order under section 116 of that Act.

PART VIII

—cont.

1938 c. lxxxvi.

1945 c. x

(9 & 10 Geo. 6).

1948 c. xlv.

1956 c. lxxix.

(b) In this subsection “specified statutory undertakers” means the British Gas Corporation, the East Surrey Water Company, the North Surrey Water Company, the electricity board and the Thames Water Authority, or any of them.

SCHEDULES

SCHEDULE 1

Section 33.

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 notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be done.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
293	Recovery of expenses, &c.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

SCHEDULE 2

Section 36.

ENACTMENTS REPEALED

Chapter (1)	Title or short title (2)	Extent of repeal (3)
9 Geo. 4 c. lxxv. (1828)	An Act to enable His Majesty's Justices of the Peace for the County of Surrey to nominate and appoint Two or more Persons to act as Principal Land Coal Meters within and for the several Parishes and Places therein mentioned in the said County.	The whole Act.
1 Will. 4 c. cxxxvii. (1830)	An Act to continue, until the Fifth Day of July One thousand eight hundred and thirty-one, an Act passed in the Ninth Year of His late Majesty's Reign, to enable His Majesty's Justices of the Peace for the County of Surrey to nominate and appoint Two or more Persons to act as Principal Land Coal Meters within and for the several Places therein mentioned.	The whole Act.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
10 & 11 Vict. c. ccxvii. (1847)	An Act to facilitate the effectual Drainage of certain Districts within the Commission of Sewers for the Limits extending from East Moulsey in Surrey to Ravensbourne in Kent.	The whole Act in its application to the county.
12 & 13 Vict. c.x.	The Epsom Rates Act 1849.	The whole Act.
23 & 24 Vict. c. 44.	Local Government Supplemental Act 1860.	The Epsom Order.
28 & 29 Vict. c. 108.	Local Government Supplemental Act 1865 (No. 5).	The Guildford Order.
36 & 37 Vict. c. xxii.	Education Department Provisional Order Confirmation Act (No. 2) 1873.	The whole Act and the scheduled Order.
39 & 40 Vict. c. cci.	Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act 1876.	The Borough of Guildford Order.
43 & 44 Vict. c. cliv.	Education Department Provisional Orders Confirmation (Cardiff, &c.) Act 1880.	The Walton-on-Thames Order.
46 & 47 Vict. c. xviii.	Local Government Board's Provisional Orders Confirmation Act 1883.	The Staines Order.
47 & 48 Vict. c. 1.	Commons Regulation (Redhill and Earlswood Commons) Provisional Order Confirmation Act 1884.	The whole Act and the scheduled Order.
47 & 48 Vict. c. clviii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1884.	The Dorking Order.
47 & 48 Vict. c. ccxii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1884.	The Farnham Order.
49 & 50 Vict. c. cvii.	Guildford Corporation Act 1886.	The whole Act.
50 & 51 Vict. c. xlix.	Local Government Board's Provisional Orders Confirmation Act 1887.	The Epsom Order.
56 & 57 Vict. c. cix.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1893.	The Epsom Order.

SCH. 2
—cont.

SCH. 2
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
56 & 57 Vict. c. cxvi.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1893.	The Epsom (Rural) Sutton and Carshalton Joint Hospital Order 1893 in its application to the county.
56 & 57 Vict. c. cxix.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1893.	The Guildford and Godalming Joint Hospital District Order.
58 & 59 Vict. c. xli.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1895.	The Sunbury-on-Thames Order 1895.
59 Vict. Sess. 2. c. viii.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1895 Session 2.	The County of Surrey (Dockenfield) Order 1895.
59 & 60 Vict. c. cii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1896.	The Epsom (Rural) Sutton Carshalton and Leatherhead Joint Hospital Order 1896 and the Guildford Godalming and Woking Joint Hospital Order 1896 in its application to the county.
60 & 61 Vict. c. iv.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1897.	The Walton upon Thames Order 1896.
60 & 61 Vict. c. lxxiv.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1897.	The Leatherhead Order 1897.
61 & 62 Vict. c. xxxi.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1898.	The Leatherhead Order 1898.
61 & 62 Vict. c. xxxii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1898.	The Staines Order.
61 & 62 Vict. c. lxxxi.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1898.	The Sunbury-on-Thames Order 1898.
62 & 63 Vict. c. cxlvi.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1899.	The Hambledon Rural Order 1899.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
63 & 64 Vict. c. lv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1900.	The Hambledon Rural (Shalford) Order 1900.
63 & 64 Vict. c. cxcv.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1900.	The Reigate Order 1900.
3 Edw. 7 c. lxiv.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1903.	The Guildford Godalming and Woking Joint Hospital Order 1903.
4 Edw. 7 c. cxvii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1904.	The County of Surrey Order 1904.
4 Edw. 7 c. clxi.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1904.	The Guildford (Extension) Order 1904.
6 Edw. 7 c. cxvii.	Education Board Provisional Orders Confirmation (Kesteven &c.) Act 1906.	The Surrey County Council Order.
7 Edw. 7 c. lix.	Education Board Provisional Orders Confirmation (Surrey &c.) Act 1907.	The Surrey County Council Order in its application to the county.
9 Edw. 7 c. xcvi.	Education Board Provisional Orders Confirmation (Bucks &c.) Act 1909.	The Surrey County Council Order in its application to the county.
9 Edw. 7 c. cxvii.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1909.	The Dorking Order 1909.
10 Edw. 7 & 1 Geo. 5 c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1910.	The Guildford Order 1910.
10 Edw. 7 & 1 Geo. 5 c. xci.	Education Board Provisional Orders Confirmation (Berks &c.) Act 1910.	The Surrey County Council Provisional Order (No. 1) in its application to the county; the Surrey County Council Provisional Order (No. 2).
2 & 3 Geo. 5 c. cxix.	Education Board Provisional Orders Confirmation (Essex &c.) Act 1912.	The Surrey County Council (No. 3) Order.

SCH. 2
—cont.

SCH. 2
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
3 & 4 Geo. 5 c. xxv.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1913.	The Epsom (Rural) Sutton Carshalton and Leatherhead Joint Hospital Order 1913 in its application to the county.
9 & 10 Geo. 5 c. xxiii.	Reigate Corporation Act 1919.	The whole Act.
12 & 13 Geo. 5 c. xliv.	Ministry of Health Provisional Order Confirmation (Guildford Extension) Act 1922.	The whole Act and the scheduled Order.
15 & 16 Geo. 5 c. cxv.	Surrey County Council Act 1925.	The whole Act.
16 & 17 Geo. 5 c. lxxxv.	Guildford Corporation Act 1926.	The whole Act except sections 1 to 6, 8, 53 to 65, 157 and 208.
17 & 18 Geo. 5 c. xxvii.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1927.	The Reigate Joint Hospital Order 1927.
18 & 19 Geo. 5 c. lxii.	Ministry of Health Provisional Order Confirmation (Godalming Extension) Act 1928.	The whole Act and the scheduled Order.
20 & 21 Geo. 5 c. xci.	Ministry of Health Provisional Orders Confirmation (Guildford and West Kent Main Sewerage District) Act 1930.	The Guildford Order 1930.
20 & 21 Geo. 5 c. xcvi.	Ministry of Health Provisional Orders Confirmation (Aylesbury Chesham and Guildford) Act 1930.	The Guildford (Acquisition of Lands) Order 1930.
20 & 21 Geo. 5 c. cxv.	Epsom Rural District Council Act 1930.	The whole Act.
20 & 21 Geo. 5 c. cxvi.	Guildford Rural District Council Act 1930.	The whole Act.
21 & 22 Geo. 5 c. xlvi.	Epsom Urban District Council Act 1931.	The whole Act except sections 1 to 47 and 92.
21 & 22 Geo. 5 c. ci.	Surrey County Council Act 1931.	The whole Act in its application to the county.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
26 Geo. 5 & 1 Edw. 8 c. cxxx.	Surrey County Council Act 1936.	The whole Act in its application to the county, except section 45.
1 & 2 Geo. 6 c. lx.	Surrey County Council Act 1938.	The whole Act in its application to the county.
1 & 2 Geo. 6 c. lxxxvi.	Guildford Corporation Act 1938.	The whole Act, except section 78(1), (4)(b) to (d), (7)(b) and the proviso thereto.
5 & 6 Geo. 6 c. iii.	Land Drainage (Surrey County Council (Hogsmill River Improvement)) Provisional Order Confirmation Act 1942.	The scheduled Order in its application to the county, except section 39.
7 & 8 Geo. 6 c. xxi.	Middlesex County Council Act 1944.	Sections 4, 9, 191, 199, 217, 226, 230, 247, 251, 255, 259, 261, 268, 269, 276, 280, 281, 283, 291 to 293, 301, 303, 305, 307, 309, 310, 312, 315, 318 to 333, 433, 434, 439, 445, 457 to 459, 461 to 464, 466, 468 to 474, 477 and 478 in their application to the county.
9 & 10 Geo. 6 c. x.	Reigate Corporation Act 1945.	The whole Act.
11 & 12 Geo. 6 c. xlv.	Egham Urban District Council Act 1948.	The whole Act.
14 Geo. 6 c. x.	Land Drainage (Surrey County Council (Hogsmill River Improvement) (Amendment)) Provisional Order Confirmation Act 1950.	The whole Act and the scheduled Order in their application to the county.
14 Geo. 6 c. lii.	Middlesex County Council Act 1950.	Sections 3, 8, 11, 26 to 28, 34, 38, 39 and 41 in their application to the county.
1 & 2 Eliz. 2 c. xxiii.	Land Drainage (Surrey County Council (Rive Ditch Improvement)) Provisional Order Confirmation Act 1953.	The whole Act and the scheduled Order.

SCH. 2
—cont.

SCH. 2
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
4 & 5 Eliz. 2 c. lxxix.	Chertsey Urban District Council Act 1956.	The whole Act.
4 & 5 Eliz. 2 c. xc.	Middlesex County Council Act 1956.	Sections 4, 23, 24, 27, 29, 30, 32, 35, 36, 40 to 42, 46 to 48, 51 to 70, 74 to 76, 79, 83, subsection (2) of section 85, sections 87, 91 to 100 and Schedule 2 in their application to the county.
6 & 7 Eliz. 2 c. xlii.	Surrey County Council Act 1958.	The whole Act.
9 & 10 Eliz. 2 c. xxxvii.	Middlesex County Council Act 1961.	Sections 4, 13, 14, 16, 25, 27, 29, 33, 38 to 40, 42 to 44, 47, 49, 51 to 58 and Schedule 3 in their application to the county.
1965 c. iv.	Walton and Weybridge Urban District Council Act 1965.	The whole Act.
1967 c. xxviii.	Guildford Corporation Act 1967.	The whole Act except section 49 (but not that part of sub- section (3) thereof as relates to section 78 (7) (a) of the Guildford Corpora- tion Act 1938).
1971 c. xxxvi.	Surrey County Council Act 1971.	The whole Act.

For the application of the sections referred to in the third column of the entries relating to the Middlesex County Council Acts of 1944, 1950, 1956 and 1961 within the county see article 5 of and Parts II and III of Schedule 2 to the London Government Order 1965 (S.I. 1965/654).

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR W. J. SHARP

Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

ISBN 0 10 510385 3

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
Brazennose Street, Manchester M60 8AS
Southey House, Wine Street, Bristol BS1 2BQ
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*

ISBN 0 10 510385 3