

ELIZABETH II



1986 CHAPTER ii

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Berkshire; to confer further powers on the Berkshire 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.

[17th February 1986]

WHEREAS by virtue of the Local Government Act 1972 (hereinafter referred to as "the Act of 1972") the county of Berkshire (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 county borough of Reading;

The administrative county of Berkshire except the boroughs of Abingdon and Wallingford, the urban district of Wantage, the rural districts of Abingdon, Faringdon and Wallingford and part of the rural district of Wantage;

In the administrative county of Buckingham—
the borough of Slough;
the urban district of Eton and part of the rural district
of Eton:

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, a period since extended by order of the Secretary of State so as to expire at the end of 1986:

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 Berkshire 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

Citation
and

commencement.

1.—(1) This Act may be cited as the Berkshire Act 1986.

(2) This Act shall come into operation on the expiration of three months after its passing.

Interpretation.

1936 c. 49.

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; PART I
—cont.
1971 c. 78.
- “the Act of 1972” means the Local Government Act 1972; 1972 c. 70.
- “the Act of 1984” means the Road Traffic Regulation Act 1984; 1984 c. 27.
- “the appointed day” has the meaning given by section 3 of this Act;
- “building operations” has the meaning given by section 168 (5) of the Highways Act 1980; 1980 c. 66.
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “the county” means the county of Berkshire;
- “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;
- “enactment” means an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the county;
- “footway” has the meaning given by section 329 of the Highways Act 1980;
- “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;
- “premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “Slough Estates plc” includes any subsidiary (within the meaning of section 736 of the Companies Act 1985) of that company; 1985 c. 6.
- “statutory undertakers” means the British Gas Corporation, the Central Electricity Generating Board, the Southern Electricity Board, Slough Estates plc, telecommunications operators, the Mid Southern Water Company, the North Surrey Water Company, the Rickmansworth and Uxbridge Valley Water Company and the Thames Water Authority, or any of them, as the case may be;

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—cont.

1980 c. 66.

“street” has the meaning given by section 329 of the Highways Act 1980;

1984 c. 12.

“telecommunications operator” means the operator of a telecommunications code system within the meaning of Schedule 4 to the Telecommunications Act 1984.

(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.

Appointed
day.

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.

(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 one month from the date of 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

HIGHWAYS AND STREETS

Recovery of
expenses of
fencing or
lighting
obstructions.

4.—(1) Where danger or obstruction may be caused to persons or vehicles using a highway in the county maintainable at the public expense by—

(a) any defective gully, grid, manhole, step, area grate or other fitting or structure in the highway;

(b) damage to the highway caused by the deposit of anything on it;

(c) any hoarding or scaffolding erected on or over the highway; or

(d) builders' skips (within the meaning of section 139 (11) of the Highways Act 1980) or builders' materials, rubble or waste, other rubbish or earth or any other thing placed or deposited on the highway;

and the highway authority take steps to protect persons or vehicles by fencing or lighting any such source of danger or obstruction, they may recover the expenses reasonably incurred by them in so doing from the owner of the thing giving rise to such danger or obstruction or, as the case may be, the person or persons responsible for its defective condition or for the erection or, as the case may be, the placing or depositing of that thing in the highway.

(2) This section shall not apply to expenses incurred by the highway authority in respect of code-regulated works to which the requirements of section 8 of the Public Utilities Street Works Act 1950 apply.

1950 c. 39.

(3) This section shall have effect without prejudice to the powers of the highway authority under any other enactment to recover expenses incurred by them.

5.—(1) No work shall be done in or for the purpose of the construction of any new street in the county—

Plans, etc., of
new streets.

(a) unless the owner of the land on which the street is to be constructed or, if he is a different person, the person to whom or on whose behalf planning permission has been granted for the carrying out of development including the construction of the street, has submitted to the street works authority plans, sections and all reasonable particulars with respect to the level and width of, and specifications for, the proposed street, including the sewers and drains therein, and that authority have approved those plans, sections and particulars under this section in respect of the works of constructing the street therein described;

(b) otherwise than in accordance with those plans, sections and particulars as so approved and subject to such reasonable conditions as, in giving their approval, the street works authority may impose as to—

- (i) the giving of notices and the deposit of plans;
- (ii) the inspection of work, the testing of sewers and the taking by the authority of samples of the materials used in the execution of the work of constructing the street, including the sewers and drains therein; or
- (iii) the making good of defects in the work occurring during the period of 12 months following its completion.

(2) (a) Before the expiration of one month from the receipt of plans, sections and particulars under subsection (1) above the street works authority may give to the person by whom or on whose behalf they were submitted notice specifying—

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—cont.

(i) such modifications of any plans, sections and particulars submitted to them; and

(ii) compliance with such conditions mentioned in subsection (1) (b) (i), (ii) and (iii) above;

as they may reasonably require to secure the satisfactory construction of the street, including the sewers and drains therein:

Provided that, except in the case of drains to be provided for the purpose of draining surface water from the street, the requirements which may be made under this subsection with respect to sewers and drains shall be those reasonably required to secure the stability of the street as constructed.

(b) In default of giving any notice under paragraph (a) above, the street works authority shall be deemed to have approved the plans, sections and particulars as submitted free of conditions.

(c) Any question arising as to whether—

(i) modification of plans, sections and particulars is reasonably required; or

(ii) conditions imposed under subsection (1) (b) above are reasonable:

shall in default of agreement between the street works authority and the person by whom or on whose behalf the plans, sections and particulars were submitted be determined by arbitration.

(3) (a) If work is done in contravention of subsection (1) above, the owner of the land on which the street is to be constructed and, if he is a different person, the person undertaking the construction of the street shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £100.

(b) Where the person undertaking the construction of the street, not being the owner of the land on which it is to be constructed, is charged with an offence under this subsection in respect of the contravention of subsection (1) (a) above, it shall be a defence for him to prove that he had reasonable grounds for believing that the plans, sections and particulars had been submitted by the owner of the land and approved in accordance with the said subsection (1) (a).

(c) Proceedings under this subsection shall not be taken by any person other than the street works authority.

(4) Nothing in this section shall apply with respect to—

(a) any new street the subject of an agreement made under section 38 of the Highways Act 1980 (agreements by highway authorities to adopt) or a new street as

respects which a sum has been paid to the street works authority or secured in compliance with section 219 of that Act (payments to be made in respect of street works);

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—cont.

(b) any new street constructed by the British Railways Board in pursuance of their statutory functions.

(5) Where a new street has been constructed in accordance with plans, sections and particulars approved or deemed to have been approved by the street works authority under this section and in compliance with any conditions imposed by them under subsection (1) (b) (i) above in giving their approval, the street works authority shall by notice displayed in a prominent position in the street declare that the street is to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense and on the expiration of one month from the day on which the notice was first so displayed the street shall become such a highway. 1980 c. 66.

6.—(1) No person shall without lawful authority or reasonable excuse remove or interfere with any property placed in any street or public place within the county, being property to which this section applies.

Interference with traffic signs, life-saving equipment, etc., of local authorities, etc.

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

(3) This section applies to property of the following descriptions, namely:—

- (a) traffic signs, as defined by section 64 of the Act of 1984;
- (b) bollards, lights or other things (not being traffic signs) placed on, over or along the highway, or land adjoining the highway, for the purpose of assisting, warning or directing traffic; and

(c) lifebelts or other equipment for preventing drowning; which is vested in a local authority, a parish council or the police authority.

7.—(1) Where under or by virtue of any enactment a highway has been stopped up or diverted and it appears to the highway authority that no person can establish a title to the site of such former highway or any part thereof, the highway authority may apply to the county court for an order vesting the land forming the site of such former highway or part thereof for an estate in fee simple absolute free from incumbrances in the highway authority or, with his consent, in such other person as the court may determine.

Vesting of former highway land.

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—cont.

(2) The county court shall not make an order under subsection (1) above unless it is satisfied that not less than 21 days before hearing the application for the order a notice of their intention to apply for the order—

(a) has been served by the highway authority on every owner, lessee and occupier of lands adjoining, on the district council concerned and on all statutory undertakers having apparatus under, in, upon, over, along or across the former highway; and

(b) has been displayed in a prominent position at each end of the former highway.

(3) Where the county court makes an order under subsection (1) above, the land forming the site of the former highway or part thereof shall vest in the highway authority or other person named in the order for an estate in fee simple absolute free from incumbrances as if circumstances in which under Part I of the Compulsory Purchase Act 1965 an authority authorised to purchase land compulsorily have power to execute a deed poll had arisen in respect of the land and all interests therein, and as if the acquiring authority had duly exercised that power accordingly on the date of the court order.

(4) (a) Where the county court makes an order vesting the site of a former highway or part thereof under subsection (1) above and within a period of 12 years from the date of such order a person establishes a title to such site or part thereof, the highway authority or other person in whom the former highway or part thereof is vested or their successors in title, as the case may be, shall pay compensation to such person, and the Land Compensation Act 1961 shall apply to the assessment of such compensation.

(b) Compensation under paragraph (a) above shall be assessed as at the date of the order vesting the land in question and shall carry interest from that date to the date of payment at the rate prescribed under section 32 (rate of interest after entry on land) of the said Act of 1961.

(5) Nothing in any order made by the county court under subsection (1) above shall prejudice or affect any rights of statutory undertakers with respect to any apparatus of theirs under, in, upon, over, along or across the land forming the site of the former highway.

(6) In this section—

“highway” does not include a footpath, bridleway, a road used as a public path or a byway open to all traffic; and

“road used as a public path” and “byway open to all traffic” have the same meanings as in the Wildlife and Countryside Act 1981.

1965 c. 56.

1961 c. 33.

1981 c. 69.

8.—(1) The highway authority shall have power to affix to any building or structure in, or having a frontage to, or constructed over, any road in the county in accordance with this section—

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—*cont.*
Affixing of
traffic signs to
walls.

(a) any traffic sign which they have power to place on or near any road in pursuance of section 65 (functions of highway authorities as to placing of traffic signs) or, as the case may be, section 68 (functions of certain traffic authorities in respect of traffic signs) of the Act of 1984; or

(b) any apparatus required for illumination forming part of any such sign.

(2) In their application in the county subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing of apparatus to buildings for street lighting) shall have effect, with the necessary modifications, as if the attachments therein specified included any such sign or apparatus and the street lighting authority therein referred to included the highway authority. 1961 c. 64.

(3) Nothing in this section shall derogate from the power of the highway authority to enter on land for the placing of traffic signs in pursuance of section 71 of the Act of 1984, or to carry out any work for the improvement of a highway in pursuance of section 62 of the Highways Act 1980. 1980 c. 66.

(4) In exercising their powers under this section the highway authority shall be bound by the duties imposed on them by section 122 (1) (general duties with respect to road traffic) of the Act of 1984 as if this section were included in that Act.

9. The highway authority may recover from any person carrying on building operations, whether on his own account or as a contractor, or delivering goods to premises in the course of trade, the cost of making good damage caused in the course of those operations or deliveries, to the grass verge or footway of a highway maintainable at the public expense by vehicles being taken across, or machinery being on, or the loading or unloading or stacking of goods or materials on, the grass verge or footway. Damage to footways, etc.

10.—(1) Subject to the provisions of this section, a person who carries out any of the works to which this section applies to a motor vehicle or a trailer on any highway in the county shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. Repair, etc., of vehicles on highways.

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—cont.

(2) The preceding subsection shall not apply to the carrying out of works by or on behalf of any person to a motor vehicle or trailer which is kept by him—

(a) if those works are carried out so as not to give reasonable cause for annoyance to persons in the vicinity; and

(b) if the person carrying out those works does so otherwise than—

(i) in the course of, or for the purposes of, a business; or

(ii) for gain or reward.

(3) The works to which this section applies are—

(a) works for the repair, maintenance, servicing, improvement or dismantling of, or of any part of or accessory to, a motor vehicle or trailer; or

(b) works for the installation, replacement or renewal of any such part or accessory.

(4) A person shall not be convicted of an offence under this section with respect to a motor vehicle or a trailer if he proves to the satisfaction of the court that the works carried out to that motor vehicle or trailer were works of repair which—

(a) arose from an accident or breakdown in circumstances where repairs on the spot or elsewhere on the highway were necessary; and

(b) were carried out either within seventy-two hours of the occurrence of such accident or breakdown or, with the permission of a police constable in uniform or of the highway authority for the highway in question, at some later time.

(5) In this section “motor vehicle” and “trailer” have the meanings assigned to them in section 136 (1) of the Act of 1984.

PART III

AMENITIES AND MUNICIPAL PROPERTY

Protection of
ornamental or
mown land.

11.—(1) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

(a) allowing horses or cattle to enter land to which this section applies;

(b) driving or riding a vehicle on such land;

(c) using any play or other equipment provided by a local authority or other person on such land:

Provided that, in the case of any such prohibitions as are mentioned in paragraph (c) above, the local authority may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.

(2) The land to which this section applies is—

- (a) land managed by the local authority and mown or otherwise maintained in an ornamental condition; or
- (b) land accessible from a highway being land vested in a person other than the highway authority and mown or maintained as aforesaid:

Provided that notice shall not be given under subsection (1) above in respect of land such as is mentioned in paragraph (b) above, except with the consent of the person concerned or his representatives.

(3) A prohibition under subsection (1) (b) above shall not extend to driving or riding a vehicle—

- (a) in the course of building operations; or
- (b) by statutory undertakers, the British Railways Board or the British Waterways Board where reasonably necessary for the exercise of their statutory powers or for obtaining access to their apparatus:

Provided that the exemption afforded by paragraph (a) above shall be conditional upon measures being taken to the satisfaction of the local authority to minimise injury to the land and to protect persons on the land.

(4) 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.

(5) Notice of a prohibition contained in subsection (1) (b) above, if it 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), shall be indicated by a traffic sign within the meaning of section 64 of the Act of 1984 and subsection (1) of section 65 of that Act shall have effect as respects the erection and display of the notice by the local authority.

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

(7) Where land to which a prohibition contained in subsection (1) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing

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—cont.

cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

- (a) limit any right of way, public or private, over land;
- (b) restrict the exercise by any person of any statutory right to enter upon land;
- (c) derogate from or diminish the obligation of any person under section 4 of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, premises open to the public);
- (d) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Highways Act 1980 (provision of margins for horses and livestock).

1970 c. 44.

1980 c. 66.

Provision of
parking places
in parks, etc.

12.—(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 four hectares, one-eighth of that area;
- (b) where such area exceeds four hectares but does not exceed six hectares, one-half hectare;
- (c) in any other case, one-twelfth of such area.

(5) A local authority 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 over or within a distance of 15 metres (measured in any direction) from any railway of that board.

Shopping
trolleys found
in open air.

13.—(1) In this section—

“shopping trolley” means an unpowered trolley provided for customers’ use at a shop (within the meaning of the

Shops Act 1950) for the carriage of goods purchased at the shop;

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1950 c. 28.

“excluded land” means—

(a) land in which the owner of the shopping trolley has an interest; or

(b) land being an off-street parking place for vehicles wherein facilities for the parking of shopping trolleys after their use by shoppers are afforded; or

(c) any other place designated by the district council wherein like facilities are so afforded.

(2) This section shall have effect in any district as from an appointed day and, before fixing the appointed day and from time to time thereafter, the district council shall consult with such persons or organisations as appear to them to represent shops in their district by which shopping trolleys are provided—

(a) as to the operation of this section;

(b) as to making arrangements for affording suitable places for the parking of shopping trolleys at off-street parking places and at other places approved by the district council following use of the trolleys by the customers of shops; and

(c) as to the places to which shopping trolleys respecting which the powers of subsection (3) are exercised, should be removed and as to arrangements for collection by their owners.

(3) Where any empty shopping trolley is found on any land in the open air in a district, not being excluded land, or on any other land forming part of a highway, the district council may if they think fit, subject to subsection (4) below, remove the trolley.

(4) The district council shall not be entitled to exercise their powers under subsection (3) above as respects a shopping trolley situated on land appearing to the district council to be occupied by any person without that person's consent unless the district council have given him notice that they propose to remove the trolley and he has failed to object to the proposal by notice served on the district council within 15 days from the day when the notice was so given to him.

(5) The district council shall—

(a) subject to subsection (6) (a) below, deliver up to any person claiming and appearing to the district council to be its owner any shopping trolley which the council have removed under subsection (3) above;

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(b) as respects any shopping trolley which has not been so claimed and delivered, as soon as reasonably practicable and not later than 14 days after removing the trolley under the said subsection (3), give to any person appearing to them to be its owner notice of its removal and of the place to which it has been removed.

(6) The district council may—

(a) before delivering up a shopping trolley to any person under subsection (5) (a) above, require payment of the reasonable cost to the district council of storing the trolley;

(b) at any time after the expiry of 28 days following removal of any shopping trolley under the powers of subsection (3), sell or otherwise dispose of that trolley if it has not been claimed by any person appearing to the council to be its owner.

(7) This section has effect without prejudice to the powers of a local authority under any other enactment.

Prohibition of
parking of
goods vehicles
in front
gardens.

14.—(1) In this section—

“front garden” means so much of the curtilage of a dwelling-house fronting on a street as lies between that street and—

(a) any building line within the curtilage prescribed under section 74 of the Highways Act 1980 or any other enactment; or

(b) if there is no such building line, a line, parallel to the street, which passes through the forwardmost part of any wall of the dwelling-house nearest to the street;

“goods vehicle” means a vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods and has a maximum gross weight which exceeds 3.5 tonnes;

“maximum gross weight” has the meaning given to it by regulation 4 (c) of the Traffic Signs (Amendment) Regulations 1982;

“residential street” means a street predominantly fronted either by residential or mainly residential buildings or by such buildings and schools or public open spaces.

(2) If, after the appointed day in any district it appears to the district council that the amenities of any part of the district are prejudicially affected by the habitual use of any land within the front garden of any dwelling-house in a residential street in the district for the parking in the open of one or more goods

1980 c. 66.

S.I. 1982/1879.

vehicles, the district council may, by an order made in accordance with this section, prohibit the use of land within the front gardens of the dwelling-houses in the street, or any part thereof, specified in the order for the parking in the open of goods vehicles.

(3) (a) If the district council propose to make an order under this section, they shall—

- (i) publish a notice stating the effect of the proposal in a newspaper circulating in the district; and
- (ii) post copies of the notice in a conspicuous position at each end of each street or part thereof to which the proposal relates; and
- (iii) serve a copy of the notice and a statement of the nature of the representations (if any) made under subsection (2) above on the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates.

(b) The notice under paragraph (a) above shall state where the draft order can be inspected and copies purchased and that objections to the order may be made in writing to the district council before such day, not earlier than 12 weeks after the council have complied with paragraph (a) above, as shall be specified in the notice.

(c) Before making the order the district council shall—

- (i) consider all objections made as provided in paragraph (b) above and the availability of parking facilities;
- (ii) consult the chief officer of police, the licensing authority for the purposes of Part V of the Transport Act 1968 (regulation of carriage of goods by road), the highway authority (if any) for the street in question and, if the county council are not the highway authority or if the street is not a highway, the county council; and
- (iii) afford to the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the district council.

(4) If, after considering objections made under subsection (3) above, the district council determine to make the order, they may make the order in the terms of the draft, or in those terms as modified to meet in whole or in part all or any of the objections but if the district council consider that any person may be adversely affected by any such modification they shall, before making the order, take such steps as appear to them to be appropriate for informing the persons likely to be so affected of

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—cont.

the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the district council.

(5) When an order has been made by the district council under this section they shall publish notice of it, and of the right of appeal under subsection (9) below, in the manner required by subsection (3) (a) (i), (ii) and (iii) above for notice of a proposal.

(6) (a) Any order made under this section shall come into operation at the expiration of the period of three months after the district council have published notice of the making of the order pursuant to subsection (5) above or, if an appeal is lodged under subsection (9) below, when the appeal is disposed of or withdrawn or fails for want of prosecution and the district council shall publish notice of the date of coming into operation of any such order in the manner required by subsection (3) (a) (i), (ii) and (iii) above as soon as may be after that date is known.

(b) Any such order shall have effect for such period, not exceeding five years, as the district council may determine, but this paragraph does not prejudice the power of the district council to make a further order.

(7) A district council may revoke an order made under this section and may vary an order so made so as to diminish the scope thereof.

(8) An order under this section shall be a local land charge.

(9) (a) A person who is aggrieved by an order under this section may, within 28 days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

(b) On an appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order that it is more onerous than the order made by the district council.

(10) Nothing in any order made under this section shall prevent the waiting of a goods vehicle on any land within the front garden of a dwelling-house for such period as is reasonably necessary for loading or unloading or for dealing with a breakdown or other emergency.

(11) Nothing in this section shall apply to any goods vehicle held ready for use in an emergency by the British Gas Corporation, not being a vehicle which has a maximum gross weight exceeding 5.6 tonnes, but nothing in this subsection shall be taken to prejudice any rule of law or other enactment.

(12) If any person uses land within the front garden of a dwelling-house in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

15.—(1) If—

- (a) a notice displayed in a conspicuous position on or near any land vested in a local authority or a parish council, or under their management or control, prohibits or restricts the leaving of vehicles on that land; and
- (b) any vehicle is left on that land in breach of the prohibition or restriction and without proper authority;

Removal of
unlawfully
parked
vehicles.

the local authority or parish 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.

In this subsection “person responsible” has the same meaning as in section 102 (8) of the Act of 1984.

(2) The local authority or parish council shall on a claim made by any person appearing to them to be the owner of any vehicle removed under subsection (1) above, deliver up the vehicle to him; and if no such claim is made within 7 days following such removal, the authority or council shall give to any person appearing to be the owner of the vehicle notice of its removal and of the place to which it has been removed.

(3) The local authority or parish council shall not be obliged to deliver up any vehicle to any person under subsection (2) above unless the expenses recoverable under subsection (1) above have been paid.

16.—(1) This section applies where the presence of any vehicle on land vested in a local authority or parish council or under their management and control, is alleged to be a contravention of—

Identity of
drivers of
certain
vehicles.

- (a) section 193 of the Law of Property Act 1925 (public rights over commons, excepting vehicles); or
- (b) a byelaw made under section 164 of the Public Health Act 1875 (regulation of public walks and pleasure grounds) or section 15 of the Open Spaces Act 1906 (regulation of open spaces); or
- (c) section 11 (Protection of ornamental or mown land) or section 17 (Prohibition of vehicles on certain land) of this Act.

PART III
—*cont.*

(2) Where the driver of a vehicle is alleged to be guilty of any such contravention—

(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 level 3 on the standard scale.

(5) Where on summary trial in England or Wales of an information for an offence being such a contravention as is specified in subsection (1) above—

(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.

1972 c. 20.

(6) Section 168 (2) of the Road Traffic Act 1972 shall have effect in the county in relation to an offence under section 36 of that Act where the land concerned is vested in a local authority or a parish council, as though a requirement in writing by a proper officer of that authority or council were of the same effect as a requirement by or on behalf of a chief officer of police.

17.—(1) Subject to subsection (2) below, a district council may by notice prohibit persons, either entirely or at such times or on such days as may be specified in the notice, from driving a mechanically propelled vehicle on to any vacant land in the district which is accessible from a street not being land to which section 11 (Protection of ornamental or mown land) of this Act applies or land forming part of a highway maintainable at the public expense.

PART III
—cont.
Prohibition of
vehicles on
certain land.

(2) A district council shall not without the consent of the owner give a notice under subsection (1) above in respect of land not vested in them.

(3) (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) The erection and display of a notice by a district council under subsection (1) above shall be subject to, and in conformity with, directions given under section 65 (1) of the Act of 1984 as though it were a traffic sign.

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

(5) A prohibition under this section shall cease to have effect after six months, or such longer period as the district council may by resolution prescribe, after the date when the notice referred to in subsection (1) above was first displayed.

(6) Nothing in this section shall extend to driving a vehicle by the British Railways Board where reasonably necessary for the execution of their statutory powers.

PART IV

PUBLIC HEALTH

18. The county council may enter into an agreement—

Extension of
power to
provide public
conveniences.

(a) with any person for the provision by him of any public sanitary conveniences which the county council have power to provide; and

(b) with the owner or occupier of any relevant place as defined in section 20 (9) of the Local Government (Miscellaneous Provisions) Act 1976 (places of public entertainment or refreshment) or the owner and occupier of any premises comprising a petroleum filling station as defined in the Petroleum (Consolidation) Act 1928, for the provision by him, in addition to any sanitary conveniences provided for the use of

1976 c. 57.

1928 c. 32.

PART IV
—cont.

persons employed at or frequenting such premises, of additional sanitary conveniences for the use of members of the public;

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

- (i) a contribution, whether by way of a loan or otherwise, by the county council towards the reasonable expenses incurred by any person in providing and maintaining sanitary conveniences for the use of members of the public;
- (ii) the charges to be made to persons making use of any such conveniences, other than urinals;
- (iii) the regulation of the use of any such conveniences.

Hairdressers
and barbers.

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

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those 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 level 3 on the standard scale.

1961 c. 64.

(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 Public Health Act 1961 displayed 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 level 2 on the standard scale and to a daily fine not exceeding £10.

Amendment
of Food Act
1984.
1984 c. 30.

20. In its application to the county, the Food Act 1984 shall have effect as if in section 22 (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 "24 hours".

PART IV
—cont.

21.—(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air, except any work of demolition in respect of which a notice may be served under section 81 of the Building Act 1984.

Dust, etc.,
from building
operations.

1984 c. 55.

(2) Except as provided in subsection (6) below, a district council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this section applies in their district requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the district council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications.

1974 c. 37.

(4) Any person aggrieved by a notice under subsection (2) above may appeal to the county court and the judge may make such order, either confirming or quashing or varying the notice, as he thinks fit but shall not so vary the notice that it is more onerous than the notice given by the district council.

(5) (a) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £100.

(b) In any proceedings under this subsection it shall be a defence to show that the quantity of dust emitted into the open air was not materially greater than would have been emitted if the notice had been complied with.

(6) (a) If, before the carrying out of any operation to which this section applies, the person who intends to carry it out applies to the district council for their consent to the operation giving particulars of—

(i) the operation and the method by which it is to be carried out; and

PART IV
—cont.

- (ii) the steps proposed to be taken to reduce the emission of dust from the operation;

and the district council consider that, on the carrying out of the operation in accordance with the application, they would not serve a notice under subsection (2) above in respect of that operation, the district council may give their consent to the operation for the purposes of this section, either unconditionally or subject to such conditions as may be specified in the consent.

(b) In acting under this subsection the district council shall have regard to the matters specified in subsection (3) above.

(c) If the district council do not, within 21 days from the receipt of an application under this subsection, give to the applicant a consent, with or without conditions, which is acceptable to the applicant, he may appeal to the county court.

(d) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions, as he thinks fit, but shall not so vary any conditions that they are more onerous than those specified by the district council.

(7) In this section “dust” includes chemicals in solution and grit.

Power to order
alteration of
chimneys.

22.—(1) If, upon a complaint by a district council under this section, a magistrates’ court is satisfied that any gas, vapour or fumes from a chimney of a building in the district is injurious or 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—

- (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.

(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 £600; and
- (b) in any other case £1,800;

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 level 3 on the standard scale and to a daily fine not exceeding £40.

PART IV
—cont.

(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 in a scheduled monument or listed building, no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building. 1979 c. 46.

(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 any class of premises prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974 (control of emissions from certain premises). 1961 c. 34.
1906 c. 14.
1974 c. 37.

(6) In this section "chimney" includes structures, openings and ducts of any kind from which any gas, vapour or fumes may be emitted, whether or not as the product of combustion, and reference to a chimney of a building includes reference to a chimney of a building which serves the whole or a part of a building but is structurally separate therefrom.

23. In its application in a district section 48 of the Act of 1936 (which, as amended by the Water Act 1973, authorises the examination and testing of sanitary conveniences, drains, private sewers and cesspools by the water authority in the case of a drain or private sewer connecting with a public sewer and by the district council in any other case) shall have effect as if, in subsection (1A), after the words "for the area" there were inserted the words "or the local authority". Examination and testing of drains, etc. 1973 c. 37.

24.—(1) A person who places, or allows to be placed, anything to which this section applies— Restrictions on use of dustbins.

(a) in a dustbin or receptacle used for the reception of refuse to be removed by or on behalf of a district council;

(b) in a receptacle for refuse or litter provided by a district council under section 5 (1) of the Litter Act 1983; 1983 c. 35.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) This section applies to—

(a) any corrosive or explosive substance;

(b) anything which is so noxious or toxic as to be likely to cause injury to a person dealing with refuse or damage to his clothing.

PART IV
—cont.

(3) A person shall not be guilty of an offence under this section in respect of anything other than a corrosive or explosive substance if that thing was placed in the dustbin or receptacle packed or otherwise treated in such a way as to preclude injury to the persons dealing with the refuse or damage to their clothing.

(4) It shall be a defence for a person charged with placing, or allowing to be placed, any such substance or thing as is described in subsection (2) above in a dustbin or receptacle to prove that he did not know and had no reasonable means of knowing that the substance was corrosive or, as the case may be, explosive, noxious, toxic or likely to cause injury.

1974 c. 40.

(5) Section 108 (3) of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to this section as if this Act had been passed before the Control of Pollution Act 1974.

PART V

PUBLIC ORDER AND SAFETY

Byelaws as to
leisure centres.

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

- (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 highway or any other road to which the public has access, including any bridge over which a road passes.

(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) Byelaws under this section may provide that persons contravening the byelaws shall be guilty of an offence and liable on summary conviction to a fine of an amount 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 and section 69 (Restriction on right to prosecute) of this Act in its application to this section "local authority" includes a parish council.

PART V
—cont.

26.—(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:—

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

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 Local Government (Miscellaneous Provisions) Act 1976 1976 c. 57. (control of road-side sales); 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
- (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 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) and (c) above include conditions as to the times or period for which the consent is valid, the display of a certificate of the

PART V
—cont.

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.

(4) 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 (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 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.

(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 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;

PART V
—cont.

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.

(8) 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.

(9) (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 (control of street trading) 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 (3), the words “(b) and”;

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

In subsection (7), paragraph (b) and the words from “and the district council” to the end of the subsection; and

Subsection (8).

(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.

27.—(1) Where there is in a district a way or place laid out or otherwise suitable for public use on foot, but not subject to a control of public right of way, the district 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
pedestrian
ways.

PART V
—*cont.*
1980 c. 66.

(2) In this section and in the provisions of the Highways Act 1980 specified in Schedule 1 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) A district council may make byelaws for prohibiting or regulating the following matters in relation to all pedestrian ways within their district or in relation to any such pedestrian way or any part thereof:—

- (a) the times at which a pedestrian way may be closed to the public;
- (b) the conduct of persons using a pedestrian way;
- (c) the use of invalid chairs or other wheeled vehicles on a 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 their area, the district 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 district council (not being less than six weeks after the date on which the notice was first displayed as aforesaid), and the district council shall take into consideration any representations so made.

(5) Without prejudice to subsection (3) above, the provisions of the Highways Act 1980 specified in Schedule 1 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 that Schedule.

Safety of
stands.

28.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

- (a) comprising a work of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or
- (b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.

1961 c. 64.

(2) As from the appointed day in any district, no person shall in the district make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

(3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of 20 or more persons shall—

- (a) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and
- (b) submit for approval by the district council such particulars of the intended stand as the district council may require.

(4) On receipt of a notice under subsection (3) (a) above the district council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but, not more than 7 days after the submission of such particulars, the district council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the district council may give to the person by whom the particulars, plan or section were submitted notice specifying—

- (a) such modifications of any plan, section and particulars submitted to them as they may require; and
- (b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the district council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or, as the case may be, the said period of four weeks, the district council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

PART V
—cont.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the district council under this section may appeal to a magistrates' court, which may dismiss or allow the appeal or may vary any requirement of the district council, and may make directions for giving effect to its decisions.

(9) If any person—

(a) contravenes subsection (2) above; or

(b) contravenes such requirements as are mentioned in subsection (6) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Where it appears to a district council that any stand to which this section applies has been erected or is in use in the district in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

(a) to remedy the condition of the stand; or

(b) to prevent the continued use of the stand until its condition has been remedied; or

(c) to dismantle the stand;

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(11) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.

Defacing
of streets,
etc.
1980 c. 66.

29.—(1) The provisions of section 132 of the Highways Act 1980 (unauthorised marks on highways) shall apply in relation to—

(a) the surface of streets in the county which are not highways as they apply in relation to the surface of highways in the county;

(b) trees, structures and works on or in streets in the county which are not highways as they apply to trees, structures and works on or in highways in the county; and

(c) trees, structures and works adjoining highways in the county or adjoining any streets in the county which are not highways:

Provided that, in relation to any tree, structure or works adjoining a highway in the county or adjoining a street in the county which is not a highway, the provisions of the said

section 132 shall not apply to any picture, letter, sign or other mark which has been painted or otherwise inscribed or affixed upon the tree, structure or works by or with the consent of the owner or occupier thereof.

(2) The local authority or the parish council may exercise the powers of subsection (2) of the said section 132 in relation to any picture, letter, sign or other mark which has been painted or otherwise inscribed or affixed upon the surface of a street which is not a highway or upon any tree, structure or works adjoining a highway or on, in or adjoining any such street.

(3) The local authority or the parish council, as the case may be, may recover any expenses incurred by them from any person who contravenes the provisions of the said section 132, as extended by this section; and the court by whom a person is convicted may by order require him to pay any such expenses to the local authority or the parish council, as the case may be.

(4) The local authority or parish council may on such terms and conditions as may be agreed with the owner or occupier of any premises remove or obliterate any picture, letter, sign or other mark inscribed, affixed or painted on any wall, fence, post or other structure on those premises which is visible from a street although not adjoining it.

(5) The powers of a parish council under this section shall not extend to any railway property, being premises, works, structures or streets (not being highways) held or used by the British Railways Board for the purposes of their undertaking or for the maintenance or operation of which the Board are responsible.

PART VI

FIRE PRECAUTIONS

30.—(1) This section applies to the storage of any highly flammable substance being a substance which, when tested by a method approved by the Secretary of State, gives off a flammable vapour at a temperature less than 21 degrees Celsius, other than—

- (a) petroleum spirit as defined in the Petroleum (Consolidation) Act 1928; 1928 c. 32.
- (b) any substance to which section 1 or 2 of that Act for the time being applies;
- (c) celluloid or cinematograph film as defined in the Celluloid and Cinematograph Film Act 1922; 1922 c. 35.
- (d) anything contained in a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas by the British Gas Corporation; and

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- (e) substances stored in separate glass, earthenware or metal vessels, in good condition and securely closed or stoppered, containing not more than one half litre each, where the aggregate quantity of all such substances stored in any building does not exceed 14 litres.

(2) If the county council are of the opinion that any highly flammable substance to the storage of which this section applies, is stored in a building in the county and that the storage is of such a quantity and of such a kind as to constitute a fire hazard to persons residing or working in, or resorting to, the building, they may, by notice to the occupier of the building, or of any part of it in which the substance is stored require him—

- (a) to discontinue, after such date as shall be specified in the notice, the whole or part, as shall be so specified, of the storage constituting the hazard; or
- (b) if the storage is not to be wholly discontinued, to do within such reasonable time as may be specified in the notice one or more of the following things:—
 - (i) install such fire alarms and fire-fighting appliances as may be so specified;
 - (ii) provide such means of escape in case of fire as may be so specified;
 - (iii) put up such notices indicating the danger from fire as may be so specified.

(3) An occupier shall not be required under subsection (2) (b) (ii) above to make any structural alteration of a building for the purpose of providing means of escape in case of fire—

- (a) other than an alteration which might have been required under building regulations if at the time of the notice plans of the building were deposited in accordance with those regulations;
- (b) subject to subsection (4) below, in breach of any covenant or obligation relating to the building unless the person entitled to enforce the covenant or obligation consents to the alteration.

(4) (a) If it appears to the Secretary of State, on representation made by any person, that compliance with any requirement of a notice served under subsection (2) (b) (ii) above would involve a breach of a covenant or obligation relating to the building, he shall direct that the occupier be not required to comply with that requirement until—

- (i) the Secretary of State has given the person entitled to enforce the covenant or obligation, and the occupier, an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and

- (ii) the Secretary of State has made an order under paragraph (b) below.

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—cont.

(b) After considering the report of the person appointed under paragraph (a) above, the Secretary of State shall make an order either confirming the requirement with or without modification or quashing it, and where he confirms it the occupier shall thereupon be liable to comply with the requirement or, as the case may be, the requirement as modified.

(5) A person served with a notice under subsection (2) above may appeal to the Secretary of State on any of the following grounds:—

- (a) that the requirement is not justified by the terms of this section;
- (b) that there has been some informality, defect or error in or in connection with the notice;
- (c) that the county council have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are unreasonable in character or extent;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that the owner of the building, or any other person having an interest therein, should contribute towards the cost of the execution of the works;

and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the county council against which the appeal is made.

(6) The county council shall, as soon as a person has complied with a notice served under subsection (2) above, issue to him a certificate of compliance.

(7) The certificate issued under subsection (6) above shall, except where the storage constituting the fire hazard is wholly discontinued, be a licence to constitute a fire hazard by the storage, in the building or part of the building to which the certificate relates, of substances of such a kind and in such quantity and stored in such a manner as shall be stated in the certificate.

(8) If, while a certificate is in force in respect of a building or part of a building, the occupier applies to the county council for an alteration of the certificate, the council may amend the certificate, and, if they refuse the application in whole or in part, the applicant may appeal to the Secretary of State, and the Secretary of State may allow the appeal in whole or in part or reject it. If he allows the appeal he shall give such directions for the amendment of the certificate as he considers appropriate.

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—cont.

(9) A person who—

- (a) contravenes a notice under subsection (2) above, in its original form or, as the case may be, a notice under subsection 2 (b) (ii) above as modified by the Secretary of State under subsection (4) above; or
- (b) stores anything in a building or part of a building in contravention of the terms of a certificate then in force in respect of the building; or
- (c) refuses to permit a person to comply with a notice served under subsection (2) above, in its original form or, as the case may be, a notice under subsection (2) (b) (ii) above as modified by the Secretary of State under subsection (4) above; or
- (d) contravenes directions given by the Secretary of State under subsection (8) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this section references to a building are references to the building and its curtilage.

(11) The county council shall not serve a notice under subsection (2) (b) above in respect of a building or part of a building—

- (a) put to a use in respect of which a fire certificate is required under the Fire Precautions Act 1971; or
- (b) 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.

1971 c. 40.

1974 c. 37.

Byelaws with regard to certain temporary structures.

31.—(1) A district council may, after consultation with the fire authority, make byelaws with regard to structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

- (a) the provision of safe and adequate means of ingress to and egress from the structure;
- (b) the provision of first-aid fire-fighting equipment;
- (c) the provision of proper and sufficient passages or gangways in the structure and between the structure and another structure or any building;
- (d) the stability of the structure; and
- (e) the proper arrangement of any seating accommodation to be provided in the structure.

(2) Byelaws under this section may provide that persons contravening the byelaws shall be guilty of an offence and liable

on summary conviction to a fine of an amount not exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

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—*cont.*

(3) (a) An authorised officer of the district council or any officer of the fire authority, in either case on producing, if so required, a duly authenticated document showing his authority, or any police constable may at all reasonable times enter upon, inspect and examine any structure to which this section applies and any land giving access thereto for the purpose of ascertaining whether there is, or has been, in or in connection with the structure, a contravention of the provisions of any byelaw made under this section.

(b) Subsections (2), (3) and (4) of section 287 of the Act of 1936 (powers of entry) shall apply in respect of entry to a structure and any land giving access thereto for the purposes of this subsection as they apply to entry to premises for the purpose of subsection (1) of that section.

(4) This section applies to any tent, marquee or other similar structure which is erected in a district and to which the public are admitted, whether with or without any charge for admission, for the purposes of or in connection with any fair, show, exhibition, game, sport or athletic or other contest or public entertainment or any political, religious or other public meeting:

Provided that this section shall not apply to any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Public Health Act 1961.

1961 c. 64.

(5) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.

32.—(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.

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—*cont.*

(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.

1984 c. 55.

(3) Section 16 (7) and (8) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(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.

Provision of
means of
escape from
fire in certain
buildings.

33.—(1) In its application to a district, section 72 of the Building Act 1984 (means of escape from fire in certain buildings) shall have effect as if—

- (a) in subsection (1) for the words “twenty feet” there were substituted “4.5 metres”;
- (b) for subsection (6) there were substituted the following subsection:—

“(6) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than 4.5 metres above the surface of the street or ground on any side of the building and which—

- (a) is used in whole or in part as a flat or as tenement dwellings; or
- (b) is used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children's home, old persons' home or similar institution; or
- (c) is used as a restaurant, shop, school, store or warehouse and has on any upper floor sleeping accommodation.”.

(2) (a) A district council may by notice require the person having control of a building to which the said section 72, as amended by subsection (1) above, applies to keep unobstructed such passages and gangways as are specified in the notice and if

he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(b) A person served with a notice under this subsection may appeal to a magistrates' court on any of the following grounds:—

- (i) that the requirement is not justified by the terms of this subsection;
- (ii) that there has been some material informality, defect or error in, or in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made.

(3) The said section 72 of the Building Act 1984, as having effect in accordance with this section, and subsection (2) above shall not apply to—

- (a) any building in respect of which a licence under the Cinemas Act 1985 is for the time being in force; or
- (b) any premises to which section 9A of the Fire Precautions Act 1971 applies; or
- (c) 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.

34.—(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.

Prescription of signs to be used on certain buildings.

(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 level 3 on the standard scale and to a daily fine not exceeding £40.

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—*cont.*

(5) (a) Nothing in this section shall authorise the fire authority to require the Central Electricity Generating Board or the Southern Electricity Board or, as respects their electricity undertaking, Slough Estates plc to affix in or on any 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 or company 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.

Fire and safety
precautions in
public and
other
buildings.
1984 c. 55.

35.—(1) If it appears to a district council that for the purpose of preventing fire in any public or other building in the district to which section 71 of the Building Act 1984 (safeguards for passages) applies or for the purpose of preventing injury or danger to persons resorting to any such building—

- (a) the apparatus or fittings for lighting or heating the building require alteration; or
- (b) the arrangement of the chairs and seating requires alteration; or
- (c) any floor requires strengthening in order to prevent overloading; or
- (d) any fireplaces, flues, chimney vents or other similar parts of the building require repair or renewal;

the district council may after consultation with the fire authority by notice require the owner or occupier of the building to make such provision in regard to the matters aforesaid as may be necessary.

(2) The provisions of section 290 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 a notice given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) A notice under subsection (1) above shall not require any measures to be taken which are more onerous than those necessary to secure conformity, as to matters to which building regulations relate, with the requirements of any of those regulations which would be applicable to the building if it were newly erected for the relevant purpose.

(4) This section shall not apply to any building or part of a building in respect of which a licence under paragraph 1 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licencing of public entertainments), the Cinemas Act 1985 or the Theatres Act 1968, is for the time being in force.

1982 c. 30.
1985 c. 13.
1968 c. 54.

36.—(1) This section applies to a parking place comprising or within a building which provides—

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—cont.

Parking places:
safety
requirements.

(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;

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. 1928 c. 32.

(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) Section 16 (7) and (8) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984. 1984 c. 55.

PART VI
—cont.

(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 and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(6) If any conditions, subject to compliance with which plans have been passed under subsection (2) above have not been or 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 are 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.

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.

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—cont.

(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 287 (1) (a) of the Act of 1936 (powers of entry) 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.

(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. 1928 c. 32.

(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.

37.—(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 36 (Parking places: safety requirements) of this Act applies;

(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.

Fire
precautions in
large storage
buildings.

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—cont.

(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, or such higher fire resistance as may be prescribed, for the purposes of building regulations;
- (b) the provision of not less than two hours' fire resistance, or such higher fire resistance as may be prescribed for the purposes of building regulations, 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 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; 1971 c. 40.
- (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 (fire escapes from certain premises), those conditions shall not have effect; and to the extent to which any conditions imposed by the district council under this section in relation to any building in respect of the matters specified in subsection (3) (f) above conflict with any conditions imposed in relation to that building in respect of the matters specified in subsection (2) of section 38 (Fire precautions in high buildings) of this Act, those conditions imposed under this section shall not have effect.

(b) No condition with respect to the matters mentioned in sub-paragraph (ii) of subsection (3) (f) above shall be imposed with respect to any building for 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; nor shall any condition with respect to the matter mentioned in sub-paragraph (i) of the said subsection (3) (f) be imposed with respect to any such building except after consultation with the Health and Safety Executive. 1974 c. 37.

(5) Section 16 (7) and (8) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and 1984 c. 55.

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enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(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 and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(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.

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) (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 287 (1) (a) of the Act of 1936 (powers of entry) 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 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.

38.—(1) 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

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—cont.

- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of, or, as the case may be, that the building is, a building of which the floor of any storey is more than 18.3 metres above the surface of the ground on any side of the building;

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, as the case may be, the 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 (2) below for preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(2) The conditions subject to compliance with which plans may be passed under subsection (1) above are conditions with respect to 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:—

- (a) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;
- (b) fire extinguishing systems;
- (c) effective means of removing smoke in case of fire;
- (d) adequate means of access for fire brigade appliances and personnel.

(3) No condition with respect to the matters mentioned in subsection (2) (b) above shall be imposed with respect to any building for 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; nor shall any condition with respect to the matter mentioned in subsection (2) (a) above be imposed with respect to any such building except after consultation with the Health and Safety Executive.

(4) Section 16 (7) and (8) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(5) A person aggrieved by the action of the district council under subsection (1) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

1974 c. 37.

1984 c. 55.

(6) For the purposes of section 287 (1) (a) of the Act of 1936 (powers of entry) 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.

PART VI
—cont.

(7) In the case of a building or part of a building used or to be used only by the Post Office or, as the case may be, British Telecommunications plc for purposes which include use as a postal sorting office or for the accommodation or support (other than by way of storage only) of apparatus used for the operation of telecommunication services, a condition imposed under this section with respect to automatic fire alarms or fire extinguishing systems shall be of no effect if it conflicts with the precautions described in a code of practice (including appendices) issued by the Property Services Agency of the Department of the Environment which is then applicable to any such use of the building or part of the building.

39.—(1) In this section “electrical installation” means any electrical wiring or fittings installed in a house, not being electrical wiring or fittings belonging to the Southern Electricity Board, or to Slough Estates plc. Defective electrical installations in houses.

(2) Where it appears to the proper officer of a district council that, by reason of any defect in any electrical installation in any occupied house which is let for human habitation, or in any part of a building so let and occupied as a separate dwelling in a district, that house or, as the case may be, that part of the building, is in such a state as to be dangerous, the district council may, by notice, require the owner of the house or building to carry out such work as shall be necessary to remedy the defect.

(3) 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 this section as if—

(a) this section were contained in that Act; and

(b) among the grounds upon which an appeal may be brought under section 290 (3) of the Act of 1936 there were added that it is not reasonably practicable to comply with the notice, or that, having regard to the period during which the house or part of the building is likely to continue to be used for human habitation, it is unreasonable to require the execution of the work.

(4) This section shall not apply to a house which has been declared to be unfit for human habitation.

40.—(1) This section applies to a fire alarm system for the Fire alarms.
protection of any premises in the county and connected to the
communication system of British Telecommunications plc

PART VI
—cont.

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 plc.

(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 level 3 on the standard scale.

PART VII

STORAGE OF FLAMMABLE MATERIAL

Interpretation
of Part VII.

41.—(1) For the purposes of this Part—

- (a) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;
- (b) two or more stacks shall be treated as one stack if—
 - (i) the space between them does not allow free passage between them or is at any point less than one metre wide; or
 - (ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

- (a) it is unobstructed; and
- (b) it is 4 metres wide and 4 metres high except at an gateway where the width may be reduced to 3 metres.

Stacks to
which this Part
applies.

42.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—

- (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below;

- (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

PART VII
—cont.

(2) The materials referred to in subsection (1) (a) above are—

- (a) paper or cardboard;
- (b) plastics;
- (c) rags;
- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (b) above are—

- (a) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—

- (i) 3 metres in height;
- (ii) 50 cubic metres in capacity;

- (b) for stacks of any materials, not being stacks specified in paragraph (c) or (d) below, if the conditions specified in subsection (4) below are fulfilled—

- (i) 5 metres in height;
- (ii) 450 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

- (c) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—

- (i) 5 metres in height;
- (ii) 750 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

- (d) for stacks consisting wholly of wood, if the conditions specified in subsection (4) below are fulfilled—

- (i) 10 metres in height;
- (ii) 1,370 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (b) to (d) above are—

- (a) there is no other stack to which this Part applies within 4 metres;
- (b) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;

PART VII
—cont.

- (c) no street is within 5 metres;
- (d) none of the following is on the same premises and within 6 metres, namely:—
 - (i) a furnace or incinerator;
 - (ii) a building;
 - (iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;
 - (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

(5) A stack is not one to which this Part applies if—

- (a) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and it is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or
- (b) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock or quay; or
- (c) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for purposes of or in connection with their undertaking; or
- (d) it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle, or is in a container to be carried on such a wagon, vehicle or trailer.

Unlawful
stacks.

43.—(1) Subject to subsection (2) of section 47 (Transitional provisions for Part VII) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any conditions subject to which such consent is given.

(2) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business

conducted on the premises) as the county council may, within 28 days from the date on which the application is made, reasonably require.

PART VII
—cont.

(3) Where an application has been made to the county council for their consent under this section and the council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

(4) Where the county council have given a consent under this section to the stacking of materials on any premises—

(a) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

(b) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

(5) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire-fighting including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent under this section to the stacking of materials the county council are satisfied that by reason of those materials the stack does not create fire risks, the county council shall give their consent unconditionally.

44. A person aggrieved by the county council's refusal of Part VII consent, or by any condition imposed on such a consent under appeals section 43 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving

PART VII
—*cont.*

information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Powers of
entry for
Part VII.

45. The power to enter premises conferred upon duly authorised officers of the county council for the purposes of this Part by section 287 (1) (a) of the Act of 1936 as applied by this Act shall include power to take samples for analysis from any stack on the premises.

Offences under
Part VII.

46. Where a stack is on any premises in contravention of subsection (1) of section 43 (Unlawful stacks) of this Act the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Transitional
provisions for
Part VII.

47.—(1) Where under subsection (4) of section 43 (Unlawful stacks) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 43 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the county council against which the appeal is made.

PART VIII

FINANCE

Division of
county
superannuation
fund.

48.—(1) In this section expressions to which meanings are assigned by the Local Government Superannuation Regulations 1974 as for the time being amended have the same respective meanings and references to regulations are to those regulations.

S.I. 1974/520.

(2) (a) In its application to the county council regulation B1 shall have effect so as to enable the county council not later than 31st March 1987 to establish and administer, in addition to the Berkshire County Council Superannuation Fund ("the main fund"), a further superannuation fund to be known as "the Admission Agreement, etc., Superannuation Fund" ("the second fund").

(b) The regulations shall with any necessary modifications apply to the second fund as they apply to the main fund.

(3) (a) Upon the establishment under subsection (2) above of the second fund, that fund shall be the appropriate superannuation fund for all pensionable employees and other persons who before the establishment of that fund 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 the 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 there occurs such a change of employment 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 date of establishment of the second fund under subsection (2) (a) above, except that the values at the relevant date shall be calculated upon the actuarial valuation under regulation B7 of the main fund carried out as at 31st March 1984;

(iii) paragraph 7 and, in paragraph 8, the words "Subject to paragraph 7" were omitted; and

(iv) 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.

(5) The county council may, in connection with the second fund and out of the moneys of that fund, insure pensionable

PART VIII
—*cont.*

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

- (a) 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;
- (b) the main fund shall become the appropriate superannuation fund for those employees and persons; and
- (c) the foregoing provisions of this section shall cease to have effect.

Insurance of
visiting pupils.

49.—(1) In their application to the county section 140A of the Act of 1972 (insurance of voluntary assistants) and section 140C of that Act (supplementary provisions) shall have effect as if the references to a voluntary assistant included references to a visiting pupil.

1968 c. 37.

(2) In this section “visiting pupil” means a pupil who attends a school maintained by the county council or an institution as described in section 1 of the Education (No. 2) Act 1968 and who for the time being is, under arrangements made by the county council for the purpose of his education, engaged on visiting or working at any place of work.

Injury
allowances,
etc.

S.I. 1974/520.

50. In its application to any person employed by the county council, regulation Q.2(2) of the Local Government Superannuation Regulations 1974 shall have effect as if the words “otherwise than as a teacher” were omitted.

Contribution
towards
provision of
recreational
facilities.
1976 c. 57.

51. Section 19 (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall, in the county, have effect with the substitution of the words “any person other than a local authority” for the words “any voluntary organisation” in paragraph (a).

PART IX

PROVISIONS RELATING TO PARTS ONLY OF COUNTY

A. Reading Markets and Fairs

Interpretation
of Head.

52. In this Head of this Part “the Borough Council” means the Reading Borough Council.

53. The Reading Cattle Market carried on by the Borough Council shall be deemed to have been acquired by the Borough Council under section 50 of the Food Act 1984.

PART IX
—cont.
Part III of
Food Act
1984 to
apply.

54. The Borough Council may enter into a composition with any person with respect to the payment of any stallages, tolls or charges which they may demand under the Food Act 1984.

1984 c. 30.
Power to
compound
for payment
of tolls.

55.—(1) Subject to the provisions of this section, the Borough Council may, by notice served on any person who, whether as principal or as agent, sells in any market carried on by the Borough Council, require him to furnish to them such information, including information as to the quantity and value of articles, commodities or produce dealt in by him and as to the places of origin of such articles, commodities or produce, as may be necessary for or incidental to the discharge or exercise by the Borough Council of their duties or powers as a market authority:

Power to
require
information.

Provided that nothing in this section shall enable the Borough Council to require any person to furnish information except such information as he may possess relating to articles, commodities or produce dealt in by him in the market.

(2) Section 91 (3) of the Food Act 1984 (failure to give assistance, information, etc.) shall apply for the purposes of this section as it applies for the purposes of that Act.

56.—(1) The Borough Council may permit any market place or any lands used for the purposes of any market, and any open land belonging to them adjoining thereto, to be used for—

As to fairs,
public
meetings,
etc.

(a) the holding of such fairs or marts as immediately before the passing of this Act were or hereafter may be authorised to be held by charter or specific statutory grant;

(b) public meetings, public services and speaking and public lectures, or for exhibitions, entertainments or amusements or for dancing;

but the holding of such fairs and marts on any such market place or land may be discontinued by the Borough Council as from time to time seems to them fit.

(2) The Borough Council may make regulations with respect to the purposes of any use of a market place or land pursuant to subsection (1) above and as to the conduct of persons resorting thereto, and may make such charges for such use as is described in paragraph (b) above, as they may from time to time determine.

PART IX
—cont.

(3) Nothing in this section shall operate to prevent the holding of any market; and the powers of this section shall not be exercised in relation to any land forming part of a highway without the consent of the highway authority.

Market
byelaws.
1984 c. 30.

57.—(1) In addition to and without prejudice to any other powers conferred on the Borough Council by section 60 of the Food Act 1984 (market byelaws), the Borough Council may make and enforce byelaws with respect to any market for the purpose of preventing the outbreak and spread of fire in the market and, in particular, for that purpose—

- (a) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;
- (b) imposing such prohibitions, restrictions or requirements as appear to the Borough Council requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment.

(2) Byelaws made under this section may provide that persons contravening the byelaws shall be liable on summary conviction to a maximum fine not exceeding level 2 on the standard scale.

Cattle
Market
may be
removed.
1850 c. xlii.

58.—(1) Section XIX (Present Market to be removed to new Market Place as soon as completed) of the Reading Cattle Market Act 1850 shall cease to have effect and there shall cease to be any obligation under that section, or under any other enactment or rule of law, requiring the Reading Cattle Market (“the market”) to be held in the new market place therein specified, precluding closure of the market or its transfer to another site or any restraint upon alienation of the land or buildings of the market.

(2) Notwithstanding anything in subsection (1) above, the market shall not be closed or moved from its present site at Great Knollys Street without full consultation with the market traders on all aspects of the closure or move; nor shall it be so moved otherwise than to another site which is reasonably convenient as respects its buildings, facilities and location to buyers and sellers wishing to resort thereto.

(3) (a) The Borough Council shall not close the market except after considering a report by a qualified accountant or accountants, appointed specially for the purpose by the Borough Council after consultation with each organisation appearing to them to be representative of market traders in the market upon the financial position of their undertaking in the market and upon its viability and prospects of future viability; and the Borough Council shall make available to the accountant

or accountants so appointed all accounts and accounting records relating to the undertaking which are reasonably required for gaining a true and fair view of its financial position.

PART IX
—*cont.*

(b) No person shall be qualified to be appointed an accountant under paragraph (a) above unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Chartered Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland;

Any body of accountants established in the United Kingdom and recognised for the purpose of section 389 (1) (a) of the Companies Act 1985 by the 1985 c. 6. Secretary of State;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(c) When commissioning a report under paragraph (a) above the Borough Council shall inform the accountant or accountants so commissioned of the views of those consulted under subsection (2) above.

(d) If following consideration of a qualified accountant's report made under paragraph (a) above and all other circumstances it appears to the Borough Council reasonable to close the market and they so propose, they shall give notice of their intention accompanied by a copy of the report and of this section to each organisation appearing to them to be representative of market traders in the market or concerned in the operation of the undertaking; and the notice shall state the reasons for the proposed closure, where the report may be inspected and that objections to the proposed closure may be made in writing to the Borough Council before such day, not earlier than 8 weeks after the giving of the notice, as shall be specified therein.

(e) A copy of the notice referred to in paragraph (d) above shall be published in a newspaper circulating in the Borough of Reading.

(f) Before resolving to close the market, the Borough Council shall—

(i) consider all objections made as provided in paragraph (d) above;

(ii) afford to every organisation referred to in that paragraph and to every market trader in the market who has made objection, an opportunity of being heard by a committee of the Borough Council.

PART IX
—cont.

(g) Following consideration of objections in accordance with paragraph (f) above, a resolution of the Borough Council to close the market may be passed at a meeting of the Borough Council held after 10 clear days' notice of the meeting and of its purpose has been published in a newspaper circulating in the Borough of Reading, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the Borough Council.

(h) A resolution passed under paragraph (g) above shall specify the date of intended closure of the market, not being earlier than 6 months following the passing of the resolution, and the Borough Council shall publish notice of the passing and general effect of the resolution in a newspaper circulating in the Borough of Reading.

B. Windsor and Maidenhead

Market at
Bachelors
Acre.

59.—(1) In this section—

“Bachelors Acre” means the land shown edged pink on the plan marked “Bachelors Acre” (being part of the land registered by the county council as register unit VG21 being a town or village green under the Commons Registration Act 1965), four copies of which have been signed by the Right Honourable the Lord Aberdare, the Chairman of the Committee of the House of Lords to whom the unopposed provisions of the Bill for this Act were referred, and deposited respectively—

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

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

(c) with the chief executives of the county council and of the borough council;

“the borough” means the royal borough of Windsor and Maidenhead, and “the borough council” means the council of the borough;

“the market” means the market carried on at the passing of this Act at or adjacent to Sun Passage in the borough by the borough council.

(2) Notwithstanding any enactment or rule of law or any charter, trust, covenant or other restriction to which the market or Bachelors Acre is subject, the borough council may on not more than one day in each week carry on the market upon Bachelors Acre instead of at Sun Passage, and the market shall

1965 c. 64.

be deemed to have been acquired by that council under section 50 of the Food Act 1984 (establishment or acquisition of markets). PART IX
—cont.
1984 c. 30.

(3) The borough council may set apart an area of Bachelors Acre for use on market days by the market traders for the parking of vehicles, and may provide in that area and on those days parking places and facilities in connection therewith.

PART X

MISCELLANEOUS

60. Section 229 of the Act of 1972 (photographic copies of documents) in its application to any local authority or parish council shall have effect as if— Recording of documents.

- (a) 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”;
- (b) in subsections (2) and (4) to (7), there were inserted after the words “photographic copy” the words “or a facsimile produced from a recording”; and
- (c) at the end of subsection (6) there were inserted the words “or facsimile”.

61.—(1) Notwithstanding anything contained in any Micro-enactment, a local authority may destroy any documents of, or filming of deposited with, the local authority, other than minute books, of documents which they have made and retained microfilm recordings:

Provided that a local authority shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962. 1958 c. 51.
1962 c. 56.

(2) In this section “microfilm recording” means a reproduction of a document by any process, which reproduction is in general beyond legibility with the naked eye.

62. Subsection (2) of section 33 of the Local Government Enforceability (Miscellaneous Provisions) Act 1982 (which provides for the by local enforceability of covenants in an instrument under seal authorities of executed for the purpose of securing the carrying out of works, certain facilitating development or regulating the use of land) shall have covenants. effect in the county as if— 1982 c. 30.

- (a) in paragraph (a) of that subsection, for the words “to carry out any works or do any other thing on or in relation” there were substituted the word “relating”; and

PART X
—cont.

(b) as if at the end of the subsection there were added—

“For the purposes of this subsection a person shall be taken to derive title from another person in respect of any land if he claims through that person, notwithstanding that he does not himself hold a legal estate in the land.”.

Urgent
repairs to
water, gas
and electricity
apparatus.

63.—(1) Where a district council are satisfied that, by reason of any injury to, or defect in, any apparatus used for supplying water, gas or electricity to any premises in the district, the premises or any part thereof have ceased to be supplied with water, gas or electricity sufficient for the domestic purposes of the occupants and that there is an urgent need for the supply to be restored, the district council may, without prejudice to any other action which they may be authorised to take under any other enactment, repair or renew the apparatus or execute such works and provide or repair such fittings and do such other things as they may consider necessary to secure that a sufficient supply of water, gas or electricity is restored and recover from the owner or owners of the premises, as the case may be, the expenses necessarily incurred by them in so doing not exceeding in the case of each owner £300 or such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(2) (a) Where the occupier of any premises is also the owner the powers of subsection (1) above shall not be exercised in relation to those premises except with his consent.

(b) Subject to paragraph (a) above, before or, in case of emergency, as soon as possible after exercising the powers of subsection (1) above in relation to any premises, the district council shall (unless his name and address is not ascertainable by reasonable inquiry) give notice to the owner of the intended exercise of those powers or, as the case may be, of their having been exercised.

(c) Except in cases of emergency, admission to any premises shall not be demanded as of right for the purpose of doing any work under subsection (1) above unless not less than 24 hours' notice of the intended entry has been given to the occupier.

(3) (a) In proceedings to recover expenses under subsection (1) above the court may inquire whether those expenses ought to be borne wholly or in part by some person, being the occupier of the premises in respect of which they were incurred, other than the defendant in the proceedings and, subject as provided in paragraph (b) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

(b) The court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that the other person has, at the instance of the defendant, had due notice of the proceedings and an opportunity of being heard.

(4) The district council may, if they think fit, themselves bear the whole or any part of any expenses recoverable under this section.

(5) The powers conferred by this section shall not be exercisable in relation to any apparatus belonging to the Southern Electricity Board, Slough Estates plc or the British Gas Corporation or to any water meter of a water authority or any other apparatus used for supplying water other than a water fitting in the premises supplied or the supply pipe to those premises, “water fitting” and “supply pipe” having the meanings given by Schedule 3 to the Water Act 1945. 1945 c. 42.

(6) (a) Except as provided in subsection (7) below, the powers conferred by this section shall not be exercisable in relation to any premises without the consent of the water, gas or electricity undertakers, as the case may require, within whose limits of supply the premises are situated, which consent shall not be unreasonably withheld, and in giving their consent the undertakers—

- (i) may attach thereto such reasonable conditions as they think fit; and
- (ii) may, without prejudice to any action or proceedings which they may take under any other enactment, elect to carry out on behalf of the district council any repair, renewal or other works proposed by the district council, in which case the expenses reasonably incurred by the undertakers in so doing shall be repaid to them by the district council.

(b) Any difference which may arise between any water, gas or electricity undertakers and a district council under this subsection, other than a difference as to the meaning or construction thereof, shall be determined by arbitration.

(7) In case of emergency subsection (6) above shall not apply but, in any such case, as soon as possible after exercising the powers of subsection (1) above in relation to any premises the district council shall notify the water, gas or electricity undertakers, as the case may require, within whose limits of supply the premises are situated.

(8) In subsections (6) and (7) above, “water, gas or electricity undertakers” includes Slough Estates plc.

PART XI

GENERAL

Local
inquiries.

64. 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.

Saving for
conduct of
business
or use of
premises.

65. Where under any provision of this Act the carrying on of a specified business or the use of premises for a specified purpose is subject to a requirement for registration with, or the issue of a consent by a local authority, it shall be lawful for any person who—

(a) immediately before the day on which the requirement came into operation was carrying on such a business, or using any premises for such a purpose; and

(b) had before that day duly applied for the registration or 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 68 (Suspension of proceedings pending appeal) of this Act.

Appeals to
magistrates'
court.

66. 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.

67.—(1) On an appeal to the Secretary of State under any provisions 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:—

In section 30 (Buildings used for storage of flammable substances), subsection (5);

In section 36 (Parking places: safety requirements), subsection (5);

In section 37 (Fire precautions in large storage buildings), subsection (6);

In section 38 (Fire precautions in high buildings), subsection (5);

Section 44 (Part VII appeals);

In section 47 (Transitional provisions for Part VII), subsection (3).

(3) Unless otherwise specified in any of the provisions mentioned in subsection (2) above, the time within which an appeal under those provisions may be lodged shall be 21 days following the giving of the decision against which a right of appeal is conferred.

(4) 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 and, in the case of an appeal under the said section 44, may give directions for the granting of a consent subject to such conditions as the county council are empowered to impose under section 43 (Unlawful stacks) of this Act.

(5) 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.

(6) 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). 1981 c. 54.

68. 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 XI
—cont.
Restriction on
right to
prosecute.

69. 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 constable.

Liability of
directors, etc.

70.—(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.

71. 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.

72.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or under any byelaws made thereunder 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 5 (Plans, etc., of new streets);

Subsection (5) of section 19 (Hairdressers and barbers);

Section 21 (Dust, etc., from building operations);

Section 24 (Restrictions on use of dustbins);

Section 26 (Touting, hawking, photographing, etc.);

Part VI (Fire precautions);

Section 46 (Offences under Part VII).

(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.

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

PART XI
—cont.
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 5 (Plans, etc., of new streets);
- Section 21 (Dust, etc., from building operations);
- Part VI (Fire precautions), except section 31 (Byelaws with regard to certain temporary structures);
- Part VII (Storage of flammable material);
- Section 63 (Urgent repairs to water, gas and electricity apparatus):

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 that board for the protection of their undertaking.

74. Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (powers of entry) shall have effect with respect to the following provisions of this Act as that section has effect with respect to section 16 of the said Act of 1982:—

- Section 19 (Hairdressers and barbers);
- Section 22 (Power to order alteration of chimneys).

Application of
section 17 of
Local
Government
(Miscellaneous
Provisions)
Act 1982.
1982 c. 30.

75.—(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 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 21 (Dust, etc., from building operations);
- Section 22 (Power to order alteration of chimneys);
- Section 24 (Restrictions on use of dustbins);
- Section 30 (Buildings used for storage of flammable substances);
- Section 35 (Fire and safety precautions in public and other buildings);

PART XI
—cont.

Section 37 (Fire precautions in large storage buildings);
Section 38 (Fire precautions in high buildings).

1984 c. 55.

(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.

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

76. 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.

77.—(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)—

(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 Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy; or

(c) 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) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

1950 c. 39.

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

Repeals.

78.—(1) The Acts specified in Schedule 3 to this Act are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions contained in Schedule 4 to this Act shall have effect.

79. Where under this Act 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.

PART XI
—cont.
Arbitration.

Section 27.

SCHEDULES

SCHEDULE 1

1980 c. 66.

PROVISIONS OF HIGHWAYS ACT 1980
APPLIED TO PEDESTRIAN WAYS

| Provisions applied (1) | Modifications (2) |
|---|---|
| Section 161 (Penalty for causing certain kinds of danger or annoyance). | In subsection (2) the words "which consists of or comprises a carriageway" shall be omitted. |
| Section 178 (Restriction on placing rails, beams, etc., over highways). | In subsection (1) for the words "highway authority for the highway" there shall be substituted the words "district council for the district in which the pedestrian way is situated" and for the words "highway authority" there shall be substituted the words "district council". |

Section 73.

SCHEDULE 2

SECTIONS OF ACT OF 1936 APPLIED

| Section | Marginal note |
|---------|---|
| 275 | Power of local authority to execute certain works 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 work 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. |
| 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 3

Section 78.

STATUTORY PROVISIONS REPEALED

PART I

LOCAL ENACTMENTS

| Chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-----------------------------------|---|---|
| 54 Geo. 3. c. ciii. (1814). | An Act for making a fair and equal County Rate for the County of Buckingham. | The whole Act so far as applying to the county. |
| 7 Geo. 4. c. lvi. (1826). | An Act for better paving, lighting, cleansing, watching, and otherwise improving the Borough of Reading, in the County of Berks. | The whole Act. |
| 2 & 3 Vict. c. 40. (1839). | An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Reading in the County of Berks to sell certain Real Estate Discharged from certain Liabilities, and to invest the Purchase Monies arising from such Sales in the Purchase of other Real Estate to be charged with such Liabilities. | The whole Act. |
| 5 & 6 Vict. c. cix. (1842). | An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of Sonning, near the Town of Reading, in the County of Berks. | The whole Act. |
| 3 & 14 Vict. c. xlii. | Reading Cattle Market Act 1850. | The whole Act. |
| 4 & 15 Vict. c. ix. | Reading Cemetery Act 1851. | The whole Act. |
| 18 & 23 Vict. c. xi. | Reading and Hatfield Turnpike Roads Act 1859. | The whole Act. |
| 30 & 31 Vict. c. 5. | Reading School Act 1867. | The whole Act. |

SCH. 3
—cont.

| Chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-------------------------------------|--|---|
| 31 & 32 Vict. c. lx. | Caversham Bridge Act 1868. | The whole Act. |
| 41 & 42 Vict. c. clxxxiv. | Newbury Borough Extension Act 1878. | The whole Act. |
| 44 & 45 Vict. c. clxxi. | Reading Corporation Act 1881. | The whole Act except sections 24 to 26, 28, 29, 31 to 34, 36 to 46, 76 and 119. |
| 50 & 51 Vict. c. clxiii. | Reading Corporation Act 1887. | The whole Act except section 63 and Schedule 4. |
| 3 & 4 Geo. 5. c. cvii. | Reading Corporation Act 1913. | The whole Act except section 26 (4). |
| 4 & 5 Geo. 5. c. ci. | Reading Corporation Act 1914. | The whole Act except Parts I and II and sections 54 to 65 and 96. |
| 15 & 16 Geo. 5. c. c. | Newbury Corporation Act 1925. | The whole Act except section 49. |
| 20 & 21 Geo. 5. c. cix. | Reading Corporation Act 1930. | The whole Act. |
| 25 & 26 Geo. 5. c. xc. | Reading Corporation Act 1935. | The whole Act except section 11 (2) so far as it relates to section 33 of the Reading Corporation Act 1914. |
| 1 Edw. 8 & 1 Geo. 6. c. xlii. | Berkshire County Council Act 1937. | The whole Act. |
| 12 & 13 Geo. 6. c. xxxviii. | Slough Corporation Act 1949. | The whole Act. |
| 13 & 14 Geo. 6. c. lxii. | Eton Rural District Council Act 1950. | The whole Act so far as applying to the county. |
| 1 & 2 Eliz. 2. c. xli. | Berkshire County Council Act 1953. | The whole Act except sections 185 to 189 and Schedule 5. |
| 1 & 2 Eliz. 2. c. xiii. | Newbury Corporation Act 1953. | The whole Act. |
| 5 & 6 Eliz. 2. c. xviii. | Buckinghamshire County Council Act 1957. | The whole Act so far applying to the county. |

SCH. 3
—*cont.*

| Chapter (1) | Title or short title (2) | Extent of repeal (3) |
|---------------------------|--|---|
| 9 & 10 Eliz. 2. c. xv. | Berkshire and Buckinghamshire County Councils (Windsor-Eton Bridge, &c.) Act 1961. | The whole Act except section 48. |
| 1970 c. lxxxiv. | Reading Corporation Act 1970. | The whole Act. |
| 1971 c. xi. | Buckinghamshire County Council Act 1971. | The whole Act so far as applying to the county. |
| 1971 c. viii. | Berkshire County Council Act 1971. | The whole Act. |

PART II
OTHER PROVISIONS

| Chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-----------------------------|--|---|
| 13 & 14 Vict. c. 108. | Public Health Supplemental Act 1850 (No. 3). | Section 9 and the Order relating to Reading. |
| 23 & 24 Vict. c. 118. | Local Government Supplemental Act 1860 (No. 2). | The Order relating to Reading. |
| 30 & 31 Vict. c. 123. | Local Government Supplemental Act 1867 (No. 6). | The Order relating to Reading. |
| 32 & 33 Vict. c. cl. | Local Government Supplemental Act 1869 (No. 2). | The Order relating to Reading. |
| 52 & 53 Vict. c. xv. | Local Government Board's Provisional Orders Confirmation Act 1889. | So much of the Order relating to the counties of Oxford and Berks as relates to the county. |
| 54 & 55 Vict. c. clviii. | Local Government Board's Provisional Orders Confirmation (No. 12) Act 1891. | The Order relating to Reading. |
| 54 & 55 Vict. c. clxiii. | Local Government Board's Provisional Order Confirmation (Highways) Act 1891. | The whole Act. |

SCH. 3
—cont.

| Chapter (1) | Title or short title (2) | Extent of repeal (3) |
|------------------------------|--|---|
| 55 & 56 Vict. c. lxxviii. | Local Government Board's Provisional Orders Confirmation Act 1892. | The Order relating to Reading. |
| 3 Edw. 7. c. lxi. | Local Government Board's Provisional Orders Confirmation (No. 4) Act 1903. | The Order relating to New Windsor. |
| — | Order of the Local Government Board dated 6th October 1904 as to appointment of Assistant Overseers by the Council of the County Borough of Reading. | The whole Order. |
| — | Reading Confirmation Order 1904. | The whole Order. |
| — | Order of the Local Government Board dated 19th August 1905 conferring the powers of Vestry under sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 on the Council of the County Borough of Reading. | The whole Order. |
| 1 & 2 Geo. 5. c. cxlviii. | Local Government Board's Provisional Order Confirmation (No. 11) Act 1911. | The whole Act. |
| 2 & 3 Geo. 5. c. clxii. | Local Government Board's Provisional Orders Confirmation (No. 15) Act 1912. | Reading(Extension)Financial Adjustments Order 1912. |
| 6 & 7 Geo. 5. c. xxviii. | Local Government Board's Provisional Orders Confirmation (No. 2) Act 1916. | Newbury Order 1916. |
| 10 & 11 Geo. 5. c. cxxxv. | Ministry of Health Provisional Order Confirmation (New Windsor Extension) Act 1920. | The whole Act. |
| 14 & 15 Geo. 5. c. xiv. | Ministry of Health Provisional Orders Confirmation (No. 2) Act 1924. | The Order relating to Reading. |

| Chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-------------------------------|---|-------------------------|
| 17 & 18 Geo. 5. c. xlviii. | Ministry of Health Pro- visional Order Confir- mation (Wokingham Extension) Act 1927. | The whole Act. |
| — | Articles of Government of Kendrick Girls' School made on 5th February 1929 by the Mayor Aldermen and Burgesses of the Borough of Reading. | The whole Scheme. |
| — | Reading (Shops Act) Exemption Order No. 4 made on 2nd June 1936 by the Mayor, Alder- men and Burgesses of the County Borough of Reading. | The whole Order. |

SCH. 3
—cont.

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Section 78.

SCHEDULE 4

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 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 such repeal, any provision of this Act relating to the same matter shall have effect as if that period began to run under that provision.

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.

5. Nothing in this Act shall prejudice or affect any market franchise existing immediately before the commencement of this Act and conferred or enjoyed wholly or partly by, or by any combination of, any enactment, royal licence, royal charter, letters patent, or by custom.

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

7. 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 repeal, the repeal shall not affect the interpretation of the excepted provision.

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.

Berkshire Act 1986

CHAPTER ii

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PART I

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Section

1. Citation and commencement.
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3. Appointed day.

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8. Affixing of traffic signs to walls.
9. Damage to footways, etc.
10. Repair, etc., of vehicles on highways.

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12. Provision of parking places in parks, etc.
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16. Identity of drivers of certain vehicles.
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21. Dust, etc., from building operations.
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24. Restrictions on use of dustbins.

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26. Touting, hawking, photographing, etc.
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29. Defacing of streets, etc.

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30. Buildings used for storage of flammable substances.
31. Byelaws with regard to certain temporary structures.
32. Access for fire brigade.
33. Provision of means of escape from fire in certain buildings.
34. Prescription of signs to be used on certain buildings.

ection

- 35. Fire and safety precautions in public and other buildings.
- 36. Parking places: safety requirements.
- 37. Fire precautions in large storage buildings.
- 38. Fire precautions in high buildings.
- 39. Defective electrical installations in houses.
- 40. Fire alarms.

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- 42. Stacks to which this Part applies.
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B. Windsor and Maidenhead

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- 60. Recording of documents.
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- 63. Urgent repairs to water, gas and electricity apparatus.

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- 66. Appeals to magistrates' court.
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- 69. Restriction on right to prosecute.
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- 72. Defence of due diligence.
- 73. Application of general provisions of Act of 1936.
- 74. Application of section 17 of Local Government (Miscellaneous Provisions) Act 1982.
- 75. Saving for Health and Safety at Work etc. Act 1974 and Building Act 1984.
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