



Dyfed Act 1987

CHAPTER xxiv

LONDON
HER MAJESTY'S STATIONERY OFFICE



Dyfed Act 1987

CHAPTER xxiv

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ELIZABETH II**1987 CHAPTER xxiv**

An Act to re-enact with amendments and extend certain local statutory provisions in force within the county of Dyfed; to confer further powers on the Dyfed County Council and local authorities and community councils in the county; to make further provision with respect to the improvement, health and local government of the county; to continue in force, with amendments, local statutory provisions relating to the Portfield Recreation Committee; and for other purposes.

[17th November 1987]

WHEREAS—

(1) The county of Dyfed (hereinafter referred to as “the county”) is a non-metropolitan county comprising the following areas, described by reference to administrative areas existing immediately before the passing of the Local Government Act 1972, namely, the administrative counties of Cardiganshire, Carmarthenshire and Pembrokeshire: 1972 c. 70.

(2) Section 262 of the said Act of 1972 now has effect so that, subject to modifications and exceptions, local statutory provisions in force in the area of the county shall continue in force until the end of 1987, and that such provisions shall then cease to have effect:

(3) There are numerous local statutory provisions so applicable in the county and it is expedient that certain of those provisions should be re-enacted with amendments, or otherwise continued in force, and applied to the whole county or to parts of the county, and that other such provisions should be repealed:

(4) It is further expedient that new provision should be made for the improvement, health and local government of the county and to confer further powers on the Dyfed County Council, the councils of the districts of Carmarthen, Ceredigion, Dinefwr, Llanelli, Preseli Pembrokeshire and South Pembrokeshire and community councils within the county:

(5) Certain lands at Haverfordwest in the district of Preseli Pembrokeshire are managed by a committee known as the Portfield Recreation Committee for purposes including public recreation pursuant to local statutory provisions which, unless continued in force, will cease to have effect at the end of 1987 and it is expedient that some of those provisions should be continued in force with amendments:

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

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

(8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the said 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
commence-
ment.

1.—(1) This Act may be cited as the Dyfed Act 1987.

(2) This Act shall come into operation on 31st December 1987.

- 2.—(1) In this Act unless the context otherwise requires—
- PART I
—cont.
Interpretation.
- “the Act of 1936” means the Public Health Act 1936; 1936 c. 49.
- “the Act of 1965” means the Pembrokeshire County Council Act 1965; 1965 c. xxxvi.
- “the Act of 1971” means the Town and Country Planning Act 1971; 1971 c. 78.
- “the Act of 1972” means the Local Government Act 1972; 1972 c. 70.
- “the Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976; 1976 c. 57.
- “the Act of 1982” means the Local Government (Miscellaneous Provisions) Act 1982; 1982 c. 30.
- “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;
- “the chief constable” means the chief constable of the Dyfed-Powys Police and includes the deputy chief constable of that force acting by virtue of section 6 (1) of the Police Act 1964; 1964 c. 48.
- “contravention” includes a failure to comply, and “contravene” shall be construed accordingly;
- “the county” means the county of Dyfed and “the county council” shall be construed accordingly;
- “daily fine” means a fine for each day on which an offence is continued after conviction thereof;
- “district” means a district in the county;
- “district council” means the council of a district;
- “electricity area board” means the Merseyside and North Wales Electricity Board and the South Wales Electricity Board or either of them;
- “fire authority” has the meaning given by the Fire Services Act 1947; 1947 c. 41.
- “functions” includes powers and duties;
- “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 189 of the Housing Act 1957; 1957 c. 56.
- “premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “the railways board” means the British Railways Board;

PART I
—cont.
1986 c. 44.

“statutory undertakers” means any public gas supplier within the meaning of Part I of the Gas Act 1986, the Central Electricity Generating Board, the electricity area board, telecommunications operators and the water authority or any of them, as the case may be;

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;

“traffic sign” has the meaning given by section 64 of the Act of 1984;

“water authority” means the Welsh Water Authority.

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

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

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 28 days from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any newspaper, being a page or part of a page bearing the date of 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

CLEDDAU BRIDGE

Interpretation
of Part II.

4. In this Part—

“the bridge” means the bridge authorised by the Act of 1965 as Work No. 4 and so much of the road

authorised by that Act as Work No. 5 as lies within 500 feet of the termination of the said Work No. 4 together with the carriageways, footways, toll-gates, toll keeper's lodges, offices and other works and conveniences provided in connection with the bridge and road;

PART II
—*cont.*

“the level of high water” means the level of mean high-water springs;

“the port authority” means the Milford Haven Port Authority;

“the river” means the river Daugleddau; and

“tidal work” means so much of the bridge and the other works authorised by the Act of 1965 as is on, under or over tidal waters or tidal lands below the level of high water.

5. The county council may continue and maintain the bridge and the other works authorised by the Act of 1965.

Continuance and maintenance of works.

6.—(1) Within the limits of deviation shown on the plans deposited in connection with the Bill for the Act of 1965 the county council, in connection with and as part of the bridge, may execute or do any of the following works or things:—

Power to make subsidiary works.

(a) execute any works for the protection of any adjoining land or buildings;

(b) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

(c) alter or remove any structure erected upon any street or land;

and shall make compensation for any damage done by them in exercise of the powers of this section.

(2) Any question of disputed compensation payable under this section shall be determined by the Lands Tribunal.

7.—(1) The county council, in connection with and at or near any of the works, may—

Subsidiary works in river and elsewhere.

(a) execute, place and keep in the river and elsewhere, either permanently or temporarily, all such caissons, cofferdams, piles, piers, abutments, embankments, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences; and

PART II
—cont.

(b) carry out such excavation or dredging in the river and elsewhere:

as they may find necessary or expedient for, or in connection with, the maintenance or use of the bridge.

(2) The county council shall ensure that any works executed or kept under the powers of subsection (1) (a) above shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water in the river.

(3) No materials raised under subsection (1) (b) above shall be deposited in any place below the level of high water except after consultation with the port authority and in such a position and under such conditions and restrictions as may be fixed by the Secretary of State.

(4) The county council shall at their own expense keep repaired any works placed by them in the river under the powers of this section and if any such works shall at any time become redundant the county council shall remove them.

Toll-houses,
etc.

8. The county council may from time to time as may be necessary or convenient provide, set up and maintain upon and remove from—

(a) any part of the bridge or any other land in which they have sufficient interest; or

(b) with the consent of the highway authority concerned (if different), any part of any highway;

such toll-houses, toll-gates, offices and other conveniences in connection with the bridge.

No mains or
pipes to be
laid in bridge
without
consent.
1950 c. 39.

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

Tidal works.

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

(b) If the county council fail to notify the port authority as required by this subsection or to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

PART II
—cont.

(2) (a) The county council shall exhibit every night from sunset to sunrise in such positions on or near the tidal work as may be directed from time to time by the port authority such lights, if any, as may be so directed, and shall take such other steps for the prevention of danger to navigation as may be so directed.

(b) If the county council fail to comply in any respect with a direction given under this subsection, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

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

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

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

(4) The Secretary of State and the port authority may at any time, if they deem it expedient, order a survey and examination of a tidal work, and any expenditure incurred by the Secretary of State or the port authority in any such survey and examination shall be recoverable from the county council.

PART II
—cont.

(5) If there shall be any inconsistency between a requirement of the port authority and a requirement of the Secretary of State under this section, the requirement of the Secretary of State shall prevail.

(6) (a) If it appears to the county council that any requirement made by any direction or notice given by the port authority under this section is unreasonable they may within 30 days after the receipt of the requirement appeal to the Secretary of State whose decision shall be binding on both parties.

(b) The county council shall not be liable to repay to the port authority any expenses incurred for the purpose of giving effect to any requirement which the Secretary of State, on any appeal under this section, determines to be unreasonable.

(7) For the purposes of this section, “tidal work” includes so much of the ferry works (as defined in section 48 of the Act of 1965) as is on, under or over tidal waters or tidal lands below the level of high water.

For protection
of Milford
Haven Port
Authority.

11. For the protection of the port authority, the following provisions shall, unless otherwise agreed in writing between the county council and the port authority, apply and have effect:—

- (1) Before commencing to execute any work or do any thing on, under or over tidal waters or tidal lands below the level of high water under the powers of this Part of this Act, the county council shall submit to the port authority for their reasonable approval, plans, sections and particulars of the work, and such work shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the port authority, or as may be determined by the Secretary of State as hereinafter provided:
- (2) In the event of the port authority failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:
- (3) After the purpose for which temporary structures used to enable any such works to be constructed has been accomplished, the county council shall with all reasonable dispatch or after 14 days’ notice in writing from the port authority requiring them so to do, remove any such temporary structures or any materials for the same which may have been placed in the river by the county council, and if they fail to do

so the port authority may remove the same and the county council shall repay to the port authority the reasonable expense of such removal:

PART II
—cont.

- (4) The county council shall permit the officers, servants and agents of the port authority to have access, both by water and by land, at all reasonable times on, to or over any such works without payment or hindrance—
- (a) during the construction thereof for the purpose of inspection; and
- (b) after the construction thereof whilst in the execution of their duties in relation to such works:
- (5) If it appears to the county council that the port authority have unreasonably withheld their approval to any plans, sections or particulars under paragraph (1) of this section, they may appeal to the Secretary of State, whose decision shall be binding on both parties.

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

13.—(1) Subject to the provisions of this Act the county council— Tolls and charges.

- (a) may demand, take and recover in respect of traffic passing over or on the bridge tolls not exceeding those authorised by any order made under Part IV of the Act of 1965 or under section 14 (Revision of tolls) of this Act; and
- (b) may demand, take and recover such reasonable charges as they may think fit for any services rendered or action taken by the county council to, or in respect of, persons or vehicles in connection with the bridge.

(2) The county council may allow traffic or certain classes of traffic to use the bridge without paying tolls for such periods or during such times or under such circumstances as they may from time to time determine.

(3) No tolls shall be demanded or received in respect of any pedestrian using the bridge.

14.—(1) If at any time it appears to the county council that under the circumstances then existing or in prospect all or any of the tolls authorised by virtue of this Act or any classification of vehicles specified in any order for the time being in force by virtue of this Act, should be revised, the county council may, subject to the provisions of this section, make an order revising Revision of tolls.

PART II
—cont.

all or any of such tolls or any classification of vehicles as aforesaid.

(2) Any order made by the county council under this section shall prescribe such tolls as, in the opinion of the county council, are reasonably required to be demanded, taken and recovered so as to produce an annual revenue not substantially less nor substantially more than adequate to meet such expenditure as is authorised for the several purposes mentioned in section 24 (Application of revenue) of this Act, and in determining the level and pattern of tolls to be specified in an order made under subsection (1) above, the county council shall have regard to—

- (a) the financial position and future prospects of the bridge; and
- (b) such other matters of a transportation nature as shall be deemed by the county council to be relevant.

(3) Compliance with paragraphs (a) and (b) below shall be a condition precedent to the making of an order under subsection (1) above—

- (a) the county council shall publish notice in the London Gazette and in one or more newspapers circulating in their area stating the effect of the proposed order and stating the date, not being less than 28 days after the first publication of the notice, by which objections to or representations concerning the proposed order may be made in writing to the county council and, not later than the date of the first publication of the notice, shall send a copy to the Secretary of State together with such information and particulars in relation to the proposed order as the county council consider appropriate;
- (b) the county council shall send to the Secretary of State copies of any objections or representations duly made concerning the proposed order together with the observations of the county council thereon and furnish the Secretary of State with such further information and particulars in relation to the proposed order as he may require.

(4) If during the direction period—

- (a) the Secretary of State gives directions to the county council requiring the proposed order to be referred to him he may, subject to and in accordance with the provisions of subsections (8) to (10) below, make the order if it appears to him that under the circumstances then existing or in prospect it is expedient so to do or decide not to make it;

(b) no direction is given to the county council by the Secretary of State, the county council may, after taking into consideration any objections or representations which have been duly made and not withdrawn, make the order with or without modification.

PART II
—cont.

(5) If at any time it appears to the Secretary of State that it may be expedient to revise all or any of the tolls authorised by virtue of this Act or any classification of vehicles specified in any order for the time being in force by virtue of this Act, the county council shall on his request furnish him with such information and particulars as he may require.

(6) If at any time it appears to the Secretary of State, after consultation with the county council, to be expedient that under the circumstances then existing or in prospect all or any of the tolls authorised by virtue of this Act or any classification of vehicles specified in any order for the time being in force by virtue of this Act should be revised, the Secretary of State may, subject to the provisions of this section, make an order revising all or any of such tolls or any classification of vehicles as aforesaid.

(7) The county council shall, upon being required so to do by the Secretary of State, publish in the London Gazette and in such one or more newspapers as the Secretary of State may specify a notice stating—

- (a) the general effect of the proposed order of the Secretary of State; and
- (b) the date, being not less than 28 days after the first publication of the notice, by which objections to or representations on the proposed order may be made in writing to the Secretary of State.

(8) Any order made by the Secretary of State under this section shall prescribe such tolls as, in the opinion of the Secretary of State, are reasonably required to be demanded, taken and recovered so as to produce an annual revenue not substantially less nor substantially more than adequate to meet such expenditure as is authorised for the several purposes mentioned in section 24 (Application of revenue) of this Act and in determining the level and pattern of tolls to be specified in an order made by the Secretary of State under this section he shall have regard to—

- (a) the financial position and future prospects of the bridge; and
- (b) such other matters of a transportation nature as shall be deemed by him to be relevant.

(9) (a) Before making an order under this section the county council or the Secretary of State, as the case may be, may, and

PART II
—cont.

if paragraph (b) below applies shall, cause a local inquiry to be held by such person as they or he may appoint for the purpose.

(b) The county council or the Secretary of State, as the case may be, shall cause a local inquiry to be held if requested to do so during the direction period by the Preseli Pembrokeshire District Council or the South Pembrokeshire District Council, and that request does not cease to have effect by virtue of paragraph (c) below.

(c) A district council shall not make a request under paragraph (b) above unless it has duly made and has not withdrawn an objection or representation concerning the proposed order; and a request shall cease to have effect if it is or all the objections or representations duly made by the council making it are withdrawn.

(10) The county council or the Secretary of State as the case may be, in deciding whether to make an order under this section and the terms of any such order, shall consider—

- (a) any objections or representations duly made;
- (b) in the case of the Secretary of State, the observations of the county council thereon and any information and particulars sent to the Secretary of State under subsection (3) (a) and (b) above; and
- (c) the report of any person who held an inquiry in respect thereof;

and, if they decide or he decides to make the order, may make an order having the effect proposed with or without modification.

(11) The power of the Secretary of State and of the county council to make orders under this section shall include the power exercisable in the same manner and subject to the same conditions to revoke, amend or re-enact any order made under this section, whether made by the Secretary of State or the county council, or any order made under Part IV of the Act of 1965.

(12) In this section, “the direction period” means a period starting with the date of the first publication of the notice specified in paragraph (a) of subsection (3) above and ending 21 days from the date specified in that paragraph as the date by which objections or representations to the proposed order may be made, or 21 days from the last date on which the county council send to the Secretary of State a copy of any objection or representation duly made concerning the proposed order, whichever is the later.

List of tolls to be exhibited. **15.** A list of the tolls by virtue of this Act authorised to be demanded and taken by the county council shall at all times be

exhibited in a conspicuous position within a reasonable distance of the place where such tolls shall be payable.

PART II
—cont.

16.—(1) The tolls and charges by virtue of this Act authorised to be demanded and taken shall be paid to such persons and at such places and in such manner and in compliance with such regulations as the county council may from time to time appoint or make.

Regulations as to payment of tolls and charges.

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

17.—(1) The county council may in exchange for the payment of any toll hand a ticket to any person intending to pass over or on the bridge, and any person to whom a ticket is so handed may be required on demand to show or deliver up such ticket to the toll collector or other person appointed by or on behalf of the county council to inspect or collect the same at such place or places as the county council may from time to time determine.

Tickets.

(2) The county council may, either when they enter into a composition agreement in accordance with the provisions of section 19 (Power to compound for payment of tolls) of this Act, or otherwise, issue prepaid tickets, and any person to whom such a ticket is issued may be required on demand to show such ticket to the toll collector or other person appointed by or on behalf of the county council to inspect the same at such place or places as the county council may from time to time determine, and shall deliver up such ticket to such toll collector or other person appointed by or on behalf of the county council to receive the same at the expiration of the period for which it is issued.

18. If any person liable to pay any toll authorised to be demanded and taken from him under or by virtue of this Act shall refuse or intentionally fail to pay the toll payable by him or attempt to evade payment of the toll, an officer duly authorised by or on behalf of the county council may refuse to permit him to pass through or by any toll-gate or other place at which the toll is payable, and may by himself, or with such assistance as he shall think necessary, stop and prevent the person so in default from passing through or by such toll-gate or other place as aforesaid and, if any such person has entered any part of the bridge, may require him to return in the direction in which he came and, if necessary, to repass over the bridge.

Power to stop persons refusing to pay tolls.

- PART II
—*cont.*
- Power to compound for payment of tolls.
- 19.**—(1) The county council may compound and agree with any person using the bridge for his passage or for the passage of any other person or of any traffic over the bridge on such terms and for such period as may be agreed.
- (2) Any payments payable under a composition agreement entered into under this section shall be paid in advance.
- (3) If the county council enter into a composition agreement under this section, every other person using the bridge in like manner and in like circumstances may compound for the tolls payable by him upon like terms to those contained in such agreement.
- Penalties on persons practising frauds.
- 20.** If any person having entered any part of the bridge shall refuse or intentionally fail to pay any toll when the same shall be demanded from him by virtue of this Act or attempt to evade payment of any toll he shall, without prejudice to any remedy of the county council for the recovery of such toll, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- Exemption from tolls.
1955 c. 18.
1955 c. 19.
- 21.**—(1) Nothing in this Act shall prejudice any existing right of Her Majesty including the exemptions and rights contained in section 184 of the Army Act 1955 and section 184 of the Air Force Act 1955.
- (2) Nothing in this Act or in any order made under this Act shall extend to authorise any tolls to be demanded or received from any person—
- (a) when on duty as a member of the naval forces of the Crown;
- (b) in charge of a mail bag as defined by the Post Office Act 1953.
- 1953 c. 36.
- (3) The exemption conferred by this section shall also apply to—
- (a) any animal or vehicle when being used in the service of the naval forces of the Crown or returning after being so used; and
- (b) any other animal or vehicle when being used in the service of the Crown or of the authority in whose service the person is engaged, as the case may be, by a person to whom exemption is granted by subsection (1) above or returning after being so used.
- Cesser of tolls.
- 22.**—(1) Subject to subsection (2) below, so soon as all the payments authorised or required to be made for the purposes “secondly”, “thirdly” and “fourthly” and “fifthly” in section 24 (Application of revenue) of this Act have been made,

the power to demand, take and recover tolls conferred by this Act shall cease and determine.

PART II
—cont.

(2) Subsection (1) above shall not have effect until adequate provision has been made for the continued maintenance and repair of—

- (a) the structure of the bridges, viaducts and embankments comprised in the works authorised by the Act of 1965 as Work No. 2, Work No. 3 or Work No. 4; and
- (b) the roads for the construction, maintenance or improvement of which the Council of the former administrative county of Pembrokeshire were authorised to apply money received by them from tolls under the Act of 1965;

and for the working and establishment expenses of the county council in relation to the bridge.

23.—(1) The county council may if they think fit provide a reserve fund by setting aside such amounts as are applicable to that fund in accordance with section 24 (Application of revenue) of this Act and (unless the said amounts are applied in any other manner authorised by any enactment) by investing the same in any securities in which superannuation funds may for the time being be invested until the sum so formed amounts to a sum (in this section referred to as the prescribed maximum) equal to 30 per centum or such greater percentage as the Secretary of State may from time to time approve of the aggregate capital expenditure incurred by the county council or the council of the former administrative county of Pembrokeshire on the bridge. Reserve fund.

(2) (a) A reserve fund formed under this section may be applied—

- (i) in making good any deficiency at any time happening in the tolls, charges and other income received in pursuance of this Act; or
- (ii) in meeting any extraordinary claim or demand at any time arising against the county council in respect of the bridge; or
- (iii) in or towards any payment of the cost of renewing, improving or extending any part of the bridge or otherwise for the benefit thereof.

(b) If and so often as the reserve fund be at any time reduced it may thereafter be again restored to the prescribed maximum.

(3) Resort may be had to the reserve fund although the fund may not have reached, or may have been reduced below, the prescribed maximum.

PART II
—cont.

(4) The income of the reserve fund shall be treated as part of the revenue of the bridge.

Application of
revenue.

24.—(1) The county council shall apply the tolls collected in pursuance of this Act and any other revenue received by them in respect of the bridge in manner following:—

first, in payment of the working and establishment expenses and cost of maintenance of the bridge;

secondly, in payment of the interest on moneys borrowed by the county council under section 52 (Power to borrow) of the Act of 1965;

thirdly, in providing the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed by the county council under the Act of 1965;

fourthly, in payment of all other expenses of executing this Part being expenses properly chargeable to revenue;

fifthly, in repaying any amounts repayable under subsection (1) of section 25 (As to deficiencies) of this Act, together with any interest payable on such amounts pursuant to subsection (2) of that section;

sixthly, in extending, improving and constructing (if the county council think fit) any works for the purpose of the bridge;

seventhly, in providing working capital (if the county council think fit);

eighthly, in providing a reserve fund (if the county council think fit) under section 23 (Reserve fund) of this Act;

ninthly, in the reduction of tolls which may be demanded, taken and recovered under this Act or for such other purpose as may be approved by the Secretary of State.

(2) Nothing in this section affects the application of borrowed money or the proceeds of the disposal of land or any other asset held by the county council for the purposes of, or in connection with, the bridge, or of any grant received by the county council in respect of the bridge.

As to
deficiencies.

25.—(1) Any deficiency in the revenue of the bridge in any financial year shall be made good in the first instance out of the reserve fund (if any) formed in connection with the bridge and if there be no such reserve fund or such reserve fund be insufficient for the purpose then out of the other moneys of the county council and in such case any amount made good out of such other moneys shall be repayable out of any future revenue of the bridge.

(2) The county council may apply money received by them in any financial year on account of the revenue of the bridge in the payment of interest calculated at the rate of 10 per centum per annum with half-yearly rests on the amounts repayable out of the revenue of the bridge referred to in subsection (1) above.

PART II
—cont.

(3) Whenever the money received by the county council from the bridge on account of revenue in any financial year shall exceed the amount expended or set aside in connection with the bridge in respect of the several purposes mentioned in section 24 (Application of revenue) of this Act then the surplus of such revenue shall be used in and for the purposes of the bridge and for no other purpose.

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

Exclusion
from applica-
tion of section
6 of Transport
Charges &c.
(Miscellaneous
Provisions)
Act 1954.
1954 c. 64.

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

Byelaws.

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

(2) No byelaw made under this section shall extend to impose any restriction upon navigation in the river.

PART II
—cont.

(3) In its application to byelaws made under this section, section 236 of the Act of 1972 (procedure for making and confirming byelaws) shall have effect as if in subsection (7) after “confirm”, where it secondly occurs, there were inserted “or confirm with modifications”.

Bridge to be exempt from rates.

28. Notwithstanding anything contained in any Act no part of the bridge shall be assessed to any rate.

For protection of certain statutory undertakers.

29. For the protection of the South Wales Electricity Board (in this section called “the board”) and the water authority the following provisions shall, unless otherwise agreed in writing between the county council and the board, or the water authority, as the case may be, apply and have effect:—

(1) (a) In this section—

“accommodation” means any accommodation for apparatus provided in the bridge pursuant to subsection (2) (a) of section 60 before the coming into operation of this Act;

“apparatus” means—

(a) in relation to the board, electric cables; and

(b) in relation to the water authority, water mains;

and includes any necessary works ancillary thereto;

“means of access” means any means of access to the apparatus provided pursuant to subsection (2) (a) of section 60 before the coming into operation of this Act whereby the undertakers may have access to their apparatus without breaking up or interfering with the surface of the carriageway and footway of the bridge;

“section 60” means section 60 (Accommodation for apparatus of statutory undertakers) of the Act of 1965; and

“undertakers” means the board and the water authority or either of them, as the case may be.

(b) References in this section to apparatus placed in the bridge are to apparatus placed in the accommodation and nothing in this Act shall allow the undertakers to place or affix apparatus on or in any part of the bridge otherwise than in the accommodation.

(2) Notwithstanding the repeal by this Act of section 60 the undertakers shall be entitled at all times to enter upon and use free of charge the accommodation and means of access for the purposes of laying and placing

therein and inspecting, repairing, maintaining, removing or renewing apparatus:

PART II
—cont.

Provided that—

(a) the apparatus shall at all times conform in design, construction and use with the reasonable requirements of the county council; and

(b) except in case of emergency, the undertakers shall give to the county council not less than 10 days' notice in writing of their intention to execute works on the bridge and shall conform with the reasonable requirements of the county council as to the time or times at which the undertakers may exercise the right of entering upon and executing works on the bridge and as to the manner in which such works are executed and the county council shall be entitled to superintend the execution of such works. The costs reasonably incurred by the county council in such superintendence shall be repaid to them by the undertakers.

- (3) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the county council all apparatus placed in the bridge by the undertakers and shall from time to time carry out and maintain such works as the county council may reasonably require to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge, being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section and, in default, the county council may at the expense of the undertakers carry out and maintain such works and the undertakers shall repay to the county council any expenses reasonably incurred by the county council in carrying out any such works;
- (b) The undertakers shall pay to the county council compensation for any loss, damage or expenses suffered or incurred by the county council by reason of the failure of the undertakers to comply with the provisions of this section, or by reason of any fault in, or accident occurring in relation to, any apparatus or material placed in or on the bridge by the undertakers and shall indemnify the county council against any actions, proceedings, costs, claims or demands arising out of, or in any way attributable to, the exercise by the undertakers of the rights conferred upon them by this section except to the extent that such actions, proceedings, costs, claims or demands may arise by

PART II
—*cont.*

reason of the neglect or default of the county council, their servants or agents:

Provided that whenever any loss or damage occurs which may give rise to a claim against the undertakers under this section the county council shall as soon as possible give notice thereof to the undertakers and shall not concede or compromise any claim made upon the county council without the concurrence of the undertakers.

- (4) The county council shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the apparatus placed in the bridge with any other apparatus of the undertakers.
- (5) Any question or difference which may arise between the county council and the undertakers under this section, other than any question or difference as to the meaning or construction of this section, shall be determined by arbitration.

PART III

HIGHWAYS AND LAND

Awnings over
footways.

30.—(1) If an awning over the footway of a street in the county which is a highway maintainable at the public expense is dangerous or inconvenient to the public, the highway authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(2) Without prejudice to the generality of subsection (1) above, an awning which obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway shall, for the purposes of that subsection, be taken to be dangerous or inconvenient to the public.

(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 this section were contained in that Act.

(4) In this section “awning” includes a blind, shade or other covering and an awning that can be folded or rolled up without being dismantled shall be treated for the purposes of this section as being in its extended position.

Prohibition of
parking or
camping on
highway
verges, etc.

31.—(1) (a) The county council may by order prohibit the leaving of any vehicle, trailer, caravan or tent on any lay-by or

on the verge of, or on unenclosed land adjacent to, any part of any road for which they are the highway authority in the county and, with the consent of the highway authority, any other road in the county.

PART III
—cont.

(b) In this subsection “unenclosed land” means any waste land within 15 metres of the road and any common land or other unenclosed land of whatsoever description within that distance from the road.

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

(3) (a) An order made under this section shall—

- (i) take effect from such date as may be specified in the order;
- (ii) specify the road or roads and any unenclosed land to which it is to apply; and
- (iii) specify the days and hours between 11 o'clock in the evening and 7 o'clock in the following morning during which the prohibition applies;

and may specify exceptions (other than those provided in subsection (10) below) from the prohibition thereby imposed.

(b) An order made under this section may at any time be altered or revoked by subsequent order made in like manner.

(4) In considering whether to make an order under this section the county council shall have regard to the availability of—

- (a) suitable parking facilities, whether on or off the road and whether provided by the county council or by some other person, for use as an alternative to those which before the making of the order have been lawfully used for that purpose; and
- (b) public sanitary conveniences in convenient situations.

(5) Before making any order under this section in relation to any road or land, the county council shall publish in one or more local newspapers circulating in the area in which the road or land is situated and in the London Gazette a notice—

- (a) stating the general effect of the order;
- (b) specifying the offices of every district council in whose district the road or land is situated where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice; and

PART III
—cont.

(c) stating that, within the said period, any person may by notice to the county council object to the making of the order.

(6) Before making an order under this section the county council shall consider all objections made as provided in subsection (5) (c) above and may hold a public inquiry.

(7) If, after considering objections made under subsection (5) (c) above, the county council determine to make the order, they may subject to subsection (9) below make the order in the terms proposed, or in those terms as modified to meet in whole or in part all or any of the objections, but if the county 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 the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the county council.

(8) When an order has been made by the county council under this section they shall publish notice of it, in the manner required by subsection (5) above, for notice of a proposal.

(9) Where an objection to the making of an order under this section is made by the owner or occupier of any land affected by the order, or of premises adjoining such land, and is not withdrawn, the order shall not be made except with the consent of the Secretary of State.

(10) (a) No order made under this section shall apply to the leaving of—

- (i) any vehicle, trailer, caravan or tent if it is not left for more than two hours;
- (ii) any vehicle, trailer, caravan or tent left on land not forming part of a highway by or with the consent of the occupier of the land;
- (iii) any vehicle, trailer or caravan left in consequence of illness, mechanical breakdown or other immediate emergency;
- (iv) any vehicle, trailer, caravan or tent left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;
- (v) any vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining a verge or land;
- (vi) any caravan which is occupied by a travelling showman who is travelling for the purpose of his business;

(vii) any vehicle, trailer or caravan in any area of the county designated as an area to which section 10 of the Caravan Sites Act 1968 applies if stationed in contravention of the said section 10;

PART III
—cont.
1968 c. 52.

(viii) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertakers or the railways board in the exercise of their statutory powers or by the highway authority or the local authority in, or in connection with, the exercise of their statutory functions.

(b) No order made under this section shall apply to any land—

(i) on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with any terms and conditions on which permission has been given for development by the local planning authority under the provisions of the Act of 1971; or

(ii) in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960; or

1960 c. 62.

(iii) used for the stationing of caravans occupied as residences under a licence or contract to which Part I of the Caravan Sites Act 1968 applies.

(11) Notice of the prohibition contained in this section shall be indicated by such traffic signs as may be authorised for that purpose by the Secretary of State under section 64 of the Act of 1984 and section 65 of that Act shall apply in relation to any such sign as though it were caused to be placed by the county council under that section in their capacity as a highway authority.

32.—(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—

Prohibition of parking of goods vehicles in front gardens.

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

1980 c. 66.

(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;

PART III
—cont.

S.I. 1982/1879.

- “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 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

1968 c. 73.

and, if the county council are not the highway authority or if the street is not a highway, the county council; and

PART III
—cont.

- (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 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.

PART III
—cont.

(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.

1986 c. 44. (11) Nothing in this section shall apply to any goods vehicle held ready for use in an emergency by any public gas supplier within the meaning of Part I of the Gas Act 1986 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.

Removal of
unlawfully
parked
vehicles.

33.—(1) (a) If—

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

the local authority or community 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.

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

(2) The local authority or community council shall deliver up to any person claiming and appearing to them to be the owner thereof any vehicle removed under this section; and if no such claim is made within 7 days following such removal, the authority 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 community 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.

PART III
—cont.

34.—(1) Where the occupier or the owner of any land adjoining a road for which the county council are the highway authority intends to carry out works to lay a pipe in any ditch which adjoins, or connects with a ditch which adjoins, the road, being in either case a ditch which carries away water from the surface of the road, he shall give notice of his intention to the highway authority.

Culverting of
roadside
ditches.

(2) Within 21 days from the receipt of such notice, subject as provided in subsection (3) below, the highway authority may by notice specify the diameter of the pipe to be used and may impose such conditions as may be reasonably necessary to secure the adequate drainage of surface water from the road.

(3) If no notice of the laying of a pipe in a ditch on any land is given as required by subsection (1) above, or a pipe of a diameter other than that specified is laid or conditions imposed by the highway authority are contravened, the highway authority may by notice to the owner of the land require the removal of the pipe and the reinstatement of the ditch or the taking of such measures as may be necessary to comply with those conditions.

(4) 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 given by the highway authority under subsection (3) above as if this section were contained in that Act.

(5) On serving notice under subsection (2) above the highway authority shall send a copy of the notice to the water authority and before serving notice under subsection (4) above the highway authority shall, except in case of emergency, consult the water authority.

35.—(1) This section applies to any channel (including any gutter, ditch, dyke or similar work but excluding any drain or barrier which has been constructed, laid or erected by the highway authority under section 100 (1) of the Highways Act 1980, or which is under their control) on any land which carries away water from the surface of any highway in the county which is repairable by the highway authority.

Drainage of
highways.

1980 c. 66.

(2) Where any channel to which this section applies needs maintenance or repair so as to ensure the effective drainage of

PART III
—cont.

the highway, the highway authority may, by notice to the owner or occupier of the land if he is liable by virtue of any agreement or rule of law to maintain the channel, require him to execute such works as may be necessary to remedy the condition.

(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 subsection (2) above as if this section were contained in that Act.

(4) (a) Without prejudice to subsections (2) and (3) above, any person who being the owner or occupier of the land without reasonable excuse intentionally obstructs, damages or otherwise interferes with any channel to which this section applies so as to impede or prevent the flow of water from the surface of the highway shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(b) Nothing in this subsection applies to anything done by the owner or occupier of any land which impedes or prevents the passage of any water, or any quantity of water, which he is not otherwise obliged to receive, or permit to pass, upon his land.

Provisions as
to sections 34
and 35.

36. The requirements which may be made by the highway authority under subsection (2) of section 34 (Culverting of roadside ditches) of this Act or under subsection (2) of section 35 (Drainage of highways) of this Act shall not require the occupier or owner to receive upon his land, or to make provision for the passage of, a greater quantity of water than he is otherwise obliged to receive or to permit to pass and, if at the request of the highway authority the occupier or owner makes provision for the passage of a greater quantity of water than he is obliged to permit to pass before the works are carried out by him, any additional cost reasonably incurred by him in complying with the request shall, unless otherwise agreed, be borne by the highway authority.

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

37.—(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.

(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:—

(a) traffic signs;

(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

PART III
—cont.

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

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

Recovery of expenses of fencing or lighting obstructions.

(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;

1980 c. 66.

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.

39. 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.

- PART III
—*cont.*
Extension of
section 90 of
National Parks
and Access to
the
Countryside
Act 1949.
1949 c. 97.
- 40.**—(1) In its application to a local planning authority, section 90 of the National Parks and Access to the Countryside Act 1949 (local authority byelaws) shall have effect as though the reference, in subsection (1), to land belonging to the authority included land held by them on lease.
- (2) Any byelaws made by a local planning authority under the said section 90 as extended by subsection (1) above as respects any land held by them on lease shall cease to apply to the land, or any part thereof, on its ceasing to be so held by the local planning authority unless it then belongs to them.
- Amendment
of section 41
of Countryside
Act 1968.
1968 c. 41.
- 41.** In its application to the county section 41 of the Countryside Act 1968 (power to make byelaws and related provisions about wardens) shall have effect as if—
- (a) in subsection (1), at the end of paragraph (d), there were inserted the following:—
- “or
- (e) (with the consent of every other party to the agreement) any land which is the subject of a management agreement made by the local authority under section 39 of the Wildlife and Countryside Act 1981 (management agreements with owners and occupiers); or
- (f) any land under the control or management of the local authority to which the public are permitted to have access, not being land to which paragraphs (a) to (d) above apply or a pleasure ground maintained under the Public Health Act 1875.”;
- (b) after subsection (1A) there were inserted the following:—
- “(1B) A warden or other authorised officer of the local authority, or a constable, may remove any person infringing any byelaw made under subsection (1) above from the land to which the byelaw relates.”.
- 1981 c. 69.
- 1875 c. 55.
- Access ways,
etc., over
greens.
1965 c. 64.
- 42.**—(1) In this section “green” means any land registered as town or village green under the Commons Registration Act 1965.
- (2) If on application made to a district council by the owner or occupier of any residential premises existing or proposed at the date of the application which adjoin a green in the district it appears to the district council that—
- (a) the premises lack satisfactory means of vehicular or other access; and

- (b) it is not reasonably practicable for the owner or occupier to secure such means of access in any other manner;

PART III
—cont.

the council may, with the consent of the Secretary of State, notwithstanding any enactment or rule of law, authorise the owner or occupier to construct and maintain a way giving vehicular or other access to those premises over the green.

(3) An authorisation of an access way under this section may be given on such conditions (which may include conditions requiring the maintenance of the access way, and the provision and maintenance in connection with it of cattle grids or other works) as may be specified in the authorisation and in the consent of the Secretary of State.

(4) The district council may at any time with the consent of the Secretary of State vary the conditions on which an authorisation under this section is given.

(5) A district council may with the consent of the Secretary of State by resolution suspend any rights of recreation over so much of any green as is the subject of an authorisation given under this section, at such times or for such period as may be specified in the resolution but such a resolution shall only have effect while the authorisation is in force.

(6) A district council shall not seek the consent of the Secretary of State to the giving of any authorisation or the passing of any resolution under this section in relation to any green not vested in them without the assent in writing of the person in whom the green is vested.

(7) Where the owner or occupier of any premises to which access is afforded pursuant to an authorisation under this section fails to carry out works required by a condition of the authorisation within the time specified therein or (in the case of works for the maintenance of the access way or of any cattle grids or other works provided in connection therewith) within such reasonable time as may be required by notice in writing given by the district council to the owner or occupier, the district council may carry out the works and recover from that person the expenses reasonably incurred by them in so doing.

(8) A district council may enter into arrangements with any person to whom an authorisation under this section has been given for the carrying out by the council on such terms as may be agreed between the parties of any works authorised or required by the authorisation.

(9) The conditions of an authorisation under this section and the requirements of a notice under subsection (7) above shall be enforceable against the owner and occupier for the time being

PART III
—cont.

of the premises to which access is afforded pursuant to the authorisation and shall be a local land charge on those premises.

(10) Nothing in this section shall authorise the enclosure of any part of a green.

(11) (a) Before seeking the consent of the Secretary of State under any provision of this section in relation to any green not vested in the council for the community in which the green to which the application relates is situated, the district council shall consult that community council.

(b) In considering an application for consent made to him under this section the Secretary of State shall have regard to the use normally made of the green by the public or any section thereof and shall refuse his consent if it appears to him that the provision of the access way would prevent or substantially impair such use or would otherwise be detrimental to the neighbourhood where the green is situated.

PART IV

PUBLIC HEALTH AND AMENITIES

Unauthorised
advertisements.

43.—(1) (a) This section applies to any area in the county which is, or is within, an area of special control defined under the Advertisement Regulations or, being outside such an area, is, or is within, a conservation area designated under section 277 of the Act of 1971.

(b) In this section—

“advertisement” means any advertisement to which the Advertisement Regulations apply other than any placard or poster which may be removed or obliterated under section 109A of the Act of 1971; and

“the Advertisement Regulations” means regulations made or having effect as if made under sections 63 and 109 of the Act of 1971.

(2) If any advertisement is displayed in any area to which this section applies in contravention of the Advertisement Regulations, the local planning authority may, by notice stating the provision of this section served on—

(a) the person who undertakes or maintains the display of the advertisement;

(b) the owner or occupier of the land on which the advertisement is displayed; and

- (c) if the local planning authority think fit, any other person who, within the meaning of section 109 (3) of the Act of 1971, is deemed to be displaying the advertisement;

PART IV
—cont.

require the removal of the advertisement within such period as may be specified in the notice.

(3) Subject to subsection (4) below, if the advertisement is not removed within the period so specified, or within 14 days from the service of the last of the notices served under subsection (2) above, whichever shall be the longer, the local planning authority may remove the advertisement.

(4) If, within 14 days of the service of a notice under subsection (2) above, representations are made in writing to the local planning authority that an advertisement to which the notice relates is not displayed in contravention of the Advertisement Regulations stating the grounds for such representations, the local planning authority shall not proceed with the removal of the advertisement under subsection (3) above until they have taken into consideration those representations and have notified the person by whom the representations were made of their decision whether or not to proceed.

(5) Any advertisement, removed by the local planning authority under this section shall be retained by them (unless in the opinion of the local planning authority the advertisement is incapable of further use) until claimed by the owner thereof and, if it is not so claimed within six months after its removal by the local planning authority, may be disposed of by the authority as they think fit.

(6) (a) If an advertisement removed under this section was not, at the time of removal, displayed in contravention of the Advertisement Regulations, any person specified in paragraph (b) below shall be entitled to recover from the local planning authority compensation in respect of any loss or damage sustained by him by reason of the removal of the advertisement and, where it has been removed by him in compliance with a notice under subsection (2) above, expenses reasonably incurred by him in that behalf.

(b) The persons entitled to claim compensation under this subsection are any of the following:—

- (i) any person who undertook or maintained the display of the advertisement;
- (ii) the owner or occupier of the land on which it was displayed; and

PART IV
—cont.

(iii) any other person who, within the meaning of section 109 (3) of the Act of 1971, was deemed to be displaying it.

(c) A claimant shall not be entitled to compensation under this section unless, not more than six months after the removal of the advertisement, he gives notice of his claim in writing to the local planning authority.

(d) Where the amount claimed by way of compensation under this section does not exceed the limit for the time being imposed on the jurisdiction of the county court by paragraph (b) of section 40 (1) of the County Courts Act 1959 (money recoverable by statute), proceedings for the recovery of such compensation may be begun in the county court.

(7) For the purposes of this section an advertisement shall be taken to be displayed in contravention of the Advertisement Regulations if displayed—

- (a) without consent granted, or deemed to be granted, under those regulations; or
- (b) in contravention of any condition relating to the removal of the advertisement.

(8) The following sections of the Act of 1971 shall have effect as if references therein to that Act included references to this section:—

- Section 280 (rights of entry);
- Section 281 (supplementary provisions as to rights of entry);
- Section 283 (service of notices);
- Section 284 (power to require information as to interests in land).

Touting,
hawking,
photographing,
etc.

44.—(1) The relevant authority may designate, in accordance with subsection (6) below, any of the following places, or any part of such places, in their area as places to which this section applies:—

(a) for any of the purposes of subsection (2) below—

(i) 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;

(ii) a street or esplanade, parade, promenade, marine drive or way to which the public commonly have access, whether or not as of right; and

(iii) the seashore; and

- (b) for the purposes of subsection (2) (c) below, any road or any common land or unenclosed land adjacent to, and within 15 metres of, any road:

PART IV
—cont.

Provided that the relevant authority shall not designate—

- (i) for the purpose of subsection (2) (b) (ii) below, any street; or
 (ii) for the purpose of subsection (2) (c) below, any part of any highway, or land adjoining a highway, specified in a control order under section 7 of the Act of 1976.

(2) Any person who—

- (a) in a place designated under subsection (1) (a) above 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 (other than a public service vehicle) or for a ship or boat; or
 (b) in a place designated under subsection (1) (a) above, without the consent of the relevant authority, or in breach of any condition subject to which the council's consent is given—
 (i) photographs, or purports to photograph, 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; or
 (c) in a place designated under subsection (1) (a) or (b) above, 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;

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 and the payment for the consent of such reasonable fee as the relevant authority may by resolution prescribe to cover their expenses in dealing with applications for such consents; and additionally the conditions of consent referred to in subsection (2) (c) above include—

- (a) the place at which the activities specified in the consent may take place;
 (b) the design, size and number of any stalls or containers that may be used for the purposes of those activities;
 (c) the design, size and location of any signs or advertisements which may be erected;

PART IV
—cont.

(d) the keeping of the place specified in the consent free from litter and refuse.

(4) Subject to any conditions as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

(5) A person aggrieved by—

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

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

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

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

(6) (a) Before designating any place for any of the purposes of subsection (2) above the relevant authority shall give notice of their proposal by advertisement in a newspaper circulating in the area where the place is situated, and by posting it in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the relevant authority 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 and after consulting the chief constable, the relevant authority 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.

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

(8) This section shall not prohibit—

(a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing 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 IV
—cont.

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

(9) Before giving consent under this section to the hawking, selling or offering or exposing for sale of anything in a highway, the relevant authority, if not the highway authority for that highway, shall consult the highway authority.

(10) (a) In any district in which Schedule 4 to the Act of 1982 is in force—

(i) the following provisions of this section, that is:—

In subsection (1), paragraph (b) and proviso (ii);
Subsection (2) (c);

In subsection (3), the words “and (c)” and from the words “and additionally” to the end of the subsection;

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

In subsection (8), paragraph (b); and
Subsection (9);

shall not have effect in any street which has been designated under paragraph 2 of the said Schedule 4 so long as it remains subject to that designation; and

(ii) the district council shall not designate under the said paragraph 2 any place which has been designated under this section so long as it remains subject to that designation.

(b) In this subsection, references to designation under paragraph 2 of Schedule 4 to the Act of 1982 are references to designation as a prohibited street, a licensed street or a consent street.

PART IV
—cont.

(11) For the purposes of this section, the relevant authority is the district council or, where any place is situated within the Pembrokeshire Coast National Park, the county council.

PART V

PUBLIC SAFETY AND FIRE PRECAUTIONS

Byelaws as to
temporary
structures.

45.—(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;
- (e) the proper arrangement of any seating accommodation to be provided in the structure; and
- (f) where artificial lighting is provided in the structure, the provision of an adequate service of secondary or emergency lighting.

(2) A person who contravenes a byelaw 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 one-tenth of that level.

(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 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, not being a 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.

PART V
—cont.

1961 c. 64.

46.—(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—

Safety of
stands.

- (a) the erection of which involves the carrying out of any building work within the meaning of the Building Regulations 1985; 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.

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(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 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 need not include a plan and section of the intended stand but, if they do not, 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

PART V
—cont.

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.

(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.

PART V
—cont.

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

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 in accordance with building regulations deposited with a district council; 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;

PART V
—cont.

- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

1984 c. 55. (4) Section 16 and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall (so far as material) apply as if this section were a section of Part I of that Act.

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

(6) If any conditions imposed under or by virtue of 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 not involving the carrying out of any building work within the meaning of the Building Regulations 1985 or the making of a material change of use within the meaning of those 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 or given 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;

S.I. 1985/1065.

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.

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

PART V
—cont.
1984 c. 55.

- (a) references in those provisions to that Act included reference to that subsection;
- (b) in section 99 (2) paragraph (b) were omitted; and
- (c) for the reference in sections 102 and 104 to the court there were substituted reference to the Secretary of State.

(9) Any person on whom notice is served under subsection (6) above in respect of any parking place owned or occupied by him, who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) For the purposes of section 95 (1) (a) of the Building Act 1984 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as 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 or an initial notice or a public body's notice accepted subject to compliance with conditions specified under or by virtue of 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.

48.—(1) In this section—

“oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burners, the storage tanks and the apparatus, fittings,

Oil-burning
equipment.

PART V
—cont.

devices and catch-pits and any other equipment used for, or in connection with, the heating of the boiler, but does not include—

(a) any such equipment if the tank storage to supply oil to the boiler has a total capacity not exceeding 3,500 litres; or

(b) any such equipment for generating electricity forming part of a generating station of the Central Electricity Generating Board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957;

1957 c. 48.

“boiler” means a boiler, furnace, heater, oven or similar plant;

“storage tank” means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler;

“apparatus” and “fittings” include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters;

and references to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(2) (a) The county council may make byelaws applicable in any district or part thereof for securing that arrangements are made for preventing or reducing danger from fire arising in connection with oil-burning equipment installed or placed in any building, or on any land, in the area to which the byelaws apply.

(b) Without prejudice to the generality of paragraph (a) above, byelaws made under this subsection may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(c) In its application to byelaws made under this subsection, section 236 of the Act of 1972 (procedure for making and confirming byelaws) shall have effect as if in subsection (7), after “confirm” where it secondly occurs, there were inserted “or confirm with modifications”.

(d) If the Secretary of State, on considering byelaws submitted under section 236 of the Act of 1972 as having effect in accordance with paragraph (c) above, proposes to make a modification which appears to him to be substantial, he shall inform the county council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification, and shall not confirm the byelaws until

there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the county council and by other persons who have been informed of it.

PART V
—cont.

(3) As from the appointed day in any district, being a day not earlier than the day on which byelaws made under subsection (2) above come into operation in the district, any person intending to install or place oil-burning equipment in any building, or on any land, in the area of the district to which the byelaws apply shall give to the district council not less than 14 days' notice of his intention to do so.

(4) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and approved by, the district council shall, for the purposes only of this section, be deemed to comply with the appropriate specification for such equipment prescribed in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the district council do not, within 8 weeks after the submission of plans and specifications for any oil-burning equipment under this subsection, notify the person who submitted the plans and specifications of their disapproval of the said plans and specifications stating the reasons for their disapproval, they shall be deemed to have approved them.

(5) (a) If, on an application made by a person proposing to install or place oil-burning equipment in any building, or on any land, in their district, for waiver of the specification for such equipment prescribed in the byelaws the district council, after consultation with the county council, are satisfied that proper arrangements will be made for preventing or reducing danger from fire arising in connection with the equipment, they may dispense with, or relax, the requirements of the byelaws and approve the installation or the placing of the equipment notwithstanding that it does not comply with the specification for such equipment prescribed in the byelaws.

(b) If the district council do not, within 8 weeks after the making of an application under this subsection, or such longer period as the applicant may in writing allow, notify him of their approval of the application, they shall be deemed to have disapproved it.

(6) (a) Any person aggrieved by—

- (i) the withholding by the district council of their approval to the installation or placing of oil-burning equipment under subsection (4) above; or
- (ii) the disapproval by the district council of an application made under subsection (5) above;

PART V
—cont.

may, within 21 days after the receipt of notification of the disapproval or, as the case may be, the expiration of the period of 8 weeks specified in subsection (5) (b) above, appeal to the Secretary of State stating the grounds of his appeal; and the appellant shall at the same time serve on the district council and the county council a copy of that statement.

(b) Where an appeal is brought under this subsection the Secretary of State shall take into account any representations made by the appellant, the district council and the county council within 21 days after the date of the notice of appeal, and may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(c) Except for the purposes of this subsection, the decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the district council given under subsection (4) (a) or, as the case may be, subsection (5) (a) above.

(7) Any person who installs oil-burning equipment in any building, or on any land, in the area to which byelaws made under subsection (2) above apply without giving such notice as may be required under subsection (3) above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) (a) Byelaws made under subsection (2) above may provide that persons contravening any byelaw shall be liable on summary conviction to a maximum fine of any amount not exceeding level 3 on the standard scale and a daily fine not exceeding one-tenth of that level.

(b) In any proceedings for an offence under subsection (2) above it shall be a defence to show that the contravention occurred by reason of the installation or placing of equipment in accordance with any approval given by the district council under subsection (4) or (5) above.

(9) Nothing in this section shall apply to the installation of oil-burning equipment in any building in respect of which a licence under the Theatres Act 1968, the Gaming Act 1968, Schedule 1 to the Act of 1982 or the Cinemas Act 1985 is for the time being in force.

1968 c. 54.
1968 c. 65.
1985 c. 13.

Fire
precautions in
registered
clubs.
1964 c. 26.

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

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

PART V
—cont.

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

1968 c. 65.

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

1971 c. 40.

50.—(1) Section 72 of the Building Act 1984 shall have effect in its application to the county as if—

Amendment
of section 72
of Building
Act 1984.
1984 c. 55.

(a) in subsections (1) and (6) thereof the words “4.5 metres” were substituted for the words “twenty feet”;

(b) in the said subsection (6) in paragraph (a) for the words “let in flats or” there were substituted the words “used in whole or in part as flats or”.

(2) (a) The county 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 (other than a house used, in whole or in part, as a flat or flats) 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 and may make directions for giving effect to its decision.

(3) Section 72 of the Building Act 1984, as having effect in accordance with this section, shall not apply to—

(a) any building in respect of which a licence under the Gaming Act 1968, Schedule 1 to the Act of 1982 or the Cinemas Act 1985 is for the time being in force; or

1985 c. 13.

(b) any premises to which section 9A of the Fire Precautions Act 1971 applies.

1971 c. 40.

PART V
—cont.
Access for
fire brigade.

51.—(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—

- (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, will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of planning permission granted upon and 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 and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall (so far as material) apply as if this section were a section of Part I of that Act.

(4) Any person aggrieved by the rejection of plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access 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.

Prescription of
signs to be
used on
certain
buildings.

52.—(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 the case of fire.

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

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

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding one-tenth of that level.

PART V
—cont.

(5) (a) The fire authority shall not exercise the powers of subsection (3) above in relation to any part of a building on operational land of the Central Electricity Generating Board or the electricity area board without the consent of the board concerned, which consent shall not be unreasonably withheld.

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

53.—(1) This section applies to a fire alarm system for the protection of any premises in the county and connected to the telecommunication system of any telecommunications operator 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 any such operator.

Fire alarms.

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

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

(3) If any person contravenes subsection (2) (a) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART VI

STORAGE OF FLAMMABLE MATERIAL

54.—(1) For the purpose 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;

Interpretation
of Part VI.

PART VI
—cont.

- (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 not less than 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

Stacks to which this Part applies.

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

(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) 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;
 - (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 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

PART VI
—cont.

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.

56.—(1) Subject to subsection (2) of section 60 (Transitional provisions for Part VI) 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 condition subject to which such consent is given.

(2) 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 the materials are of such a nature that the stack does not create fire risks, the county council shall give their consent unconditionally.

(3) 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.

(4) 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.

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

PART VI
—cont.

(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.

57. A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent under section 56 (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 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.

Part VI
appeals.

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

Powers of
entry for
Part VI.

59. Where a stack is on any premises in contravention of subsection (1) of section 56 (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.

Offences under
Part VI.

60.—(1) Where under subsection (5) of section 56 (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.

Transitional
provisions for
Part VI.

PART VI
—cont.

(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 56 (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.

PART VII

MARKETS

Part III of
Food Act
1984 to apply
to market
undertakings.
1984 c. 30.

61. Any market carried on by a district council within their district which was not established or acquired under section 50 of the Food Act 1984 or any of the enactments mentioned in paragraphs (b) and (c) of subsection (2) of that section shall be deemed to have been acquired by the district council under the said section 50.

Power to
require
information.

62.—(1) Subject to the provisions of this section a district council may, by notice served on any person who, whether as principal or as agent, sells in any market carried on by the district 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 district council of their duties or powers as a market authority:

Provided that nothing in this section shall enable the district 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 shall apply for the purposes of this section as it applies for the purpose of that Act.

PART VIII

MISCELLANEOUS

Coal workings:
performance
bonds.

63.—(1) Planning permission under the Act of 1971 for development in the county which consists of or includes the winning and working of coal (including the extraction of coal from a mineral-working deposit), or other operations in, on,

over or under land for or in connection with such winning and working of coal may be granted subject to the requirement that any of the following persons, other than the British Coal Corporation, namely:—

- (a) the applicant for the planning permission, or, as the case may be, the appellant against an enforcement notice; or
- (b) any other person who carries out the development authorised by the planning permission;

shall provide, to the satisfaction of the mineral planning authority, before commencing, or, as the case may be, proceeding with, the development, security for the performance of any conditions subject to which the planning permission is granted relating to landscaping or the preservation, restoration or reinstatement of the land forming the site of the development, including any restoration condition or aftercare condition.

(2) The security for the performance of conditions of a planning permission which may be required under subsection (1) above may be provided—

- (a) by a bond, guaranteed by a guarantor approved by the mineral planning authority, for payment to the mineral planning authority, in default of such performance, of such a sum as may be required to secure compliance with those conditions; or
- (b) by such other means as may be approved by the mineral planning authority to secure compliance with those conditions.

(3) Where the costs incurred by the mineral planning authority in carrying out works or operations to perform, or complete the performance of, conditions of a planning permission for which security is required under subsection (1) above, exceed the sum for which security is provided in accordance with the foregoing provisions of this section, the mineral planning authority may recover the excess from the persons specified in subsection (1) (a) or (b) above.

(4) Where in pursuance of the foregoing provisions of this section a person is required to provide security for the performance of conditions of a planning permission and before the completion of the development authorised by that planning permission the right to carry out that development becomes vested in some other person, then—

- (a) upon being notified by the British Coal Corporation for the purposes of this subsection that the right to carry out that development has become vested in it; or

PART VIII
—cont.

(b) upon being satisfied that some other person in whom for the time being the right to carry out that development is vested has provided security for the performance of conditions of the planning permission; the mineral planning authority shall, in either case, upon the request of the person who before such vesting had been required to provide security for the performance of conditions of the planning permission, release that last-mentioned person from all liability in respect of the security provided by him.

1981 c. 36. (5) This section shall not apply to any planning permission granted after the coming into operation in the county of any other enactment providing means to secure the performance of such conditions as are mentioned in subsection (1) above; and, on the coming into operation of section 1 (2) of the Town and Country Planning (Minerals) Act 1981, subsection (6) (b) below shall cease to have effect.

(6) In this section—

- (a) “coal” means bituminous coal, cannel-coal or anthracite;
- (b) “mineral working deposit” means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land; and
- (c) expressions to which meanings are assigned by the Act of 1971 have the same respective meanings.

Goods for sale,
etc., in Tenby
conservation
area.

64.—(1) In this section, “goods for sale” means goods of any description offered or exposed for sale or hire to the public or retained for those purposes but does not include goods in the course of delivery to or from any premises.

(2) Where the local planning authority are of the opinion that the placing or keeping of goods for sale in the Tenby conservation area (as it existed on 27th November 1985)—

- (a) on the footway of any street fronting any premises; or
- (b) on the external walls of any building or structure so as to be visible from any street or land to which the public have access;

is injurious to the visual amenities of the area they may by notice served on the occupier of the premises require him to remove the goods within such reasonable time as may be specified in the notice and prohibit the placing or keeping of further goods for sale of the kind, and in the locations, so specified.

(3) Subsections (1) to (5) of section 290 of the Act of 1936 shall (so far as material) apply to this section as if this section were a provision of that Act and as if the removal of goods for sale were the execution of a work.

PART VIII
—cont.

(4) A prohibition under subsection (2) above shall be effective for such period, not exceeding three years, as shall be specified in the notice.

(5) 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 3 on the standard scale.

(6) Nothing in this section shall apply to anything done in the course of street trading as defined in paragraph 1 of Schedule 4 to the Act of 1982.

65.—(1) In this section “Kingsmoor Common” means so much of the land in the communities of Begelly and East Williamston in the district of South Pembrokeshire delineated on the plans and described in the book of reference deposited in connection with the Bill for the Act of 1965 and therein numbered 70, 71, 71A, 71B, 72 and 73 as is vested in the South Pembrokeshire council.

Kingsmoor
Common.

(2) (a) Notwithstanding anything contained in the Kingsmoor Common Scheme made by the former council of the rural district of Narbeth on 5th September 1910 and approved by order of the Board of Agriculture and Fisheries on 17th September 1910, the South Pembrokeshire council may from time to time by resolution extinguish the common rights on or over so much of Kingsmoor Common as is specified in the resolution, but such a resolution shall be of no effect until confirmed by order of the Secretary of State.

(b) Not less than 42 days before passing a resolution making an order under paragraph (a) above the South Pembrokeshire council shall publish notice of their intention to do so, stating the effect of the proposed resolution, in a local newspaper circulating in the district.

(c) The notice under paragraph (b) above shall state that objections to the proposed resolution may be made in writing to the district council before such day, being not less than 28 days after the date of publication of the newspaper, as shall be specified in the notice.

(d) It shall be the duty of the South Pembrokeshire council to consider any objection made under paragraph (c) above before passing the resolution and, if they pass the resolution, to forward a copy of it and of all such objections to the Secretary of State.

PART VIII
—cont.

1876 c. 56.

(e) The Secretary of State shall consider any resolution and objections forwarded to him pursuant to paragraph (d) above with regard to the same considerations as are directed by the Commons Act 1876 to be taken into consideration by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not, and thereafter he may by order confirm the resolution, or he may refuse to confirm the resolution, and shall in either case notify the South Pembrokeshire council of his decision.

(f) On being notified of the decision of the Secretary of State under paragraph (e) above, the South Pembrokeshire council shall publish notice of the decision in the newspaper in which notice of the intention to pass the resolution was published under paragraph (b) above.

(g) Either—

- (i) a copy of the newspaper containing any notice such as is referred to in paragraph (b) or paragraph (f) above; or
- (ii) a photostatic or other reproduction certified by the proper officer of the South Pembrokeshire council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

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

(3) (a) The South Pembrokeshire council shall pay or make compensation for the common rights extinguished under subsection (2) above to any person who shows—

- (i) that he lawfully exercised such rights at any time during the period of 10 years immediately preceding 20th November 1964; and, in addition
- (ii) that he did so at any time during the years 1984 to 1987 inclusive;

and who shall within a period of six months after the confirmation of the resolution deliver to the South Pembrokeshire council a claim in writing to such compensation.

(b) If the South Pembrokeshire council dispute the right of any person to compensation under paragraph (a) above such dispute shall be determined by the Lands Tribunal.

(c) The amount of any compensation payable under paragraph (a) above shall in case of dispute be determined by the Lands Tribunal.

(4) (a) Subject to paragraphs (b) and (e) below, the South Pembrokeshire council may from time to time enclose any part of Kingsmoor Common specified in a resolution under this subsection over which common rights have been extinguished pursuant to section 57 of the Act of 1965, or subsection (2) above, and appropriate and use that part for the purposes of any of their functions.

PART VIII
—cont.

(b) Any resolution under this subsection which, together with any earlier resolutions under this subsection or under section 57 of the Act of 1965, would authorise the enclosure, appropriation and use of a total of more than 15 acres of Kingsmoor Common as it existed on the passing of the Act of 1965 for purposes other than for providing open-air recreation (hereinafter called a relevant resolution) shall be of no effect until confirmed by order of the Secretary of State.

(c) A resolution under this subsection may be passed and an order under this subsection may be made, in relation to any part of Kingsmoor Common conditionally on the making of an order or on the passing of a resolution and the making of an order under subsection (2) above in respect of that part.

(d) Paragraphs (b) to (g) of subsection (2) above shall apply to a relevant resolution and to an order under this subsection as they apply to resolutions and orders under subsection (2).

(e) An order of the Secretary of State under this subsection confirming a relevant resolution shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that the land to which the resolution relates does not exceed 250 square yards in extent, and certifies accordingly.

66.—(1) In this section—

“the Act of 1838” means the Act intituled “An Act for dividing, allotting, and inclosing Common and Waste Lands called Portfield otherwise Poorfield in the County of the Town of Haverfordwest”;

Portfield
Recreation
Committee.
1838 c. xciv.

“the committee” means the Portfield Recreation Committee;

“the lands” means the parts of the common and waste lands set out and allotted for a place of recreation and exercise under the Act of 1838 shown on the signed plan and thereon edged red;

“the northern portion” means that part of the lands shown coloured blue on the signed plan;

“the racecourse” means that part of the lands shown coloured green on the signed plan;

“the recreation ground” means that part of the lands shown coloured brown on the signed plan;

PART VIII
—cont.

“the signed plan” means the plan signed in triplicate by the Rt. Hon. Lord Aberdare, K.B.E., the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which plan has been deposited in the office of the Clerk of the Parliaments, one copy in the Private Bill Office of the House of Commons and one copy at the office of the Chief Executive of the Preseli Pembrokeshire District Council in Haverfordwest;

“the town council” means the Haverfordwest Town Council;

“the trustees” means the trustees for the freemen of the town of Haverfordwest appointed under the Act of 1838.

(2) (a) There shall continue to be a committee for the management of the lands which shall be known as the Portfield Recreation Committee and shall consist of 10 members as follows:—

- (i) the mayor for the time being of the town of Haverfordwest;
- (ii) four other members of the town council;
- (iii) five of the trustees.

(b) The appointments of the members of the committee referred to in sub-paragraphs (ii) and (iii) of paragraph (a) above shall be made at any special meeting of the town council or of the trustees, as the case may be.

(c) The quorum required for a meeting of the committee shall be five.

(d) The committee may act notwithstanding a vacancy in their number and no act of the committee shall be deemed to be invalid by reason of any irregularity in the appointment of any member.

(e) Subject to paragraph (f) below each member (other than the mayor) shall hold office for one year from the date of his appointment and shall be capable of re-appointment.

(f) Each member shall cease to hold office on ceasing to be a member of the town council or a trustee, as the case may be.

(3) (a) The committee may enclose, drain, plant and otherwise improve the northern portion, and subject to any necessary consent of the Charity Commissioners may let all or any part thereof for any term not exceeding 40 years on such terms and conditions as the committee think fit, with power to reserve during the first 10 years of the first term to be granted thereof, or of any part thereof, any rent or rents less than the rent or rents to be ultimately reserved.

(b) The committee may drain, level, and otherwise improve the racecourse, and drain, plant, level, and otherwise improve and make and maintain roads and walks through the recreation ground, and erect and maintain thereon lodges and other buildings, fences, and gates, and execute thereon all other necessary or proper works, so as to make the same more available or convenient as a place for public recreation and exercise.

PART VIII
—cont.

(4) The annual and other profits derived from the northern portion and the racecourse shall be applied by the committee as follows:—

- first, in making and maintaining all such hedges, fences, and other works as the town council by the Act of 1838, and the award made in pursuance thereof, are required to make and maintain;
- secondly, in enclosing, draining, planting, and otherwise improving the land in accordance with this section, and in maintaining the improvements from time to time made, and in payment of the annual and other outgoings in respect thereof;
- thirdly, for the benefit of the town council and the freemen of the town of Haverfordwest respectively in the proportions in which they are now entitled to the profits arising from the pasture of the racecourse and the area within the same under the Act of 1838.

(5) (a) The committee may at their discretion on such days as they think fit (not exceeding 12 days in any one year nor for a longer period on any one occasion than four consecutive days) use all or any part of the racecourse and the recreation ground for the purpose of any game, recreation, contest, match, horse or other race meeting, exhibition or pastime or grant the use of the same or any part or parts thereof either gratuitously or for payment to any person for any such purpose and may direct that on such days the public shall be entirely excluded from the said racecourse and recreation ground or the part or parts thereof so in use or shall be admitted thereto upon payment of such charge as shall be fixed by the committee or by the person to whom the use shall have been granted as aforesaid and on the occasions aforesaid may enclose or give authority for the enclosure of the said racecourse or recreation ground or the part or parts thereof in use.

(b) The committee may execute or authorise to be executed on the racecourse and recreation ground all such works as may in the opinion of the committee be necessary or desirable in connection with the use thereof for any of the purposes aforesaid.

PART VIII
—cont.

(c) Any profits derived from the use of the racecourse and recreation ground for the purposes aforesaid shall be applied in manner provided by subsection (4) above.

(6) The Preseli Pembrokeshire District Council may close the highway crossing the racecourse while it is being used for any of the purposes mentioned in subsection (5) above.

(7) This section (other than subsection (6)) may be amended by a scheme made by the Charity Commissioners under section 18 of the Charities Act 1960.

1960 c. 58.

PART IX

GENERAL

Penalty for
obstruction.

67. Any person who intentionally obstructs any officer of a local authority or a member or officer of a community council 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.

Local inquiry.

68. 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.

Arbitration.

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

Appeals to
magistrates'
court.

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

Suspension of
proceedings
pending
appeal.

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

- (a) involves the 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—

PART IX
—cont.

- (i) no proceeding shall be taken in respect of any failure to take the action, nor shall the local authority themselves 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.

72. 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.

Restriction on
right to
prosecute.

73.—(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.

Liability of
directors, etc.

(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.

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

Application of
general
provisions of
Public Health
Act 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 34 (Culverting of roadside ditches);
- Section 35 (Drainage of highways);
- Section 42 (Access ways, etc., over greens);
- Part V (Public safety and fire precautions);
- Part VI (Storage of flammable material).

(3) Before entry on any operational railway line of the British Railways Board in pursuance of any of the provisions of this Act mentioned in subsection (2) above 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.

PART IX
—cont.
Crown rights.

75.—(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 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.

(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.

1950 c. 39.

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

76.—(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 that subsection applies to any provision to which it applies.

(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 45 (Byelaws as to temporary structures);
- Section 48 (Oil-burning equipment).

Defence of
due diligence.

77.—(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:—

PART IX
—cont.

- Section 10 (Tidal works);
- Section 35 (Drainage of highways);
- Section 44 (Touting, hawking, photographing, etc.);
- Section 46 (Safety of stands);
- Section 47 (Parking places: safety requirements);
- Section 48 (Oil-burning equipment);
- Section 51 (Access for fire brigade);
- Section 52 (Prescription of signs to be used on certain buildings);
- Part VI (Storage of flammable material);
- Section 64 (Goods for sale, etc., in Tenby conservation area).

(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.

78.—(1) The transitional provisions and savings in Schedule 2 to this Act shall have effect.

Transitional provisions, savings and repeals.

(2) Subject to the provisions of the said Schedule 2 the statutory provisions specified in columns (1) and (2) of Schedule 3 to this Act are hereby repealed to the extent specified in column (3) of that Schedule.

(3) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(4) The inclusion in this Act of any express transitional provision or saving shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (effect of repeals).

1978 c. 30.

Section 74.

SCHEDULES

1936 c. 49.

SCHEDULE 1
SECTIONS OF PUBLIC HEALTH ACT 1936
APPLIED

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be done.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
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.

Section 78 (1).

SCHEDULE 2

TRANSITIONAL PROVISIONS AND SAVINGS

1. Where an instrument or document refers, either expressly or by implication, to a statutory provision 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 provision of this Act or of any public general Act relating to the same matter in the same area.

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

3.—(1) Anything begun under a statutory provision repealed by this Act may be continued under any provision of this Act or of any public general Act relating to the same matter as if begun under that provision.

(2) Where any period of time specified in, or having effect in relation to, a statutory provision repealed by this Act is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if it were in force when that period began to run.

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

4. The repeal by this Act of any statutory provision shall not affect the operation of any byelaw made under that provision if the byelaw is one which could be made under or by virtue of any corresponding provision of this Act or of a public general Act, and any such byelaw shall have effect as if made under that provision.

SCH. 2
—cont.

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

SCHEDULE 3

Section 78 (2).

STATUTORY PROVISIONS REPEALED PART I CONSEQUENTIAL REPEALS IN LOCAL STATUTORY PROVISIONS

Chapter (1)	Short title (2)	Extent of repeal (3)
19 & 20 Geo. 5 c. xiii.	Llanelly Corporation Act 1929.	Section 28 (Restriction on erection of temporary stands).
1 Edw. 8 & 1 Geo. 6 c. cxvi.	Aberystwyth Rural Dis- trict Council Act 1937.	Section 48 (Prohibition of touting hawking &c. on esplanades seashore &c.).
1965 c. xxxvi.	Pembrokeshire County Council Act 1965.	Section 19 (Power to make subsidiary works). Section 20 (Subsidiary works in river and else- where). Section 26 (No mains or pipes to be laid in bridge without consent). Section 30 (Permanent lights on tidal works). Section 31 (Provision against danger to naviga- tion). Section 32 (Abatement of works abandoned or decayed). Section 33 (Survey of tidal works). Section 34 (Provisions applicable to sections 32 and 33). Section 36 (Tolls). Section 37 (Revision of tolls).

SCH. 3
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
1965 c. xxxvi. —cont.	Pembrokeshire County Council Act 1965.— cont.	Section 38 (Further provisions as to prescription or revision of tolls). Section 39 (Exclusion from application of section 6 of Transport Charges &c., (Miscellaneous Provisions) Act 1954). Section 40 (Power to provide toll houses, etc.) Section 41 (List of tolls to be exhibited). Section 42 (Regulations as to payment of tolls and charges). Section 43 (Persons may be prevented from using bridge on refusal to pay tolls). Section 44 (Power to compound for payment of tolls). Section 45 (Tickets). Section 46 (Exemption from tolls). Section 47 (Cesser of tolls). Section 53 (Application of revenue). Section 54 (Power to create reserve fund). Section 55 (As to deficiencies). Section 57 (Acquisition and use of Kingsmoor Common). Section 58 (Compensation for common rights extinguished). Section 68 (Byelaws). Section 69 (Bridge to be exempt from rates).

Section 78 (2).

PART II

SPENT AND OBSOLETE PROVISIONS

A—LOCAL ENACTMENTS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
32 Geo. 3. c. 104. (1792).	An Act for building a New Gaol and House of Correction for the Town and County	The whole Act.

Chapter (1)	Title or short title (2)	Extent of repeal (3)	SCH. 3 —cont.
32 Geo. 3. c. 104. (1792).—cont.	Borough of Carmarthen, and for supplying the said Town and County Borough, and the Liberties thereof, with Water; and for Paving, Watching, Lighting, Cleansing and Regulating, the Streets, Lanes, Ways, Roads, and Public Passages, and for widening and making the same more commodious; and removing and preventing Nuisances, Annoyances, and Obstructions therein; and for other Purposes.		
45 Geo. 3. c. ciii. (1805).	An Act to repeal so much of an Act passed in the Thirty-second Year of His present Majesty, as relates to the building a Gaol and House of Correction for the Town and County Borough of Carmarthen, and for watching and supplying the said Town with Water; and for granting further Powers for those and other Purposes relating thereto.	The whole Act.	
59 Geo. 3. c. cxxv. (1819).	An Act for authorising the Commissioners of His Majesty's Navy to establish a Market at the Town of Pembroke Dock, in the County of Pembroke, and to make Regulations for the paving, lighting, cleansing, and good Order of the said Town.	The whole Act.	
3 Geo. 4. c. lxxiii. (1822).	An Act for converting the Gaol and House of Correction of the	The whole Act.	

SCH. 3
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
3 Geo. 4. c. lxxiii. (1822). —cont.	County of Pembroke into a Gaol for the said County, and for the Town and County of Haverfordwest; and for applying the Gaol of the said Town and County of Haverfordwest to the purposes of a Lunatic Asylum.	
3 & 4 Will. 4. c. cii. (1833).	An Act for erecting a Bridge over the River Dungleddau, within the Town and County of Haverfordwest, and the Liberties thereof.	The whole Act.
5 & 6 Will. 4. c. xvi. (1835).	An Act for improving and regulating the Town of Aberystwyth in the County of Cardigan, and for supplying the Inhabitants thereof with Water.	The whole Act.
5 & 6 Will. 4. c. lxxiii. (1835).	An Act for paving, lighting, and otherwise improving the Town of Haverfordwest, and the adjoining Townships of Prendergast and Cartlett, in the Parishes of Prendergast and Uzmaston, in the County of Pembroke.	The whole Act.
6 & 7 Will. 4. c. cxvi. (1836).	An Act to explain and amend an Act passed in the Third Year of his present Majesty, intituled, An Act for erecting a Bridge over the River Dungleddau, within the Town and County of Haverfordwest and the Liberties thereof.	The whole Act.
1 & 2 Vict. c. xiii. (1838).	An Act for the Improvement of the Borough of Tenby in the County of	The whole Act.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1 & 2 Vict. c. xiii. (1838). —cont.	Pembroke; and for regulating and main- taining the Harbour and Pier belonging thereto.	
6 & 7 Vict. c. xii. (1843).	An Act for removing the present Markets held in the County of the Borough of Carmarthen, and for providing other Mar- ket Places, and regu- lating the Markets to be held therein.	The whole Act.
16 & 17 Vict. c. ix.	Carmarthen Cattle Mar- ket Act 1853.	The whole Act.
20 & 21 Vict. c. xxxviii.	Cardigan Markets and Improvement Act 1857.	The whole Act except sections 19, 20 and 67.
20 & 21 Vict. c. lxxiv.	Milford Improvement Act 1857.	The whole Act except sections 17 and 123.
31 & 32 Vict. c. xxxiv.	Haverfordwest Borough Act 1868.	The whole Act except section 5.
32 & 33 Vict. c. xcvi.	Milford Improvement Act 1869.	The whole Act.
35 & 36 Vict. c. xxx.	Aberystwyth Improve- ment and Water Act 1872.	The whole Act except sections 17, 18 and 23.
51 & 52 Vict. c. clxxv.	Llanelly Local Board Act 1888.	The whole Act except sections 6 to 13 and 144.
61 & 62 Vict. c. cviii.	Carmarthen Improve- ments Act 1898.	The whole Act except sections 20 to 22.
3 & 4 Geo. 5. c. cix.	Aberystwyth Corpora- tion Act 1913.	The whole Act except sections 7, 9, 96(1) (b), 100 and 101.
5 & 6 Geo. 5 c. xlv.	Ammanford Urban District Council Act 1915.	The whole Act.
19 & 20 Geo. 5. c. xiii.	Llanelly Corporation Act 1929.	The whole Act except section 28.

SCH. 3
—cont.

SCH. 3
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1 Edw. 8 & 1 Geo. 6. c. cxvi.	Aberystwyth Rural District Council Act 1937.	The whole Act except sections 19, 22, 23, 33 34 and 48.
5 & 6 Geo. 6 c. x.	Pembrokeshire County Council Act 1942.	The whole Act.
1965 c. xxxvi.	Pembrokeshire County Council Act 1965.	The whole Act except section 22 and the provisions specified in Part I of this Schedule.

B—OTHER PROVISIONS

Chapter (1)	Short title (2)	Extent of repeal (3)
26 & 27 Vict. c. 64.	Local Government Supplemental Act 1863 (No. 2).	The Order relating to Llanelly.
28 & 29 Vict. c. 108.	Local Government Supplemental Act 1865 (No. 5).	Section 2.
31 & 32 Vict. c. x.	Local Government Supplemental Act 1868.	The Order relating to Llanelly.
31 & 32 Vict. c. cliii.	Local Government Act 1868 (No. 6).	The Order relating to Aberystwyth.
36 & 37 Vict. c. cxxxviii.	Education Department Provisional Order Confirmation Act (No. 5) 1873.	The Order relating to Llanelly.
37 & 38 Vict. c. i.	Local Government Board's Provisional Orders Confirmation Act 1874.	The Order relating to Aberystwyth.
40 & 41 Vict. c. cxxxii.	Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act 1877.	Sections 2 and 3 and the Order relating to Haver- fordwest.
41 & 42 Vict. c. cix.	Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act 1878.	The Order relating to Milford.

Chapter (1)	Short title (2)	Extent of repeal (3)
41 & 42 Vict. c. clxii.	Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act 1878.	Section 4 and the two Orders relating to Haverfordwest.
43 & 44 Vict. c. xxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1880.	The Cardigan Order 1880.
47 & 48 Vict. c. ccxiv.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884.	The Orders relating to Llanelly and Milford.
48 & 49 Vict. c. i.	Local Government Board's Provisional Orders Confirmation Act 1885.	The Order relating to Milford.
48 & 49 Vict. c. cvi.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1885.	The Haverfordwest Order 1885.
50 & 51 Vict. c. clxxx.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1887.	The Order relating to Milford.
51 & 52 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1888.	Section 2 and the Order relating to Milford.
51 & 52 Vict. c. cxxxiii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1888.	The Order relating to Aberystwyth.
55 & 56 Vict. c. lxxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1892.	The Order relating to Milford.
56 & 57 Vict. c. cx.	Local Government Board's Provisional Order Confirmation (No. 3) Act 1893.	So much of the scheduled Order as relates to Aberystwyth and Llanelly.
57 & 58 Vict. c. xx.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1894.	So much of the Accrington &c. Order as relates to Llandeilo.

SCH. 3
—cont.

SCH. 3
—cont.


Chapter (1)	Short title (2)	Extent of repeal (3)
59 Vict. Sess. 2 c. vi.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1895.	The Llandyssul Rural (Llandyssil) Order 1895.
59 & 60 Vict. c. cx.	Local Government Board's Provisional Orders Confirmation (No. 18) Act 1896.	The Haverfordwest Order 1896.
60 & 61 Vict. c. cxliii.	Local Government Board's Provisional Orders Confirmation (No. 16) Act 1897.	The Aberystwyth Order 1897.
60 & 61 Vict. c. cxlvi.	Education Department Provisional Orders Confirmation (East Barnet &c.) Act 1897.	The Order relating to Pembroke.
60 & 61 Vict. c. cxlviii.	Pier and Harbour Orders Confirmation (No. 3) Act 1897.	The Tenby Pier and Landing Stage Order 1897 except articles 6 to 9, 13, 14, 18, 22, 23, 34 to 36, 39, 40, 42, 44 and 45.
61 & 62 Vict. c. lxxxv.	Education Department Provisional Orders Confirmation (Barnes &c.) Act 1898.	The Order relating to Llanelly.
2 Edw. 7. c. cci.	Pier and Harbour Orders Confirmation (No. 3) Act 1902.	The Tenby Pier and Landing Stage Order 1902.
5 Edw. 7. c. cvi.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1905.	The Haverfordwest Order 1905.
6 Edw. 7. c. ci.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1906.	The Cardigan Order 1906.
2 & 3 Geo. 5. c. cxxxii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1912.	The Llanelly Order 1912.
2 & 3 Geo. 5. c. cxxxvi.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1912.	The Milford Haven Order 1912.

Chapter (1)	Short title (2)	Extent of repeal (3)
3 & 4 Geo. 5. c. cxvii.	Education Board Provisional Orders Confirmation (Cardigan &c.) Act 1913.	The Order relating to Cardigan and Carmarthen- shire.
4 & 5 Geo. 5. c. xlviii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1914.	Section 2 and the Llanelly Order 1914.
4 & 5 Geo. 5. c. xlix.	Local Government Board's Provisional Order Confirmation (No. 7) Act 1914.	The Aberystwyth (Exten- sion) Order 1914.
11 & 12 Geo. 5. c. cxvii.	Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921.	The Carmarthen Order 1921.
13 & 14 Geo. 5. c. xxxv.	Ministry of Health Provisional Orders Confirmation (No. 2) Act 1923.	The Cardiganshire Order 1923.
14 & 15 Geo. 5. c. xvii.	Ministry of Health Provisional Orders Confirmation (No. 5) Act 1924.	The County of Pembroke Order 1924.
16 & 17 Geo. 5. c. xx.	Ministry of Health Provisional Orders Confirmation (No. 2) Act 1926.	The Llanelly Order 1926.
17 & 18 Geo. 5. c. xxxiii.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1927.	The Llanelly Order 1927.
18 & 19 Geo. 5. c. x.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1928.	The Llanelly Order 1927.
18 & 19 Geo. 5. c. xviii.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1928.	The Haverfordwest Order 1928.
20 & 21 Geo. 5. c. vii.	Pier and Harbour Orders Confirmation Act 1929.	The Pembrokeshire (Ney- land Landing Stage) Order 1929.

SCH. 3
—cont.

SCH. 3
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
20 & 21 Geo. 5. c. cv.	Ministry of Health Provisional Orders Confirmation (Kid- derminster and Llanelly) Act 1930.	The Llanelly Order 1930.
S.I. 1956/251.	Llanelly (Repeal of Local Enactments) Order 1956.	The whole Order.
S.I. 1962/1749.	Llanelly (Amendment of Local Enactments) Order 1962.	The whole Order.
1965 c. xv.	Welsh Office Provisional Order Confirmation (Llanelly) Act 1965.	The whole Act.

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