

# Essex County Council Act, 1958

6 & 7 ELIZ. 2 Ch. xxiv

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## CHAPTER xxiv

An Act to confer further powers on the county council of Essex and local authorities in the county of Essex in relation to highways and buildings and the local government of the county to enact provisions with respect to public entertainments finance superannuation and child welfare and for other purposes.

[7th July 1958.]

**W**HEREAS it is expedient that further and better provision should be made with reference to highways and buildings and for the local government of the administrative County of Essex and that the powers of the county council of that administrative county and of the local authorities within the county should be enlarged and extended as by this Act provided:

And whereas it is expedient to enact provisions with respect to public entertainments finance superannuation and child welfare:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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

## PART I

## PRELIMINARY

- Short title.      1. This Act may be cited as the Essex County Council Act 1958.
- Division of Act into Parts.      2. This Act is divided into Parts as follows:—  
     Part I.—Preliminary.  
     Part II.—Highways and buildings.  
     Part III.—Weights and measures.  
     Part IV.—Public entertainments.  
     Part V.—Finance and miscellaneous.
- Interpretation.      3.—(1) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—  
     “ Act of 1933 ” means the Local Government Act 1933;  
     “ Act of 1952 ” means the Essex County Council Act 1952;  
     “ Council ” means the county council of Essex;  
     “ county ” means the administrative county of Essex;  
     “ county district ” means a non-county borough urban district or rural district in the county;  
     “ daily fine ” means a fine for each day on which an offence is continued after conviction;  
     “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a county district;  
     “ local authority ” means the council of a county district;  
     “ Minister ” means the Minister of Housing and Local Government;  
     “ solid fuel ” means any solid fuel derived from coal or of which coal or coke is a constituent.
- (2) Unless otherwise expressly stated any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

## PART II

## HIGHWAYS AND BUILDINGS

4. Section 28 (Revocation of improvement line) of the Act of 1952 shall have effect as if the following subsection were substituted for subsection (2) thereof:—

Amendment  
of section 28  
of Act of  
1952.

“(2) Notice of such revocation shall be given either—

(a) to every occupier and owner of land interested in like manner as notice is required to be given under subsection (3) of the said section 33; or

(b) by advertisement once in each of two successive weeks in one or more local newspapers circulating in the area in which the street or road to which the resolution relates is situated.”

5. Section 29 (Revocation of building line) of the Act of 1952 shall have effect as if the following subsection were substituted for subsection (2) thereof:—

Amendment  
of section 29  
of Act of  
1952.

“(2) Notice of such revocation shall either—

(a) be served upon every owner occupier and lessee of land affected in like manner as notice is required to be served under subsection (2) of the said section 5; or

(b) be given by advertisement once in each of two successive weeks in one or more local newspapers circulating in the area in which the county road or other highway to which the resolution relates is situated.”

6. Section 80 (Precautions against fire in certain buildings) of the Act of 1952 shall have effect as if the following section were substituted therefor:—

Amendment  
of section 80  
of Act of  
1952.

“Precautions against fire in certain buildings. 80.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with a local authority and the plans show that the building—

(a) will not be provided with such means of access for fire brigade appliances and personnel; or

(b) will not leave or make provision for such means of access for fire brigade appliances and personnel to an existing building or to a proposed building the plans of which have been passed by the local authority;

as the local authority may after consultation with the chief officer of the fire brigade maintained by the fire authority consider necessary to enable effective action to be taken by the fire authority in case of fire

PART II  
—cont.

at such building or existing building or proposed building (as the case may be) the local authority shall reject the plans.

(2) If the local authority reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(3) Any question arising under this section between a local authority and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with or as the case may be will leave or make provision for the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court."

## PART III

## WEIGHTS AND MEASURES

Application  
of certain  
provisions of  
Part III.

7. The under-mentioned provisions of this Part of this Act namely:—

Section 8 (Amendment of section 21 of Weights and Measures Act 1889);

Section 9 (Application of section 4 of Weights and Measures Act 1889 to sale of solid fuel);

Section 10 (Amendment of section 124 of Act of 1952);

Section 13 (Persons obstructing execution of Weights and Measures Acts);

shall apply in that part of the county in which the Council are the local authority for the purposes of the Weights and Measures Act 1878.

Amendment  
of section 21  
of Weights  
and Measures  
Act 1889.

8. Section 21 of the Weights and Measures Act 1889 (relating to weight tickets or notes on delivery of coal over two hundredweight) as extended in its application to the county to the sale of coke by section 99 (Application to sale of coke of Weights and Measures Act 1889) and to the sale of solid fuel by section 101 (Part VIII to apply to solid fuel) of the Essex County Council Act 1933 and to the sale of wood fuel in quantities of fourteen pounds or over by section 122 (Application to sale of coke and wood fuel of Weights and Measures Act 1889) of the Act of 1952 shall have effect as if—

(a) the words "or to be sent by post or otherwise" were omitted from subsection (1) thereof;

(b) the words "or sending" were omitted from subsection (2) thereof; and



(c) it provided that in the event of neither the purchaser nor his servant being available to receive delivery of the ticket or note delivery thereof shall be deemed to have been effected as required by the section if immediately after the unloading of the coal coke or other fuel has been completed the ticket or note is left in a conspicuous position on or in the premises to which the fuel has been delivered.

Application of section 4 of Weights and Measures Act 1889 to sale of solid fuel.

9. The provisions of section 4 of the Weights and Measures Act 1889 under which penalties may be imposed in case of fraud shall apply to the sale of any solid fuel.

10. The provisions of section 124 (Penalty on fraudulent sale of coke or wood fuel) of the Act of 1952 shall apply in relation to any solid fuel as they apply in relation to coke and wood fuel.

Amendment of section 124 of Act of 1952.

11. Section 125 (Amendment of section 27 of Weights and Measures Act 1889 in its application to the county) of the Act of 1952 shall have effect as if the words "and to the sale of any solid fuel derived from coal or of which coal or coke is a constituent by section 101 (Part VIII to apply to solid fuel)" were inserted before the words "of the local Act".

Amendment of section 125 of Act of 1952.

12. Paragraph (g) of section 128 (Offences by weighing-machine keepers and others) of the Act of 1952 shall have effect as if the words "or fail upon request made within that period by an inspector of weights and measures or other officer appointed for the purpose by the Council to produce such record for his inspection and permit him to examine and copy such record" were inserted after the word "months".

Amendment of section 128 of Act of 1952.

13.—(1) In this section "inspector of weights and measures" includes any officer of the Council who is appointed by them to act for any of the purposes of Part II of the Weights and Measures Act 1889 while such officer is acting for any of those purposes.

Persons obstructing execution of Weights and Measures Acts.

(2) A person who obstructs an inspector of weights and measures acting in the execution of the Weights and Measures Acts 1878 to 1936 in their application to the county or of any byelaw order or regulation made thereunder shall in any case for which no other provision is made by the said Acts be liable to a fine not exceeding five pounds.

(3) A person who fails to give to an inspector of weights and measures acting as aforesaid any assistance which such inspector may reasonably request him to give or any information which such inspector is expressly authorised by the said Acts to call for or may reasonably require or who when required to give any such information knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding five pounds:

PART III  
—cont.

Provided that nothing in this subsection shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

Adoption by councils of boroughs of provisions of Part III.

14. The council of any borough in the county being a local authority for the purposes of the Weights and Measures Act 1878 may adopt any of the under-mentioned provisions of this Part of this Act namely:—

Section 8 (Amendment of section 21 of Weights and Measures Act 1889);

Section 9 (Application of section 4 of Weights and Measures Act 1889 to sale of solid fuel);

Section 10 (Amendment of section 124 of Act of 1952);

Section 13 (Persons obstructing execution of Weights and Measures Acts);

and upon such adoption those provisions shall have effect with any necessary modifications including the substitution of " Corporation " for " Council " and the provisions of section 5 of the Public Health Act 1925 shall apply mutatis mutandis with respect to such adoption.

## PART IV

## PUBLIC ENTERTAINMENTS

Occasional user of premises for music and dancing.

15.—(1) The references in the Home Counties (Music and Dancing) Licensing Act 1926 to keeping premises for public dancing singing music or other public entertainment of the like kind shall in their application to the county extend to and be deemed to include references to the using of premises for any of those purposes whether on one occasion or on more than one occasion in such a manner and in such circumstances that if such premises were used for that purpose otherwise than occasionally the premises would be or be deemed to be kept for that purpose and the expressions " kept " " keep " and " keeping " in relation to premises used for entertainment purposes where occurring in the said Act of 1926 shall be construed accordingly.

(2) The Council may if they think fit grant an occasional licence under the said Act of 1926 for the use of any premises in the county on such one or more particular occasions only or on such limited number of occasions as may be specified in the licence.

As to stage play licences.

16.—(1) In this section—

" the Act " means the Theatres Act 1843;

" contravention " includes a failure to comply; and

" the Council " includes any justices of the county in petty sessions or council of a county district while exercising functions under the Act delegated to them by the Council.



(2) (a) Notwithstanding the provisions of section 7 of the Act the Council may as respects any licence which they may grant under the Act grant such licence to such person as they think fit and accordingly in the said section the words from "No such licence" to "shall be granted; and" shall cease to have effect as respects licences granted by the Council under the Act.

(b) Subject to the provisions of the next following subsection in any case in which a licence is granted to a person who is not the actual and responsible manager of the theatre the said section 7 shall have effect as if for the references therein to "such manager" there were substituted references to "the licensee of a theatre" or "such licensee" as the case may require.

(3) Except in any case in which the Council otherwise require so much of the said section 7 as provides that the actual and responsible manager or licensee for the time being of a theatre in respect of which a licence is granted under the Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section shall cease to have effect as respects licences granted by the Council under the Act.

(4) The references in the Act to having or keeping premises for the public performance of stage plays shall in their application to premises in the county extend to and be deemed to include references to the using of premises whether on one occasion or on more than one occasion for the public performance of any stage play and the expressions "have or keep" and "kept open" where occurring in the Act shall be construed accordingly.

(5) The Council may if they think fit grant an occasional licence under the Act for the use of any premises in the county on such one or more particular occasions only or on such limited number of occasions as may be specified in the licence.

(6) (a) If the licensee of a theatre licensed by the Council under the Act uses it or allows it to be used in contravention of the provisions of the Act or any rules made by the Council thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable on summary conviction to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Council.

(7) The foregoing provisions of this section shall come into operation on the first day of December nineteen hundred and fifty-eight.

PART IV  
—cont.

(8) (a) The Council shall within three months from the passing of this Act give public notice of the foregoing provisions of this section by advertisement in two or more newspapers circulating in the county and in such other manner (if any) as they think fit.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

## PART V

## FINANCE AND MISCELLANEOUS

Power to  
Council to  
borrow.

17.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority the sum requisite for paying the costs charges and expenses of this Act.

(2) The Council shall pay off all moneys borrowed under the preceding subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed by the Council under this section for the repayment of any money borrowed thereunder shall as respects that money be the fixed period for the purpose of the said Part IX.

Investment of  
superannuation  
fund.

18.—(1) In its application to the Council subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of the superannuation fund maintained by the Council under that Act there were substituted an obligation to invest such moneys as follows namely:—

(a) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or

(b) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or

(c) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency

colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or

- (d) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or
- (e) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or by Royal Charter being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (f) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run; or
- (g) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that no such moneys as aforesaid shall be invested in any investment of the nature specified in paragraph (e) of this subsection—

- (i) unless the company has paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; and
- (ii) at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund.

(2) For the purposes of the last foregoing subsection the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.



## PART V

—cont.

Exclusion of certain remuneration and service for superannuation purposes.

19.—(1) In this section words and expressions to which meanings are assigned in the Local Government Superannuation Acts 1937 to 1953 shall have the same respective meanings and the expression “local authority” shall include any voluntary organisation undertakers or body approved by the Minister the employees of which participate in the benefits of a superannuation fund maintained by an administering authority or a local Act authority by virtue of an agreement made or continued in force as if made under section 15 of the Local Government Superannuation Act 1953 or any local Act.

(2) The salary wages fees and other payments paid or made to a contributory employee or local Act contributor employed whole time by the Council or any other local authority in respect of any part-time employment by the Council (additional to his ordinary whole-time employment)—

- (a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or
- (b) as a warden of or other employee performing duties at a youth centre; or
- (c) as a civil defence instructor; or
- (d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment where that employment is by the Council;

shall not be remuneration within the meaning of the Local Government Superannuation Acts 1937 to 1953 or of any other enactment affecting the superannuation fund maintained by the Council under those Acts and the service of any such contributory employee or local Act contributor in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

Deeds etc. of apprenticeship.

20.—(1) In this section—

- “child in the care of the Council” means a person under the age of eighteen years who for the time being is either in the care of the Council under section 1 or subsection (4) of section 6 of the Children Act 1948 or committed to their care as a fit person by an order of any court under the Children and Young Persons Act 1933; and
- “deed of apprenticeship” includes any instrument by means of which such a person is apprenticed.

(2) The Council may in any deed of apprenticeship relating to a child in the care of the Council or in any document being an assignment of or supplemental to such a deed undertake the obligations of a guarantor and any other obligations and may fulfil such obligations notwithstanding that—

- (a) the obligations may continue beyond the date upon which the child will attain the age of eighteen years;

- (b) the child may cease to be a child in the care of the Council on or before such date; and
- (c) (in the case of a document being an assignment of or supplemental to such a deed) the person apprenticed by the deed has already ceased to be a child in the care of the Council.

21.—(1) In any case in which application is made under section 14 of the Town and Country Planning Act 1947 for permission to develop land adjoining a trunk or classified road in the county that part of the road to which this section applies shall for the purposes of—

Extension of  
Town and  
Country  
Planning Act  
1947.

- (a) any conditions which may be imposed on the grant of permission to develop the land in order to secure that proper provision is made for vehicles to stand clear of the carriageway of the road;
- (b) the carrying out of any works in compliance with any such conditions; and
- (c) the enforcement of compliance with such conditions pursuant to sections 23 and 24 of the said Act;

be deemed to be land under the control of the applicant or as the case may require land in the same ownership and occupation as the land in respect of which the application for permission to develop was made.

(2) This section applies to that part of the road between the boundary of the road on the side on which the land to which the said application relates is situated and the near edge of the carriageway to the extent to which such part lies in front of the said land and to any additional extent which may be reasonably necessary in order to secure such provision as is mentioned in paragraph (a) of subsection (1) of this section.

(3) Any works which are carried out on a part of a road to which this section applies in compliance with a condition imposed on the grant of permission to develop land shall after their completion be maintained as part of the road at the expense of the highway authority for the road.

(4) Any works which shall be carried out in compliance with any such condition as aforesaid on part of a road to which this section applies by which any apparatus of the Eastern Gas Board or the North Thames Gas Board in the road is affected shall be deemed to be such works as are mentioned in paragraph (a) of subsection (1) of section 21 of the Public Utilities Street Works Act 1950 and to be executed for road purposes on behalf of—

- (a) in the case of a trunk road the Minister of Transport and Civil Aviation; and
- (b) in the case of a classified road the Council;

but this subsection shall not modify or affect the provisions of subsection (6) of section 23 of the said Act of 1950 in relation to



PART V  
—cont.

a road for the maintenance and repair whereof the council of a non-county borough or of an urban district are responsible in pursuance of section 32 of the Local Government Act 1929.

(5) In this section the expression "classified road" means a road classified under the Ministry of Transport Act 1919.

Publication  
and  
acquisition  
of records etc.

## 22. The Council may—

(a) preserve arrange index classify exhibit and publish such records deeds and other documents of the Council and of or relating to the county or such extracts from them or reference to their contents; and

(b) purchase or otherwise acquire or accept the custody of such records deeds and other documents relating to the county;

as the Council may think to be of public interest.

Costs of Act.

23. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund of the Council or out of moneys to be borrowed under this Act.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Theatres Act 1843 ... ..	6 & 7 Vict. c. 68.
Weights and Measures Act 1878 ... ..	41 & 42 Vict. c. 49.
Weights and Measures Act 1889 ... ..	52 & 53 Vict. c. 21.
Ministry of Transport Act 1919 ... ..	9 & 10 Geo. 5 c. 50.
Trustee Act 1925 ... ..	15 & 16 Geo. 5 c. 19.
Public Health Act 1925 ... ..	15 & 16 Geo. 5 c. 71.
Home Counties (Music and Dancing) Licensing Act 1926	16 & 17 Geo. 5 c. 31.
Local Government Act 1929 ... ..	19 & 20 Geo. 5 c. 17.
Children and Young Persons Act 1933 ... ..	23 & 24 Geo. 5 c. 12.
Local Government Act 1933 ... ..	23 & 24 Geo. 5 c. 51.
Essex County Council Act 1933 ... ..	23 & 24 Geo. 5 c. xlv.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Town and Country Planning Act 1947 ... ..	10 & 11 Geo. 6 c. 51.
Children Act 1948 ... ..	11 & 12 Geo. 6 c. 43.
Public Utilities Street Works Act 1950 ... ..	14 Geo. 6 c. 39.
Essex County Council Act 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2 c. 1.
Local Government Superannuation Act 1953	1 & 2 Eliz. 2 c. 25.

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