



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART I

#### GENERAL

#### *Supplemental*

#### **44 Interpretation etc of Part I**

(1) In this Part of this Act, except where the contrary intention appears—

" apparatus " includes any structure constructed in order that apparatus may be lodged in it;

" the Common Council " means the Common Council of the City of London ;

" functions " includes powers and duties;

" highway " has the same meaning as in the Highways Act 1959 ;

" local Act " includes a provisional order confirmed by an Act;

" local authority " means each of the following bodies, namely, a county council, the Greater London Council, a district council, a London borough council, the Common Council and the Council of the Isles of Stilly and, in sections 1, 16, 19, 30, 36, 39 and 41 of this Act, includes a parish council and a community council;

" notice " means notice in writing ;

" owner ", in relation to any land, place or premises, means a person who, either on his own account or as agent or trustee for another person, is receiving the rackrent of the land, place or premises or would be entitled to receive it if the land, place or premises were let at a rackrent, and " owned " shall be construed accordingly;

" statutory undertakers " means any of the following bodies, namely, any statutory undertakers within the meaning of the Highways Act 1959, the Post

---

*Status: This is the original version (as it was originally enacted).*

---

Office, any public authority exercising functions by virtue of any provision of sections 14 and 15 of the Water Act 1973 (which relate to sewerage) and, except in sections 3(2)(d), 15 and 26(6) of this Act, any person entitled to the benefit of a licence in respect of the highway in question under section 41 of the Highways Act 1971 (which relates to the placing of apparatus in highways); and

" traffic sign " has the same meaning as in the Road Traffic Regulation Act 1967.

- (2) Section 282 of the Highways Act 1959 (which relates to the service of documents) shall apply to the service of any document by or on the Secretary of State in pursuance of any provision of sections 1 to 7 of this Act as if those sections were provisions of that Act.

- (3) When an offence under this Part of this Act (including an offence under byelaws made by virtue of section 12 of this Act) which has been 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, any 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 that offence and be liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members the preceding provisions of this subsection shall apply in relation 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.

- (4) Except so far as this Part of this Act expressly provides otherwise and subject to the provisions of section 33 of the Interpretation Act 1889 (which relates to offences under two or more laws), nothing in this Part of this Act—

- (a) confers a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Part of this Act or an instrument made in pursuance of this Part of this Act;
- (b) affects any restriction imposed by or under any other enactment, whether public, local or private ; or
- (c) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Part of this Act.

- (5) Nothing in paragraph (a) of the preceding subsection applies to the failure of a person to perform a duty imposed on him by section 1(4), 2(5), 25(6) or (7)(b) or 37(2)(c) of this Act.

- (6) References in this Part of this Act to any enactment are references to it as amended by or under any other enactment.