

ELIZABETH II



1963 CHAPTER xxxviii

An Act to confer further powers on the mayor, aldermen and citizens of the city of Bath, to make further provision with regard to the health, local government, welfare, improvement and finances of the city; and for other purposes. [31st July 1963]

WHEREAS the city of Bath (hereinafter referred to as "the city") is a county borough under the management and local government of the mayor, aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas it is expedient that further and better provision should be made with reference to lands, streets, buildings and markets and the health, local government, welfare and improvement of the city and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

And whereas it is expedient that the provisions with regard to the finances of the city which are contained in this Act should be made and that the Corporation should be empowered to borrow for the various purposes of this Act:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of 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, that is to say:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Bath Corporation Act 1963.

Division
of Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Streets.

Part IV.—Public safety.

Part V.—Markets.

Part VI.—Cultural activities.

Part VII.—Finance, superannuation, etc.

Part VIII.—Miscellaneous.

Part IX.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Act of 1936 have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

(2) In this Act, unless otherwise expressly provided or the subject or context otherwise requires—

“the Act of 1925” means the Bath Corporation Act, 1925;

- “ the Act of 1933 ” means the Local Government Act, 1933;
- “ the Act of 1936 ” means the Public Health Act, 1936;
- “ the Act of 1937 ” means the Bath Corporation Act, 1937;
- “ the appointed day ”, except in section 35 (Mount Beacon Common) of this Act, has the meaning assigned to it by section 54 (The appointed day) of this Act;
- “ the city ” means the city and county borough of Bath;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and citizens of the city acting by the council;
- “ the council ” means the council of the city;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ enactment ” includes an enactment in this Act and in any general or local Act, and any order, byelaw or regulation for the time being in force within the city;
- “ the general rate fund ” means the general rate fund of the city;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act, 1952;
- “ the markets undertaking ” means the markets undertaking of the Corporation;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946;
- “ the town clerk ” means the town clerk of the city.

PART I
—cont.

(3) 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

LANDS

Recovery of
deposits
under Lands
Clauses Acts.

4. Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Corporation in the bank in pursuance of section 76 of that Act or deposited by the Corporation in the bank by way of security in pursuance of section 85 of that Act to order upon application by the Corporation that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

Provided that, upon the application of any party making claim to the money deposited as aforesaid or any part thereof or to the lands in respect of which the same shall have been deposited or any part of such lands or any interest in the same, the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section, or any part thereof, to be paid to the person making such claim and may make such other order in the premises as the court shall think fit.

Suspension
of restrictive
covenants.

5.—(1) If the Corporation—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land;

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by any enactment) as to the user thereof or the building thereon the council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Corporation shall—

- (a) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land

referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

- (b) serve by registered post on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the foregoing paragraph of this subsection; and
- (c) cause a notice containing the like particulars to those specified in paragraph (a) of this subsection to be posted in a prominent position on the land to which the resolution relates once at least in each of four successive weeks.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister within the period specified in the notice and by sending a copy thereof to the Corporation.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Corporation acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Corporation acquire the land.

(7) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act, 1845, to any person entitled to the benefit of a restriction

PART II
—cont.

suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates, or, if the Corporation convey the land to anybody for any of the purposes of the Education Acts, 1944 to 1959, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts, 1944 to 1959, remain unenforceable only so long as the land is used for that purpose.

(9) If the Corporation dispose of any land to which the restriction relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) In this section the expression “ the appropriate Minister ” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Corporation have acquired or agreed to acquire that land.

Undertakings
and agree-
ments
binding
successive
owners.

6.—(1) Every undertaking given by or to the Corporation to or by the owner of a legal estate in land, and every agreement made between the Corporation and any such owner, being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement, but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925.

PART II
—cont.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

PART III

STREETS

7.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the city maintainable at the public expense or in any street therein constructed under the powers in that behalf contained in the Housing Act, 1957, the Highways Act, 1959, or the Town and Country Planning Act, 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer: Mixing of mortar, etc., in streets.

Provided that this section shall not apply to the mixing or depositing in any street of any substance for the purposes of making up, maintaining, reinstating, repairing, altering or improving such street or any bridge over or under the same.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding forty shillings.

8.—(1) If a person erects, or permits to be erected, over the footway of a street in the city, being a highway maintainable at the public expense, an awning which— Awnings over footways.

(a) projects over any part of the footway which is less than two feet from the carriageway; or

(b) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

he shall be liable to a fine not exceeding five pounds.

An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

PART III
—cont.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation 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.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(4) In this section “awning” includes a blind, shade or other covering.

Street
cleansing.

9. Between midnight and midday the provisions of any order made under or having effect by virtue of the Road Traffic Act, 1960, prohibiting the driving of vehicles on any specified road in the city otherwise than in a specified direction and any provisions applicable to the direction to be followed by vehicles using roads provided with dual carriageways shall not apply to any mechanically propelled and operated street cleansing vehicle provided by the Corporation when engaged in the cleansing of any street.

Temporary
prohibition
or restriction
of traffic
during
execution of
works.

10.—(1) Where the Corporation are satisfied—

- (a) that traffic on any street in the city for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be restricted or prohibited; and
- (b) that it is desirable that such prohibition or restriction should come into force without delay and that for this reason it is not expedient to effect such restriction or prohibition by means of an order made under subsection (1) of section 36 of the Road Traffic Act, 1960;

they may by notice restrict or prohibit for any period not exceeding twenty-four hours the use of that street or any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions and exceptions as they may consider necessary:

Provided that the powers conferred on the Corporation by this section shall not be exercised—

- (i) with respect to any street or any part thereof on more than one occasion in any period of fourteen consecutive days; or

(ii) with respect to any street upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

PART III
—cont.

(2) The provisions of subsections (3), (4), (5), (8), (9) and (10) of section 36 of the said Act of 1960 shall extend and apply for the purposes of this section as if any notice issued by the Corporation under subsection (1) of this section had been issued under subsection (2) of that section.

PART IV

PUBLIC SAFETY

11.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or to property any tree in the city should be lopped, cut, removed or felled, the Corporation may serve a notice on the owner or occupier of the premises on which the tree is growing or situated requiring him within twenty-one days to lop, cut, remove or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

Removal,
etc., of
dangerous
trees.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials shall for the purposes of this section have effect as if the expression "materials" included timber.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph :—

"(a) that the notice or requirement is unreasonable;".

12.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as "the storage part of the building") shall give notice to the

Parts of
buildings used
for storage
of inflammable
substances.

PART IV
—cont.

Corporation of such use or intention to use, as the case may be, and such notice shall be given—

- (a) in the case of any part of a building which is so used immediately before the appointed day, within twenty-one days after the appointed day; and
- (b) in the case of any part of a building which after the appointed day is intended to be so used, not less than twenty-one days before such user takes place.

(2) The Corporation may, if they are of the opinion that such storage—

- (a) is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or
- (b) is in such manner as to be liable to cause fire or explosion;

by counter-notice require the occupier of any part of a building in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-notice—

- (i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;
- (ii) means of ready escape in case of fire from the storage part of the building and any other part of the building being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(3) (a) An authorised officer of the council may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any kind of test of a sample taken by an authorised officer of the council by virtue of this section shall

not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (6) of this section, unless the following requirements have been complied with: that is to say, the said officer shall, forthwith after taking the sample, notify the occupier of the building of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

- (i) deliver one part to the occupier of the building;
- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.

(4) The occupier of any building who—

- (a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or
- (b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or, as the case may be, to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation any material extension or material structural alteration of the building to which the certificate relates is made the Corporation may serve a further counter-notice varying any requirement made under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a new certificate in respect of the building but if anything required to be provided in accordance with a further counter-notice served under this subsection is not provided within such reasonable

PART IV
—cont.

time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

(6) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation of a requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified by the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

(b) Any person aggrieved by the refusal of the Corporation to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

(7) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(8) This section applies to—

- (a) any building in the city which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (b) (i) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable; and
(ii) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit:

Provided that this section shall not apply to any building in which no substance to which this section applies is stored other than—

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act, 1928, apply; or

- (ii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or
- (iii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

(9) In this section “building” where used in relation to the storage of substances therein includes the curtilage of the building.

(10) Nothing in this section shall apply to premises which are subject to the Factories Act, 1961, or regulations made under that Act.

13.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in the city whether erected before or after the passing of this Act or on any land in the city shall give not less than fourteen days’ notice to the Corporation of his intention so to do. Oil-fired
boilers.

(2) (a) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws proper arrangements will be made for preventing or reducing danger from fire.

(b) Byelaws made under this section may include provisions—

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works, apparatus, fittings and appliances; and
- (ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(3) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under any byelaw made under sub-paragraph (ii) of paragraph (b) of

PART IV
—cont.

subsection (2) of this section may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaw.

(4) (a) If any person instals oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

- (i) that person after conviction of the contravention; or
- (ii) any other person after notice of the conviction has been served on him by the Corporation;

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (a) In this section—

the expression “oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner, the storage tanks and the apparatus, fittings, devices and catch-pits and any other equipment used for or in connection with the heating of the boiler;

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

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

the expression “apparatus and fittings” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(b) References in this section 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.

(6) Nothing in this section or any byelaws made thereunder shall apply to—

PART IV
—cont.

- (a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding seven hundred and fifty gallons; or
- (b) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force; or
- (c) the installation of any oil-burning equipment by the Central Electricity Generating Board or the South Western Electricity Board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms; or

- (d) the installation of any oil-burning equipment by the South Western Gas Board for the purposes of their undertaking:

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms; or

- (e) the installation of any oil-burning equipment by the British Railways Board for the purposes of their undertaking:

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms other than buildings so used which form part of a railway station.

(7) Section 250 of the Act of 1933 shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words “ or confirm with modifications ” after the word “ confirm ” in the second place where that word occurs in subsection (6) thereof.

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act, 1961, applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same subject-matter as this section.

PART IV
—cont.
Underground
parking
places.

14.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the Corporation may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

- (a) the construction of the underground parking place and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation of the underground parking place;
- (c) the provision of electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of fire-fighting equipment and appliances in connection with the underground parking place;
- (e) the provision of safe and adequate means of ingress to and egress from the underground parking place;
- (f) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may, on the application of that person, be referred to the Secretary of State for determination, and the Secretary of State shall determine any question submitted to him under paragraph (a) of this subsection or, as the case may be, may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If, after plans of any underground parking place have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section, it appears to the

Corporation that any such proposal has not been carried into effect or is not being observed, the Corporation may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

PART IV
—cont.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposal specified in the notice, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

15.—(1) Without prejudice to the provisions of section 14 (Underground parking places) of this Act, the Corporation may by notice to the owner or occupier of any underground parking place in the city which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (f) of subsection (1) of the said section 14 as the Corporation think fit.

Further provision as to underground parking places.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section, and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement made by the Corporation under this section.

PART IV
—cont.

Interpretation and powers of entry for purposes of last two foregoing sections.

16.—(1) In the last two foregoing sections the expression “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act, 1928, is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 the provisions of the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

Firemen’s switches for luminous tube signs.

17.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding six hundred and fifty volts, or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

(2) As from the appointed day apparatus in the city to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer; and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Corporation may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies, the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the

switch is to be placed and how it is to be coloured or otherwise marked.

PART IV
—cont.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed, or, as the case may be, actual, position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless, within ten days from the date of the service of the notice, the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court; and the court, if it allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations, 1937, or any regulations that may be made under section 60 of the Electricity Act, 1947.

(12) This section shall not apply to apparatus installed on or in premises or any part of premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Provided that where any luminous tube sign to which, but for this subsection, subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

PART V

MARKETS

Markets undertaking to continue vested in Corporation.

18. The markets undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held and enjoyed by them.

Powers of Corporation as to markets and fairs.

19. The Corporation without prejudice to any other powers vested in them shall have the following powers in relation to the markets undertaking, namely:—

- (1) they may continue the markets and fairs held at the commencement of this Act, and may from time to time—
 - (i) alter the places in which the markets are or may respectively be held; and
 - (ii) establish and hold new markets and with the consent of the Minister discontinue the whole or any part of any existing or new market;
- (2) they may continue and from time to time provide market places and market houses for the sale of any animals, poultry or other articles and places for fairs together with all such market stands, buildings, offices, shops, stores, warehouses, approaches, appliances, conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters;
- (3) they may alter, enlarge, improve, extend, reconstruct and rebuild their existing market houses and the shops and buildings under the same or they may erect or provide and maintain new buildings therefor.

Notice of alteration of markets.

20. At least three months before the Corporation alter any place in which markets are held under the powers of this Act they shall publish in one or more local newspapers circulating in the city and in the London Gazette notice of the intention to alter such market.

Days and hours for markets and fairs.

21. The Corporation may, with the approval of the Minister, appoint the days on which, and the hours during which, markets or fairs are to be held:

Provided that this section shall not apply in relation to any fair held under charter or letters patent.

Power to grant leases.

22. The Corporation may grant leases, with the right if they think fit of assigning the same with their consent, of the markets, market-houses, market-places, weighing-houses, weighing-places and weighing-machines from time to time under the management

of the Corporation or any of them and the tolls or any of them and any of the market stands and other conveniences in the markets of the Corporation or in any market-house or market-place for the time being belonging to them or under their management to any person for any period not exceeding seven years and may grant leases, with a similar right, of any office, shop, catering establishment, store, warehouse, tenement, cellar or building situate in any of the markets of the Corporation or forming part of or acquired or erected in connection with the markets undertaking including any premises not used for the time being in connection with the markets undertaking to any person for such period as the Corporation may think fit.

PART V
—cont.

23.—(1) The Corporation may by means of an order made by them and submitted to the Minister and confirmed by him be authorised to purchase land in the city compulsorily for the purposes of the markets undertaking.

Compulsory acquisition of lands for markets undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

PART VI

CULTURAL ACTIVITIES

24. Notwithstanding anything to the contrary contained in section 11 of the Public Libraries Act, 1892, the Corporation may make such reasonable charges as they think fit for admission to any folk museum provided by them under the Public Libraries Acts, 1892 to 1919.

Power to charge for admission to folk museum.

25. The Corporation may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed.

Acquisition of works of art produced to order.

26.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any specimen, work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation.

Disposal of unsuitable specimens and works of art.

(2) The Corporation may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

PART VI
—cont.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

- (a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and
- (b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respect that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor.

(4) Any moneys received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of specimens, works of art or books.

Use of
libraries, etc.

27.—(1) The Corporation may use or allow to be used or let any part of any public library or museum or art gallery provided by them and not at the time required for the purpose of a library or museum or art gallery respectively for any of the following purposes, that is to say:—

- (a) the giving of lectures;
- (b) the provision of exhibitions;
- (c) the holding of public and other meetings;
- (d) the provision of an entertainment of any nature;
- (e) the provision of facilities for dancing.

(2) Notwithstanding anything in any other enactment the Corporation may make or permit or allow to be made charges—

- (a) for admission to any part of any public library or museum or art gallery when such part is used for any of the purposes specified in the last foregoing subsection; and
- (b) for any refreshments or programmes supplied by them when any part of any public library or museum or art gallery is used for any of those purposes.

(3) The Corporation may, for the purpose of encouraging or promoting the use of any public library or museum or art gallery provided by them, provide lectures and pay the fees and expenses of lecturers:

Provided that the sum to be expended by the Corporation in any one year for the purposes of this subsection shall not exceed one thousand pounds in addition to any moneys received by the Corporation under the provisions of this section.

(4) Nothing in this section shall—

- (a) be taken to dispense with the consent of any Minister of the Crown to any appropriation, lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted; or
- (b) affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films or for public music or dancing.

(5) Any byelaws relating to a public library, museum or art gallery of the Corporation shall not apply to any part thereof which is used or let for any purpose other than as a public library, museum or art gallery respectively so long as that part is so used except to such extent as they may be expressed so to apply.

28.—(1) The powers of the Corporation under the Public Libraries Acts, 1892 to 1919, shall extend so as to enable them to provide and lend or permit the use of gramophone records and other recordings of sound pictures, films, film strips, lantern slides, prints, engravings and photographs. Further powers as to libraries.

(2) Notwithstanding anything contained in the said Acts of 1892 to 1919, the powers of the Corporation under those Acts in relation to any library provided by them thereunder shall include—

- (a) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;
- (b) the power to prescribe a period not being less than seven days within which any article borrowed from such library must be returned thereto;
- (c) the power to recover from any person who fails within such prescribed period to return to such library any article so borrowed, such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such article, together with any expenses incurred by the Corporation in sending to such person notices in respect of such article;
- (d) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (c) of this subsection;

[PART VI
—cont.

- (e) the power to require a deposit to be made by any person intending to borrow any article other than a book;
- (f) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

Provided that the sum—

- (i) prescribed by the Corporation for the purposes of paragraph (c) of this subsection in respect of any book; or
- (ii) required to be deposited by the Corporation under paragraph (e) of this subsection;

shall not exceed in the case referred to in the foregoing paragraph (i) sixpence, or in the case referred to in the foregoing paragraph (ii) two pounds, or in either case such greater sum as may from time to time be approved by the Minister of Education.

(3) In subsection (2) of this section the expression “article” includes a book, gramophone record or other recording of sound, picture, film, film strip, lantern slide, map, plan, print, engraving or photograph.

Provision of transport service between Pump Room and Assembly Rooms.

29.—(1) In this section “qualified passenger” means a passenger who is the holder of a valid ticket of admission to the Pump Room, the Roman Baths, the Roman Museum and the Assembly Rooms in the city or any of them which has been issued by the Corporation.

(2) The Corporation may enter into arrangements with any person operating services of stage carriages in the city for the provision by that person of services for the carriage of qualified passengers between the Pump Room and the Assembly Rooms in the city on such terms and conditions as the Corporation may think fit.

PART VII

FINANCE, SUPERANNUATION, ETC.

Power to borrow.

30.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for the payment of the costs, charges and expenses of this Act;

and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

PART VII
—cont.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

31.—(1) The Corporation may establish a fund to be called Art fund. “the art fund” to provide for the purchase of any pictures, sculptures or other objects of artistic, scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection of the Corporation, and that fund shall be formed by appropriating thereto out of the general rate fund such amounts as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act, 1925:

Provided that when the art fund amounts to the sum of twenty-five thousand pounds the Corporation shall discontinue appropriations, but whenever the art fund is reduced below that sum the Corporation may recommence and continue appropriations until the art fund is restored to that sum.

(2) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall, unless applied in any other manner authorised by any enactment, be invested in any securities in which trustees are for the time being authorised by law to invest trust funds.

(b) Any income arising from the investment of the moneys in the art fund in the manner provided by this subsection shall be carried to and form part of the general rate fund and, subject to the limitation imposed by the proviso to subsection (1) of this section, an amount equivalent to such income shall be credited to the art fund.

32.—(1) The Corporation may establish a fund to be called Insurance “the insurance fund” with a view to providing a sum of money fund. which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

PART VII
—cont.

(3) When the insurance fund shall amount to the prescribed amount, as hereinafter defined, the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but, if the fund is at any time reduced below the prescribed amount, the Corporation shall recommence and continue such appropriations, until the fund be restored to the prescribed amount, and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed, such moneys shall be transferred to the general rate fund and, if any sums shall have been appropriated from the housing revenue account under the next succeeding subsection, to the housing revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund, and, if they think fit, from the housing revenue account, and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which, if the specified risks were insured against in an insurance office, would be properly chargeable with the payment of the premium of such insurance:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(5) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, or any of them, all moneys for the time being standing to the credit of the insurance fund shall, unless applied in any other manner authorised by any enactment, be invested in any securities in which trustees are for the time being authorised to invest trust money, and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

(b) The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(6) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in

respect of the specified risks which are payable out of the insurance fund, in the order of the dates on which such losses, damages, costs or expenses become ascertained, and, if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses, the Corporation may, with the sanction of the Minister, borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

PART VII
—cont.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(7) In this section—

“ insurance office ” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

“ the prescribed amount ” means such sum as may from time to time be prescribed by the council.

33.—(1) The salary, wages, fees and other payments paid or made to an employee of the Corporation or of any other local authority in respect of any part-time employment by the Corporation (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 Corporation;

Certain remuneration and service excluded for super-annuation purposes.

shall not be remuneration within the meaning of the Local Government Superannuation Acts, 1937 to 1953, or of any

PART VII
—cont.

other enactment affecting the superannuation fund maintained by the Corporation under those Acts and the service of any such employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(2) Where before the passing of this Act any person has paid any contribution or contributions to the superannuation fund maintained by the Corporation which would not have been so paid if this section had been in force when such contribution or contributions were paid, the Corporation shall repay to such person a sum equal to the amount of such contribution or contributions together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

Recovery
of rates
from tenants
and lodgers.

34. For the purposes of section 15 of the Rating and Valuation Act, 1925, the rates due from the person rated for any hereditament within the city shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

PART VIII

MISCELLANEOUS

Mount
Beacon
Common.

35.—(1) In this section—

“the appointed day” means such day, not being earlier than the first day of January, nineteen hundred and sixty-four, as the Corporation may by resolution appoint for the purposes of this section;

“the common” means the lands in the city comprising one acre or thereabouts and known as Mount Beacon Common.

(2) As from the appointed day all common, commonable or other rights, if any, on or over the common or any part thereof shall be and are hereby extinguished and as from that day the Corporation shall be responsible for the care, management and control of the common in all respects as if they had undertaken such care, management and control in accordance with the provisions of section 9 of the Open Spaces Act, 1906.

(3) The Corporation shall pay or make compensation in accordance with the provisions hereinafter contained for the common, commonable or other rights, if any, extinguished by this section to the persons who—

(a) shall within six months after the appointed day deliver to the Corporation a claim in writing to such compensation; and

(b) are entitled to the fee simple of the hereditaments to which such rights are appurtenant or appendant or are entitled to the fee simple of any rights of common in gross.

(4) If the Corporation shall dispute the right of any person to compensation under subsection (3) of this section, such dispute shall be settled by the Lands Tribunal.

(5) The compensation to be paid by the Corporation under subsection (3) of this section shall—

(a) in the case of all rights of common in gross, be determined by the Lands Tribunal under and in accordance with the Land Compensation Act, 1961;

(b) in the case of all rights other than rights of common in gross, be settled in manner provided by the Lands Clauses Acts:

Provided that the council may, by resolution passed within three months from the date of the expiration of the period within which claims for compensation are to be delivered to them under subsection (3) of this section, determine that all questions of compensation arising under this section other than questions of compensation relating to rights of common in gross shall be settled in accordance with subsection (6) of this section.

(6) If the council pass the resolution referred to in subsection (5) of this section, the following provisions shall have effect with respect to compensation for rights extinguished by this section, other than rights of common in gross, namely:—

(a) The Corporation shall, within four months from the date of the expiration of the period within which claims for compensation are to be delivered to them under subsection (3) of this section, convene a meeting of the persons who have rights to such compensation and have delivered such claims in the same manner as if the rights extinguished by this section were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act, 1845;

(b) Such meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act, 1845, and, in the event of such committee and the Corporation being unable to agree upon a sum of money or other compensation to represent the value of the rights extinguished by this section, other than rights of common in gross, the question shall be determined and compensation shall be

PART VIII
—cont.

paid in manner provided by sections 99 and 101 to 106 inclusive of the Lands Clauses Consolidation Act, 1845, for the determination and payment of compensation for the commonable and other rights referred to in those sections.

(7) Notice of the passing of any resolution under this section shall be published in one or more newspapers circulating in the city.

Amendment
of section 92
of Act of
1925.

36.—(1) Subsection (1) of section 92 (Closing of certain parks &c.) of the Act of 1925 shall have effect as if after the words “close to the public” there were inserted the words “the whole or any part of the”, as if after the words “granting the use of” there were inserted the words “the whole or any part of” and as if for the words “any agricultural horticultural or other show” there were substituted the words “an entertainment of any nature”.

(2) For subsection (2) of the said section 92 there shall be substituted the following subsections:—

“(2) No part of any of the said parks or gardens shall be closed under subsection (1) of this section on any bank holiday, or on Christmas Day or Good Friday, or on a day appointed for public thanksgiving or mourning, if the area to be closed, when added to the area of any other park, garden or pleasure-ground or part thereof closed to the public, would exceed one-quarter of the total area of all the parks, gardens or pleasure-grounds belonging to the Corporation.

(3) The Corporation may enclose or permit or allow to be enclosed any part of the said parks or gardens which is closed to the public under subsection (1) of this section.

(4) While any part of the parks or gardens known as ‘the Royal Victoria Park’ and ‘the Middle Common’ is closed to the public under subsection (1) of this section, the provisions of that subsection shall extend to empower the Corporation to utilise any other part of those parks or gardens for the purpose of providing such parking places as may appear to them to be desirable and to make or permit or allow to be made such reasonable charges for the use of such parking places as they may think fit.

(5) Notwithstanding anything in any enactment, the Corporation may from time to time authorise the admission to any part of the parks or gardens known as

' the Royal Victoria Park ' and ' the Middle Common ' of any vehicle which may be required for the purposes of or in connection with the provision of an entertainment mentioned in subsection (1) of this section.

PART VIII
—cont.

- (6) The provisions of subsections (1) and (5) of this section shall extend to empower the Corporation at any time to close to the public any part of the parks or gardens known as ' the Royal Victoria Park ' and ' the Middle Common ' for the purpose of the marshalling of vehicles, persons or animals about to take part in processions, carnivals and other entertainments taking place elsewhere in the city."

37.—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle, the Corporation may cause such receptacle to be opened and the contents examined, if they deem it necessary to do so, for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

Disposal
of lost and
uncollected
property.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any claimant, it shall thereupon vest in the Corporation:

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may, notwithstanding that it has not vested in the Corporation under this section, be disposed of at such time and in such manner as the Corporation may think fit, and, if it is sold, the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section, the Corporation may, if they think fit, deliver to the person, whether an employee of the Corporation or not, who placed the lost property in the custody of the Corporation, the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall, in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section, have effect subject to those terms.

(5) In this section—

the expression " lost property " means any property coming into the custody of the Corporation, after being left on or in any premises occupied by the Corporation to which the public have access; and

PART VIII
—cont.

the expression “uncollected property” means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public or any containers deposited in any market store-room provided by the Corporation in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

Amendment
of section 195
of Act of
1925.

38.—(1) Section 195 (Lost property) of the Act of 1925 shall have effect as if after the word “same” there were inserted the words “(not being lost property within the meaning of section 37 (Disposal of lost and uncollected property) of the Bath Corporation Act 1963)” and as if for the words from “it may be sold” to the end of the section there were substituted the words “it shall thereupon vest in the Corporation: Provided that where the property is a perishable article or its custody involves unreasonable expense or inconvenience, it may, notwithstanding that it has not vested in the Corporation under this section, be disposed of at such time and in such manner as the Corporation may think fit, and, if it is sold, the proceeds of sale shall vest in the Corporation at the expiration of six months after the finding thereof”.

(2) Subsection (1) of the said section 37 shall extend to authorise the opening of any package, bag or other receptacle in which property is contained and which has been found and handed to a police constable of the city and the examination of the contents of the receptacle for the purposes therein mentioned, notwithstanding that the receptacle has been found elsewhere than on premises occupied by the Corporation to which the public have access.

Welfare of
aged and
handicapped
persons.

39.—(1) The Corporation may make arrangements for providing persons to whom section 29 of the National Assistance Act, 1948, applies with meals and for providing aged persons with other domiciliary services in their own homes.

(2) In this section “domiciliary service” shall include the installation of such safety equipment as may be necessary or desirable.

(3) The Corporation may recover from persons availing themselves of any service provided under this section such charges, if any, as, having regard to the cost of the service, the Corporation may determine, whether generally or in the circumstances of any particular case.

(4) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the city.

40.—(1) In this section—

PART VIII

—cont.

Social
rehabilitation.

“special family” means any family residing in the city which or any member of which requires special treatment to fit them or him to be useful members of the community;

“special home visitors” means persons specially skilled by experience or training in the subject of social rehabilitation;

“voluntary” means not carried on for profit and not provided by a local or public authority.

(2) For the purpose of rehabilitating a special family the Corporation may—

(a) either within or without the city, provide, equip, staff and maintain training centres for the accommodation and training of special families or any member of a special family;

(b) employ special home visitors to give advice or training to special families in their homes;

(c) supply to any special family such furniture, fittings and other articles as the Corporation may think fit and for that purpose buy furniture, fittings and other articles.

(3) Instead of themselves providing training centres and employing special home visitors for the purposes of subsection (2) of this section the Corporation may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid.

(4) The Corporation may recover from any person to whom any furniture, fittings or other articles have been supplied under paragraph (c) of subsection (2) of this section such charges, if any, as having regard to the cost of the furniture, fittings or other articles the Corporation may determine.

(5) For the purposes of the National Assistance Act, 1948, and the Children Act, 1948, a person in accommodation provided by the Corporation under this section outside the city shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily resident immediately before he was admitted to such accommodation whether or not he in fact continues to be ordinarily resident in that area.

(6) The provisions of section 58 of the National Health Service Act, 1946, relating to the acquisition of land by agreement shall extend and apply for the purposes of paragraph (a) of subsection (2) of this section as if those purposes were one of the purposes of the said Act of 1946.

PART VIII

—cont.

Notice of
variation
of rent, etc.

41. The rent for the time being recoverable by the Corporation under a tenancy of any premises forming part of any housing accommodation belonging to the Corporation may be increased or reduced or the terms and conditions of that tenancy may be varied, amended or added to by the service by the Corporation on the tenant of a notice—

- (a) specifying the amount of the increase or reduction in rent or the variation or amendment of or addition of the terms and conditions; or
- (b) in the case of an increase or reduction in rent, showing in general terms how the increase or reduction in rent has been determined and indicating that the revised rent has been or will be included in the rent book provided by the Corporation;

whether or not such notice is accompanied by a notice to quit, but such increase, reduction, variation, amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than four weeks after the service thereof:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Corporation requiring them to treat the notice as a notice to quit, the notice shall be deemed to be a notice to quit the premises on the said date or, in the case of an increase or reduction in rent notified by means of a general notice as aforesaid and an entry in the rent book, such later date (not being more than four weeks from the date on which the revised rent is so entered) as the tenant may indicate in the counter-notice.

Collection
and recovery
of water
rates, rents
or charges.

42. Notwithstanding anything in any other enactment—

- (a) any water rate, rent or charge payable to the Corporation by any person in respect of a supply of water to any premises in the city may be demanded and collected together with the general rate payable by that person;
- (b) in respect of premises within the city the same account or record may be kept for the water rates, rents or charges and the general rate;
- (c) any water rate, rent or charge may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions as apply to the recovery of the general rate;
- (d) any summons relating to a sum due to the Corporation in respect of any water rate, rent or charge may be served and any warrant relating to a sum due to the Corporation in respect of any water rate, rent or charge may be directed to the same persons as and executed in the same way as if it related to the general rate.

43.—(1) If a person for the purposes of obtaining for himself or another person—

PART VIII
—cont.

- (a) the tenancy or occupation of a house belonging to, or at the disposal of, the Corporation, or
- (b) a grant, loan, allowance or other payment by or on behalf of the Corporation, or
- (c) a reduction of a rent, rate, charge or other payment due or to come due to the Corporation;

False statements to obtain rent rebates, etc.

knowingly or recklessly makes, or permits to be made, to the Corporation or to any committee of the council or member of the council or employee of the Corporation a statement which is false in a material particular about his, or that other person's, needs or means, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

(2) Where the making of a false statement for any of the purposes aforesaid is an offence under any enactment other than the Perjury Act, 1911, it shall not be an offence under this section.

(3) The court by which a person is convicted of an offence under this section may by the conviction adjudge him—

- (a) to repay to the Corporation a sum not exceeding the amount of the grant, allowance or other payment not being a loan obtained by means of the false statement;
- (b) to pay to the Corporation a sum not exceeding the difference between any reduced payment accepted by the Corporation in faith of the false statement and the payment which the Corporation would otherwise have accepted.

44.—(1) If any vehicle is left—

Removal of vehicles.

- (a) on any land belonging to or under the control of the Corporation;
- (b) on any grass verge or open space provided or laid out by the Corporation in pursuance of the Housing Act, 1957, or any Act repealed by that Act; or
- (c) on any unenclosed and unoccupied land in the city not belonging to or under the control of the Corporation and the owner of the land—
 - (i) requests the Corporation to remove the vehicle; or
 - (ii) consents to the removal of the vehicle by the Corporation; or
 - (iii) is unknown and cannot after diligent inquiry be found;

PART VIII
—cont.

the Corporation may after giving not less than seven days' notice to the owner of the vehicle, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, remove the vehicle for safe custody and may recover from such owner the expenses reasonably incurred in such removal and safe custody:

Provided that this section shall not apply to a vehicle left on a road (as defined in section 257 of the Road Traffic Act, 1960) or in a parking place provided by the Corporation.

(2) If any vehicle to which subsection (1) of this section applies be not within six months from the date of its removal by the Corporation proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) The Corporation shall be deemed not to have made reasonable inquiry to ascertain the name and address of the owner of any vehicle to which this section applies unless they have taken in relation to that vehicle such steps as may be prescribed by any regulations for the time being in force under section 43 of the Road Traffic Act, 1960, for authorising the Corporation to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Corporation that it had been abandoned.

(4) In this section "unenclosed land" includes land wholly or partly surrounded by a wall or fence which is in such a condition that it does not prevent a vehicle from being moved whether or not by its own motive power from a street on to the land.

Extension
of power to
maintain
burial grounds.

45.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

- (a) to put, and keep, in order any tombstone or memorial therein;
- (b) to level any grave therein;
- (c) to remove any tombstone or memorial on any grave therein, or any railings surrounding any grave therein, or any such tombstone or memorial;
- (d) to alter the position of any such tombstone, memorial or railings.

(2) Before exercising a power conferred by paragraph (b), (c) or (d) of the foregoing subsection the Corporation shall—

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the city with an interval between the dates of publication of not less than six clear days;

- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service, whichever is the latest; and
- (c) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Minister, unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any tombstone, memorial or railings removed under this section, unless it or they is or are claimed and removed within three months from the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

(6) Where a tombstone is removed under this section, the Corporation may erect at their own expense, in substitution, a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each tombstone or memorial taken from the burial ground under this section containing—

- (a) a copy of any inscription on it; and
- (b) if it is intended to preserve the tombstone or memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

PART VIII
—cont.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a faculty or licence of a consistory court.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence and subsection (5) thereof shall not have effect in relation to any tombstone, memorial or railings for whose removal such a faculty or licence was obtained.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“tombstone” includes a kerb.

Electronic
or mechanical
accounting
equipment.

46. At any time after the Corporation have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person use or permit that other person to use the said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment.

Power to
advertise
advantages
of city.

47.—(1) The Corporation may incur expenditure in advertising and making known the advantages, facilities and amenities afforded by the city as a tourist centre, place of architectural, historical or cultural interest or holiday resort in any manner which the Corporation may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

(a) combine with any other organisation, company or person; and

(b) employ such persons, firms or companies as they think fit.

(2) Any expenditure under this section shall be separate from and additional to the expenditure, if any, of the Corporation under the Local Authorities (Publicity) Act, 1931, and shall not in any financial year exceed the equivalent of three times the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act, 1925.

Provisions
as to motor
vehicles let
for hire.

48.—(1) The provisions of the Town Police Clauses Act, 1847, and of section 171 of the Public Health Act, 1875, shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the

byelaws of the Corporation in force with respect to hackney carriages shall apply to any motor vehicle, notwithstanding that it is not a hackney carriage, which is offered or let for hire with the services of a driver and to such drivers:

PART VIII
—cont.

Provided that this section shall not apply to—

- (a) any such vehicle which is kept by any person in connection with any business carried on by such person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business; or
- (b) any vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or
- (c) a public service vehicle; or
- (d) any vehicle belonging to or used by the British Railways Board for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises;

or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises, or in any yard belonging to the British Railways Board, except with the consent of that board.

(2) In this section “public service vehicle” has the meaning assigned to that expression by section 117 of the Road Traffic Act, 1960.

49. Subsection (9) of section 24 (For preventing alteration of certain buildings) of the Act of 1937 shall have effect as if after the word “occupier”, where that word occurs for the third time, there were inserted the words “including, without prejudice to the generality of the foregoing words, a term that the money so advanced shall be free of interest” and as if at the end thereof there were inserted the words “Provided that the Corporation may at any time renounce their right to repayment of the whole or any part of the money so advanced or any interest for the time being outstanding”.

Amendment
of section 24
of Act of
1937.

PART IX

GENERAL

50. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

Confirming
authority for
byelaws.

PART IX
—cont.Local
inquiries.

51.—(1) Any 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.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act, as well as the Ministers therein mentioned.

Restriction
on right to
prosecute.

52. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act (except section 48 (Provisions as to motor vehicles let for hire) thereof) by any person other than a party aggrieved or the Corporation.

Appeals.

53.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates’ court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

then, until the time for appealing has expired or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

The appointed
day.

54.—(1) (a) In this Act “the appointed day” means, in reference to the sections of this Act hereinafter mentioned, such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(b) The sections of this Act hereinbefore referred to are—

PART IX
—cont.

Section 12 (Parts of buildings used for storage of inflammable substances);

Section 13 (Oil-fired boilers);

Section 17 (Firemen's switches for luminous tube signs).

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the city notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the town clerk 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 the publication.

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

Application
of general
provisions
of Act of
1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to the following Parts of this Act, that is to say:—

Part III (Streets);

Part IV (Public safety).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to the said Parts III and IV of this Act, and also to section 44 (Removal of vehicles) of this Act.

PART IX
—cont.

(4) The sections of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included references to section 8 (Awnings over footways), section 11 (Removal, etc., of dangerous trees), section 39 (Welfare of aged and handicapped persons) and section 40 (Social rehabilitation) of this Act.

Protection
of members
and officers
of Corporation
from personal
liability.

56. Section 265 of the Public Health Act, 1875, shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Saving for
town and
country
planning.

57. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Amendment
of
enactments.

58. The enactments referred to in columns (1), (2) and (3) of the Second Schedule to this Act shall have effect subject to the amendments specified in column (4) of that schedule.

Repeals.

59. The Acts specified in the Third Schedule to this Act are hereby repealed to the extent specified in that schedule:

Provided that—

- (i) any action, arbitration or proceeding and any cause of action, arbitration or proceeding which shall be pending or existing under any provision of the Act of 1937 repealed by this section shall not abate or be discontinued or in any wise prejudicially affected, but may be continued, prosecuted and enforced as if this section had not been enacted;
- (ii) notwithstanding the repeal of section 192 (Bye-laws as to bicycles &c. on certain footpaths) of the Act of 1925, any byelaws made by the Corporation under that section shall continue in force unless revoked by the Corporation.

For
protection of
Common-
wealth War
Graves
Commission

60.—(1) In this section—

“the commission” means the Commonwealth War Graves Commission;

“Commonwealth war burial” means a burial of any officer or man of the military forces (including air forces) of His Majesty or of the naval forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 45 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947 the Corporation shall—

PART IX
—cont.

- (a) not later than the date upon which such notice is first published in a newspaper circulating in the city serve upon the commission a copy of any notice which the Corporation are required to publish pursuant to the said section 45;
- (b) give written notification to the commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 45;

and in any such case shall have due regard to any written representations made by the commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not in pursuance of the powers of the said section 45 remove any tombstone or other memorial placed or erected over any Commonwealth war grave unless they have first given to the commission satisfactory assurances in writing in regard to all or such of the following matters as the commission consider appropriate, namely:—

- (a) that no other memorial shall be placed or erected over such grave;
- (b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty of a consistory court after prior notification to the commission of the application for the licence or faculty;
- (c) that in the case of any tombstone placed or erected by the commission over any such grave such tombstone shall be removed only in accordance with such arrangements and in such manner including disposal of the tombstone as shall be agreed in writing between the Corporation and the commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Minister under subsection (4) of the said section 45 the Corporation shall, not later than the date on

PART IX
—cont.

which the matter is referred to the Minister, inform the commission in writing of such reference and the Minister shall consider any representations submitted to him by the commission within a period of twenty-eight days from the date of reference to the Minister.

Costs of Act

61. 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 Corporation out of the general rate fund or out of money to be borrowed under the authority of this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

Section 55.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
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.

PART II

SECTIONS APPLIED TO PARTS III AND IV OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging order.
329	Saving for certain provisions of the Land Charges Act, 1925.

PART III

SECTION APPLIED TO PARTS III AND IV AND SECTION 44 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

PART IV

SECTIONS APPLIED TO SECTIONS 8, 11, 39 AND 40 OF THIS ACT

Section	Marginal note
293	Recovery of expenses, &c.
299	Inclusion of several sums in one complaint, &c.

Section 58.

SECOND SCHEDULE

AMENDMENT OF ENACTMENTS

Act (1)	Section (2)	Marginal note (3)	Amendment (4)
The Act of 1937	45	Capital reserve fund	In paragraph (a) of subsection (2), for the words "section 216 (Use of moneys forming part of sinking and other funds) of the Act of 1925 and the section of this Act of which the marginal note is 'Consolidated loans fund'" there shall be substituted the words "section 8 of the Local Authorities Loans Act, 1945".
	47	Receipts and expenses	In paragraph (c) of subsection (1), for the words "section 216 (Use of moneys forming part of sinking and other funds) of the Act of 1925 and the section of this Act of which the marginal note is 'Consolidated loans fund'" there shall be substituted the words "section 8 of the Local Authorities Loans Act, 1945".
	57	Extension of section 2 (3) of the Public Health (Interments) Act 1879	In subsection (2), for the words "in manner authorised by section 216 (Use of moneys forming part of sinking and other funds) of the Act of 1925" there shall be substituted the words "used in the manner provided by section 8 of the Local Authorities Loans Act, 1945".

THIRD SCHEDULE

Section 59.

REPEALS

Act	Section	Marginal note	Extent of repeal
The City of Bath Act, 1851	VI	Repeal of Acts	The whole section.
	IX	Corporation entitled to credits and liable to debts of Commissioners	The whole section.
	XXIX	Occupiers to cause footways to be swept Penalty for neglect	The whole section.
	XXXVII	Private lands not to be entered without consent	The whole section.
	XXXVIII	Service pipes to be fully charged with gas	The whole section.
	XL	Accidental damage to be made good	The whole section.
	LVII	Corporation to maintain and regulate markets and fairs in Bath	The whole section.
	LVIII	Market days	The whole section.
	LXVI	Directing the use of skid pans Penalty on driver not using them	The whole section.
	LXVIII	Provisions of Towns Police Act with respect to public bathing, extended to bathing in reservoirs, &c.	The whole section.
	Schedule		The whole schedule.
The Act of 1925	2	Division of Act into parts	The words "Part IX—Maternity Homes".
	4	Interpretation of terms	The definitions of "Cattle", "Maternity home", "The poor rate", "Statutory security" and "Revenues of the Corporation".
	5	Power to execute street works	The whole section.
	6	Limits of deviation	The whole section.
	7	Power to make subsidiary works	The whole section.

3RD SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	8	Temporary stoppage of streets	The whole section.
	9	Application of road materials excavated in construction of works	The whole section.
	10	Land laid into streets to form part thereof	The whole section.
	11	Power to take lands	The whole section.
	12	Use of part of Institution Gardens	The whole section.
	13	As to compensation in respect of Institution Gardens	The whole section.
	14	Period for compulsory purchase of lands	The whole section.
	15	Persons under disability may grant easements &c.	The whole section.
	16	Correction of errors in deposited plans and in book of reference	The whole section.
	17	Benefits to be set off against compensation	The whole section.
	19	Retention and disposal of lands	Subsection (3).
	21	Power to Corporation to enter upon property for survey and valuation.	The whole section.
	22	Power to stop up certain streets	The whole section.
	23	Extinction of private rights of way	The whole section.
	24	Owners may be required to sell parts only of certain premises	The whole section.
25	Compensation in case of recently acquired interest	The whole section.	
26	For protection of St. John's Hospital	The whole section.	
27	For protection of Sydney William Bush and Sydney Lee Bush	The whole section.	

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	28	For protection of the Great Western Railway Company	Subsections (1), (2), (4), (5), (6), (7), (8), (9) and (10).
	29	For protection of Bath Gas Light and Coke Company	The whole section.
	31	Confirmation of scheduled agreements &c.	The whole section.
	32	Bridge-owners to sell undertakings to Corporation	The whole section.
	33	Receipt for purchase money	The whole section.
	34	Bridge-owner to be entitled to receipts and to pay outgoings until transfer	The whole section.
	35	Exercise of bridge-owners' powers until transfer	The whole section.
	36	Liabilities to be defrayed by bridge-owners	The whole section.
	37	Actions &c. not to abate	The whole section.
	40	Winding up of Bridge Company	The whole section.
	41	As to compensation &c. to officers and servants of certain bridge-owners	The whole section.
	42	Power to maintain bridges &c. and charge tolls	Paragraphs (b) and (c).
	43	Composition of tolls	The whole section.
	44	List of tolls to be exhibited near each end of bridge	The whole section.
	45	Tolls to be taken only whilst board exhibited	The whole section.
	46	Tolls to be paid before passing over bridge	The whole section.
	47	Taking and recovery of tolls	The whole section.
	48	Penalties on persons practising frauds	The whole section.

3RD SCH.
—cont.

3RD SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	49	Penalties on toll collectors	The whole section.
	50	Exempting officers of Crown from toll	The whole section.
	54	As to cesser of tolls	The whole section.
	72	As to offices and show-rooms	The whole section.
	76	As to maximum power which may be demanded	The whole section.
	78	Entry upon premises Penalty for obstruction	The whole section.
	79	For supply of electric motors fittings apparatus &c.	The whole section.
	80	Power to recover charge for re-connection	The whole section.
	82	Bye-laws as to apparatus and fittings	The whole section.
	83	Notice to discontinue supply of electricity	The whole section.
	84	Receipts and expenses	The whole section.
	86	Bye-laws as to family and mixed bathing	The whole section.
	90	Charge for use of parts of parks set apart for certain purposes	The whole section.
	91	Advertising of band performances	The whole section.
	93	Receipts and expenses	The whole section.
	95	Lopping of trees overhanging highways	The whole section.
103	Power to determine width of carriageways and footways	The whole section.	
109	Restriction on placing rails beams &c. over streets	The whole section.	
110	Banners and signs over streets	Subsection (3).	
113	Forecourts to be fenced off from streets	The whole section.	

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	114	Street orderly bins	The whole section.
	116	As to pavement lights	The whole section.
	118	Width of streets in certain cases	The whole section.
	119	Bye-laws as to intersecting streets	The whole section.
	120	For preventing water flowing on footpath	The whole section.
	126	Erection of buildings to greater height than adjoining buildings	The whole section.
	129	As to restriction of air space	The whole section.
	130	Bye-laws as to alterations to old buildings	The whole section.
	131	Food storage accommodation to be provided	The whole section.
	134	Means of escape from buildings in case of fire	The whole section.
	135	Dilapidated and neglected buildings	The whole section.
	136	As to dangerous buildings	The whole section.
	137	Sanitary conveniences for workmen engaged on buildings	The whole section.
	138	As to houses without water supply	Subsection (3).
	139	Closet accommodation in houses occupied by more than one family	The whole section.
	140	Prohibiting entry of petroleum spirit &c. into sewers	The whole section.
	141	Soil pipes to be ventilated	The whole section.
142	Combined drains	The whole section.	
143	As to houses connected with single private drain	The whole section.	
144	Power to require specially enlarged sewer in new street	The whole section.	

3RD SCH.
—cont.

3RD SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	146	Power to reconstruct drain if laid in contravention of Public Health Act 1875	The whole section.
	148	As to repair of private drains	The whole section.
	149	Watercourses to be culverted in certain cases	The whole section.
	151	Saving for railway companies	So much of the section as relates to any provisions of the Act of 1925 repealed by this Act.
	152	For the further protection of the Bath Gas Light and Coke Company	Subsections (3) and (5).
	156	Power to compensate persons for ceasing employment to prevent spread of disease	The whole section.
	158	Removal of persons suffering from pulmonary tuberculosis to hospital	The whole section.
	159	Disinfection in case of tuberculosis	The whole section.
	161	Sanitary regulations for premises used for sale &c. of food for human consumption	The whole section.
	162	Public notice to be given of foregoing provisions of this part of Act	The whole section.
	163	Provision of public slaughter-houses and prohibition of private slaughter-houses thereafter	The whole section.
	164	Power to close slaughter-houses if injurious to public health	The whole section.
	166	Houses infested with vermin to be cleansed	The whole section.
167	Cleansing of verminous persons	The whole section.	
168	Cleansing of children and their clothing	The whole section.	

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	169	Defining establishment of a new business for the purposes of section 112 of Public Health Act 1875	The whole section.
	172	Regulation dustbins	The whole section.
	173	Registration of maternity homes	The whole section.
	174	Bye-laws as to homes	The whole section.
	175	Powers as to entry and inspection	The whole section.
	176	Penalties for offences in respect of maternity homes	The whole section.
	177	Directors of companies to be personally liable for penalties	The whole section.
	178	Saving for homes carried on by medical practitioners	The whole section.
	179	Saving for certain premises	The whole section.
	180	Notice of provisions to be given	The whole section.
	186	Regulations for controlling traffic	The whole section.
	187	As to control of traffic by police	The whole section.
	188	Power to require intending passengers to wait in queues	The whole section.
	189	As to lands for parking places	The whole section.
	192	Bye-laws as to bicycles &c. on certain foot-paths	The whole section.
	196	Commencement of this part of Act	The whole section.
	197	All expenses of Corporation to be paid out of city fund	The whole section.
	198	Contribution to city rate to be paid out of poor rate	The whole section.
	199	Poor rate to be called consolidated rate	The whole section.

3RD SCH.
—cont.

3RD SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	200	Differential rating for certain classes of hereditaments	The whole section.
	201	Application of Poor Rate Assessment and Collection Act 1869	The whole section.
	202	Service of rate demands by post	The whole section.
	203	Water rate may be collected with consolidated rate	The whole section.
	204	As to section 133 of Lands Clauses Consolidation Act 1845	The whole section.
	205	As to recovery of consolidated rate	The whole section.
	206	Certain sections of Public Health Act 1875 to apply	The whole section.
	207	Overseers may require returns	In the proviso to subsection (1), the words “(except for purposes connected with the preparation of and preliminary to a general re-valuation for rating)” and subsection (3).
	209	Power to borrow	In the table set out at the end of subsection (1), paragraph (d) and the entries in the second and third columns of that table in respect of that paragraph, and in subsection (2), subparagraph (i) of paragraph (b) and the words “(other than any account relating to the electricity undertaking)” in subparagraph (ii) of that paragraph.
	211	Expenses of execution of Act	The whole section.
212	Interest on mortgages held jointly	The whole section.	
213	Receipt in case of persons not sui juris	The whole section.	

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	216	Use of moneys forming part of sinking and other funds	The whole section.
	217	Power to re-borrow	The whole section.
	218	Power to use one form of mortgage for all purposes	Subsections (3), (4), (5), (6) and (12).
	219	Power to invest all sinking funds in statutory securities	The whole section.
	220	Period for repayment of loans under the Municipal Corporations Act 1882	The whole section.
	221	As to section 234 of the Public Health Act 1875	The whole section.
	222	Return to Minister of Health with respect to repayment of debt	The whole section.
	223	Appointed auditors	In subsection (4) the words from the beginning to the word "addition".
	227	Application of provisions of Act of 1903	The references to sections 42, 44, 46 and 55 of the Bath Corporation Water Act, 1903, and paragraph (c) of the proviso.
	228	Power to convert destructor refuse into slabs and other materials and to use and sell such materials	The words "who shall carry the proceeds arising from any sales thereof to the credit of the destructor account".
	229	For further protection of the Great Western Railway Company	The words from "and in respect" to the end of the section.
	230	Service of summons on members of Council	The whole section.
	247	As to appeal	The words "part IX (Maternity Homes)".
	254	Costs of Act	The whole section.
First Schedule			The whole schedule.
Second Schedule			The whole schedule.

3RD SCH.
—cont.

3RD SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1925 (continued)	Third Schedule		The whole schedule.
The Act of 1937	2	Division of Act into parts	The words "Part III—Royal National Hospital for Rheumatic Diseases Bath".
	4	Interpretation	The definitions of "The existing Hospital Acts", "The Governors", "The scheduled agreement", "The existing hospital" and "the electricity undertaking".
	5	Power to execute street works	The whole section.
	6	Power to alter steps pipes areas &c.	The whole section.
	7	Power to take lands	The whole section.
	8	Period for compulsory purchase of lands	The whole section.
	9	Correction of errors in deposited plans and book of reference	The whole section.
	10	Stopping up of highways	The whole section.
	11	Removal of human remains	The whole section.
	13	Agreements with owners of property &c.	The whole section.
	17	Power to Corporation to advance money for erection of buildings	The whole section.
	18	Application of certain provisions of Act of 1925 to street works and lands	The whole section except in so far as it extends and applies section 20 of the Act of 1925.
	19	For protection of Great Western Railway Company	The whole section.
	20	Confirmation of scheduled agreement	The whole section.
	21	Alteration of statutory powers and obligations as to existing hospital	The whole section.

Act	Section	Marginal note	Extent of repeal
The Act of 1937 (continued)	22	Powers for Governors with respect to new hospital and site thereof	The whole section.
	23	Further power to make byelaws as to new buildings &c.	Paragraphs (e), (f), (g), (h) and (i) of subsection (1), and subsections (2), (3), (4), (5), (6), (7), (8), (9) and (10).
	25	Removal of infirm and diseased persons in certain cases	The whole section.
	33	Notice to be given	The whole section.
	37	Extension of Act of 1922 to clerk to justices and others	The whole section.
	38	As to superannuation of registration officers	The whole section.
	39	Annuities for widows	The whole section.
	40	Power to borrow	In the table set out at the end of subsection (1), paragraph (f) and the entries in the second and third columns of that table in respect of that paragraph.
	44	Consolidated loans fund	The whole section.
46	As to operation of certain provisions of this Part of Act	The whole section.	
49	Application of revenue of undertakings	In paragraph (b) of subsection (1), the words "(subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account)", in paragraph (c) of that subsection, the words "in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of any other undertaking" and in subsection (4), the words "(except in the case of the electricity undertaking)".	

3RD SCH.
—cont.

3RD SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1937 (continued)	50	Provisions as to surplus electricity revenue	The whole section.
	51	For protection of Bath Gas Company	The whole section.
	55	As to use of public libraries	The whole section.
	56	As to school agreements	The whole section.
	63	Repeal	The whole section.
	64	Costs of Act	The whole section.
	First Schedule		The whole schedule.
	Second Schedule		The whole schedule.
	Third Schedule		The whole schedule.
	Fourth Schedule		The whole schedule.

Table of Statutes referred to in this Act.

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Town Police Clauses Act, 1847 ...	10 & 11 Vict. c. 89.
City of Bath Act, 1851 ...	14 & 15 Vict. c. civ.
Public Health Act, 1875 ...	38 & 39 Vict. c. 55.
Public Libraries Act, 1892 ...	55 & 56 Vict. c. 53.
Bath Corporation Water Act, 1903 ...	3 Edw. 7 c. ccvii.
Open Spaces Act, 1906 ...	6 Edw. 7 c. 25.
Perjury Act, 1911 ...	1 & 2 Geo. 5 c. 6.
Bath Corporation Act, 1925 ...	15 & 16 Geo. 5 c. xciii.
Land Charges Act, 1925 ...	15 & 16 Geo. 5 c. 22.
Rating and Valuation Act, 1925 ...	15 & 16 Geo. 5 c. 90.
Petroleum (Consolidation) Act, 1928 ...	18 & 19 Geo. 5 c. 32.
Local Authorities (Publicity) Act, 1931 ...	21 & 22 Geo. 5 c. 17.
Local Government Act, 1933 ...	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Bath Corporation Act, 1937 ...	1 Edw. 8 & 1 Geo. 6 c. cxvii.

Short title	Session and chapter
Local Authorities Loans Act, 1945 ...	8 & 9 Geo. 6 c. 18.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act, 1946 ...	9 & 10 Geo. 6 c. 81.
Electricity Act, 1947	10 & 11 Geo. 6 c. 54.
National Assistance Act, 1948	11 & 12 Geo. 6 c. 29.
Children Act, 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6 c. 42.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Housing Act, 1957	5 & 6 Eliz. 2 c. 56.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.
Factories Act, 1961	9 & 10 Eliz. 2 c. 34.
Town and Country Planning Act, 1962	10 & 11 Eliz. 2 c. 38.

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CHAPTER xxxviii

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- 40. Social rehabilitation.
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