

ELIZABETH II



1965 CHAPTER xxix

An Act to alter the precepting powers of the North Devon Water Board and to confer further powers on the board; to confer further powers on the Devon County Council and on local and highway authorities in the administrative county of Devon in relation to highways and the local government, improvement, health and finances of the county; and for other purposes.

[5th August 1965]

**W**HEREAS a measure of reorganisation of the public water supplies in the administrative county of Devon (hereinafter and in this Act referred to as "the county") and in certain adjoining areas in the administrative counties of Somerset and Cornwall was achieved by the formation of the North Devon Water Board (hereinafter and in this Act referred to as "the board") by the North Devon Water Board Act, 1945, the South Devon Water Board by the South Devon Water Board Order, 1950 (which enlarged and reconstituted the Kingsbridge and Salcombe Water Board established by the Kingsbridge and Salcombe Water Board Act, 1930), and of the East Devon Water Board by the East Devon Water Order, 1951:

And whereas to enable supplies of water to be afforded by the three boards at an economic charge in the predominantly rural areas which constituted their original limits of supply provision was made in the enactments establishing the boards hereinbefore referred to for the county council of the county (hereinafter and in this Act referred to as "the Council") to contribute towards any annual deficits:

And whereas substantial annual deficits were incurred and the amounts which the Council were required to pay progressively increased and would have continued to increase:

And whereas in the Session 1959-60 the Council promoted a Bill to provide for the further reorganisation of the public water supplies in the county and in the said adjoining areas and for the alteration of the basis of calculating the contributions of the Council to the three boards but the Select Committee of the House of Commons considering the Bill for procedural reasons found the Preamble not to be proved:

c. 42. And whereas the Minister of Housing and Local Government in exercise of the compulsory powers conferred by section 9 (2) of the Water Act, 1945, has made the South West Devon Water Board Order, 1963, incorporating the South West Devon Water Board and transferring to that board the undertaking of the South Devon Water Board and the water undertakings of certain local authorities in the southern and south-western parts of the county:

And whereas the said Minister in exercise of the same powers has also made the East Devon Water (Regrouping) Order, 1963, transferring to the East Devon Water Board the water undertaking of the mayor, aldermen and citizens of the city and county of Exeter and the water undertakings of certain local authorities in the eastern part of the county:

And whereas by virtue of the said two orders the liability of the Council to contribute towards the annual deficits of the two boards has been cancelled and in lieu the Council has undertaken to make contributions to the boards on a more equitable basis:

c. vi. And whereas the transfer to the board of the water undertakings which were to have been so transferred by the Bill promoted by the Council in the Session 1959-60 has been effected by agreements between the board and the four local authorities concerned entered into under the powers in that behalf conferred by section 33 (Power to other local authorities to become constituent authorities) of the North Devon Water Board Act, 1945:

And whereas having regard to the completion of the reorganisation of the public water supplies in the county and in the said adjoining areas and to the reduced contributions which the Council are now required to make to the South West and East Devon Water Boards, it would be inequitable for the Council to remain under a liability to contribute to the annual deficits of the board as in the said Act of 1945 provided:

And whereas it is expedient to make such provision as to the rates and charges which the board are authorised to make and to confer on the board such other powers as are in this Act provided:

And whereas it is expedient that further and better provision should be made with reference to highways and for the local government, improvement, health and finances of the county and that the powers of the Council of the county and of the local and highway authorities within the county should be enlarged and extended as by this Act provided:

And whereas it is expedient that such other provisions should be made as are in this Act contained:

And whereas the Council have complied with the requirements of Part XIII of the Local Government Act, 1933, in relation to c. 51. the promotion of the Bill for this Act:

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

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

1. This Act may be cited as the Devon County Council Act Short title. 1965.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—North Devon Water Board.

Part III.—Planning.

Part IV.—Highways.

Part V.—Miscellaneous.

Part VI.—General.

PART I  
—cont.  
Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 294 and 295 of the Act of 1959 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 enacted or unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

- c. 51. “ Act of 1933 ” means the Local Government Act, 1933;
- c. 49. “ Act of 1936 ” means the Public Health Act, 1936;
- c. 49. “ Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946;
- c. 39. “ Act of 1950 ” means the Public Utilities Street Works Act, 1950;
- c. 25. “ Act of 1959 ” means the Highways Act, 1959;
- c. 38. “ Act of 1962 ” means the Town and Country Planning Act, 1962;

“ authorised officer ” has the same meaning as in section 343 of the Act of 1936;

“ Council ” means the county council of the county;

“ county ” means the administrative county of Devon;

“ county fund ” means the county fund of the county;

“ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;

“ district ” means a borough or an urban or rural district in the county;

“ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district;

“ highway authority ” means—

(a) in the case of a trunk road, the Minister of Transport or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;

(b) in the case of a county road in the county, except a claimed road, and in the case of any other highway for the time being maintained by the Council, the Council; and

(c) in the case of any other highway, the local authority for the district in which the highway is situate;

- “ house ” has the same meaning as in section 343 of the Act of 1936;
- “ land ” includes land covered with water and any interest in land or any easement or right in, to or over land;
- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961; c. 42.  
c. 33.
- “ local authority ” means the council of a district;
- “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952; c. 55.
- “ 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; c. 31.
- “ officer ” includes servant;
- “ parish council ” means the parish council of a rural parish in the county or, where there is no parish council, the parish meeting of such parish;
- “ rural district ” means a rural district in the county;
- “ rural district council ” means the council of a rural district;
- “ statutory undertakers ” means any company, body or person authorised by an enactment to supply electricity, gas or water;
- “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878; c. 76.
- “ urban district ” means a borough or urban district in the county;
- “ verge ” includes land situate between two carriageways and any part of a street which is not a carriageway, footway or cycle track.

(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 I  
—*cont.*  
Incorporation  
of Lands  
Clauses Acts.  
c. 18.

4. The Lands Clauses Acts, except sections 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act, 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act), are hereby incorporated with and form part of this Act:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

## PART II

### NORTH DEVON WATER BOARD

Interpretation  
for purposes  
of Part II of  
Act.  
c. vi.

5. In this Part of this Act, unless the subject or context otherwise requires—

“the Act of 1945” means the North Devon Water Board Act, 1945;

“the appointed day” means the 1st April, 1966;

“the board” means the North Devon Water Board;

“the Third Schedule” means the Third Schedule to the

c. 42.

“limits of supply” means the limits within which the board are for the time being authorised to supply water by any enactment;

“year” means the year commencing on the 1st April.

County  
council  
representa-  
tion on  
board.

6.—(1) As from the appointed day the number of members of the board which under section 6 (Constitution of Board) of the Act of 1945 are to be appointed by the Council shall be reduced from twelve to four.

(2) The members of the board appointed by the Council who are in office immediately before the appointed day shall cease to hold office on the appointed day, but shall be eligible for re-appointment by the Council under subsection (2) of section 7 (Appointment of members of Board) of the Act of 1945.

Contributions  
from Council.

7.—(1) The Council shall in lieu of the payments which, if this Act had not been passed, they would have been required to make under section 150 (Apportionment of deficiency in revenue of Board) of the Act of 1945, but subject to subsection (3) of this section make a contribution to the board in respect of the year beginning on the appointed day and in respect of each subsequent year of an amount equal to 25 per cent. of the net revenue expenditure of the board in that year or the sum of two hundred and seventy-five thousand pounds (whichever is the less).

(2) For the purpose of calculating the contribution which the Council are required to make under the foregoing subsection the net revenue expenditure of the board in any year shall be ascertained by deducting from the total expenditure of the board on revenue account (including net revenue account) the income receivable by the board on revenue account (including net revenue account) from all sources except—

- (a) income from rates and charges for water supplied by the board (otherwise than in bulk to statutory water undertakers under section 12 of the Water Act, 1945); and c. 42.
- (b) the sums which under the said section 150 are required to be paid to the board by the contributing local authorities in respect of the estimated deficiency in the net revenue of the board.

(3) The amount of the contribution payable by the Council under the foregoing provisions of this section may on the application by either the Council or the board be reviewed at the conclusion of a period of ten years commencing on the appointed day and thereafter at the conclusion of each subsequent period of ten years and if on any such review it is agreed or, in default of agreement, determined by the Minister that the contribution which the Council are then required to pay should be varied (either by way of an increase or a reduction, or by substituting some different method of calculating the amount of the contribution), this section shall have effect as from the first day of April next following the date on which the variation is agreed or determined as aforesaid, or on such other date as may be so agreed or determined, as if it required the Council to make the contribution (if any) as so varied.

(4) (a) The contribution which under the foregoing provisions of this section the Council are required to make to the board in any year shall be paid by four equal interim instalments in the months of June, September, December and March and the total amount so paid in any year shall (if necessary) be subsequently adjusted after publication of the audited accounts of the board for that year.

(b) The Council shall not be liable in any year to pay any such instalment in respect of that year unless before the first of those instalments is due an estimate of the amount which it is calculated will be due from them to the board in that year has been submitted to the Council.

(5) In this section “the contributing local authorities” means the councils of the boroughs and of the urban and rural districts (other than the rural district of Stratton in the administrative

PART II  
—cont.

county of Cornwall) which have become constituent authorities of the board (whether by virtue of any enactment contained in the North Devon Water Acts and Orders, 1945 to 1965, or of any agreement under section 33 (Power to other local authorities to become constituent authorities) of the Act of 1945).

Water rates  
and charges.

8.—(1) Subject to the provisions of this section the board may in respect of water supplied to any premises for domestic purposes as from the appointed day charge a water rate of an amount not exceeding two shillings and sixpence in the pound calculated—

(a) in the case of a house (not being premises of a kind mentioned in the next succeeding paragraph) on the net annual value thereof;

(b) in the case of premises used partly for—

(i) business, trade or manufacturing purposes; or

(ii) the exercise of functions by any public authority;

on such proportion (not exceeding three-quarters of the net annual value of the premises supplied) as the board may think fit;

(c) in the case of any other premises on such proportion (not exceeding one-half) of the net annual value thereof as the board may think fit:

Provided that the board may in any case make in respect of any such supply a minimum charge not exceeding forty shillings per annum.

(2) For the purposes of subsection (1) of section 48 of the Third Schedule as applied to the board the prescribed sum shall be—

(a) in the case of water used for watering a garden, where the hosepipe or other similar apparatus is perforated or a sprinkler is used in conjunction therewith, eighty shillings;

(b) in any other case, forty shillings.

(3) For the purposes of Part XII of the Third Schedule as so applied the charge for a supply of water taken by meter shall not exceed four shillings and sixpence per thousand gallons, subject, except in the case of supplies to premises of any kind referred to in subsection (2) of section 49 of the Third Schedule, to a minimum charge of three pounds fifteen shillings per half-year.



(4) The rate which the board may charge in respect of a supply of water for domestic purposes shall not in the year commencing on the appointed day or in any subsequent year be less than one shilling and eightpence charged—

PART II  
—cont.

(a) in the case of a house, on the net annual value thereof;

(b) in the case of other premises on such proportion of the net annual value of the premises supplied as may be determined by the board under sub-paragraph (b) or sub-paragraph (c), as the case may be, of subsection (1) of this section;

so long as the estimates made for the purposes of and in accordance with section 150 (Apportionment of deficiency in revenue of Board) of the Act of 1945 for the year in respect of which the rate is to be charged show that there will be a deficiency in the net revenue of the board in that year.

(5) The foregoing provisions of this section shall have effect in relation to the borough of Great Torrington, the borough of Tiverton, the borough of Bideford, the borough of Okehampton, the borough of South Molton, the urban district of Northam, the urban district of Crediton, the urban district of Ilfracombe and the urban district of Tavistock, subject to the terms and conditions on which the local authority for each of those districts became a constituent authority of the board under section 33 (Power to other local authorities to become constituent authorities) of the Act of 1945.

9.—(1) The board may at any time serve on the owner of any right to which this section applies a notice stating the intention of the board to extinguish such right in respect of the premises and the date (not being less than twenty-eight days after the service of such notice) on which the right is to be extinguished and on the said date the right to which the notice relates shall be and is hereby extinguished and the board shall cease to be under any obligation to supply water to the premises specified in the notice without payment therefor.

Extinguish-  
ment of  
rights to free  
water  
supplies.

(2) As compensation for any right extinguished under the provisions of this section the board shall pay to the owner such sum representing the value of that right together with all reasonable professional fees incurred by him in relation to his claim, as may be agreed between the board and such owner or, in default of agreement, determined by arbitration, together with interest on such sum at the bank rate from time to time prevailing or

PART II  
—cont.

5 per cent. (whichever shall be the greater) from the date on which the right is so extinguished until the date of payment thereof less income tax at the standard rate then prevailing.

(3) This section applies to all rights subsisting at the passing of this Act of any person to require the board to supply water without payment therefor to any premises of which such person is the owner whether or not such rights were granted for valuable consideration.

c. 49.

(4) If from any cause the board are unable to obtain the receipt in writing of any person entitled to compensation under the provisions of subsection (2) of this section or his personal representative, they may lodge the sum of money to which such person is entitled in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, and a certificate given in accordance with those rules stating that such money has been so lodged shall effectively relieve and discharge the board from all liability for the payment of such sum.

Audit of  
accounts.

10.—(1) The provisions of Part X of the Act of 1933 (other than those of sections 237, 238 and section 239 (2)) shall, with all necessary modifications, extend and apply to the board as if the board were the council of a borough.

(2) In its application to the board section 239 of the Act of 1933 shall have effect subject to the following further modifications:—

(a) for subsection (1) there shall be substituted the following subsection:—

“(1) The board may by a resolution adopt the system of district audit instead of the system of professional audit and if such a resolution is passed they may thereafter from time to time by resolution adopt whichever of the two systems is not then in force.”;

(b) subsection (3) shall in relation to the period before the passing of the first resolution under subsection (1) of the said section be construed—

(i) as if the reference to the adoption of the system of professional audit were a reference to the system being in force; and

(ii) as if the auditor of the board in office immediately before the passing of this Act had been appointed under seal of the board;

(c) for paragraph (b) of subsection (3) there shall be substituted the following paragraph:—

PART II  
—cont.

“(b) No person shall be qualified to be so appointed unless he is a member or in the case of a firm all the partners wherein are members of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

the Institute of Municipal Treasurers and Accountants;

any body of accountants established in the United Kingdom and for the time being recognised, for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948, by c. 38. the Board of Trade.”

(3) Not less than one month after the passing of any resolution under the provisions of this section the board shall, by notice to the Minister, inform him of the system so adopted.

11. The provisions of the Third Schedule mentioned in column (1) of Schedule 1 to this Act, as applied and incorporated by section 3 (Incorporation of Third Schedule) of the North Devon Water Board Order, 1958, shall have effect subject to the modifications mentioned in column (2) of the said Schedule 1.

Modification of certain provisions of Third Schedule.

12.—(1) The enactments relating to the board specified in the first column of Part I of Schedule 2 to this Act shall have effect on and after the appointed day subject to the amendments specified in the second column of that schedule.

Amendment and repeal of enactments of board.

(2) The unrepealed provisions of the enactments relating to the board specified in the first column of Part II of Schedule 2 to this Act shall as from the appointed day be repealed to the extent specified in the second column of that schedule.

13.—(1) As from the passing of this Act the enactments mentioned in Part I of Schedule 3 to this Act (being enactments relating to the undertakings of those contributing local authorities of the board who are represented on the board by virtue of agreements entered into with the board under section 33 (Power to other local authorities to become constituent authorities) of the Act of 1945) shall to the extent specified therein and with any necessary modifications apply in relation to the board and shall

Application and repeal of enactments relating to certain contributing councils.

PART II  
—cont.

have effect as if for references to the undertakers therein mentioned there were substituted (unless the context otherwise requires) references to the board.

(2) The unrepealed provisions of the enactments relating to the said undertakings specified in the first column of Part II of Schedule 3 to this Act shall as from the passing of this Act be repealed to the extent specified in the second column of that Part.

For  
protection of  
the British  
Railways  
Board.

14. For the protection of the British Railways Board (hereinafter referred to as “the railways board”) the following provisions shall unless otherwise agreed in writing between the railways board and the board apply and have effect:—

- (1) The repeal by this Act of the enactments referred to in Part II of Schedule 3 to this Act shall not prejudice or affect any rights, powers, duties or obligations conferred or imposed by those enactments (so far as the same are in force immediately before the passing of this Act) in relation to any works or apparatus constructed, placed or laid before the passing of this Act in, across, along, over, under or so as to affect any railway, works, lands or property of the railways board:
- (2) As from the passing of this Act the said rights, powers, duties and obligations shall be deemed to be the rights, powers, duties and obligations of the railways board on the one hand and the board on the other hand:
- (3) Notwithstanding anything contained in the enactments referred to in the said Part II of Schedule 3 any question which may arise between the board and the railways board under the said enactments shall be referred to arbitration and any such arbitration shall be deemed to be an arbitration under this section.

## PART III

## PLANNING

Prohibition  
of parking  
or camping  
on highway  
verges,  
etc.

15.—(1) (a) The Council may by order prohibit the placing and leaving of any vehicle, trailer, caravan or tent on the verge of or on unenclosed land adjacent to any part or parts of any trunk road or county road which is situate within the county.

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

(2) If any person contravenes the provisions of an order under this section he shall be liable to a fine not exceeding five pounds.

(3) Where it is proposed to make an order under this section the Council shall have regard to the availability of—

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

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

- (i) take effect from such date as may be specified in that behalf in the order;
- (ii) specify the road or roads and the unenclosed land to which it is to apply; and
- (iii) specify the particular days and the particular hours between 9 o'clock in the evening and 9 o'clock in the morning during which the prohibition applies;

(b) An order under this section may—

- (i) specify exceptions in respect of which the prohibition is not to apply; and
- (ii) at any time be altered or revoked by a subsequent order made in like manner.

(5) Before making any order under this section the Council shall publish in one or more local newspapers circulating in the area in which is situated the road or roads to which the order applies a notice—

- (a) stating the general effect of the order;
- (b) specifying the offices of every local authority in whose district any part of the said area is situated where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
- (c) stating that, within the said period, any person may by notice to the Minister object to the making of the order.

(6) The Council shall also publish a notice in the London Gazette stating that they are about to make an order under this section naming the area in which is situated the road or roads to which the order will apply, specifying the offices of every local authority in whose district any part of the said area is situated where a copy of the draft order may be inspected and giving the name and date of issue of a local newspaper in which the notice explaining the general effect of the order will be found.

(7) (a) If before the expiration of a period of twenty-eight days referred to in paragraph (b) of subsection (5) of this section or of twenty-five days from the publication of the notice in the London Gazette an objection to the making of the order to which the

PART III  
—cont.

notice relates is duly made to the Minister and the objection is not subsequently withdrawn the order shall not take effect until it is confirmed by the Minister.

(b) Where the Minister receives any objection to the making of an order he shall send to the Council a copy of every such objection and the Minister, after considering every such objection and causing if he thinks fit a local inquiry to be held, may confirm or refuse to confirm the order and, if he confirms it, may do so subject to such modifications (if any) as he may think desirable.

(8) Where an order has been made and confirmed under this section, the Council shall erect or cause to be erected on or near any road or land to which such an order applies notices indicating the nature and extent of the prohibitions imposed by the order.

(9) (a) Nothing in this section shall apply to the placing and leaving on any land to which this section applies of—

- (i) any vehicle, trailer, caravan or tent if it is not left on the land for more than two hours;
- (ii) any vehicle, trailer, caravan or tent by or with the consent of the occupier of the land;
- (iii) any vehicle, trailer or caravan placed and left because of or in connection with mechanical breakdown;
- (iv) any vehicle, trailer, caravan or tent placed and left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;
- (v) any vehicle when in use solely for the purpose of itinerant trading with the occupiers of premises adjoining any such land;
- (vi) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertakers or the British Railways Board in connection with or for the purposes of their undertakings.

(b) Nothing in this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with the terms and conditions on which permission has been given for the development by the local planning authority under the provisions of the Act of 1962 or in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act, 1960.

c. 62.

Amendment  
of provisions  
relating to  
camping  
places, etc.  
c. xiv.

16. The following section shall be substituted for section 37 (Provision of camping places) of the Devon County Council Act 1961:—

“ Provision  
of camping  
places,  
parking  
places,  
accom-  
modation,  
&c.

37.—(1) Where it is necessary to provide on any land in the county (except land which has been designated as part of a national park under section 5 of the National Parks and Access to the Countryside Act, 1949) facilities in substitution for those which are or were being lawfully used but the use of which may

c. 97.

be or has been prohibited by an order under section 15 of the Devon County Council Act, 1965, the Council after consultation with the local authority of the district may provide—

- (a) camping sites and parking places together with means of access thereto and egress therefrom; and
- (b) accommodation, meals and refreshments in connection with any such camping site or parking place.

(2) The Council may—

- (a) do all such things as are necessary to adapt any land for use for any of the purposes authorised by subsection (1) of this section and, in particular but without prejudice to the generality of the foregoing, provide and maintain such buildings, works and other conveniences in connection therewith as appear to them necessary or expedient;
- (b) appoint with or without remuneration such officers or servants as may be necessary for the superintendence of any parking place, camping place or accommodation provided under subsection (1) of this section;
- (c) make reasonable charges for the use of any such parking place, camping place, or accommodation by any person;
- (d) make regulations as to the use of any such parking place, camping place or accommodation.

(3) No accommodation, meals or refreshments shall be provided under this section except as incidental or ancillary to any camping site or parking place so provided and then only subject to the following conditions:—

- (a) the existing facilities therefor are in the opinion of the Council inadequate or unsatisfactory either generally or as respects any description of accommodation, meals or refreshments (as the case may be); and
- (b) the Council have first taken all reasonable steps to secure the provision of accommodation, meals or refreshments (as the case may be) by some other person.

(4) The Council shall not under this section themselves sell intoxicating liquor and it shall be a condition of any agreement entered into between the Council and any person under this section under which refreshments may be provided at any building provided under paragraph (a) of subsection (2) of this section that any application under the Licensing Act, 1964, for a justices' on-licence shall either be c. 26.

PART III  
—cont.

restricted to a restaurant licence or, if it is not so restricted, shall have attached to it a condition that only persons bona fide resorting to a camping site or parking place provided under this section with the intention of staying there overnight may be supplied thereunder.

(5) The Council may enter into an agreement with any person for the doing by him of anything which the Council has power to do by virtue of the foregoing provisions of this section and any such agreement may contain such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement, including in particular but without prejudice to the generality of the foregoing, provision for—

- (a) a contribution whether by way of loan or otherwise by the Council towards the reasonable expenses incurred by any person in providing, maintaining and conducting a parking place, camping place or accommodation and any facilities connected therewith;
- (b) the charges to be made to persons making use of the parking place, camping place, or accommodation;
- (c) the regulation of the use of the parking place, camping place or accommodation.

(6) The Council may for the purposes of this section by agreement acquire whether by way of purchase, lease or exchange any land in the county and may grant a lease to any person with whom they have entered into an agreement under the last foregoing subsection.

(7) Where the Council propose to acquire any land or to use any land appropriated by them for the purposes of this section or to lease any land for the purposes of any agreement made under subsection (5) of this section they shall, before carrying the proposal into effect—

- (a) cause notice of the proposal (specifying the land to which it relates and notifying the period, which shall not be less than twenty-eight days, within which any representations relating to the proposal shall be sent in writing to the Council) to be published in at least one newspaper circulating in the district in which the land is situate and cause a copy of the notice to be posted for not less than fourteen days on, or adjacent to, the land; and
- (b) consider any representations which are sent to them in writing within the time fixed in that behalf, and give notice of their decision on the representations to the person by whom they are made.



(8) The Council may contribute towards or advance money by way of loan for—

- (a) the reasonable expenses incurred by any person in doing anything which the Council has power to do by virtue of the foregoing provisions of this section;
- (b) the expenses incurred by a local authority in exercising their powers under this section.

(9) The powers of the Council under this section (except the power to provide parking places) may be exercised by a local authority in relation to land in the district of that local authority.”

#### PART IV

#### HIGHWAYS

17.—(1) The powers of a parish council under section 91 of the Road Traffic Act, 1960, to provide parking places for bicycles and motor cycles shall extend so as to authorise a parish council to provide parking places for other vehicles (whether or not consisting of buildings) in the circumstances and subject to the conditions prescribed by that section and by section 92 of the said Act. Extension of parish councils' powers to provide parking places. c. 16.

(2) For the purpose of exercising the powers of the said section 91 as extended by the foregoing subsection the provisions of—

- (a) subsections (9), (17), (18) and (19) of section 81 and of section 249 of the Road Traffic Act, 1960; and
- (b) subsections (2) to (7) of section 11, and sections 13 and 14 of the Road Traffic and Roads Improvement Act, c. 63. 1960;

shall apply to a parish council as they apply to a local authority.

(3) The provisions of section 93 of the Road Traffic Act, 1960, shall apply to the exercise by a parish council of the powers of this section as they apply to such a council in the exercise of the powers of section 91 of that Act and section 94 of that Act shall have effect accordingly.

18.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of new street byelaws are approved by them, they may, for the purpose of securing adequate means of communication between the new street and any other street whether existing or intended, by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out: Access to new streets.

PART IV  
—cont.

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways maintainable at the public expense.

(2) Such a notice shall be given to the person by whom, or on whose behalf, the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes a notice under this section, he shall be liable to a fine not exceeding twenty pounds, and the local authority may remove the structure and recover the expenses of so doing from that person.

c. 22.  
c. 11.

(4) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) In this section “structure” means a wall, fence, hoarding or similar erection; but for the purpose of this definition “wall” does not include a wall forming part of a permanent building.

Adjustment  
of boundaries  
of estates in  
connection  
with streets.

**19.**—(1) Where a plan and section of a new street deposited with a local authority in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

- (a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto, and for effecting exchanges of land in connection therewith; and
- (b) for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate;

as may be necessary or desirable having regard to the line and lay-out of the new street.

(2) The notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or for the widening or adaptation of a road, footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the local authority and the persons interested in the respective estates, be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the local authority but no such award shall provide for the payment of money by any other person without his consent.

PART IV  
—cont.

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land, and any removal, modification or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall, unless and except in so far as the award may otherwise provide, be paid by the local authority.

(8) Any land or money received by any person in respect of an adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts, if any, as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall be held subject to the same covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor, and any such covenants, restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

(10) The local authority may purchase land by agreement for the purposes of this section and, until they dispose of the land or appropriate it for any other purpose, may manage the land in such manner as they think fit.

(11) In this section "estate" includes any parcel of land.

20.—(1) A rural district council or parish council may, with the consent of the highway authority, and subject to such conditions as the highway authority may impose, provide, erect and maintain in proper and convenient situations within their district or parish place-name signs of such size, colour and type as they may, subject to such consent, from time to time determine.

Erection of  
village place  
names.

(2) Any sign provided or erected under this section shall be of the size, colour and type prescribed by regulations made by the Minister of Transport, or of the size, colour and type authorised by him in pursuance of the Road Traffic Act, 1960, c. 16. and shall comply with any general or special directions given by him in pursuance of that Act.

21.—(1) The owner or occupier of any premises situated under, or abutting on part of, a street in any district may, with the consent of the highway authority, provide—

Oil pipes and  
manholes in  
streets.

(a) pipes under the street for conveying to such premises oil for use or storage therein; or

PART IV  
—cont.

(b) manholes in the street in connection with any such pipes.

c. 22.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit, and such terms and conditions, and any conditions imposed by them under subsection (5) of this section, shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act, 1925.

(3) Any person aggrieved by the refusal of the highway authority to give a consent under subsection (1) of this section or by any term or condition imposed by the highway authority under subsection (2) or subsection (5) of this section may appeal to a magistrates' court.

(4) If any person carries out any works to provide pipes or manholes as aforesaid without the consent of the highway authority, or fails to comply with any term or condition of a highway authority imposed on him under subsection (2) or subsection (5) of this section, he shall, subject to any order made on appeal, but without prejudice to any other liability to which he may be subject, be liable to a fine not exceeding five pounds.

(5) (a) Before the highway authority determine to give any consent under this section, they shall give at least twenty-eight days' notice of the application therefor to the Postmaster General and to any statutory undertakers who appear to them to be concerned, and on giving any such consent shall attach thereto such conditions as the Postmaster General or any such statutory undertakers may reasonably require for the protection of any apparatus belonging to, or used or maintained by, the Postmaster General or those statutory undertakers.

(b) As soon as may be after the highway authority have given a consent under this section they shall give notice thereof to the Postmaster General and to any such statutory undertakers.

(6) (a) Nothing in this section shall authorise any person to alter, or require any alteration of, any telegraphic line belonging to or used by the Postmaster General.

c. 76.

(b) In this subsection "alter" and "alteration" have the same meanings as in the Telegraph Act, 1878.

(7) The Act of 1950 shall not apply to the provision of pipes or manholes under subsection (1) of this section.

(8) This section shall not apply to—

(a) any street belonging to or repairable by the British Railways Board; or

- (b) a pipe-line (as defined in section 65 of the Pipe-lines Act, 1962), being a pipe-line which may be placed in a street under the provisions of section 15 of that Act, and in exercise of the powers given by that section; or
- (c) the carrying out of any works in a street by statutory undertakers in the exercise of their statutory powers.

PART IV  
—cont.

c. 58.

- 22.—(1) The provisions of sections 74, 131 (7) and 132 of the Act of 1959 shall apply in relation to—
- (a) any county road (not being a claimed county road) in the county; and
- (b) any road constructed by the Council or by some other person by agreement with them which, when completed, is intended to become a county road;

Exercise by  
Council of  
powers with  
respect to  
county roads.

and shall have effect as if the Council were the local authority in whose area the road is situated.

(2) The Council shall not in the exercise of the powers of this section perform or discharge any of the functions under the provisions mentioned in subsection (1) of this section in any urban district except at the request of, and by agreement with, the local authority of the district and, during the continuance of any such agreement, the functions to which the agreement relates shall cease to be exercisable by the local authority in relation to the road to which the agreement applies:

Provided that nothing in this subsection shall prevent the Council from exercising any powers conferred on them by any other enactment.

(3) Any agreement made under the provisions of this section may relate to any one or more roads in a district.

23.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959 or section 33 of the Public Health Act, 1925, the highway authority may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building, which, or any part of which, was beyond, or in front of, the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

Enforcement  
of improve-  
ment line.  
c. 71.

PART IV  
—cont.

(2) (a) If, within twenty-eight days of the date of the service by the highway authority on any person of a notice under subsection (1) of this section, that person serves a counter-notice on the highway authority objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless it is confirmed by the Lands Tribunal, either without modifications or subject to such modifications as the tribunal may determine.

(b) The tribunal shall disregard any objection to a notice under subsection (1) of this section which they are satisfied is an objection to the improvement line prescribed.

(c) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

- (i) the notice is not justified by the terms of subsection (1) of this section;
- (ii) the highway authority have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or
- (iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

and, in a case within sub-paragraphs (ii) and (iii) of this paragraph, that it would not be equitable to modify the notice.

(d) Without prejudice to the provisions of paragraph (c) of this subsection, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that—

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or any adjoining land in which that person has an interest; and
- (ii) that person is able and, in the circumstances of the case, willing to sell the building to the highway authority, with or without adjoining lands, on terms not less favourable to the highway authority than those on which they could have acquired the building under a compulsory purchase order made under section 214 of the Act of 1959 and the Act of 1946.

(e) Where a notice under subsection (1) of this section has been confirmed by the tribunal it shall have effect as from the date on which the highway authority serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) (a) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, any owner or tenant thereof may recover from the highway authority compensation for the damage or loss sustained by him in consequence of the compliance, and the amount of the compensation shall, in case of dispute, be determined by the Lands Tribunal.

PART IV  
—cont.

(b) Rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961 shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building. c. 33.

(4) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line, as immediately before the service of the notice under subsection (1) of this section, intersected, or abutted on, the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(5) If any person fails to comply with a notice under this section, he shall be liable to a fine not exceeding twenty pounds and the highway authority may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(6) In this section “ building ” includes a structure.

24. The Council may exercise the powers of section 144 of the Act of 1959 in relation to any land adjoining a county road (not being a claimed county road) in the county as if they were the local authority in whose area the road is situated.

Application of section 144 of Highways Act, 1959, to Council. c. 25.

25.—(1) The Minister of Transport on the application of a highway authority may, for the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, any county road (or on any proposed widening, improvement, realignment or reconstruction thereof), authorise the highway authority to construct and maintain works in, and at the junction of, any other street for the prevention or limitation of access by vehicular traffic to or from such county road (or any proposed widening, improvement, realignment or reconstruction thereof) from or to any such street.

Prevention or restriction of vehicular access to and from county roads.

PART IV  
—cont.

(2) Before making application to the Minister of Transport for an authorisation under subsection (1) of this section, the highway authority shall—

- (a) cause notice of the proposed application to be published in at least one newspaper circulating in the locality in which the road to which the application relates is situated, specifying the nature of the proposal and stating that a copy of the proposed application is open to inspection at a specified place in that locality and the period, which shall not be less than twenty-eight days, within which any persons affected thereby may send to the said Minister, and to the highway authority, objections in writing; and
- (b) affix copies of the said notice in conspicuous places at each end of the road to which the application relates;

and the said Minister shall consider any such objections received before the expiration of the period so specified and, if he thinks fit, cause a local inquiry to be held with respect to the proposal.

(3) Before making any application for an authorisation under subsection (1) of this section, the highway authority shall, where they are not the local authority for the district in which the road is situated, consult with the local authority, and the Minister of Transport, before exercising his powers under subsection (1) of this section, shall consider any representations made by the local authority.

(4) Before making application for an authorisation under subsection (1) of this section relating to any highway adjoining, or near to, any station or depot of the British Railways Board, the highway authority shall consult with that board.

(5) An authorisation given under subsection (1) of this section shall include power to light any works so authorised, to pave, grass or otherwise cover such works, or any part of them, to erect pillars, walls, rails or fences on, around or across such works, or any part of them, and to plant trees, shrubs and other vegetation either for ornament or in the interests of safety.

(6) The highway authority may alter or (with the consent of the Minister of Transport) remove any works constructed by them under this section.

(7) In relation to any works done by the highway authority pursuant to an authorisation under subsection (1) of this section, being works to which, apart from this subsection, the provisions contained in Part II of the Act of 1950 (which regulate the relations between an authority carrying out road alterations and



undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed for road purposes by an authority mentioned in subsection (1) of section 21 of that Act and were included in the works mentioned in paragraph (a) of the said subsection (1) of section 21.

PART IV  
—cont.

(8) If any person, without lawful authority, removes or interferes with any works constructed pursuant to an authorisation under subsection (1) of this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

26.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall habitually use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on the verge of any road to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers. Sale of food and articles on verges, etc.

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

(3) (a) This section applies to roads in the county of any of the following descriptions:—

- (i) all trunk roads;
- (ii) roads situate in any national park which are classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II; c. 50.
- (iii) any other county road, or part of a county road, to which the Minister of Transport may by order, on the application of the highway authority, apply this section.

(b) Before making application for an order under this subsection, the highway authority shall publish once at least in each of two successive weeks in a local newspaper circulating in the locality in which the road is situated a notice stating the general effect of the intended order, and stating that within a period specified in the notice (not being less than twenty-eight days from the first publication of the notice) any person may object to the application by sending notice of his objection and of the grounds thereof to the Minister of Transport and by sending a copy thereof to the highway authority.

PART IV  
—cont.

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the Minister of Transport from any person appearing to him to be affected, the said Minister shall, before making the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(4) (a) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(b) In this subsection "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on, under national ownership, any industry, or part of any industry, or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

(5) Nothing in this section shall apply to—

- (a) any shed, hut, shelter, booth, shop or other erection or any vehicle placed on private property by or with the consent of the owner of such property; or
- (b) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or land to which this section applies.

## PART V

## MISCELLANEOUS

Suspension of  
restrictive  
covenants.

27.—(1) If the Council—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act;

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.

PART V  
—cont.

(3) The Council 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 or the recorded delivery service 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 Council.

(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 Council acquire the land, whichever is the latest.

PART V  
—cont.

(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 Council acquire the land.

c. 18. (7) The Council 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 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.

c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates, or, if the Council convey the land to anybody for any of the purposes of the Education Acts, 1944 to 1964, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Council 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 1964, remain unenforceable only so long as the land is used for that purpose.

(9) If the Council dispose of any land to which the restriction suspended under the powers of this section 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) Nothing in this section shall apply to any restriction for the protection of or for securing access to apparatus of any statutory undertakers or the British Railways Board contained in any deed, wayleave, agreement or other instrument.

(11) 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 Council have acquired or agreed to acquire that land.

Provision of  
lectures, etc.

28.—(1) It shall be lawful for the Council or a local authority—

(a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council or the local

authority, as the case may be, think fit and to let such rooms and to make reasonable charges for admission to such lectures; and

PART V  
—cont.

- (b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

- (i) the sum to be expended by the Council or the local authority, as the case may be, in any one financial year on the provision of lectures; and
- (ii) the sum to be expended by the Council or the local authority, as the case may be, in any one financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act, 1925, in addition to any moneys received by the Council or the local authority, as the case may be, under the provisions of this section. c. 90.

(2) The Council or the local authority, as the case may be, may use or allow to be used or let any part of any public library provided by them, and not at the time required for the purpose of a library, for public and other meetings and for lectures, exhibitions and performances for or in connection with the advancement of art, education, drama, science, music or literature.

(3) The Council or the local authority, as the case may be, may provide and sell or authorise the provision and sale of programmes of any lectures, exhibitions or performances given in pursuance of this section.

(4) Nothing in this section shall be taken to dispense with the consent of a Minister of the Crown to any appropriation, lease or other disposition of any lands of the Council or the local authority, as the case may be, in any case in which such consent would have been required if this section had not been enacted.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

**PART V**  
—*cont.*

Publication of  
bulletins, etc.

**29.**—(1) In connection with their powers under section 28 (Provision of lectures, etc.) of this Act the Council or a local authority may publish and sell or dispose of bulletins, journals, periodicals and leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Council or the local authority, as the case may be.

(2) Nothing in this section shall affect the rights of any person under the law for the time being relating to copyright.

Dispensation  
by Council  
with bonds by  
theatre  
managers.  
c. 68.

**30.** Except in any case in which the Council otherwise require so much of section 7 of the Theatres Act, 1843, as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section shall cease to have effect as respects licences granted by the Council under that Act.

Recovery of  
water rates  
and charges  
by con-  
stituent  
authorities  
of water  
boards.

**31.** Any water rate or charge payable by a consumer supplied by the South West Devon Water Board, the East Devon Water Board or the North Devon Water Board which a constituent authority of the board affording the supply has agreed or is required to collect on behalf of the board shall be recoverable by the authority in the same manner and subject to the same provisions in respect of such recovery as the general rate of the borough or district (as the case may be).

**PART VI**

**GENERAL**

Protection of  
members and  
officers from  
personal  
liability.  
c. 55.

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

Apportion-  
ment of  
expenses in  
case of  
joint owners.

**33.** Where, under the provisions of any enactment, the Council or a local authority execute any works of common benefit to two or more buildings belonging to different owners, and those expenses or any part of them are recoverable by the Council or the local authority, they shall (if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the incidence of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Council or the local authority (as the case may be), or, in case of dispute, by a magistrates' court.

34.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purposes of any of his functions under this Act.

PART VI  
—cont.  
Local inquiries.

(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 shall have effect as if the expression “ department ” in that section included any Minister of the Crown having functions under this Act.

35. 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 by any person other than a party aggrieved or the Council or a constable or the local authority, as the case may be.

Restriction on right to prosecute.

36.—(1) Section 300 of the Public Health Act, 1936, shall apply to appeals to a magistrates’ court under this Act (except under the provisions thereof mentioned in subsection (2) of section 39 (Application of general enactments) of this Act) and sections 301 and 302 of that Act shall apply accordingly.

Appeals c. 49.

(2) Where any requirement, refusal or other decision of the Council or a highway authority or local authority 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 Council, highway authority or local authority themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

37. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the authority and the undertakers concerned apply and have effect:—

For protection of certain statutory undertakers.

- (1) In this section unless the subject or context otherwise requires—

“ apparatus ” means mains, pipes or other apparatus, electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging

c. 56.

PART VI  
—cont.

to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

“ the authority ” means a local authority, the highway authority or a parish council, as the case may be;

“ the undertakers ” means statutory undertakers or any of them:

c. 38.

- (2) Nothing in section 17 (Extension of parish councils' powers to provide parking places) or section 21 (Oil pipes and manholes in streets) of this Act shall relieve the authority, or any person acting by the requirement or with the consent of the authority, from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections, and the said powers shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus:
- (3) Notwithstanding anything in section 19 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section, be required to exchange any operational land within the meaning of section 221 of the Town and Country Planning Act, 1962, except with their consent, which shall not be unreasonably withheld, and any difference as to whether such consent is withheld unreasonably shall be determined by arbitration under subsection (4) of that section:
- (4) Nothing in section 23 (Enforcement of improvement line) of this Act shall apply to any building of the undertakers which is used by them for or in connection with the manufacture, distribution or storage of gas or for the generating, transforming, switching, distribution or regulation of electricity or as a pumping station, treatment works or reservoir for water except with the consent of the undertakers concerned which consent shall not be unreasonably withheld:
- (5) Any difference which may arise between the authority and the undertakers under paragraph (2) or paragraph (4) of this section (other than a difference as to the meaning or construction of those provisions) shall be settled by arbitration:
- (6) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may if he thinks fit require the authority to execute any temporary or other work so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.



38. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

PART VI  
—cont.  
Arbitration.

Provision of Act	Person appointing arbitrator
Subsection (2) of section 9 (Extinguishment of rights to free water supplies)	The President of the Institution of Civil Engineers.
Paragraph (3) of section 14 (For protection of the British Railways Board)	The President of the Institution of Civil Engineers.
Subsection (4) of section 19 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Paragraph (5) of section 37 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

39.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 4 to this Act shall have effect as if references therein to that Act included a reference to the provisions of this Act mentioned in that Part. Application of general enactments.

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 4 to this Act shall have effect as if references therein to that Act included references to the following provisions of this Act:—

- Section 21 (Oil pipes and manholes in streets);
- Section 22 (Exercise by Council of powers with respect to county roads);
- Section 23 (Enforcement of improvement line);
- Section 26 (Sale of food and articles on verges, etc.).

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the provisions of Part IV (Highways) of this Act mentioned in that Part.

40.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Council or any local authority to take, use, or in any manner interfere with, any land or hereditaments or any rights of whatsoever description— Crown rights.

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

PART VI  
—cont.

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council or any local authority or highway authority—

(a) to carry out code-regulated works within the meaning of the Act of 1950, in any highway vested in or maintained by the Minister of Transport; or

(b) to carry out any works by reason only that such works involve, or are likely to involve, an alteration in any telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

c. 76.

Saving rights  
of Duchy of  
Cornwall.

41. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Cornwall nothing contained in this Act shall extend to authorise the Council or a local authority to take, enter upon or interfere with any land or water or take away or affect any rights, powers, privileges or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under section 39 (Proviso for exercise of powers when the Duchy of Cornwall is vested in the Crown) of the Duchy of Cornwall Management Act, 1863, to exercise all or any of the said rights, powers, privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said duchy or as the case may be the consent of the said Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained.

c. 49.

Costs of Act.

42.—(1) The costs, charges and expenses of and incidental to preparing, applying for and obtaining this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the Council.

(2) The Council may borrow without the consent of any sanctioning authority the sum requisite for the payment of the amount of the said costs, charges and expenses and they shall repay all moneys so borrowed within such periods as the Council may determine not exceeding five years from the day of borrowing.

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

## SCHEDULES

### SCHEDULE 1

#### MODIFICATION OF PROVISIONS OF THIRD SCHEDULE TO WATER ACT, 1945, APPLIED

c. 42.

Provisions applied (1)	Modifications (2)
Section 1 (Definitions, etc.) ...	<p>In the definition of "communication pipe" after the word "stopcock" where it secondly occurs in paragraph (i) there shall be inserted the words "the box or pit in which it is enclosed and any cover thereto" and at the end of paragraph (ii) there shall be added the words "and the box or pit in which the stopcock is enclosed and any cover thereto".</p>
Section 41 (Laying of communication pipes, etc.)	<p>For the proviso to subsection (1) there shall be substituted the following proviso:—</p> <p style="padding-left: 40px;">"Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from the main and connect it with the supply pipe".</p> <p>For the proviso to subsection (3) there shall be substituted the following proviso:—</p> <p style="padding-left: 40px;">"Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe the additional cost incurred of laying a main instead of that part of a service pipe shall be borne by them".</p>
Section 42 (Power of undertakers to require separate service pipes)	<p>In subsection (8) after paragraph (c) there shall be inserted the following paragraphs:—</p> <p style="padding-left: 40px;">"or</p> <p style="padding-left: 80px;">(d) in the case of two or more houses owned by one person, either solely or jointly with any other person, such houses or either or any of them, pass into separate ownership; or</p> <p style="padding-left: 80px;">(e) the owner or occupier of any of the houses has caused or permitted interference with the</p>

SCH. 1  
—cont.

Provisions applied (1)	Modifications (2)
	<p>existing service pipe or the stop-cock fixed thereto in such a way as to interrupt the supply of water to any other house supplied by such existing service pipe or the undertakers have reasonable grounds for apprehending that such interference is likely to take place;”.</p>
<p>Section 49 (Power to require supply to certain premises and for certain purposes to be taken by meter)</p>	<p>At the end of subsection (2) (b) there shall be added the following words:— “barrack, convalescent home, orphanage or institution of a similar character or building occupied by persons living in community for religious purposes”.</p>
<p>Section 50 (Power to require supplies for refrigerating or water-softening apparatus &amp;c. to be taken by meter)</p>	<p>After paragraph (c) there shall be inserted the following paragraph:— “(d) for watering a garden by means of a perforated hosepipe or other similar apparatus or by means of a sprinkler”.</p>
<p>Section 60 (Power to require provision of cisterns in certain cases)</p>	<p>For subsection (1) there shall be substituted the following subsection:— “(1) The undertakers may require that any house or building supplied by them shall be provided with a cistern (not being a cistern used solely for supplying cold water to a hot water apparatus) having a ball and stopcock fitted on the pipe conveying water to it, such cistern to be in accordance with any byelaws made by the undertakers under section 17 of the Water Act, 1945, and for the time being in force: Provided that this subsection shall not apply to any house the erection of which was commenced before the passing of the Devon County Council Act, 1965, unless it fulfils the following conditions:— (a) the erection of the house was commenced after 1st April, 1958; and</p>

SCH. 1  
—cont.

Provisions applied (1)	Modifications (2)
	<p>(b) water is required to be delivered to the house at a height greater than 35 feet below the draw-off level of the service reservoir from which a supply of water is being, or is to be, furnished by the undertakers.”</p> <p>In subsection (2) for the words “ his building ” there shall be substituted the words “ his house or building ” and for the words “ the building ” there shall be substituted the words “ the house or building ”.</p>
<p>Section 63 (Power to repair supply pipes)</p>	<p>In subsection (2) for the words “ in case of dispute ” to the end of the subsection there shall be substituted the words “ shall be settled by the engineer or other officer duly authorised in that behalf by the undertakers ”.</p>
<p>Section 82 (Power to enter premises)</p>	<p>After paragraph (d) of subsection (1) there shall be inserted the following paragraphs:—</p> <p>“ (e) for the purpose of turning off or cutting off the supply of water to any premises in any case in which the undertakers are authorised to turn off or cut off such supply;</p> <p>(f) for the purpose of repairing water fittings belonging to the undertakers which have been injured or suffered to be injured by the occupier of the premises ”.</p>

## SCHEDULE 2

## AMENDMENT AND REPEAL OF ENACTMENTS RELATING TO THE BOARD

PART I  
AMENDMENTS

Enactments amended (1)	Extent of amendment (2)
<p>c. vi. North Devon Water Board Act, 1945—</p> <p>Section 7 (Appointment of members of Board)</p> <p>Section 150 (Apportionment of deficiency in revenue of Board)</p> <p>Section 151 (Application of moneys received by Board)</p>	<p>In subsection (2) for the words "by this Act" there shall be substituted the words "for the time being".</p> <p>At the end of the section there shall be inserted the following subsection:—</p> <p>"(7) For the purposes of this section the county council shall be deemed not to be a constituent authority".</p> <p>In the second proviso to paragraph (a) of subsection (1) for the words "the county council" there shall be substituted the words "any of the contributing local authorities (as defined in section 7 (Contributions from Council) of the Devon County Council Act 1965)" and at the end of that proviso there shall be inserted the words "unless all those authorities otherwise agree".</p>
<p>North Devon Water Board Order 1958—</p> <p>Section 3 (Incorporation of Third Schedule)</p>	<p>In paragraph (e) for the words "section 4 of the North Devon Water Board Order 1958" there shall be substituted the words "section 8 (Water rates and charges) of the Devon County Council Act 1965".</p>

PART II  
REPEALSSCH. 2  
—cont.

Enactments repealed (1)	Extent of repeal (2)
North Devon Water Board Act, 1945—	c. vi.
Section 6 (Constitution of Board)	The words “(other than the county council)”.
Section 111 (Revision of water rates and charges)	The whole section.
Section 150 (Apportionment of deficiency in revenue of Board)	In paragraph (a) of subsection (1) the words “the county council”, in paragraph (b) of that subsection the words “in the county”, paragraph (a) of subsection (3) and in paragraph (b) of that sub- section the words “other than the county council”.
Section 158 (Audit of accounts)	The whole section.
North Devon Water Board Order, 1957—	
Section 12 (Extension and redefinition)	Paragraph (b) of the proviso to subsection (3).
North Devon Water Board Order, 1958—	
Section 3 (Incorporation of Third Schedule)	Paragraph (f).
Section 4 (Water rates) ...	The whole section.
Section 5 (Meter charges) ...	The whole section.
North Devon (Water Charges) Order, 1965	The whole order.

## SCHEDULE 3

- c. vi. LOCAL ENACTMENTS RELATING TO UNDERTAKINGS OF CONSTITUENT COUNCILS OF THE NORTH DEVON BOARD REPRESENTED ON THE BOARD BY VIRTUE OF AGREEMENTS ENTERED INTO UNDER SECTION 33 OF THE NORTH DEVON WATER BOARD ACT, 1945

## PART I

## PROVISIONS OF LOCAL ENACTMENTS APPLIED

- c. cix. Northam Urban District Water Act, 1898—  
 Section 7 (Power to make waterworks &c.);  
 Section 9 (Power to take waters);  
 Section 10 (Compensation water).
- c. ccxiii. Ilfracombe Improvement Act, 1900—  
 Section 8 (Power to make waterworks);  
 Section 10 (Power to take waters);  
 Section 22 (For protection of Taw and Torridge Conservators).
- c. liv. Tavistock Urban District Council Act, 1912—  
 Section 8 (Power to maintain and use existing waterworks);  
 Section 9 (Power to take water from the canal for pumping purposes) of Part III (Water Supply).
- c. cxvii. Ilfracombe Urban District Council Act, 1936—  
 Section 20 (Construction of waterworks);  
 Section 25 (Power to take water);  
 Section 26 (As to filling of Challacombe reservoir);  
 Section 30 (For protection of Earl Fortescue).
- c. lxxv. Tiverton Corporation Act, 1939—  
 Section 6 (Power to construct waterworks);  
 Section 10 (Power to take waters);  
 Section 11 (Restrictions on taking water);  
 Section 16 (Prohibition of throwing offensive matter etc. into River Exe and tributaries etc. thereof);  
 Section 17 (Restriction on bathing in River Exe and tributaries etc. thereof);  
 Paragraph (c) of section 19 (For protection of County Council).  
 Section 96 (Saving for existing water rights etc.).



## PART II

## PROVISIONS OF LOCAL ENACTMENTS REPEALED

SCH. 3  
—cont.

(1) Enactments repealed	(2) Extent of repeal	
Northam Urban District Water Act, 1898—		
Section 2 (Incorporation of General Enactments)	The whole section.	c. cix.
Section 3 (Interpretation)	The whole section.	
Section 4 (Execution of Act)	The whole section.	
Section 5 (Water Limits)	The whole section.	
Section 6 (Pressure)	The whole section.	
Section 8 (Power to make subsidiary waterworks)	The whole section.	
Section 11 (Lateral and vertical deviation)	The whole section.	
Section 12 (On completion of diverted portion of road site of existing road so far superseded to vest in District Council)	The whole section.	
Section 14 (Period for compulsory purchase of lands)	The whole section.	
Section 15 (Power to acquire additional lands)	The whole section.	
Section 16 (Power to take easements &c. by agreement)	The whole section.	
Section 17 (Power to hold lands for protection of waterworks)	The whole section.	
Section 18 (Power to sell &c. lands)	The whole section.	
Section 19 (Reservation of water rights &c. on sale)	The whole section.	
Section 20 (Application of moneys from sale &c. of lands)	The whole section.	
Section 21 (Restriction on displacing persons of the labouring class)	The whole section.	
Section 22 (Period for completion of works)	The whole section.	
Section 23 (Rates for domestic supply)	The whole section.	
Section 24 (Rates for water closets and baths)	The whole section.	
Section 25 (Water rate payable by owner for small houses)	The whole section.	
Section 26 (Incoming tenant not to be liable for arrears of water rate except by agreement)	The whole section.	
Section 27 (Supply to houses partly used for trade &c.)	The whole section.	
Section 28 (Byelaws for preventing waste of water)	The whole section.	
Section 29 (Detection of waste)	The whole section.	
Section 30 (Supply of water for other than domestic purposes by measure)	The whole section.	
Section 31 (Power to charge for meter and water fittings)	The whole section.	
Section 32 (Notice to District Council of connecting or disconnecting meters)	The whole section.	
Section 33 (Register of meters to be prima facie evidence)	The whole section.	
Section 34 (Injuring meters &c.)	The whole section.	
Section 35 (Entry on premises to cut off pipes after notice given)	The whole section.	
Section 36 (District Council not bound to supply several houses by one pipe)	The whole section.	

SCH. 3  
—cont.

c. cix.

(1) Enactments repealed	(2) Extent of repeal
Northam Urban District Water Act, 1898— <i>cont.</i>	
Section 37 (Notice of discontinuance)	The whole section.
Section 38 (Misuse where supply to several houses is by a pipe common to all)	The whole section.
Section 39 (Public drinking fountains)	The whole section.
Section 40 (Power to supply water in bulk)	The whole section.
Section 41 (Power to District Council to pay any loss sustained by Postmaster General)	The whole section.
Section 42 (Power to borrow)	The whole section.
Section 43 (Inquiries by Local Government Board)	The whole section.
Section 44 (Mode of raising money)	The whole section.
Section 45 (Certain regulations of Public Health Act as to borrowing not to apply)	The whole section.
Section 46 (Provisions of Public Health Act as to mortgages to apply)	The whole section.
Section 47 (Periods for payment off of money borrowed)	The whole section.
Section 48 (Mode of payment off of money borrowed)	The whole section.
Section 49 (Regulations as to sinking fund)	The whole section.
Section 50 (Annual return to Local Government Board with respect to sinking fund)	The whole section.
Section 51 (Power to re-borrow)	The whole section.
Section 52 (District Council not to regard trusts)	The whole section.
Section 53 (Protection of lender from inquiry)	The whole section.
Section 54 (Saving for existing charges)	The whole section.
Section 55 (Application of borrowed moneys)	The whole section.
Section 56 (Audit of accounts)	The whole section.
Section 57 (Application of water revenue)	The whole section.
Section 58 (As to deficiency in receipts)	The whole section.
Section 59 (Expenses of execution of Act)	The whole section.
Section 60 (Authentication of notices)	The whole section.
Section 61 (Several sums in one summons)	The whole section.
Section 62 (Liability to water rate not to disqualify justices &c. from acting)	The whole section.
Section 63 (Contracts for water not to disqualify)	The whole section.
Section 64 (Costs of Act)	The whole section.
c. ccxiii.	
Ilfracombe Improvement Act, 1900—	
Section 3 (Incorporation of general enactments)	So much as incorporates the Waterworks Clauses Acts, 1847 and 1863.
Section 5 (Water limits)	The whole section.
Section 6 (Power of local authority to supply in case Council fails to supply)	The whole section.
Section 9 (Power to make subsidiary waterworks)	The whole section.
Section 11 (Lateral and vertical deviation)	The whole section.
Section 12 (Period for compulsory purchase of lands)	The whole section.
Section 13 (Power to acquire additional lands)	The whole section.

(1) Enactments repealed	(2) Extent of repeal	SCH. 3 —cont.
Ilfracombe Improvement Act, 1900— <i>cont.</i>		c. ccxiii.
Section 14 (Power to take easements etc. by agreement)	The whole section.	
Section 15 (Power to hold lands for protection of waterworks)	The whole section.	
Section 16 (Power to sell etc. lands)	The whole section.	
Section 17 (Reservation of water rights etc. on sale)	The whole section.	
Section 18 (Application of moneys from sale etc. of lands)	The whole section.	
Section 19 (For protection of the London and South Western Railway Company)	The whole section.	
Section 20 (Restriction on taking houses of labouring class)	The whole section.	
Section 21 (Period for completion of works)	The whole section.	
Section 23 (Rates for domestic supply)	The whole section.	
Section 24 (Rates for water-closets and baths)	The whole section.	
Section 27 (Byelaws for preventing waste etc. of water)	The whole section.	
Section 28 (Power to Council to supply fittings)	The whole section.	
Section 29 (Detection of waste)	The whole section.	
Section 30 (Supply of water for other than domestic purposes by measure)	The whole section.	
Section 31 (Power to charge for meters and water fittings)	The whole section.	
Section 32 (Notice to Council of connecting or disconnecting meters)	The whole section.	
Section 34 (Injuring meters etc.)	The whole section.	
Section 35 (Entry on premises to cut off pipes after notice given)	The whole section.	
Section 36 (Council not bound to supply several houses by one pipe)	The whole section.	
Section 38 (Public drinking fountains)	The whole section.	
Section 39 (Contracts for supplying water in bulk)	The whole section.	
Section 40 (Provision for sale of waterworks outside district)	The whole section.	
Section 41 (Act to extend existing undertaking)	The whole section.	
Section 42 (Power to Council to pay any loss sustained by Postmaster-General)	The whole section.	
Section 107 (Application of water revenues)	The whole section.	
Section 108 (As to deficiency in receipts)	The whole section.	
Section 109 (Separate accounts to be kept as to water)	The whole section.	
Tavistock Urban District Council Act, 1912—		c. liv.
Section 2 (Incorporation of Acts)	So much as incorporates the Waterworks Clauses Acts, 1847 and 1863.	
Part III (Water supply)	The whole Part except section 9.	
Section 68 (Application of water revenue)	The whole section.	
Section 69 (Provision in case of deficiency of water revenue)	The whole section.	

SCH. 3  
—cont.

	(1) Enactments repealed	(2) Extent of repeal
c. cxvii.	<p>Ilfracombe Urban District Council Act, 1936— Section 3 (Incorporation of Acts)</p> <p>Part II (Lands)</p> <p>Section 21 (Power to deviate) Section 22 (Temporary stoppage of streets) Section 23 (Period for completion of water-works) Section 24 (Works to form part of water undertaking) Section 27 (Discharge of water into streams) Section 28 (Power to hold lands and exercise powers for protection of waters) Section 29 (Byelaws for preventing pollution of water) Section 31 (For protection of County Council) Part IV (Supply of water) Section 218 (Recovery of rates from person removing)</p>	<p>So much as incorporates the Waterworks Clauses Acts, 1847 and 1863.</p> <p>The whole Part except sections 17, 18 and 19.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole Part.</p> <p>So much as relates to the supply of water.</p>
c. lxxv.	<p>Tiverton Corporation Act, 1939— Section 4 (Incorporation of Acts)</p> <p>Section 7 (Subsidiary works) Section 8 (Limits of deviation) Section 9 (Works to form part of undertaking) Section 12 (Period for completion of works) Section 13 (Discharge of water into streams) Section 14 (Application of Act of 1936 to aqueducts) Section 15 (For protection of Postmaster-General) Section 18 (For protection of railway company) Section 19 (For protection of County Council)</p> <p>Part III (Lands) Part IV (Supply of Water) Section 80 (Recovery of rates &amp;c. from person removing) Section 81 (As to recovery summarily of sums due for fittings)</p>	<p>So much as incorporates the Waterworks Clauses Acts, 1847 and 1863.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>Paragraphs (a), (b) and (d).</p> <p>The whole Part.</p> <p>The whole Part.</p> <p>So much as relates to the supply of water.</p> <p>So much as relates to the supply of water.</p>
	Tavistock Water Order, 1953	The whole Order.

## SCHEDULE 4

## GENERAL ENACTMENTS APPLIED

## PART I

c. 49.

SECTIONS OF PUBLIC HEALTH ACT, 1936, APPLIED TO THIS ACT, OTHER THAN SECTIONS 17, 21, 22, 23 AND 26

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &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.

## PART II

SECTIONS OF ACT OF 1959 APPLIED TO SECTIONS 21, 22, 23 AND 26 OF THIS ACT

Section	Marginal note
269	Summary proceedings for offences.
270	Continuing offences.
273	Notice to be given of right of appeal.
274	Appeals and applications to magistrates' courts.
275	Appeals to quarter sessions from decisions of magistrates' courts.
277	Effect of decision of court upon an appeal.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.
281	Authentication of documents, etc.
282	Service of notices, etc.
283	Reckoning of periods, etc.


## PART III

SECTIONS OF PUBLIC HEALTH ACT, 1936, APPLIED TO PART IV OF THIS ACT OTHER THAN SECTION 17

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.
287	Power to enter 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.

SCH. 4  
—cont.

Section	Marginal note
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
c. 22.	329 Saving for certain provisions of the Land Charges Act, 1925.

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# Devon County Council

## Act 1965

### CHAPTER xxix

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

#### Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.

### PART II

#### NORTH DEVON WATER BOARD

5. Interpretation for purposes of Part II of Act.
6. County council representation on board.
7. Contributions from Council.
8. Water rates and charges.
9. Extinguishment of rights to free water supplies.
10. Audit of accounts.
11. Modification of certain provisions of Third Schedule.

## Section

12. Amendment and repeal of enactments of board.
13. Application and repeal of enactments relating to certain contributing councils.
14. For protection of the British Railways Board.

## PART III

## PLANNING

15. Prohibition of parking or camping on highway verges, etc.
16. Amendment of provisions relating to camping places, etc.

## PART IV

## HIGHWAYS

17. Extension of parish councils' powers to provide parking places.
18. Access to new streets.
19. Adjustment of boundaries of estates in connection with streets.
20. Erection of village place names.
21. Oil pipes and manholes in streets.
22. Exercise by Council of powers with respect to county roads.
23. Enforcement of improvement line.
24. Application of section 144 of Highways Act, 1959, to Council.
25. Prevention or restriction of vehicular access to and from county roads.
26. Sale of food and articles on verges, etc.

## PART V

## MISCELLANEOUS

27. Suspension of restrictive covenants.
28. Provision of lectures, etc.
29. Publication of bulletins, etc.
30. Dispensation by Council with bonds by theatre managers.
31. Recovery of water rates and charges by constituent authorities of water boards.