

**ELIZABETH II**



**1965 CHAPTER xxx**

An Act to confer further powers upon the mayor, aldermen and burgesses of the borough of Poole, to make further provision for the control of Poole Bridge and for the improvement, health, local government and finances of the borough; and for other purposes.

[5th August 1965]

**WHEREAS—**

(1) The borough of Poole (in this Act called “ the borough ”) in the county of Dorset, is a municipal borough under the government of the mayor, aldermen and burgesses of the borough (in this Act called “ the Corporation ”):

(2) It is expedient to alter the provisions of the enactments controlling Poole Bridge in the borough:

(3) It is expedient to provide for the transfer of certain turbary rights over lands in the borough (which rights have not been exercised for many years):

(4) It is expedient to make further provision with reference to streets and the improvement, health, local government and finances of the borough:

(5) It is expedient that the other provisions contained in this Act be enacted:

(6) A plan showing the lands to be used or dealt with in accordance with the provisions of this Act and a book of reference containing the names of the owners and lessees, or reputed owners and lessees and of the occupiers of such lands and describing the same were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of Dorset which plan and book of reference are in this Act referred to respectively as the deposited plan and book of reference:

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

c. 51. (8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

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

## PART I

### PRELIMINARY

- Short title. 1. This Act may be cited as the Poole Corporation Act 1965.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
- Part I.—Preliminary.
  - Part II.—Poole Bridge.
  - Part III.—Lands.
  - Part IV.—Streets.
  - Part V.—Public health.
  - Part VI.—Public order and public safety.
  - Part VII.—Window cleaners.
  - Part VIII.—Cultural activities.
  - Part IX.—Finance.
  - Part X.—Miscellaneous.
  - Part XI.—General.
- Interpretation. c. 49. 3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act, 1936, have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

- (2) In this Act unless the subject or context otherwise requires— PART I  
—cont.
- “ the Act of 1933 ” means the Local Government Act, 1933; c. 51.
- “ the Act of 1936 ” means the Public Health Act, 1936; c. 49.
- “ the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946; c. 49.
- “ the Act of 1950 ” means the Public Utilities Street Works Act, 1950; c. 39.
- “ the Act of 1959 ” means the Highways Act, 1959; c. 25.
- “ the Act of 1962 ” means the Town and Country Planning Act, 1962; c. 38.
- “ the appointed day ” has the meaning assigned to it by section 51 (The appointed day) of this Act;
- “ the borough ” means the borough of Poole;
- “ bulk refuse container ” means a container, of not less than 1 cubic yard nominal capacity, for refuse designed or adapted to be emptied by mechanical means into a refuse vehicle of the Corporation;
- “ code of 1892 ” has the same meaning as in section 173 of the Act of 1959;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation for the time being in force within the borough;
- “ the general rate fund ” means the general rate fund of the borough;
- “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952; c. 55.
- “ the Minister ” means the Minister of Housing and Local Government;
- “ statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “ statutory undertakers ” means any company, body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity, gas or water;

PART I  
—cont.

“ street works ” has the meaning assigned to that expression by section 213 of the Act of 1959;

“ the town clerk ”, “ the medical officer of health ” and “ the public health inspector ” mean respectively the town clerk, the medical officer of health and any public health inspector of the borough.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

## PART II

## POOLE BRIDGE

Amendment  
of provision  
as to opening  
of bridge for  
vessels.  
c. xliv.

4. The following section shall be substituted for section VII (Person to be appointed to open bridge for vessels) of the Act 4 William 4 c. xlvi as amended and applied to the Corporation by section 13 (Bridge Company's Act to apply to Corporation) of the Poole Corporation Act, 1919, and set out in the First Schedule to that Act—

“ Bridge to  
be opened  
for certain  
vessels.

VII.—(1) (a) The Corporation shall appoint and continue to employ a person to open the bridge for the passage of vessels in accordance with the provisions of this section.

(b) If the Corporation fail to comply with the provisions of this subsection they shall be liable to a fine not exceeding twenty pounds.

(2) The bridge keeper shall open the bridge for the passage of commercial vessels requiring the same at any time.

(3) At any time when the bridge keeper opens the bridge for the passage of commercial vessels in accordance with the provisions of subsection (2) of this section he shall allow any other vessel then waiting to pass the bridge to do so.

(4) (a) The bridge keeper shall open the bridge for the passage of any vessel requiring the same—

(i) during the period of fifteen minutes beginning at each of the following times in each day other than a Sunday:—

half-past nine in the forenoon;  
half-past eleven in the forenoon;  
half-past two in the afternoon;  
half-past six in the afternoon;  
half-past nine in the afternoon;

- (ii) during the period of fifteen minutes beginning at each of the following times on Sundays:—

PART II  
—cont.

half-past seven in the forenoon;  
half-past nine in the forenoon;  
half-past eleven in the forenoon;  
half-past one in the afternoon;  
half-past three in the afternoon;  
half-past five in the afternoon;  
half-past seven in the afternoon;  
half-past nine in the afternoon;

- (iii) between half-past eleven in the afternoon and half-past six in the forenoon:

Provided that the bridge keeper shall not be required to open the bridge more than once in each of the periods mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of this subsection:

Provided further that—

- (A) the times mentioned in this subsection may from time to time be varied;
- (B) the total number of times mentioned in sub-paragraph (i) of paragraph (a) of this subsection may be reduced to not less than three;
- (C) the total number of times mentioned in sub-paragraph (ii) of paragraph (a) of this subsection may be reduced to not less than three; and
- (D) the provisions of sub-paragraph (iii) of paragraph (a) of this subsection may be revoked;

by order made by the Board of Trade on the application of the Corporation in accordance with the following provisions of this subsection.

(b) Before making application to the Board of Trade for an order under this subsection the Corporation shall publish in a local newspaper circulating in the borough a notice stating the proposed variation of the times and specifying a period being not less than twenty-eight days from the first publication of the notice during which objections may be made in writing to the Board of Trade.

(c) If any objection is duly made to the Board of Trade and is not withdrawn the Board of Trade may before making the order cause a public local inquiry to be held.

PART II  
—cont.

(d) The Board of Trade may make an order varying the said times in accordance with the application or (if a local inquiry has been held under paragraph (c) of this subsection) in such other manner as they may think fit.

(e) An order under this subsection shall come into operation on such date, being not less than twenty-eight days after the first publication of the notice relating thereto under paragraph (f) of this subsection, as may be specified in the said notice.

(f) If the Board of Trade make an order under this subsection the Corporation shall as soon as may be after the making of the order publish a notice in a local newspaper circulating in the borough stating the effect of the order.

(g) An order made under this subsection may be varied by an order made in like manner.

(h) Either—

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

(ii) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

(5) An order made under subsection (4) of this section shall be subject to special parliamentary procedure.

(6) In this section unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

‘ the bridge ’ means the bridge crossing a channel of Poole Harbour and known as Poole Bridge;

‘ bridge keeper ’ means the person for the time being appointed and employed by the Corporation under subsection (1) of this section;

‘ commercial vessel ’ means—

(a) a tug, dredger or pontoon;

(b) a vessel engaged in maintaining docks;

(c) a vessel used for the carriage of goods or passengers for reward;

(d) a vessel owned or chartered by statutory undertakers and used solely for the purposes of their undertaking; or

(e) a fishing vessel which in the opinion of the bridge keeper is bona fide in transit to or from fishing grounds;

PART II  
—cont.

‘ day ’ means a day of twenty-four hours reckoned from midnight;

‘ vessel ’ means a vessel, barge or boat.”

### PART III

#### LANDS

5.—(1) In this section—

As to transfer  
of turbary  
rights.

“ the blue lands ” means the lands shown coloured blue on the deposited plan;

“ the date of transfer ” means the date specified in any resolution made under subsection (2) of this section;

“ the red lands ” means the lands shown coloured red on the deposited plan;

“ turbary right ” means a right granted by an Act passed in the forty-fifth year of the reign of His Majesty King George the Third and intituled “ An Act for inclosing Lands in the Parish of Great Canford in the County of Dorset, and in the Town and County of the Town of Poole ” or by the Award dated the twenty-seventh day of April eighteen hundred and twenty-two and made by the Commissioners appointed under that Act to cut and take turves for fuel from any lands for the time being belonging to the Corporation. c. xcii.

(2) Subject to the provisions of subsection (3) of this section, the Corporation may by resolution of the council specify a date, being not less than one month after the said resolution, with effect from which the turbary rights over the blue lands or any of them shall be transferred to the red lands or any of them, being not less in area than the blue lands mentioned in the resolution, and from the date of transfer such blue lands shall be held free from all turbary rights and the red lands mentioned in the resolution shall be subject to the turbary rights of the persons, if any, who immediately before the date of transfer were entitled to exercise turbary rights over the blue lands mentioned in the resolution and subject also to any enactment, other than this section, relating to commons which immediately before the date of transfer applied to the blue lands.

(3) On the application of the Corporation, the Minister of Land and Natural Resources may by order substitute for the red lands, or any of them, other lands belonging to the Corporation not being less in area and being equally advantageous to the

PART III  
—cont.

persons, if any, who are entitled to exercise turbary rights over the blue lands, and to the public and thereupon this section shall have effect as if reference to such other lands were substituted for reference to the red lands (or to that part or those parts thereof for which such other lands are substituted):

Provided that if the council pass a resolution under subsection (2) of this section with respect to any part of the red lands, an order shall not thereafter be made under this subsection in respect of that part of those lands.

(4) Not less than one week before the date of transfer, the Corporation shall publish in a local newspaper circulating in the borough a notice specifying the date of transfer and (where an order has been made under subsection (3) of this section) describing the lands substituted for the red lands.

(5) Either—

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

(b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

(6) An order made under subsection (3) of this section shall be subject to special parliamentary procedure.

Compulsory  
acquisition of  
easements.

6.—(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the confirming authority, may be authorised to create in favour of the Corporation in or over any land which under any enactment the Corporation may be authorised to acquire compulsorily any easement or other right in or over or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any buildings owned or occupied, or intended to be owned or occupied, by the Corporation for the purposes of any of their undertakings, powers or duties.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in or over or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.



(3) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1946 and as if—

- (a) the expression “ compulsory purchase of land ” in the Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and
- (b) paragraphs 9 and 10 of Schedule 1 to the Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1) whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within paragraph 4 of Schedule 2 to the Act of 1946.

(5) In this section the expression “ confirming authority ” means the authority having power to authorise the purchase compulsorily of the land for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the Corporation.

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

Recovery of deposits under Lands Clauses Acts. c. 18.

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

## PART IV

## STREETS

Application of  
code of 1892  
to parts of  
public streets.

8.—(1) Where it appears to the Corporation that a new street has been formed by reason of additions made to an existing footpath, bridleway or other highway maintainable at the public expense (not being or comprising a carriageway within the meaning of the Act of 1959), otherwise than by the giving up for the purpose by the Corporation of lands owned by them, the Corporation may, notwithstanding anything in the code of 1892, carry out street works in respect of such street, or any part of such street, and apportion the expenses thereof on the premises fronting, adjoining or abutting on such street, or such part thereof as if no part of the said street was so maintainable.

(2) Save in a case falling within the provisions of subsection (1) of this section, for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting on the street shall, if the council so resolve, be deemed to front, adjoin or abut on the part of the street which is not so maintainable.

c. 71.

(3) Where, in consequence of any order or orders made under section 30 or 32 of the Public Health Act, 1925, or section 159 or 166 of the Act of 1959, any lands have been or are added to an existing highway maintainable at the public expense, such lands, if so resolved by the council, shall for the purposes of the code of 1892 be deemed to be a street which is not maintainable at the public expense and the Corporation may apportion the whole or any portion of the expenses of any street works carried out in respect of such street, or any part of such street, on the premises of which such lands formed part immediately before their addition to the highway as aforesaid:

Provided that such expenses shall not include any expenses which, under subsection (4) of section 163 of the Act of 1959, are to be borne by the Corporation.

Recovery of  
street works  
charges where  
owner  
unknown.

9.—(1) Where any street works in the borough have been completed by the Corporation but the Corporation are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter be found, the Corporation may at any time after the expiration of twelve years from the date when the said amount becomes due apply to the county court and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the

said premises in the Corporation absolutely and thereupon the Corporation may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

(2) Where the county court makes an order under subsection (1) of this section the Lands Tribunal shall for the purpose of determining the value of the said premises nominate one of their members selected in accordance with subsection (6) of section 1 and section 3 of the Lands Tribunal Act, 1949, and the member c. 42. nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof and the Corporation shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Minister under section 212 of the Act of 1959, together with all costs and expenses reasonably incurred by the Corporation.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act, 1845, as if it were a sum awarded c. 18. to be paid to an owner who cannot be found and as if the Corporation were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of the said Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Corporation in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the Corporation in respect of all street works whether completed before or after the passing of this Act.

10.—(1) Any person may, in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building, erect or place, or cause to be erected or placed, any scaffolding, obstruction or projection constituting an obstruction (each of which is hereafter in this section referred to as “scaffolding”) in, upon or over any street in the borough if he has previously obtained a licence from the Corporation and complies with such terms and conditions as may be attached to the licence: Licence to erect scaffolding.

Provided that the Corporation shall be entitled to refuse a licence only on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of the highway.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness:

PART IV  
—cont.

Provided that this subsection shall not apply to scaffolding projecting over the footway of a street but not over the carriageway if no part thereof is less than 8 feet above the level of the footway measured vertically and if the nearest part thereof to the carriageway is at least 1 foot 6 inches from the carriageway measured horizontally.

(3) If any person without a licence from the Corporation erects or places, or causes to be erected or placed, any scaffolding in, upon or over any street in the borough, or contravenes the terms or conditions attached to any licence granted under this section, he shall be liable for every such offence to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(4) Any person aggrieved by the refusal of the Corporation to grant a licence under this section, or by the terms and conditions attached to any such licence, may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of any scaffolding erected or placed by the British Railways Board for the purpose of constructing, reconstructing or maintaining any works pursuant to their statutory powers.

Conditional consent under section 146 of the Act of 1959.

11.—(1) Where the Corporation determine to give a consent under section 146 of the Act of 1959 (which makes provision for the regulation of the deposit of things and the making of excavations in streets) to the temporary deposit of building materials, rubbish or other things in a street, or to the making of a temporary excavation in a street, they may attach thereto such reasonable conditions as they think fit, including such conditions as may be required, to secure that the person to whom the consent is given complies with the reasonable requirements of statutory undertakers or the British Railways Board for the protection of any apparatus belonging to, or maintained by, them in the street or for securing access to such apparatus.

(2) Where it appears to the Corporation that any statutory undertakers or the British Railways Board may be concerned by an application for a consent under section 146 of the Act of 1959, they shall, before determining to give the consent, give due notice of the application to such undertakers or board and take into consideration any representations which may, within such reasonable time specified in the notice, be made to them by such undertakers or board.

(3) A person aggrieved by any conditions so attached to a consent given under the said section 146 may appeal to a magistrates' court.

(4) Subsection (4) of the said section 146 shall apply in relation to a contravention of any condition so attached to a consent given under that section as it applies to a contravention of the provisions of subsection (3) of that section.

12.—(1) The Minister of Transport on the application of the Corporation may, for the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, any road which is a highway maintainable at the public expense (or on any proposed widening, improvement, realignment or reconstruction thereof), authorise the Corporation 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 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 certain roads.

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

- (a) cause notice of the proposed application to be published in at least one newspaper circulating in the borough, specifying the nature of the proposal and stating that a copy of the proposed application is open to inspection at a specified place in the borough 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 Corporation, 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 of the other street in which the works are proposed to be constructed;

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 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 Corporation shall consult with that board.

(4) 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.

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

(6) In relation to any works constructed by the Corporation pursuant to an authorisation given under subsection (1) of this

PART IV  
—cont.

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.

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

Temporary restriction or prohibition of traffic during execution of works.

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

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

c. 16.

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

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

- (i) with respect to any street or any part thereof on more than one occasion in any period of fourteen consecutive days; or
- (ii) with respect to any street upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

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

14.—(1) The Corporation may by notice prohibit persons from driving or permitting or causing to be driven any mechanically propelled vehicle upon any grass verge laid out in connection with a footway in any street and maintained in an ornamental condition or mown:

PART IV  
—cont.

Prohibition  
of vehicles  
on grass  
verges.

Provided that any such notice shall not apply to—

- (a) the owner or occupier of or any person residing in any premises fronting or abutting on any such street driving or permitting or causing to be driven any vehicle to or from those premises; or
- (b) the temporary crossing of a grass verge during building operations if means satisfactory to the Corporation be taken to protect such grass verge from injury and for the convenience of pedestrians; or
- (c) the temporary use of any vehicle on a grass verge by statutory undertakers in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus) or by any person in the exercise of any statutory right or power to enter upon any lands.

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the grass verge to which it relates and if any person contravenes a notice so posted (except in a case of emergency) he shall be liable for every such offence to a fine not exceeding twenty shillings in addition to the amount of damage (if any) thereby caused to such grass verge.

(3) The powers conferred by this section shall not be exercised in relation to any grass verge laid out under section 13 (Trees, grass verges and gardens) of the Poole Corporation Act, 1961, c. xl. and maintained in an ornamental condition or mown.

(4) The powers conferred by this section shall not be exercised in relation to any trunk road without the consent of the Minister of Transport.

15.—(1) Where planning permission has been given, or has been deemed to have been given, pursuant to the Act of 1962, to a means of access which involves the construction of a carriage-crossing across a verge, ditch or footway to land adjacent to any highway in the borough, the Corporation may at any time after the development has commenced give notice to the owner or occupier of the premises that they propose to construct the carriage-crossing.

Carriage-  
crossings over  
verges, etc.

PART IV  
—cont.

(2) Where the Corporation give notice under the foregoing subsection, the provisions of section 155 of the Act of 1959 shall apply to the construction of the carriage-crossing, subject to any necessary modifications, and for the purposes of such application the Corporation shall be deemed to be the appropriate authority and the notice shall be deemed to be a notice given for the purposes of paragraph (a) of subsection (1) of the said section 155.

## PART V

## PUBLIC HEALTH

Prohibition  
of dark  
smoke.

16.—(1) As from the appointed day, dark smoke shall not be emitted from any industrial premises in the borough, and if on any day dark smoke is so emitted the occupier of the premises shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(2) This section shall not apply to—

c. 52.

(a) dark smoke emitted from a chimney of any building or from a chimney to which section 1 of the Clean Air Act, 1956, applies by virtue of subsection (4) of that section;

(b) dark smoke accidentally or inadvertently emitted if all practicable steps have been taken to prevent or minimise the emission of such smoke; and

c. 14.

(c) premises controlled under the Alkali, &c., Works Regulation Act, 1906.

(3) In this section—

“chimney” has the same meaning as in subsection (1) of section 34 of the Clean Air Act, 1956;

“dark smoke” has the same meaning as in subsection (2) of section 34 of the Clean Air Act, 1956;

“industrial premises” means premises used or designed for use for, or held in connection with, the carrying on of any process for, or incidental to, any of the following purposes, namely:—

(a) the making of any article or part of any article;  
or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing, sorting or canning or adapting for sale, or breaking up or demolition of any article; or



(c) without prejudice to the foregoing paragraphs, the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

PART V  
—cont.

being a process carried on in the course of trade or business; and for the purposes of this definition “article” means an article of any description including a ship or vessel.

17. The prohibition on the sorting over or disturbing of material in subsection (3) of section 76 of the Act of 1936 shall apply in respect of material deposited in any place in the borough used by the Corporation for the deposit of refuse whether provided by the Corporation or not. Control of refuse tips.

18. The Corporation may at the request of the owner or occupier of any premises within the borough provide and maintain at such premises a bulk refuse container on such terms and conditions and at such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Corporation. Provision of bulk refuse containers by Corporation.

19.—(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container, or where the Corporation at the request of the owner or occupier provide a bulk refuse container, the Corporation may by notice require him to provide and maintain to the satisfaction of the Corporation a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Corporation such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Corporation constructed to convey bulk refuse containers to and from refuse vehicles. Maintenance of and access to bulk refuse containers.

(2) A notice under the preceding subsection may require the owner or occupier of the premises to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section and, in their application to notices given under this section, shall have effect as if the following paragraph were added to subsection (3) thereof:—

“(g) where the notice requires the owner or occupier of part of the premises in question to execute works for

PART V  
—cont.

the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that other part ought to bear, or contribute towards, the expenses of executing the works required ”;

and subsection (5) of the said section 290 shall have effect accordingly as if after the reference to “ paragraph (f) ” there were inserted the words “ or paragraph (g) ”.

Securing of unoccupied houses under Housing Act, 1957.  
c. 56.

20.—(1) (a) Before accepting, under section 16 of the Housing Act, 1957, an undertaking that any house will not be used for human habitation until the Corporation cancel the undertaking the Corporation may require an additional undertaking that, until the first-mentioned undertaking is cancelled, the premises will be effectively secured so as to prevent, so far as is reasonably practicable, the entry into the premises, or any part thereof, when unoccupied, of any person other than a person authorised by the owner or the Corporation.

(b) Section 17 of the Housing Act, 1957, shall, subject to any necessary modifications, apply in relation to any such additional undertaking as it applies in relation to such undertaking as is mentioned in the said section 16.

## (2) Where—

(a) by a closing order made under section 17, 18, 26 or 35 of the Housing Act, 1957, the Corporation have ordered any house or building, or any part thereof, to be closed; or

(b) by a clearance order made under section 44 of the Housing Act, 1957, the Corporation have ordered any building, or any part thereof, to be vacated, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

they may, by notice to the owner of the house or building, require him, within such reasonable time as may be specified in the notice (not being less than seven days from the date when the notice becomes operative), to do such things in relation to the house or building, or the part thereof (as the case may be), as are reasonably required effectively to secure it so as to prevent the entry into the premises, when unoccupied, of any person other than a person authorised by the owner or the Corporation.

(3) A notice under subsection (2) of this section shall not require a person, when he has effectively secured a house or building, or any part thereof, as may be required in the notice,

to keep the premises so secured but, if at any time after the premises have been so secured it appears to the Corporation that they are no longer so secured, they may, after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building, or part thereof, as will so secure the premises against entry.

(4) Sections 10, 11 and 37 of the Housing Act, 1957 (which make provision for enforcement of certain notices and with respect to appeals against, and the date of operation of, such notices) shall, subject to any necessary modifications, apply in relation to a notice under subsection (2) of this section. c. 56.

(5) A notice shall not be given under subsection (2) of this section in any case where the Corporation have approved the use for any purpose of any premises which have been ordered to be closed so long as the premises are used for that purpose.

(6) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous building under section 25 of the Public Health Act, 1961. c. 64.

(7) In this section—

“house” has the same meaning as in the Housing Act, 1957;

“owner” includes any person deemed to be the person having control of the house for the purposes of Part II of that Act.

**21.**—(1) Any person who sells or offers or exposes for sale shellfish within the borough shall keep a record of the name and address of the person from whom he obtained the shellfish, and shall on the application of the medical officer of health or the public health inspector inform him of the name and address of the person from whom he obtained the shellfish. Sale of shellfish.

(2) If any person required to keep a record or give information under this section fails to keep such record or give such information, or knowingly makes any misstatement in respect thereof, he shall be liable to a fine not exceeding five pounds.

(3) Nothing in this section shall require any person to preserve any record kept thereunder for a longer period than three months from the date on which he obtained the shellfish to which that record relates.

(4) In this section “shellfish” includes all kinds of molluscs and crustaceans.

## PART VI

## PUBLIC ORDER AND PUBLIC SAFETY

Parts of buildings used for storage of inflammable substances.

22.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the storage part of the building”) shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

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

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

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

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

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

(3) (a) An authorised officer of the Corporation may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936, purchase and

test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

PART VI  
—cont.

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

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

(4) The occupier of any building who—

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

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

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

PART VI  
—cont.

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

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

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

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

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

(8) This section applies to—

- (a) any building in the borough which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (b) (i) any substance which is gaseous at a temperature of 33 degrees Fahrenheit at atmospheric pressure and which is inflammable; and
- (ii) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than 150 degrees Fahrenheit:

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

PART VI  
—cont.

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act, 1928, apply; or c. 32.
- (ii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in securely closed metal containers in good condition containing not more than 5 gallons each and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons; or
- (iii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons.

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

(10) Nothing in this section shall apply to premises which are subject to the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963, or regulations made under either of those Acts. c. 34. c. 41.

(11) Nothing in this section shall apply to any building or part of a building by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas.

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

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

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

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any

PART VI  
—cont.

such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided, and the mode of arrangement of any such works, apparatus, fittings and appliances; and

- (ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

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

(b) If the Corporation do not, within two months from the submission of plans and specifications of any equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under any byelaw made under sub-paragraph (ii) of paragraph (b) of subsection (2) of this section may, within twenty-one days from the receipt of notification of the refusal, appeal to the Secretary of State.

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

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

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

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

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



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

PART VI  
—cont.

(6) (a) In this section—

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

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

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

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

(b) References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

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

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding 750 gallons; or

(b) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force; or

(c) the installation of any oil-burning equipment by the Central Electricity Generating Board or the Southern Electricity Board for the purposes of their respective undertakings:

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

(i) to houses; or

(ii) to buildings used as offices or showrooms; or

(d) the installation of any oil-burning equipment by the Southern Gas Board for the purposes of their undertaking.

PART VI  
—cont.

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

- (i) to houses; or
  - (ii) to buildings used as offices or showrooms; or
- (e) the installation of any oil-burning equipment by the British Railways Board for the purposes of their undertaking:

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

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

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

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

c. 34.

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

Further precautions against fire in certain high or large buildings.

24.—(1) Within the borough unless the Corporation consent—

- (a) no building shall be erected with a storey or part of a storey at a greater height than—
  - (i) 100 feet; or
  - (ii) 80 feet if the area of the building exceeds 10,000 square feet;
- (b) no building or part of a building of a cubical extent exceeding 250,000 cubic feet shall be used for purposes of trade or manufacture unless it is divided by division walls in such manner that no division of the building or part of the building (as the case may be) is of a cubical extent exceeding 250,000 cubic feet:

Provided that—

- (i) the Corporation shall not withhold consent under paragraph (a) or paragraph (b) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put, proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;

(ii) paragraph (b) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act a structural alteration or extension is made in or to the building or a material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building or part of the building or relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Corporation under this section—

- (i) to withhold consent; or
- (ii) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision, appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section, he shall be liable to a fine not exceeding fifty pounds and if—

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

uses the building without the consent of the Corporation or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (a) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(b) In this section the expression "cubical extent" in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey, but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or accommodating lift gear or other such apparatus :

PART VI  
—cont.

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls within the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws or building regulations by paragraph (a) or paragraph (c) of section 71 of that Act.

Saving for  
Fire Services  
Acts and  
Factories Act.  
c. 34.

**25.** Nothing in the foregoing sections of this Part of this Act shall affect the operation of the Fire Services Acts, 1947 to 1959, or the Factories Act, 1961, or any regulations or orders made thereunder.

Provisions  
as to motor  
vehicles let  
for hire.  
c. 89.

**26.—(1)** The Corporation may make byelaws for applying, with such consequential modifications as may be provided for in the byelaws, any of the provisions of—

(a) sections 37 to 67 of the Town Police Clauses Act, 1847, as subsequently amended as they apply with respect to hackney carriages and their proprietors and drivers; and

(b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers; to private hire vehicles and their proprietors and drivers.

c. 16.

(2) In this section “private hire vehicle” means a motor vehicle (within the meaning of the Road Traffic Act, 1960) not being a vehicle licensed under the provisions of the Town Police Clauses Act, 1847, with respect to hackney carriages, which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

(a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for longer periods of hire;

(b) a vehicle belonging to or used by the British Railways Board for the purpose of carrying passengers or their luggage to or from any of their railway stations, railway or dock premises ;

(c) a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business; or

(d) a public service vehicle as defined in section 117 of the Road Traffic Act. 1960.

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

PART VI  
—cont.

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

Removal, etc.,  
of dangerous  
trees.

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

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

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

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

## PART VII

### WINDOW CLEANERS

28. As from the appointed day no person shall within the borough—

Window  
cleaners to  
be licensed.

- (1) carry on the trade of window cleaner; or
- (2) perform the duties of window cleaning while employed by a person carrying on the trade of window cleaner;

without a licence from the Corporation authorising him so to do.

29.—(1) An application for a licence under this Part of this Act—

Applications  
for and  
provisions as  
to window  
cleaning  
licences.

- (a) shall be made in writing to the Corporation;
- (b) shall be made by or on behalf of the person requiring the licence;
- (c) may be made by such person on behalf of any person employed by him or proposed to be employed by him as aforesaid;
- (d) shall be in such form as the Corporation shall from time to time require;
- (e) shall be signed by the applicant; and

PART VII  
—cont.

(f) shall contain such information as the Corporation may reasonably require with respect to the applicant and every person employed by him or proposed to be employed by him as aforesaid.

(2) Every such licence shall be in force for one year only from the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation (which they are hereby authorised to appoint) and the town clerk shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

Grant of  
window  
cleaning  
licences.

30. The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on the trade of window cleaner or, as the case may be, to perform the duties of window cleaning.

Penalties  
under this Part  
of Act.

31. On and after the appointed day—

- (a) any person who carries on the trade of window cleaner;  
and
- (b) anyone employed by such person who performs the duties of window cleaning;

without a licence granted or renewed under section 30 (Grant of window cleaning licences) of this Act shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding one pound.

## PART VIII

## CULTURAL ACTIVITIES

Disposal of  
unsuitable  
specimens  
and works  
of art.

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

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

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

PART VIII  
—cont.

- (a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section;
- (b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor; and
- (c) any moneys received by the Corporation in the exercise of the powers of this section in respect of any such object and which are not payable into the art fund under section 15 of and Schedule 2 to the Public Libraries and Museums Act, 1964, shall be applied by them in the purchase of specimens, works of art or books.

c. 75.

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

Acquisition of works of art produced to order.

PART IX

FINANCE

34.—(1) The Corporation may borrow—

Power to borrow.

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

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

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

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

c. 58.

## PART IX

—cont.

Receipt in  
case of minors.

**35.** If any money is payable by the Corporation to any employee (other than wages or salary), or to any creditor, or to the holder of any authorised security, and the person entitled to such payment is a minor, the receipt of the guardian shall be a sufficient discharge to the Corporation.

Recovery of  
sums paid to  
officers, etc.

**36.—(1)** Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made, the Corporation shall not be required to demand the return of such portion thereof, not exceeding twenty-five pounds, as the Corporation may determine.

(2) In any case where the Corporation exercise the powers of the foregoing subsection they shall transfer from the general rate fund to the superannuation fund maintained by them the amount which but for the exercise of those powers would have been returned to the fund.

(3) In this section—

“employee” means any officer or servant of the Corporation or any officer or servant whose salary or wages are payable by the Corporation and includes any former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Corporation; and

“emoluments” means in relation to an officer or servant his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit the amount of that allowance or benefit.

Extension of  
section 25 of  
Local  
Government  
Superannua-  
tion Act, 1953.  
c. 25.

**37.** On the death of any person who is in receipt of a pension or to whom there is due any other payment from the Corporation as the widow or other beneficiary of a deceased employee of the Corporation (in this section referred to as “the beneficiary”), the provisions of section 25 of the Local Government Superannuation Act, 1953, shall apply and have effect with respect to the payment of any sum due from the Corporation to the beneficiary or to the legal personal representative of the beneficiary as those provisions would apply if the beneficiary had been an employee of the Corporation.

Scheme for  
equated  
periods.

**38.—(1)** The Corporation may make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within



which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money, with or without modification, and may make provision in regard to all matters incidental to the objects aforesaid.

PART IX  
—cont.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister, who may confirm the same with or without modifications, and when so confirmed the scheme shall, notwithstanding any enactment, order or sanction to the contrary, have full force and effect.

(3) Nothing in any scheme made under this section shall prejudice or affect the security, rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be altered, extended, amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

39.—(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Corporation may transfer from the superannuation fund maintained by them to the general rate fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 of the Local Government Superannuation Act, 1937, or the amount of loss suffered by the Corporation in consequence of the contributory employee's offence or misconduct, whichever is the less.

Transfer of certain sums from superannuation fund.

c. 68.

(2) In this section the expression "contributory employee" has the same meaning as in the Local Government Superannuation Act, 1937.

40. Where, under the provisions of any enactment, the Corporation execute any works of common benefit to two or more buildings belonging to different owners, and those expenses,

Apportionment of expenses in case of joint owners.

PART IX  
—cont.

or any part of them, are recoverable by the Corporation, 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 Corporation, or, in case of dispute, by a magistrates' court.

## PART X

## MISCELLANEOUS

Removal of  
vehicles.

c. 16.

**41.**—(1) If a vehicle is left in the borough elsewhere than on a road or in an off-street parking-place provided under section 81 of the Road Traffic Act, 1960, the Corporation may, with the consent of the occupier of the land on which the vehicle is left and after giving not less than seven days' notice to the owner of the vehicle, cause it to be removed:

Provided that, where the vehicle appears to the Corporation to be abandoned—

(a) the Corporation may cause it to be removed without the consent of the occupier of the land if they are unable after reasonable inquiry to ascertain his name and address; and

(b) the Corporation may cause the vehicle to be removed without notice to the owner thereof if they are unable after reasonable inquiry to ascertain his name and address.

(2) The provisions of any regulations for the time being in force under section 43 of the Road Traffic Act, 1960, about the method of removing vehicles and their loads and arrangements for the safe custody of vehicles and their loads shall apply to vehicles removed under this section.

c 63.

(3) Section 15 of the Road Traffic and Roads Improvement Act, 1960, and any order for the time being in force under that section shall apply to a vehicle removed under this section as if it had been removed from a road in pursuance of regulations under section 43 of the Road Traffic Act, 1960.

(4) For the purpose of the said section 15 and any such order as applied by the last preceding subsection, "the appropriate authority" means the Corporation, and any reference in regulations made under section 43 of the Road Traffic Act, 1960, to a charge to payment of which the Corporation are entitled under the said section 15 shall be construed accordingly.

(5) If it appears to the Corporation that a vehicle removed under this section has been abandoned the Corporation may sell or otherwise dispose of it subject to compliance with such regulations as are for the time being in force under section 43 of the

Road Traffic Act, 1960, relating to the disposal of vehicles abandoned on roads; and the provisions of any regulations under that section relating to the proceeds of the sale of vehicles abandoned on roads and to the recoupment of costs incurred in connection with the disposal of such vehicles shall, with the necessary modifications, apply to the sale and disposal of vehicles under this subsection.

PART X  
—cont.  
c. 16.

(6) In this section “owner” in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement means the person in possession of the vehicle under that agreement and “road” means a highway or other road to which the public has access and includes bridges over which the road passes.

42. Notwithstanding anything in section 42 of the Cemeteries Clauses Act, 1847, and the schedule to that Act, or in any other enactment, a form of grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation may be given under the hand of the town clerk or his duly authorised deputy in lieu of under the common seal of the Corporation: Grant of exclusive rights of burial under hand. c. 65.

Provided that for the purposes of this section a grant of exclusive right of burial shall be deemed to be given under the hand of the town clerk or his duly authorised deputy if a facsimile of his signature by whatever process reproduced is affixed to such grant.

43.—(1) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to any direction of the council, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit, and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed. Delegation of powers to sub-committees.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the council.

(3) The powers of this section shall be in addition to the powers of any committee of the council to appoint a sub-committee under any other enactment.

44. Notwithstanding anything contained in paragraph 3 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the council or of any committee or sub-committee thereof, may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next ensuing meeting of the council As to minutes of council meetings, etc.

PART X  
—cont.

or committee or sub-committee, as the case may be, by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

Power to  
require  
information  
as to  
ownership  
of premises.

**45.**—(1) The Corporation may for the purpose of enabling them to perform any of their functions under—

- (a) this Act;
- (b) any enactment in force at the passing of this Act which authorises the Corporation to acquire land compulsorily;
- (c) any enactment mentioned in Schedule 1 to this Act; and
- (d) any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within the borough;

require—

- (i) the occupier and any person having an interest in any premises in the borough, and any person who either directly or indirectly receives rent in respect of such premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and
- (ii) any person who has sold or otherwise disposed of, leased or let any premises in the borough to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who having been required by the Corporation in pursuance of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds.

(3) For the purposes of this section the expression “interest” includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in paragraph (b) of subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

46.—(1) Subject to the provisions of subsection (2) of this section, the Corporation may—

PART X  
—cont.

(a) cleanse the foreshore within the borough and the adjoining land (including land below mean low-water springs, but excluding land in any other district) by removing therefrom oil or any mixture containing oil or any other polluting, offensive or injurious substance which may have been deposited thereon by the action of any tidal or other waters; and

Protection of foreshore and adjoining land from pollution.

(b) for the purpose of preventing the pollution of the foreshore within the borough and such adjoining land as aforesaid by any such substance as aforesaid, spray or cause to be sprayed with chemicals or other substances any tidal or other waters, and may do any other thing or take any other measure which in their opinion is likely to achieve that purpose.

(2) The Corporation shall not in the exercise of the powers of subsection (1) of this section, spray chemical substances or cause chemical substances to be sprayed except with the consent of the Minister of Agriculture, Fisheries and Food.

(3) Nothing in this section or done thereunder shall prejudice or affect the operation of the Sea Fisheries Regulation Act, 1888, 1888 c. 54. the Salmon and Freshwater Fisheries Act, 1923, the Water Act, 1923 c. 16. 1945, the Rivers (Prevention of Pollution) Acts, 1951 to 1961, 1945 c. 42. the Clean Rivers (Estuaries and Tidal Waters) Act, 1960, or the 1960 c. 54. Oil in Navigable Waters Act, 1955, or any byelaws from time to 1955 c. 25. time in force made under any of those Acts or permit the doing of any act which would have been unlawful by virtue of the provisions of the said Acts or of any such byelaw if this section had not been enacted.

(4) The powers conferred on the Corporation by this section shall not be exercised—

(a) in any area within the jurisdiction of a harbour authority without the consent of that authority; or

(b) on land held or used by the British Railways Board for the purposes of their railways without their consent but in such case consent shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport.

(5) In this section—

“harbour authority” and “oil” have the same respective meanings as in the Oil in Navigable Waters Act, 1955.

PART X  
—cont.Power to  
advertise  
advantages of  
borough.

47.—(1) For the purpose of promoting and fostering the development of the borough the Corporation may incur expenditure in advertising and making known the advantages, facilities and amenities afforded by the borough in any manner which the Corporation may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

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

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

(2) Any expenditure under this section shall be separate from and additional to the expenditure, if any, of the Corporation under the Local Authorities (Publicity) Act, 1931.

c. 17.

Notice of  
variation of  
rent, etc.

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

(a) specifying the amount of the increase or reduction in rent or the variation or amendment of or addition to the terms and conditions; or

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

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

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

(2) Section 72 (Notice of variation of rent, etc.) of the Poole Corporation Act, 1961, is hereby repealed.

c. xl.

PART XI

GENERAL

49. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation 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—

(a) electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Central Electricity Generating Board or the Southern Electricity Board; c. 56.

(b) mains, pipes or other apparatus belonging to or maintained by the Southern Gas Board, the Bournemouth and District Water Company or the Poole and East Dorset Water Board;

and includes any works for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ operational land ” has the same meaning as in section 221 of the Act of 1962;

“ position ” includes depth;

“ the undertakers ” means—

the Central Electricity Generating Board;

the Southern Electricity Board;

the Southern Gas Board;

the Bournemouth and District Water Company;

and

the Poole and East Dorset Water Board;

or any of them, as the case may be:

(2) Before the Corporation grant any licence under section 10 (Licence to erect scaffolding) of this Act they shall give to the undertakers concerned notice, the period of which shall be at least seven days (except in the case of emergency, when the period shall be as long as practicable), of their intention to do so and any such licence shall contain such reasonable conditions as the undertakers may within the period of the notice require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers concerned for the protection of any apparatus or in respect of their right of access thereto:

PART XI  
—cont.

c. 56.

(3) Notwithstanding the imposition of any restriction or prohibition on the use of any street under the powers of section 13 (Temporary restriction or prohibition of traffic during execution of works) of this Act, the undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under such street as may be necessary for inspecting, repairing, maintaining, renewing, replacing or removing any apparatus which at the time of the imposition of such restriction or prohibition is in that street:

(4) (a) Before the Corporation serve a notice under subsection (2) of section 20 (Securing of unoccupied houses under Housing Act, 1957) of this Act they shall give to the undertakers not less than seven days' notice of their intention to do so;

(b) Nothing in the said section 20 shall prejudice the right of the undertakers to enter upon any premises in exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, any undertakers exercising such powers of entry in respect of any premises required to be secured under the said section 20 shall ensure that the premises are not left less secure by reason of the entry:

(5) (a) Any difference which may arise between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed on the application of any party (after notice in writing to the other party or parties) by the President of the Institution of Civil Engineers;

(b) In determining 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 Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Local  
inquiries.

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



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

(3) In this section “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

c. 31.

**51.**—(1) In this Act “ the appointed day ” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

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

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

- (a) of the passing of any such resolution and of the date fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that date;

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

(4) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section forbids a person to carry on any trade, or perform any duties without a licence, it shall be lawful for any person who—

- (a) immediately before that day was carrying on that trade, or performing those duties; and
- (b) had before that day duly applied for the licence required by that provision;

to continue to carry on that trade, or to perform those duties, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 53 (Appeals) of this Act.

PART XI  
—cont.

Restriction on  
right to  
prosecute.

52. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

Appeals.

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

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

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

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

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

Protection of  
members and  
officers of  
Corporation  
from personal  
liability.

c. 55.

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

Application  
of general  
enactments.

55.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included references to this Act except the sections mentioned in subsection (5) of this section and section 13 (Temporary restriction or prohibition of traffic during execution of works).

(2) The sections of the said Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part IV (Streets) and Part V (Public health) of this Act.

(3) The section of the said Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to section 27 (Removal, etc., of dangerous trees) of this Act.

PART XI  
—cont.

(4) The section of the said Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included references to section 22 (Parts of buildings used for storage of inflammable substances) of this Act.

(5) The sections of the Act of 1959 mentioned in Part V of the said schedule shall have effect as if references therein to that Act included references to the following provisions of this Act:—

Section 8 (Application of code of 1892 to parts of public streets);

Section 9 (Recovery of street works charges where owner unknown);

Section 10 (Licence to erect scaffolding);

Section 11 (Conditional consent under section 146 of the Act of 1959);

Section 12 (Prevention or restriction of vehicular access to and from certain roads);

Section 15 (Carriage-crossings over verges, etc.).

56. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Powers of  
Board of  
Trade.

57. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

Costs of Act.

## SCHEDULES

## SCHEDULE 1

Section 45. ENACTMENTS MENTIONED IN SECTION 45 (1) (c)

c. 55.	Public Health Act, 1875.
c. 59.	Public Health Acts Amendment Act, 1890.
c. 53.	Public Health Acts Amendment Act, 1907.
c. 71.	Public Health Act, 1925.
c. 44.	Land Drainage Act, 1930.
c. 49.	Public Health Act, 1936.
c. 56.	Housing Act, 1957.
c. 48.	Land Drainage Act, 1961.
c. 64.	Public Health Act, 1961.

## SCHEDULE 2

Section 55. GENERAL ENACTMENTS APPLIED

## PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT,  
OTHER THAN SECTIONS 8, 9, 10, 11, 12, 13 AND 15

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.
341	Power to apply provisions of Act to Crown property.

## PART II

SECTIONS OF ACT OF 1936 APPLIED TO PARTS IV AND V  
OF THIS ACT

Section	Marginal note
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.
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.

PART III

SCH. 2  
—cont.

SECTION OF ACT OF 1936 APPLIED TO SECTION 27 OF THIS ACT

Section	Marginal note
276	Power of local authority to sell certain materials.

PART IV

SECTION OF ACT OF 1936 APPLIED TO SECTION 22 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

PART V

SECTIONS OF ACT OF 1959 APPLIED TO SECTIONS 8, 9, 10, 11, 12 AND 15 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.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR  
SIR PERCY FAULKNER, K.B.E., C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 6d. net

PRINTED IN ENGLAND



# Poole Corporation Act 1965

## CHAPTER xxx

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

#### PART II

##### POOLE BRIDGE

4. Amendment of provision as to opening of bridge for vessels.

#### PART III

##### LANDS

5. As to transfer of turbary rights.
6. Compulsory acquisition of easements.
7. Recovery of deposits under Lands Clauses Acts.

#### PART IV

##### STREETS

8. Application of code of 1892 to parts of public streets.
9. Recovery of street works charges where owner unknown.

## Section

10. Licence to erect scaffolding.
11. Conditional consent under section 146 of the Act of 1959.
12. Prevention or restriction of vehicular access to and from certain roads.
13. Temporary restriction or prohibition of traffic during execution of works.
14. Prohibition of vehicles on grass verges.
15. Carriage-crossings over verges, etc.

## PART V

## PUBLIC HEALTH

16. Prohibition of dark smoke.
17. Control of refuse tips.
18. Provision of bulk refuse containers by Corporation.
19. Maintenance of and access to bulk refuse containers.
20. Securing of unoccupied houses under Housing Act, 1957.
21. Sale of shellfish.

## PART VI

## PUBLIC ORDER AND PUBLIC SAFETY

22. Parts of buildings used for storage of inflammable substances.
23. Oil-fired boilers.
24. Further precautions against fire in certain high or large buildings.
25. Saving for Fire Services Acts and Factories Act.
26. Provisions as to motor vehicles let for hire.
27. Removal, etc., of dangerous trees.

## PART VII

## WINDOW CLEANERS

28. Window cleaners to be licensed.
29. Applications for and provisions as to window cleaning licences.
30. Grant of window cleaning licences.
31. Penalties under this Part of Act.

## PART VIII

## CULTURAL ACTIVITIES

32. Disposal of unsuitable specimens and works of art.
33. Acquisition of works of art produced to order.



PART IX

Section

FINANCE

- 34. Power to borrow.
- 35. Receipt in case of minors.
- 36. Recovery of sums paid to officers, etc.
- 37. Extension of section 25 of Local Government Superannuation Act, 1953.
- 38. Scheme for equated periods.
- 39. Transfer of certain sums from superannuation fund.
- 40. Apportionment of expenses in case of joint owners.

PART X

MISCELLANEOUS

- 41. Removal of vehicles.
- 42. Grant of exclusive rights of burial under hand.
- 43. Delegation of powers to sub-committees.
- 44. As to minutes of council meetings, etc.
- 45. Power to require information as to ownership of premises.
- 46. Protection of foreshore and adjoining land from pollution.
- 47. Power to advertise advantages of borough.
- 48. Notice of variation of rent, etc.

PART XI

GENERAL

- 49. For protection of certain statutory undertakers.
- 50. Local inquiries.
- 51. The appointed day.
- 52. Restriction on right to prosecute.
- 53. Appeals.
- 54. Protection of members and officers of Corporation from personal liability.
- 55. Application of general enactments.
- 56. Powers of Board of Trade.
- 57. Costs of Act.

SCHEDULES:

Schedule 1—Enactments mentioned in section 45 (1) (c).

Schedule 2—General enactments applied—

Part I—Sections of Act of 1936 applied to this Act, other than sections 8, 9, 10, 11, 12, 13 and 15.

Part II—Sections of Act of 1936 applied to Parts IV and V of this Act.

Part III—Section of Act of 1936 applied to section 27 of this Act.

Part IV—Section of Act of 1936 applied to section 22 of this Act.

Part V—Sections of Act of 1959 applied to sections 8, 9, 10, 11, 12 and 15 of this Act.