

ELIZABETH II



1965 CHAPTER xlii

An Act to confer further powers on the lord mayor, aldermen and citizens of the city of Manchester in relation to industry, lands, markets, water, public health, local government, finance and pensions; and for other purposes. [5th August 1965]

WHEREAS—

(1) The city of Manchester (in this Act called “the city”) is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (in this Act called “the Corporation”):

(2) It is expedient that further and better provision should be made with reference to industry, lands, public health, local government, improvement and finances of the city and with respect to the markets, water and airport undertakings of the Corporation and with respect to pensions:

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

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

(5) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

| | |
|---|------------|
| The general purposes of the water undertaking of the Corporation including the provision of mains, pipes, filtration plant, pumps and other works and the acquisition of easements | £1,000,000 |
|---|------------|

(6) The works included in such estimates are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

c. 51.

(7) 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 and collective titles.

1.—(1) This Act may be cited as the Manchester Corporation Act 1965.

(2) The Manchester Corporation Acts, 1844 to 1962, and this Act may be cited together as the Manchester Corporation Acts, 1844 to 1965.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Markets.

Part IV.—Public health.

Part V.—Public order.

Part VI.—Newton Heath Cemetery.

Part VII.—Finance.

Part VIII.—Pensions.

Part IX.—Miscellaneous.

Part X.—General.

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.

PART I
—cont.

Interpretation.
c. 49.

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

“ the Act of 1920 ” means the Manchester Corporation Act, 1920; c. xcvi.

“ the Act of 1933 ” means the Local Government Act, 1933; c. 51.

“ the Act of 1936 ” means the Public Health Act, 1936;

“ the Act of 1959 ” means the Highways Act, 1959; c. 25.

“ the Act of 1960 ” means the Road Traffic Act, 1960; c. 16.

“ airport undertaking of the Corporation ” includes—

(i) the Manchester Airport being the airport established and maintained by the Corporation on the area of land described in section 15 (Definitions for Part IV) of the Manchester Corporation Act, 1954; and c. xlvi.

(ii) any other aerodromes established and maintained or which may be established and maintained by the Corporation under the provisions of the Civil Aviation Act, 1949, or any other enactment; c. 67.

and also includes, in either case, all roads, works, apparatus, plant, equipment and buildings and other accommodation and any services, facilities and ancillary businesses undertaken or provided in connection therewith;

“ the appointed day ” has the meaning assigned to it by section 52 (The appointed day) of this Act;

“ the city ” means the city of Manchester;

“ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;

“ the Corporation ” means the lord mayor, aldermen and citizens of the city acting by the council;

“ the council ” means the council of the city;

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

“ 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 city;

PART I
—cont.

- “ express carriage”, “ stage carriage ” and “ trolley vehicle ”
have the same respective meanings as in the Act of
1960;
- “ financial year ” means a period of twelve months ending
on the 31st day of March;
- “ the general rate ” and “ the general rate fund ” mean
respectively the general rate and the general rate fund
of the city;
- c. 18. “ industrial building ” has the same meaning as in the Local
Employment Act, 1960;
- “ land ” includes water and any interests in land or water
and any easement or right in, to or over land or water;
- c. 42. “ the Lands Clauses Acts ” means the Lands Clauses Acts
as modified by the Lands Tribunal Act, 1949, and by
c. 33. the Land Compensation Act, 1961;
- “ magistrates’ court ” has the same meaning as in sub-
section (1) of section 124 of the Magistrates’ Courts
c. 55. Act, 1952;
- “ the Minister ” means the Minister of Housing and Local
Government;
- “ public service vehicle ” means an express carriage, a stage
carriage or a trolley vehicle ;
- c. 76. “ telegraphic line ” has the same meaning as in the Telegraph
Act, 1878;
- “ the town clerk ” means the town clerk of the city;
- “ the tribunal ” means the Lands Tribunal.

(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.

Incorporation
of Lands
Clauses Acts.

c. 18.

c. 106.

4. The Lands Clauses Acts (so far as the same are applicable
for the purposes of and are not inconsistent with the provisions
of this Act) except sections 127 to 133, 150 and 151 of the
Lands Clauses Consolidation Act, 1845, and section 5 of the
Lands Clauses Consolidation Acts Amendment Act, 1860, are
hereby incorporated with this Act:

Provided that—

- (a) the bond required by section 85 of the Lands Clauses
Consolidation Act, 1845, shall be sufficient without
the addition of the sureties mentioned in that section;
and
- (b) the expression “ the promoters of the undertaking ”
shall be construed to mean the Corporation.

PART II

LANDS

5.—(1) The Corporation may purchase by agreement and (in any case where the Corporation are unable to acquire land by agreement on terms which in their opinion are reasonable) may be authorised by means of an order made by the Corporation and submitted to the Minister and confirmed by him to purchase compulsorily land in the city for the purpose of—

Acquisition
of land for
development.

(a) development by the erection of any building or the construction or carrying out of works on land for the benefit or improvement of the city; or

(b) facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking (including the requirements arising from the needs of persons employed or to be employed therein).

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act. c. 49.

(3) In this section the expression “undertaking” includes any trade or business, or any other activity providing employment.

(4) (a) Subject to the provisions of paragraph (b) of this subsection the powers conferred by this section shall continue in force until the 31st day of December, 1970.

(b) (i) The Minister may on the application of the Corporation by order extend the period referred to in paragraph (a) of this subsection until the 31st day of December, 1980.

(ii) An order under this subsection shall be made by statutory instrument and contain such supplemental or incidental provisions as appear to the Minister to be expedient.

(iii) No order under this subsection shall have effect until approved by resolution of each House of Parliament.

(c) Nothing in this subsection shall prejudice or affect any rights, obligations or liabilities in respect of any contract made under this section.

6. Notwithstanding the provisions of subsection (3) of section 6 of the Local Authorities (Land) Act, 1963 (which amends and improves provisions relating to the treatment of derelict land), the Corporation may be authorised, under section 103 of the National Parks Reclamation Act, 1963, to acquire land for the purpose of reclamation. c. 29.

PART II
—cont.

c. 97.

and Access to the Countryside Act, 1949 (which contains general provisions as to the acquisition of land), to acquire land in the city, under the power conferred by subsection (5) of section 89 of that Act (which relates to the treatment of derelict land), for the purpose of their functions under subsection (2) of the said section 89, as set out in the said section 6, which is not itself derelict, neglected or unsightly but which is required for the purpose of bringing into use or improving the appearance of land in the city which is derelict or which, by reason of neglect following the abandonment of the previous use of the land, is unsightly and which, unless such functions are exercised, is likely to continue in that condition.

Amendment
of section 19
of Manchester
Corporation
Act, 1950.

c. lvii.

7. Section 19 (Loans for erection &c. of buildings) of the Manchester Corporation Act, 1950, shall have effect as if the following subsection were substituted for subsection (1) thereof:—

“(1) The Corporation may advance money to—

(a) any person for the purpose of enabling or assisting him to purchase or lease any land in the city; or

(b) the owner, purchaser or lessee of—

(i) any land in the city; or

(ii) any land (whether within or outside the city) acquired from or leased by the Corporation;

for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed nine-tenths of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.”

Power to
Corporation
to assist
industry.

8. The Corporation may, if requested so to do by any person—

(1) who is the owner or intended owner or lessee of any land in the city; or

(2) who has purchased or intends to purchase or take on lease from the Corporation any land (whether within or outside the city);

being in either case land upon which an industrial building is built or is intended to be built, extended or improved, carry out any work required in relation to the preparation or improvement of the site for that building or for the provision or improvement of services or facilities on which any trade or business carried on or intended to be carried on in such building depends, and may with the approval of the Minister make grants or loans towards the cost of such works or of the provision or improvement of such services or facilities or both:

Provided that nothing in this section shall authorise the Corporation to carry out works for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

PART II
—cont.

9.—(1) The Corporation and any person having an estate or interest in any land within the city may with the approval of the Minister enter into an agreement which may provide for all or any of the following:—

- (a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;
- (c) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;
- (f) any other related or consequential matters.

(2) (a) An agreement entered into under the preceding subsection may contain positive and negative covenants and whether they be positive or negative and notwithstanding that they may not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee they shall, if registered in the Local Land Charges Register, be enforceable by the Corporation against the covenantor and all persons deriving title by, through or under the covenantor.

(b) In the event of the person who has entered into an agreement under the preceding subsection or any person deriving title by, through or under him failing to perform any of the

PART II
—cont.

positive covenants contained in the agreement the Corporation may after giving not less than twenty-one days' notice of their intention so to do enter on the land and do the work in default and the expenses incurred by the Corporation shall be recoverable by them from the person in default.

(c) Except as may be expressly provided in the agreement an agreement entered into under the preceding subsection shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

(3) The Corporation may with the approval of the Minister take or acquire shares or other securities in any company incorporated in the United Kingdom with which an agreement is entered into under this section.

(4) Section 291 of the Act of 1936 shall have effect as if references therein to that Act included a reference to this section.

PART III

MARKETS

Definitions for
this Part of
Act.

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

the expression “the markets undertaking of the Corporation” has the meaning assigned to that expression by section 16 (Definition of markets undertaking) of the Manchester Corporation Act, 1950; and

c. lvii.

the expression “the markets” means any market, market hall, market place or fair for the time being forming part of the markets undertaking of the Corporation.

Power to
provide and
improve
markets.

11. The Corporation may within the city for the purposes of the markets undertaking of the Corporation—

- (a) maintain the markets;
- (b) establish, provide and maintain new markets;
- (c) alter, enlarge, improve, extend or reconstruct the markets;
- (d) provide and maintain market stalls, stands, warehouses, offices, shops, stores, refrigerators, cold air stores, refreshment rooms, works, buildings, conveniences, railway sidings and approaches; and
- (e) do all such other acts as may be necessary or proper for the purposes of or in connection with the markets.

Extension of
section XXX of
Manchester
Market Act,
1846.
c. ccxix.

12. Section XXX (When new markets provided council may discontinue old ones and appropriate same to other purposes) of the Manchester Market Act, 1846, shall extend and apply to the markets as defined in section 10 (Definitions for this Part of Act) of this Act and for this purpose the said section XXX shall

have effect subject to the modification that for the expression "the present market places" there shall be substituted "any of the markets".

PART III
—cont.

13.—(1) Notwithstanding anything contained in any previous Tolls and enactment but subject to the provisions of subsections (2) and (3) charges at of this section the Corporation may demand and recover in markets and abattoirs. respect of—

- (a) the use or occupation of any part of the markets or any land, building, stand, stall, shed, pen or place therein;
- (b) the bringing of any cattle, livestock, provisions, produce, commodities, articles or things into the markets;
- (c) the erection of any booth in the markets or the bringing of any caravan or vehicle therein;
- (d) the measuring or weighing of any articles in the markets;
- (e) the use of any abattoir, wholesale meat market, cold air stores or cattle market provided or maintained by the Corporation for the purposes of the markets undertaking of the Corporation; and
- (f) any accommodation, services or facilities provided by the Corporation in or in connection with the markets undertaking of the Corporation;

such tolls, rents, stallages and charges, as the case may be, as they may from time to time think fit.

(2) Subject as is hereinafter provided in this subsection and save as to any charge in respect of the use of any public slaughter-house or of any service provided there—

- (a) notice of all tolls, rents, stallages and charges fixed by the Corporation for the purposes of subsection (1) of this section shall be published by them in at least one newspaper circulating in the city and a copy of every notice so published shall be sent by the Corporation to the Minister;
- (b) if it appears to the Minister that any such tolls, rents, stallages and charges are unreasonable, he may, after consultation with the Corporation, direct them—
 - (i) to make such alterations in the said tolls, rents, stallages and charges as he considers appropriate; and
 - (ii) except with his approval, not to depart from the said tolls, rents, stallages and charges as altered for such period as he may specify;

and the Corporation shall comply with the direction:

PART III
—cont:

Provided that nothing in the foregoing provisions of this subsection shall apply to—

- c. xlviii.
- (A) any rents which the Corporation may demand under paragraph (b) of subsection (5) of section 33 (Provision of abattoir etc.) of the Manchester Corporation Act, 1954; or
 - (B) any other rents if and to the extent that the determination of such rents was left to the sole discretion of the Corporation or to agreement between the Corporation and their tenants immediately before the passing of this Act.

- c. 16.
- (3) In respect of the use of any public slaughterhouse or of any services provided there subsections (2) and (3) of section 73 of the Food and Drugs Act, 1955 (which relate to the publication of scales of charges in respect of public slaughterhouses and the directions of the Minister of Agriculture, Fisheries and Food in respect of such charges) shall apply to charges made by the Corporation under subsection (1) of this section as if those charges were scales of charges determined by the Corporation under subsection (1) of the said section 73.

(4) The Corporation may, on such terms and conditions and for such periods as they think fit, let to any person—

- (a) any market stall or stand in any of the markets;
- (b) any portion of the abattoir, wholesale meat market, cold air stores or cattle market vested in them.

(5) The enactments mentioned in Schedule 1 to this Act are hereby repealed.

PART IV

PUBLIC HEALTH

Extension of section 41 of Manchester Corporation Act, 1946.
c. xxxviii.

14.—(1) As from the appointed day, section 41 (Registration of hawkers of food and premises) of the Manchester Corporation Act, 1946, shall be amended as follows:—

- (a) In subsection (1), the following words shall be inserted at the end of paragraph (b):—

“ and—

- (c) any cart, barrow or other vehicle from which food is or is proposed to be sold or offered or exposed for sale; and
- (d) any premises at which any such cart, barrow or other vehicle is kept or proposed to be kept when not being used for the sale or the offer or exposure for sale of food ”;

and the following words shall be inserted at the end of the subsection:—

“ and in the case of any such cart, barrow or other vehicle by the owner thereof.”:

(b) In subsection (2), the following words shall be inserted at the end of the subsection:—

“ (c) No food shall be sold or offered or exposed for sale from a cart, barrow or other vehicle unless the cart, barrow or other vehicle is so registered as aforesaid.

(d) A cart, barrow or other vehicle from which food is or is proposed to be sold or offered or exposed for sale shall not be kept at premises unless those premises are so registered as aforesaid ”:

(c) The following subsection shall be substituted for subsection (4):—

“ (4) (a) The Corporation may refuse to register any such person or premises or cart, barrow or other vehicle as is or are referred to in subsection (1) of this section or (after giving one month’s notice to the person registered or in whose name any such premises or cart, barrow or other vehicle are or is registered) may revoke the registration of any such person or premises or cart, barrow or other vehicle if they are satisfied—

- (i) (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality, storage or distribution of the food; and
- (ii) (as regards any such premises) that they are not suitable to be used for storage accommodation for any food intended for sale; and
- (iii) (as regards any such cart, barrow or other vehicle) that it is not, having regard to its structural condition, suitable to be used for the distribution or sale of food:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises or cart, barrow or other vehicle are or is registered a notice to appear before a committee of the council not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises

PART IV
—cont.

or cart, barrow or other vehicle. Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises or cart, barrow or other vehicle, they shall if required by the person applying for such registration or the person registered or in whose name the premises or cart, barrow or other vehicle are or is registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction under section 64 (Appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.”:

(d) In subsection (5), after the words “at all reasonable times” there shall be inserted “(a)” and the following words shall be inserted at the end of the subsection:—

“or at which he shall have reason to believe that any such cart, barrow or other vehicle is being kept; and

(b) to inspect any cart, barrow or other vehicle in respect of which an application for registration under the provisions of this section has been received and also any cart, barrow or other vehicle which he has reason to believe is being used for the sale of food”:

(e) In subsection (6), after the word “premises” there shall be inserted the words “and carts, barrows or other vehicles”:

(f) After subsection (6) the following subsection shall be inserted:—

“(6a) Every cart, barrow or other vehicle registered under this section shall at all times whilst the cart, barrow or other vehicle is so registered have the owner’s name and the place at which the cart, barrow or other vehicle is kept and the registered number assigned by the Corporation to the cart, barrow or other vehicle for the purposes of this section clearly marked and visible thereon in letters or figures not less than one-inch in height.”

(2) Nothing in this section shall apply to—

PART IV
—cont.

- (a) a cart, barrow or other vehicle from which ice-cream or other similar commodity (including any commodity ordinarily sold with ice-cream or such similar commodities), but from which no other food, is or is proposed to be sold or offered or exposed for sale ; or
- (b) any premises at which such cart, barrow or other vehicle is kept or proposed to be kept when not in use.

15. Section 33 of the Public Health Act, 1961 (which relates to the provision of bathrooms), shall have effect in its application to the city as if— As to bathrooms.
c. 64.

- (a) after the words “ will be provided with a ” there were inserted the words “ suitably placed ”; and
- (b) the following subsection were inserted after subsection (1):—

“ (1A) In this section a suitably placed bathroom means—

- (a) in the case of a house, a bathroom in the house; and
- (b) in the case of a separate dwelling, either a bathroom in the separate dwelling or a bathroom provided for the exclusive use of and being conveniently accessible to the persons living in the separate dwelling.”

PART V

PUBLIC ORDER

16. If in the city any person exhibits or permits to be exhibited on any motor vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle as defined in the Act of 1960) any sign (not being a sign required to be exhibited by virtue of section 14 of the Vehicles (Excise) Act, 1962), or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire he shall be liable to a fine not exceeding five pounds. Misleading signs on motor vehicles.
c. 13.

17. Where the Corporation propose to construct or improve a road in the city, they may by means of a scheme made by them and confirmed by the Minister of Transport prescribe the classes of traffic that may use the road or different parts of the road; and— Schemes for prescribing classes of traffic that may use certain roads.

- (1) subsections (5) and (6) of section 11, section 12, Part II of Schedule 1 and Schedule 2 of the Act of 1959; and

PART V
—cont.

(2) the provisions of the Act of 1960 relating to special roads ; shall apply to a scheme under this section and to the road as they apply to a scheme for the provision of a special road under section 11 of the Act of 1959 and to a special road subject to the modification that references therein to the Act of 1959 shall include references to this section.

Entertainment
clubs.

18.—(1) In this section “entertainment club” means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of entertainment, dancing or the playing of games in any premises.

(2) Subject to the provisions of subsection (15) of this section, on and after the appointed day—

(a) any premises in the city used, whether occasionally or not, by an entertainment club shall be registered with the Corporation in accordance with the provisions of this section;

(b) if the owner or occupier of any premises in the city uses the premises for the purposes of an entertainment club or permits the premises to be used for those purposes he shall unless the premises have been registered with the Corporation and the registration remains in force be liable to a fine not exceeding fifty pounds.

(3) The Corporation may refuse to register or renew the registration of any premises for use by an entertainment club if in the opinion of the Corporation—

(a) the premises are not safe for the purpose having regard to their character and condition and the size and nature of the club; or

(b) the premises are not provided with satisfactory means of lighting, sanitation and ventilation; or

(c) the premises are not provided with adequate precautions against fire and satisfactory means of escape in case of fire and equipped with suitable fire-fighting appliances.

(4) Registration under this section shall, unless revoked, remain in force for such period not exceeding thirteen months as may be fixed by the Corporation.

(5) An application for registration or renewal of registration under this section shall be made in writing to the Corporation by the owner or occupier of the premises to which the application relates and every such application shall state—

(a) the address or situation of the premises to which the application relates; and

(b) such other information regarding the premises to be registered and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

(6) Any person making application for registration or renewal of registration under this section shall when making application pay to the Corporation in respect thereof such fee not exceeding one pound as the Corporation may prescribe.

(7) The Corporation may at any time revoke the registration of any premises if they are of the opinion that the requirements of subsection (3) of this section are no longer satisfied.

(8) (a) The Corporation may on registering or renewing the registration of any premises for use as an entertainment club impose conditions as to—

- (i) the maintenance of public order and safety;
- (ii) the maintenance in proper order of the precautions against fire, means of escape in case of fire, fire-fighting appliances and means of lighting the premises;
- (iii) the maintenance in safe condition of means of heating the premises; and
- (iv) the hours of opening and closing the premises for the entertainment club so as to ensure that nuisance is not likely to be caused to residents in the neighbourhood.

(b) Any person who contravenes a condition imposed under this subsection shall be liable to a fine not exceeding ten pounds.

(9) Before refusing to register or renew the registration of any premises or revoking the registration of any premises the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered an opportunity of appearing before and of being heard by a committee of the council, and if so required by him, the Corporation shall within seven days of their decision give to him a statement of the grounds on which it was based.

(10) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises or by the revocation of any such registration or by any condition imposed on registration under this section may within twenty-one days from the date of the notice of such refusal, revocation or condition appeal to a magistrates' court.

PART V
—cont.1933 c. 25.
1964 c. 64.
1965 c. 15.

(11) If any premises are used by an entertainment club which is being conducted in a disorderly manner, or while being used by an entertainment club have been habitually used for an unlawful purpose or for indecent displays or as a resort of criminals or prostitutes, or if during the last preceding twelve months there have been at the premises while so being used illegal sales of intoxicating liquor, or if during that period any drug to which the Pharmacy and Poisons Act, 1933, or the Drugs (Prevention of Misuse) Act 1964 or the Dangerous Drugs Act 1965 applies has been unlawfully supplied by a person to any other person resorting to the premises while so being used—

- (a) any person concerned in the organisation or management of the entertainment club; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises were used in such manner or for any such purpose as aforesaid—
 - (i) allowed the premises to be so used; or
 - (ii) let the premises or otherwise made the premises available to any person by whom an offence in connection with such use has been committed;

shall be liable to a fine not exceeding fifty pounds.

(12) Any duly authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority, and any police officer shall have a right to enter, at all reasonable times, any premises used by an entertainment club for the purpose of ascertaining—

- (a) whether there is, or has been, in or in connection with the premises, any contravention of the provisions of this section or of any condition imposed under the powers of this section;
- (b) whether or not circumstances exist which would authorise the Corporation to take any action under this section.

(13) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into any premises for the purposes of subsection (12) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

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

(15) (a) Nothing in this section shall apply to—

PART V
—cont.

- (i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described; or
- (ii) a private house or private flat; or
- (iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act 1964; or c. 26.
- (iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or any branch of such organisation.

(b) Nothing in this section shall apply to—

- (i) a club registered or licensed under the Licensing Act 1964;
- (ii) a club, organisation or body registered as a charity under section 4 of the Charities Act, 1960; c. 58.
- (iii) a club provided or maintained by the Corporation;
- (iv) a club, organisation or body for the benefit of which the Corporation have exercised any of the powers conferred upon them by section 4 of the Physical Training and Recreation Act, 1937; c. 46.
- (v) a club, organisation or body in respect of the use of any premises exclusively and bona fide for the purpose of—
 - (A) games played on a playing field held with those premises;
 - (B) a gymnasium or swimming bath;
 - (C) playing badminton, fives, racquets, squash, billiards, chess, dominoes, bridge, whist or any game similar to any of those games.

(c) Nothing in this section shall apply to any premises in respect of which a licence is for the time being in force for—

- (i) the public performance of stage plays; or
- (ii) public music or dancing or other entertainment of the like kind; or
- (iii) a cinematograph exhibition;

provided that the terms, conditions, restrictions and rules attaching to the licence or subject to which the licence has been granted are complied with during the time the premises are used for the purposes of an entertainment club, so far as they relate to precautions against fire, the means of escape in case of fire and the provision of suitable fire-fighting appliances.

PART VI

NEWTON HEATH CEMETERY

Definitions
for this Part
of Act.

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

“ the benefice ” means the benefice of All Saints, Newton Heath;

“ the bishop ” means the bishop of Manchester and during a vacancy in the see of Manchester includes the guardian of the spiritualities thereof;

“ the cemetery ” means the land in the city in or adjacent to Orford Road, Newton Heath, being a burial ground belonging to the parish church of All Saints, Newton Heath, and commonly called Newton Heath Cemetery;

“ the Commission ” means the Commonwealth War Graves Commission;

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

“ grave ” includes a grave space, vault, niche or urn;

“ the incumbent ” means the rector of the benefice or, during any period in which the benefice is vacant, the bishop;

“ memorial ” includes a monument, gravestone, tablet, tombstone, headstone, kerbstone, railings, vase and any other ornament placed or erected on any grave;

“ the parish church ” means All Saints Church, Newton Heath;

“ the parochial church council ” means the parochial church council of the parish of All Saints, Newton Heath.

Power to sell
cemetery.

20.—(1) The incumbent may convey the cemetery to the Corporation.

(2) All sums payable by the Corporation in consideration of the conveyance of the cemetery shall be paid to the incumbent (whose receipt shall be a good and sufficient discharge), and after deducting the amount of any costs, charges or other expenses incurred by him in connection with the conveyance the incumbent shall pay the net proceeds to the parochial church council.

(3) All moneys received by the parochial church council under this section shall be applied by them for such of the following

purposes as the incumbent with the approval of the parochial church council may from time to time determine, namely:—

PART VI
—cont.

- (a) the preservation and maintenance of the fabric of the parish church;
- (b) the improvement of the benefice income of the benefice;
- (c) the purchase, development and maintenance of lands and buildings held or used or to be held or used for such parochial purposes in connection with the parish of All Saints, Newton Heath as are charitable; and
- (d) any other charitable ecclesiastical purposes connected with the said parish.

21. As from the date of the conveyance of the cemetery to the Corporation the cemetery shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing thereof attached to the cemetery under ecclesiastical law and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the cemetery and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act by reason of the cemetery or any part thereof being a disused burial ground or otherwise:

Discharge of trusts and restrictions.

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the cemetery or any part thereof which attached thereto immediately before the passing of this Act.

22. Notwithstanding anything contained in the Disused Burial Grounds Act, 1884, or any other enactment, as from the date of the conveyance of the cemetery to them the Corporation may drain, level, lay out and maintain the cemetery for use as an open space (including the playing of games) or as a school playing field, and for such purposes they may erect and maintain therein such buildings, structures or erections as they think fit.

Use of cemetery.
c. 72.

23.—(1) Subject to the provisions of this section, the Corporation may at their discretion at any time after the conveyance of the cemetery to them—

Power to lower, cover up and remove memorials.

- (a) level or raise the surface of the cemetery notwithstanding that there may be graves thereunder or memorials thereon, and may lower any such memorials to the level of the ground or cover the same with soil;
- (b) remove and, if they think fit, use, sell or otherwise dispose of any memorial in the cemetery;

PART VI
—cont.

and the Corporation shall cause to be made a record of such memorials showing the particulars respecting each memorial as a separate entry and shall deposit a copy of such record with the Registrar General.

(2) (a) Before lowering or covering up or removing any memorial relating to the remains of any deceased person under subsection (1) of this section the Corporation shall—

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

(b) Each of the notices shall—

- (i) contain brief particulars of the works intended to be executed; and
- (ii) specify a date as being that on which it is intended that the Corporation will begin to execute those works, which shall be a date not less than two months after the date of the earlier of the two publications or after the date on which the notice in the cemetery is first displayed.

(3) (a) At any time before the date specified in a notice under subsection (2) of this section in relation to any memorial relating to the remains of any deceased person any person who is a personal representative or relative of the deceased person may give notice to the Corporation of his intention to undertake the removal of that memorial and thereupon, subject to the provisions of paragraphs (b) and (c) of this subsection, he shall be at liberty to remove that memorial from the cemetery.

(b) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Manchester who shall have power to make an order specifying who shall remove the memorial.

(c) If such person shall not have removed such memorial from the cemetery within one month after the service by him of a notice under paragraph (a) of this subsection or (if application shall have been made to the registrar under paragraph (b) of this subsection) within one month after the making of an order under that paragraph, the Corporation may exercise the powers under subsection (1) of this section with regard to that memorial.

24. Nothing in this Part of this Act shall affect the provisions of section 25 of the Burial Act, 1857 (which prohibits the removal of bodies from burial grounds, save under faculty, without licence of the Secretary of State).

PART VI
—cont.
Saving for
Burial Act,
1857.
c. 81.

25.—(1) The Corporation shall not cause or permit any interference with or disturbance of the remains of any deceased person interred in the cemetery save in so far as they may be authorised so to do by a faculty of the consistory court of the diocese of Manchester or a licence of the Secretary of State for the Home Department:

Saving for
existing
burials in
cemetery.

Provided that before making application for any faculty or licence in respect of any Commonwealth war burial the Corporation shall give notice in writing to the Commission of any such application.

(2) Upon the removal in pursuance of any of the powers of this Part of this Act of any memorial from any grave in the cemetery no other memorial shall be placed or erected over such grave.

26.—(1) As soon as practicable after the date of the conveyance of the cemetery to them the Corporation shall, to the reasonable satisfaction of the Commission, remove and dispose of any memorial placed or erected by the Commission over any graves in the cemetery in which there are Commonwealth war burials.

For pro-
tection of
Common-
wealth War
Graves
Commission.

(2) If in pursuance of any of the powers of this Part of this Act any building, structure or erection would be placed or erected over any Commonwealth war burial in the cemetery, then the Corporation shall give prior written notification thereof to the Commission and except as may be otherwise agreed by the Commission in writing such building, structure or erection shall not be so placed or erected unless such Commonwealth war burial has been removed under the authority of a licence granted by the Secretary of State after prior notification to the Commission of the application for the licence.

PART VII

FINANCE

27.—(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, for any of the purposes specified in the first column of the

PART VII
—cont.

following table, the sum specified in relation thereto in the second column of that table:—

| (1) | (2) | (3) |
|--|-------------------|--------------------------------------|
| Purpose for which money may be borrowed | Amount | Maximum period for repayment of loan |
| (i) The general purposes of the water undertaking of the Corporation including the provision of mains, pipes, filtration plant, pumps and other works and the acquisition of easements | £1,000,000 | Forty years. |
| (ii) The payment of the costs, charges and expenses of this Act | The sum requisite | Five years. |

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the foregoing table.

(4) 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.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, 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.

Further amendment of section 44 of Manchester Corporation Act, 1901.

1901 c. cxcii.
1903 c. cxiii.
1908 c. lxxxviii.
1924 c. xcv.
1934 c. xcvi.

28. Section 44 (Provisions as to raising money by bills) of the Manchester Corporation Act, 1901 (as amended by section 86 of the Manchester Corporation Act, 1903, section 50 of the Manchester Corporation Act, 1908, section 89 of the Act of 1920, section 104 of the Manchester Corporation Act, 1924, and section 83 of the Manchester Corporation Act, 1934), is hereby further amended as follows:—

(1) in paragraph (4) of the said section 44 the words “ resolution passed by the Council ” shall be substituted for the words “ warrant sealed by the Corporation ”;

- (2) in paragraph (6) of the said section 44 the words “ shall bear the signature of the Treasurer of the City or of some other person authorised by the Council ” shall be substituted for the words “ shall be under the seal of the Corporation ”;
- (3) in paragraph (13) of the said section 44 the sum of three million pounds shall be substituted for the sum of one million pounds;
- (4) the purposes for which money raised by the issue of bills may be employed by the Corporation shall be extended so as to include in addition to the purposes mentioned in paragraph (15) of the said section 44 any purpose for which the revenues of the Corporation may properly be applied;
- (5) in paragraph (17) of the said section 44 the words after the expression “ the Corporation ” where it first occurs shall be repealed;
- (6) there shall be inserted after paragraph (17) of the said section 44 the following paragraph:—

“ (17A) In this section the expression ‘ revenues ’ in relation to the Corporation has the same meaning as in section 218 of the Local Government Act, 1933, and c. 51. the expression ‘ undertakings ’ means such undertakings as are from time to time managed or maintained by the Corporation.”

29. Section 34 (Power to issue bonds) of the Manchester Corporation Act, 1962, and Schedule 1 to that Act shall have effect as if in paragraph 16 of the said schedule the words “ so however that any part transferred shall not be for an amount other than five pounds or a multiple of five pounds ” were omitted.

30. For the purpose of Part X (Finance) of the Manchester Corporation Act, 1934, the expression “ the Corporation undertakings ” includes the airport undertaking of the Corporation.

31. The following provisions shall be substituted for the provisions of section 37 (Power to guarantee interest on ship canal company’s loans) of the Manchester Corporation Act, 1950:—

“ (1) The Corporation may, in such manner and subject to such conditions as they think fit, guarantee the repayment of capital of or the payment of interest on, or both the repayment of capital of and the payment of interest on, mortgages, debentures, debenture stock, bonds or other securities granted, created or issued by the Manchester Ship Canal Company

Amendment of provisions as to bonds. c. xxx.

Extension of definition of Corporation’s undertakings. c. xcvi.

Re-enactment of section 37 of Manchester Corporation Act, 1950. c. lvii.

PART VII
—cont.

(in this section referred to as ‘the company’) for securing the repayment of any sum or sums not exceeding in the aggregate five million pounds which the company are or may be authorised to borrow for the purposes of their undertaking.

(2) The Corporation may, on such terms and conditions as they think fit, lend to the company for the purpose of their undertaking such sum or sums of money as may be agreed between the Corporation and the company:

Provided that the total amount lent by the Corporation under this subsection shall not, when added to the amount borrowed by the company in respect of which a guarantee has been given by the Corporation under the preceding subsection, at any time exceed the sum of five million pounds.

(3) Any sum required by the Corporation for fulfilling any guarantee given under subsection (1) of this section, and any sum lent by the Corporation to the company under subsection (2) of this section, may be borrowed by the Corporation without the consent of any sanctioning authority and all moneys so borrowed shall be repaid within such period as the Corporation may determine not exceeding sixty years from the date or dates of borrowing.

(4) Any sum borrowed by the Corporation under this section shall be deemed to be borrowed for the purposes specified in subsection (1) of section 8 of the Local Government (Financial Provisions) Act, 1963.

(5) The Corporation and the company may enter into and carry into effect agreements for and with respect to the purposes of this section.”

PART VIII

PENSIONS

32.—(1) The enactments contained in the Manchester Corporation Acts, 1844 to 1962, relating to the granting of pensions and other allowances to officers or servants of the Corporation and to the pension fund established by the Corporation, and this Part of this Act shall be cited jointly as the Manchester Corporation (Pensions) Acts, 1920 to 1965.

(2) In this Part of this Act unless the context otherwise requires the words and expressions to which meanings are assigned by section 57 (Definitions) of the Act of 1920 have the same respective meanings.

33. Notwithstanding anything contained in section 68 (Deficiency contribution) of the Act of 1920 an actuary who makes an actuarial valuation of the pension fund under section 69

c. 46.

Collective
title and
definitions.Deficiency
contribution.

(Quinquennial investigation) of the Act of 1920 shall (in addition to the other matter which he is required to certify under the said section 69) certify on each occasion on which such valuation is made the annual amount of the deficiency contribution (if any) which having regard to the condition of the fund and to the then existing and prospective liabilities of the fund the Corporation should pay during the next succeeding period of five years and during that period the amount of deficiency contribution shall be the amount (if any) so certified.

PART VIII
—cont.

34.—(1) The Manchester Corporation (Pensions) Acts, 1920 to 1965, and any schemes made under those Acts or any other enactment relating to the granting of pensions to officers or servants of the Corporation and to the pension fund established by the Corporation, shall with any necessary adaptations apply to every part-time officer or servant of the Corporation who belongs to a class or description which the council may from time to time by resolution specify as a class or description the members of, or persons falling within, which are to be officers or servants within the meaning of section 57 (Definitions) of the Act of 1920 as amended by the Manchester Corporation Act, 1962, and this section. Part-time officers and servants.
c. xxx.

(2) The definition of “ officer or servant ” in the said section 57 of the Act of 1920 shall on and after the first occasion on which the council pass a resolution under the preceding subsection have effect as if the expression “ whole-time ” were omitted.

PART IX

MISCELLANEOUS

35.—(1) In the case of default in the payment of any fees or charges payable to the Corporation by the operator of an aircraft using an airport or aerodrome forming part of the airport undertaking of the Corporation, the Corporation or any person duly authorised by the Corporation in that behalf may take such steps as are necessary to detain, pending payment, the aircraft in respect of which the fees or charges were incurred or any other aircraft of which the person in default is the operator at the time when the detention begins. Lien over aircraft.

(2) If payment of any such fees and charges is not made to the Corporation within twenty-eight days after a notice demanding payment thereof has been sent by post addressed to the registered owner of the aircraft at any place at which he carries on business, the Corporation shall be at liberty from time to time and in such manner as they shall think fit to sell, remove or destroy or otherwise dispose of the aircraft and any of its parts and accessories in order to satisfy any such lien.

PART IX
—cont.

(3) When for the purposes of this section an aircraft is detained on such airport or aerodrome or an aircraft or any of its parts and accessories are sold, removed, destroyed or otherwise disposed of, the Corporation shall not be liable for loss of or any damage to the aircraft, its parts or accessories or any property contained in the aircraft howsoever such loss or damage may arise, occurring while for those purposes the aircraft is on such airport or aerodrome or is in the course of landing or taking-off at any such airport or aerodrome or of being removed or dealt with elsewhere.

(4) For the purposes of this section “operator” in relation to an aircraft means the person for the time being having the management of that aircraft.

False
statements
to obtain
rent rebates,
etc.

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

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

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

c. 6.

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

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

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

Institutes for
teachers, etc.

37.—(1) The Corporation shall have power to provide and maintain premises for use as centres or institutes for the benefit of teachers and other persons employed in educational work in or

in the neighbourhood of the city, and for that purpose may provide in or in connection with any such premises, accommodation and facilities for conferences, lectures, cinematograph and other exhibitions, concerts, libraries, the performance of stage plays, gymnasia, club rooms, the provision of meals and refreshments, and any other accommodation or facilities which they think appropriate for that purpose.

PART IX
—cont.

(2) For the purposes aforesaid the Corporation may—

- (a) acquire land and erect buildings thereon;
- (b) purchase or take on lease buildings and alter or adapt any such buildings;
- (c) adapt any premises or erect any buildings on any land belonging to them;
- (d) lay out any such land and fit up, equip and maintain any such premises or buildings;
- (e) make such charges as they think fit for membership of any such centre or institute and for the use of the building or premises;
- (f) on such terms and conditions as they think fit let any part of the premises to any person, club, society or organisation, or permit the same to be used by any such person, club, society or organisation;
- (g) make regulations for the management of such centre or institute; and
- (h) appoint and pay such officers and servants as they think fit and may remove such officers and servants.

(3) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music and dancing or other public entertainment of the like kind or a cinematograph exhibition or for the sale of intoxicating liquor or tobacco.

38.—(1) In this section the expression “street trader” has the meaning assigned to that expression by section 61 of the Manchester Corporation Act, 1950.

Further provisions as to registration of street traders.

(2) On and after the appointed day the registration of a street trader under section 61 of the said Act of 1950 shall, unless revoked in pursuance of subsection (4) of the said section 61, or unless the name of the person registered is removed from the register in pursuance of subsection (5) of the said section, be valid for a period of three years from the date of the registration:

c. lvii.

Provided that any registration of a street trader effected before the appointed day shall, unless revoked as aforesaid or unless the name of the person is removed from the register as aforesaid, be valid for a period of three years from the appointed day.

PART IX
—cont.

(3) On the expiration of the period during which the registration of a street trader is valid the certificate of registration issued to him by the Corporation shall, unless the registration is renewed, be void and cease to have effect.

(4) The provisions of the said section 61 with respect to the registration of street traders and the refusal of such registration shall with any necessary adaptations apply to the renewal of registration and the refusal to renew registration.

(5) (a) The Corporation may when registering a person as a street trader under the provisions of the said section 61 impose a condition requiring him if he changes his place of residence to notify the Corporation of the address of his new place of residence within three weeks from the date of the change.

(b) If any person fails to comply with a condition imposed under paragraph (a) of this subsection his registration shall at the expiration of the period of three weeks from the date of the change of his place of residence be void and cease to have effect but without prejudice to his right to make application for further registration.

(6) No person under the age of seventeen years shall be entitled to be registered as a street trader.

Provision of
vehicles in
parks, etc.

39.—(1) The Corporation may provide and maintain motor or other vehicles for the conveyance of passengers in any park, pleasure ground, recreation ground or open space belonging to or controlled by them.

(2) The Corporation may, on such terms and conditions as they may think fit, carry passengers on any such vehicles and may demand and take for any passengers so carried such fares as they may from time to time determine.

(3) The drives, roads and paths in any public park, pleasure ground, recreation ground or open space belonging to or controlled by the Corporation shall be deemed not to be roads for the purposes of section 127 of the Act of 1960.

Licensing of
drovers.

40.—(1) As from the appointed day, subject to the provisions of this section the Corporation may upon such terms and conditions and for such period as they think fit grant a licence to any person wishing to act as a drover (hereinafter called "a drover") at or in connection with the Corporation's abattoir, and they may renew, or at any time suspend or revoke, any such licence.

(2) An application for the grant or renewal of any such licence shall be made in such form and shall contain such particulars as the Corporation may reasonably require and may from time to time determine.

(3) (a) The Corporation shall not refuse to grant or renew such a licence, except on the ground that the applicant is, by reason of misconduct or incapacity, not a fit or proper person to carry on, or to continue to carry on, the business, occupation or calling of a drover and the Corporation shall not suspend or revoke a licence except on the same ground.

PART IX
—cont.

(b) In any case in which the Corporation refuse to grant or renew a licence, or decide to suspend or revoke a licence, the Corporation shall inform the applicant or the person licensed, as the case may be, in writing of such misconduct or incapacity.

(4) (a) If on or after the appointed day any person while unlicensed acts as a drover at or in connection with the Corporation's abattoir he shall for each offence be liable to a fine not exceeding forty shillings.

(b) If any person contravenes any of the terms and conditions subject to which he is granted a licence under or in pursuance of subsection (1) of this section he shall be liable to a fine not exceeding forty shillings:

Provided that the court by which he is convicted may, instead of or in addition to imposing a fine, order the suspension or revocation of his licence.

(5) Any person aggrieved by—

(a) the terms and conditions on which a licence is granted under or in pursuance of subsection (1) of this section; or

(b) the refusal of the Corporation to grant or renew a licence under this section; or

(c) the suspension or revocation of a licence under or in pursuance of subsection (1) of this section;

may appeal to a magistrates' court.

(6) In this section the expression "the Corporation's abattoir" means the abattoir or slaughterhouse provided by the Corporation on the lands referred to in section 33 (Provision of abattoir) of the Manchester Corporation Act, 1954, or any other abattoirs or slaughterhouses established and maintained by the Corporation. c. xlviii.

41.—(1) For the better performance of their respective powers or duties, provision may be made by agreement between the Corporation and any other local authority referred to in Part I of Schedule 2 to this Act or their successors for the taking by either party thereto of action of the following kinds:—

Provision of reciprocal services, etc., by Corporation and other local authorities.

(a) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of the other party or the joint use of any vehicle, plant, equipment or

PART IX
—cont.

apparatus of either party and if it appears convenient the services of any persons employed in connection therewith;

- (b) the erection by one party as an ancillary to the housing operations of that party of any building for or on behalf of the other party which may be necessary or convenient for the performance of functions of such other party in connection with the said housing operations;
- (c) the carrying out by one party on behalf of the other party of any work required in relation to the preparation of the site of such a building as is referred to in paragraph (b) of this subsection;
- (d) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other party is responsible.

(2) For the better performance of their respective powers or duties within the city or the areas of the local authorities mentioned in Part II of Schedule 2 to this Act provision may be made by agreement between the Corporation on the one hand and the councils of the administrative counties of Chester, Derby, Lancaster or the West Riding of Yorkshire or the councils of the county boroughs, boroughs, urban districts and rural districts named in the said Part II on the other hand, for the manufacture or purchase by one party of any building, building fittings, components of buildings and other materials for or on behalf of the other party.

(3) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936 it shall be made under the said section 271 and not under this section.

(4) In its application to the use of any mechanical road-making equipment or plant, the provisions of subsection (1) of this section shall extend to enable the Corporation to let for hire such equipment or plant to any other local authority or any person carrying out work for or on behalf of the Corporation.

Power to provide car parks for certain purposes.

42.—(1) The Corporation may provide parking places for vehicles used by members, officers or servants of the Corporation or other persons using the town hall, other halls, offices and other buildings provided and maintained by the Corporation for or in connection with the discharge of their functions and may adapt and use for that purpose any land acquired by them under this section.

(2) For the purposes of this section the Corporation may acquire by way of purchase, lease or exchange any land whether situate within or outside the city and may appropriate for those

purposes any land belonging to them which is not required for the purpose for which it was acquired.

PART IX
—cont.

43.—(1) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to the approval of the council and to any directions they may give, 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.—(1) The council may resolve that in respect of a supply of water within the meaning of this section to hereditaments in the city of such classes or descriptions as may be specified in the resolution (being hereditaments in respect of which rent is paid and which have a rateable value not exceeding the amount specified in any order for the time being in force made under and for the purposes of section 15 of the Rating and Valuation Act, 1961), if the owner of any such hereditament pays to the Corporation the annual water rents and charges in respect of the supply before the expiration of one-half of the period in respect of which the said water rents and charges are due and payable (or such later date or dates as may be specified in the resolution), the Corporation shall make an allowance equal to 10 per cent. of the amount payable.

As to certain
water rents.

c. 45.

(2) A resolution under this section may be rescinded without prejudice to the right of the council at any time to pass a further resolution:

Provided that the rescission of a resolution shall take effect only on the expiration of a period in respect of which the annual water rents and charges are payable.

(3) A supply of water within the meaning of this section means a supply of water otherwise than by meter supplied by the Corporation under section XCVI (Water other than for domestic purposes to be supplied by agreement) of the Manchester Corporation Waterworks Act, 1847.

c. cciii.

(4) In this section, unless the subject or context otherwise requires—

“ hereditament ” means any lands, tenements, hereditaments or property which are or may become liable to the general rate;

PART IX
—cont.

“ the owner ” means in relation to a hereditament the person who is entitled to receive the rent payable in respect thereof, or where the hereditament is occupied free of rent, the person by whose permission it is so occupied.

Electronic or mechanical accounting equipment.

45.—(1) The Corporation may, by agreement with any local authority or any other body or person, use or permit that local authority or that other body or person to use for the purposes of that local authority or that other body or person any electronic or mechanical accounting equipment which the Corporation have provided for the purposes of all or any of their accounting work, and they may make such charges as may be agreed for the use of the said equipment.

(2) In this section the expression “ local authority ” means the council of a county, county borough or county district.

Signs indicating stopping places for public service vehicles.

46.—(1) The Corporation may, within the city, and with the consent of the highway authority and subject to such conditions as the highway authority may impose, outside the city, provide, erect and maintain in proper and convenient situations on or near to the route of any of their public service vehicles, signs or directions indicating the position of stopping places on such routes.

(2) The exercise of powers conferred by this section shall be subject to the provisions of the Act of 1960 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

Transfer of certain powers of surveyor.
c. cxiii.

47. Section 78 (Transfer of certain powers to city architect) of the Manchester Corporation Act, 1903, shall have effect as if the following subsection were substituted for subsection (1):—

“ (1) It shall be lawful for the Corporation by instrument or instruments under their common seal authorised by resolution of the council to transfer to and vest in such officer or officers of the Corporation as the council may think fit any powers and duties which are for the time being vested by any public or local Act or Acts in the surveyor or city surveyor of the Corporation, and which in the opinion of the council would be better exercised by that officer or those officers.”

Decorations in streets.

48.—(1) The Corporation may, on such occasions as they think fit, cause flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

(2) If any person wilfully removes or damages a flag-pole, pylon, socket or slot erected or provided under this section, he shall be liable to a fine not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in any street belonging to or repairable by the British Railways Board without the consent of that board.

(4) (a) In this subsection "apparatus" means—

- (i) electric lines and works as respectively defined in the Electric Lighting Act, 1882, and belonging to or maintained by the North Western Electricity Board; and c. 56.
- (ii) mains, pipes or other apparatus belonging to or maintained by the North Western Gas Board;

and includes any works constructed for the lodging therein of apparatus.

(b) Nothing contained in this section shall authorise the Corporation, in the exercise of the powers of this section, to interfere with, or to render less convenient the access to, any apparatus.

49.—(1) The Corporation may in, on or over any of the buildings, structures, streets, gardens, parks and places in the city belonging to the Corporation or (with the consent of the owner or occupier) any other buildings, structures, streets, gardens, parks and places in the city provide or arrange on such terms and conditions as they may think fit for the provision of illuminations and may for such purposes provide, fit up, maintain and operate all such brackets, lamps, fittings, equipment, apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith: Illuminations.

Provided that the Corporation shall not continue any illumination under this section which hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway.

(2) The provisions of section 45 of the Public Health Act, 1961 c. 64. (which empowers local authorities to attach street lamps and other apparatus to buildings), shall in its application to the city extend and apply to such brackets, lamps, fittings, equipment, apparatus and appurtenances as may be required for the purposes of this section as if they had been mentioned in that section.

(3) Any illuminations and any brackets, lamps, fittings, equipment, apparatus or appurtenances provided, fitted up, maintained

PART IX
—cont.

or operated under this section shall be so provided, fitted up, maintained and operated as to prevent interference with—

- (a) any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line;
- (b) electric lines and works (including works for the lodging therein of such lines and works) as respectively defined in the Electric Lighting Act, 1882, and belonging to or maintained by the North Western Electricity Board.

c. 56.

Saving for
trunk roads.

50. The Corporation shall not exercise the powers of section 48 (Decorations in streets) or section 49 (Illuminations) of this Act in, on, over, above or across a trunk road without the consent of the Minister of Transport.

PART X

GENERAL

Local
inquiries.

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

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

c. 31.

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

The appointed
day.

52.—(1) In this Act “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.

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

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

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

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

(4) Either—

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

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

PART X
—cont.

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 requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose, 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 54 (Appeals) of this Act.

53. 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. Restriction on right to prosecute.

54.—(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. Appeals.

(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;

PART X
—cont.

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.

Application of general provisions of Act of 1936.

55. The sections of the Act of 1936 mentioned in Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act except the provisions of section 17 (Schemes for prescribing classes of traffic that may use certain roads) and section 46 (Signs indicating stopping places for public service vehicles).

Saving for town and country planning. c. 38.

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

Costs of Act.

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.

SCHEDULES

SCHEDULE 1

Section 13.

ENACTMENTS REPEALED

- Manchester Market Act, 1846—
 Section XXXIX (Tolls to be taken for the markets and fairs).
 Section XL (Tolls for the cattle market).
 Section XLI (Tolls in fairs).
 Section XLII (Tolls for weighing and measuring).
 Section XLIV (List of tolls to be set up in every market and market-place).
 Schedules B. C. D. and E. c. ccxix.
- Manchester Improvement Act, 1865—
 Section 26 (Tolls for market).
 The schedule. c. xc.
- The Order relating to the city, confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1884—
 The whole Order. c. ccxv.
- The Manchester Corporation Act, 1924—
 Section 88 (Increase of rents and tolls in Smithfield Markets). c. xc.
- The Manchester Order, 1931, confirmed by the Ministry of Health Provisional Orders Confirmation (Manchester and South Staffordshire Joint Small-Pox Hospital District) Act, 1931—
 The whole Order. c. xxxv.
- The Manchester Corporation Act, 1954—
 Section 31 (Increase of rents in Smithfield Markets). c. xlviii.
- The Manchester (Amendment of Local Enactments) Order, 1960—
 The whole Order. S.I. No. 2031.

SCHEDULE 2

Section 41.

PART I

LOCAL AUTHORITIES TO WHICH SUBSECTION (1) OF SECTION 41 APPLIES

1. The council of each administrative county, county borough or county district wholly or partly within the county palatine of Chester, the county of Derby or the county palatine of Lancaster.
2. The council of the administrative county of the West Riding of Yorkshire.
3. The council of the city of Sheffield.
4. The council of each county borough surrounded by the administrative county of the West Riding of Yorkshire.
5. The council of each county district in the administrative county of the West Riding of Yorkshire.

SCH. 2.
—cont.

PART II

LOCAL AUTHORITIES TO WHICH SUBSECTION (2) OF SECTION 41 APPLIES

1. The councils of the following county boroughs:—

Bolton, Bury, Oldham, Rochdale, Salford, Stockport and Wigan.

2. The councils of the following boroughs:—

Altrincham, Ashton-under-Lyne, Dukinfield, Eccles, Farnworth, Glossop, Heywood, Hyde, Leigh, Middleton, Mossley, Prestwich, Radcliffe, Sale, Stalybridge, Stretford and Swinton and Pendlebury.

3. The councils of the following urban districts:—

Abram, Alderley Edge, Ashton-in-Makerfield, Aspull, Atherton, Audenshaw, Billinge and Winstanley, Blackrod, Bowdon, Bredbury and Romiley, Chadderton, Cheadle and Gatley, Crompton, Denton, Droylsden, Failsworth, Goldborne, Hale, Haydock, Hazel Grove and Bramhall, Hindley, Horwich, Ince-in-Makerfield, Irlam, Kearsley, Lees, Littleborough, Little Lever, Longdendale, Lymm, Marple, Milnrow, New Mills, Newton-le-Willows, Orrell, Ramsbottom, Royton, Saddleworth, Standish-with-Langtree, Tottington, Turton, Tyldesley, Urmston, Wardle, Westhoughton, Whaley Bridge, Whitefield, Whitworth, Wilmslow and Worsley.

4. The councils of the following rural districts:—

Bucklow, Chapel-en-le-Frith, Disley, Tintwistle, Warrington and Wigan.

SCHEDULE 3

SECTIONS OF THE ACT OF 1936 APPLIED

Section 55.

| 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. |
| 293 | Recovery of expenses, &c. |
| 296 | Summary proceedings for offences. |
| 297 | Continuing offences and penalties. |
| 299 | Inclusion of several sums in one complaint, &c. |
| 304 | Judges and justices not to be disqualified by liability to rates. |
| 328 | Powers of Act to be cumulative. |

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. 0d. net

PRINTED IN ENGLAND



Manchester Corporation Act 1965

CHAPTER xlii

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

Section

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

PART II LANDS

5. Acquisition of land for development.
6. Reclamation and improvement of land.
7. Amendment of section 19 of Manchester Corporation Act, 1950.
8. Power to Corporation to assist industry.
9. Agreements with developers.

PART III MARKETS

10. Definitions for this Part of Act.
11. Power to provide and improve markets.
12. Extension of section XXX of Manchester Market Act, 1846.
13. Tolls and charges at markets and abattoirs.

PART IV

Section PUBLIC HEALTH

14. Extension of section 41 of Manchester Corporation Act, 1946.
15. As to bathrooms.

PART V

PUBLIC ORDER

16. Misleading signs on motor vehicles.
17. Schemes for prescribing classes of traffic that may use certain roads.
18. Entertainment clubs.

PART VI

NEWTON HEATH CEMETERY

19. Definitions for this Part of Act.
20. Power to sell cemetery.
21. Discharge of trusts and restrictions.
22. Use of cemetery.
23. Power to lower, cover up and remove memorials.
24. Saving for Burial Act, 1857.
25. Saving for existing burials in cemetery.
26. For protection of Commonwealth War Graves Commission.

PART VII

FINANCE

27. Power to borrow.
28. Further amendment of section 44 of Manchester Corporation Act, 1901.
29. Amendment of provisions as to bonds.
30. Extension of definition of Corporation's undertakings.
31. Re-enactment of section 37 of Manchester Corporation Act, 1950.

PART VIII

PENSIONS

32. Collective title and definitions.
33. Deficiency contribution.
34. Part-time officers and servants.

PART IX

Section MISCELLANEOUS

- 35. Lien over aircraft.
- 36. False statements to obtain rent rebates, etc.
- 37. Institutes for teachers, etc.
- 38. Further provisions as to registration of street traders.
- 39. Provision of vehicles in parks, etc.
- 40. Licensing of drovers.
- 41. Provision of reciprocal services, etc., by Corporation and other local authorities.
- 42. Power to provide car parks for certain purposes.
- 43. Delegation of powers to sub-committees.
- 44. As to certain water rents.
- 45. Electronic or mechanical accounting equipment.
- 46. Signs indicating stopping places for public service vehicles.
- 47. Transfer of certain powers of surveyor.
- 48. Decorations in streets.
- 49. Illuminations.
- 50. Saving for trunk roads.

PART X

GENERAL

- 51. Local inquiries.
- 52. The appointed day.
- 53. Restriction on right to prosecute.
- 54. Appeals.
- 55. Application of general provisions of Act of 1936.
- 56. Saving for town and country planning.
- 57. Costs of Act.

SCHEDULES:

Schedule 1—Enactments repealed.

Schedule 2—

Part I—Local authorities to which subsection (1) of section 41 applies.

Part II—Local authorities to which subsection (2) of section 41 applies.

Schedule 3—Sections of the Act of 1936 applied.