

ELIZABETH II



1966 CHAPTER XX

An Act to authorise the mayor, aldermen and burgesses of the county borough of Oldham to make street improvements, to purchase land compulsorily therefor, to confer powers upon them with reference to the supply of hot water and of heat; and for other purposes.

[9th August 1966]

WHEREAS—

(1) The borough of Oldham (hereinafter referred to as “the borough”) is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act, 1888, and the mayor, aldermen and burgesses of the borough (hereinafter referred to as “the Corporation”) acting by the council are the urban sanitary authority for the borough: 1888 c. 41.

(2) It is expedient to empower the Corporation to make and maintain the street improvements described in this Act:

(3) It is expedient to confer on the Corporation powers relative to the purchase and use of lands for the purposes mentioned in this Act:

(4) It is expedient to empower the Corporation to supply heat by means of hot water or steam within the borough:

(5) It is expedient that the other powers in this Act contained should be conferred upon the Corporation and that the other provisions contained in this Act be enacted:

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

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

The construction of the works authorised by							
this Act	£75,200

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

1933 c. 51.

(9) 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:

(10) A plan and sections showing the lines or situations and levels of the works authorised by this Act, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, have been 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 town clerk of the borough, which plan, sections and book of reference are in this Act referred to respectively as the deposited plan, the deposited sections and the deposited book of reference:

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:—

PART I

PRELIMINARY

Short title.

1.—(1) This Act may be cited as the Oldham Corporation Act 1966.

(2) The Oldham Corporation Acts and Orders, 1865 to 1960, and this Act, may be cited together as the Oldham Corporation Acts and Orders, 1865 to 1966.

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

- Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Works.
 Part IV.—District heating.
 Part V.—Finance and miscellaneous.
 Part VI.—Protective provisions.
 Part VII.—General.

PART I
 —cont.
 Division of
 Act into Parts.

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

(2) In this Act, unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

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

“ Act of 1936 ” means the Public Health Act, 1936; 1936 c. 49.

“ appointed day ” has the meaning assigned to it by section 51 (The appointed day) of this Act;

“ borough ” means the county borough of Oldham;

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

“ Corporation ” means the mayor, aldermen and burgesses of the borough;

“ council ” means the council of the borough;

“ electric line ” has the same meaning as in the Electric Lighting Act, 1882 c. 56.

“ electricity board ” means the North Western Electricity Board;

“ enactment ” includes an enactment in this Act or in any public general or local Act and any order, byelaw or regulation for the time being in force within the borough;

“ fittings ” in Part IV (District heating) of this Act includes air heaters, water heaters, radiators, meters, fittings, mains, pipes, taps, cocks, valves, ferrules and other works and apparatus used for or in connection with the supply or utilisation of heat by means of hot water or steam under the said Part IV of this Act;

PART I
—cont.

“ gas board ” means the North Western Gas Board;

“ generating board ” means the Central Electricity Generating Board;

“ heat ” means—

(a) heat supplied or intended to be supplied by means of hot water or steam; or

(b) hot water; or

(c) hot water and heat supplied or intended to be supplied by means of hot water or steam;

“ heating undertaking ” means the undertaking authorised by Part IV (District heating) of this Act and includes all lands, stations, boiler-houses, properties, works, buildings, machinery, plant, mains, pipes, wires, posts, ducts, fittings, appliances, easements, rights, powers and privileges for the time being belonging to or held, used or enjoyed by the Corporation for or in connection with the provision, storage, transmission, distribution and supply of heat;

“ land ” or “ lands ” includes any interest in land and any easement or right in, to, under or over land;

1949 c. 42.
1961 c. 33.

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

“ the limits of deviation ” means the limits of deviation shown on the deposited plan;

“ main ” in Part IV (District heating) of this Act includes mechanical and thermal protection for a main and apparatus used in connection with a main;

“ Minister ” means the Minister of Housing and Local Government;

1959 c. 25.

“ street ” has the meaning assigned to that term in the Highways Act, 1959;

1878 c. 76.

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“ the town clerk ” means the town clerk of the borough;

“ the tribunal ” means the Lands Tribunal;

“ the works ” means the works authorised by Part III (Works) of this Act.

(3) Where in this Act any distance or length is stated in the description of any work, the reference to that distance or length shall be construed as if the words “ or thereabouts ” were inserted after such distance or length.

(4) 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.

(5) Any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number, together with the works subsidiary thereto, authorised by this Act.

4. The Lands Clauses Acts (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act), except sections 92, 127 to 133, and 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:

Incorporation
of Lands
Clauses Acts.
1845 c. 18.
1860 c. 106.

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) Subject to the provisions of this Act the Corporation may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or any purpose connected therewith and for securing the improvement and development of lands adjoining or near to the works and for the purposes of recoupment, reinstatement or exchange and for other the purposes of this Act or for any of those purposes.

Power to
acquire lands.

(2) The powers of the Corporation for the compulsory acquisition of land under this section shall cease after the expiration of three years from 31st December, 1966:

PART II
—cont.

Provided that the Minister of Transport may by order from time to time extend the period for the exercise of the powers of the Corporation for the compulsory purchase of land under this section.

(3) An order under subsection (2) of this section shall be subject to special parliamentary procedure.

(4) Subject to the provisions of this Act the Corporation may enter upon, take, use and appropriate so much of the subsoil and under-surface of any street maintainable at the public expense within the limits of deviation as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

Powers to owners and lessees to give notice as to purchase of land.

6. If the Minister of Transport by order made under subsection (2) of the last foregoing section extends the period for the exercise of the powers of the Corporation for the compulsory purchase of land the following provisions shall apply after the coming into operation of that order:—

(1) In this section—

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by this Act;

“ the lessee ” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under paragraph (2) of this section:

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Corporation of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Corporation shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Corporation; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice;

(3) Where notice is given under the last foregoing paragraph by an owner or lessee of land specified in the notice then—

PART II
—cont.

(a) if the Corporation—

(i) fail to comply with that paragraph; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph; or

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under sub-paragraph (a) or (b) of that paragraph the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

7.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the borough for the correction thereof.

Correction
of errors in
deposited
plan and
book of
reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the town clerk, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

PART II
—cont.

Power to
acquire
easements
only in certain
cases.

8.—(1) Notwithstanding anything in this Act the Corporation may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights in, under or over the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works without being obliged or compellable to acquire any greater interest in, under or over the same.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Corporation have acquired an easement or right only in, under or over any land under this section—

- (a) they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall, after the construction of the works has been completed, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land, or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and if the tribunal does not so determine the Corporation may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

9.—(1) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

PART II
—cont.
Acquisition of part only of certain properties.

(a) in the case of a house, building or factory that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

(b) in the case of a park or garden that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Corporation that part of the house, building, factory, park or garden.

(3) In this section “factory” means a factory within the meaning of the Factories Act, 1961.

1961 c. 34.

10.—(1) At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Corporation may, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845, enter on the land or on such part of it as may be specified in the last-mentioned notice and take possession of the land or part, or, as the case may be, enjoy any easement or exercise any right to be acquired under this Act in, under or over the land or part:

Power to expedite entry.

1845 c. 18.

Provided that the Corporation shall pay the like compensation for land entered under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

(2) Any land of which possession is taken by the Corporation under the powers of this section shall be deemed, for the purposes of section 13 (Extinction of private rights of way) of this Act, to have been acquired by the Corporation.

11. Any person acting on behalf of the Corporation and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land which the Corporation are authorised

Power to enter for survey or valuation.

PART II
—cont.

by this Act to acquire compulsorily or that may be affected by the construction of the works for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Corporation, not less than seven days before the date of the first entry, and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

Disregard
of recent
improvements
and interests.

12. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act, the tribunal shall not take into account—

- (a) any improvements or alteration made, building erected or work done after 5th December, 1965; or
- (b) any interest in the land created after the said date;

which, in the opinion of the tribunal, was not reasonably necessary and was made, erected, done or created with a view to obtaining or increasing the compensation or purchase money.

Extinction
of private
rights of
way.

13.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute by the tribunal.

Grant of
easements by
persons under
disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Corporation any easement or right required for the purposes of this Act, in, under or over the lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of
substituted
sites.

15. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under this Act.

16.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

PART II
—cont.

Power to
reinstale
owners or
occupiers of
property.

(2) Any such agreement may provide for the exchange of land; and for that purpose the Corporation may pay or receive money for equality of exchange.

17.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land, including any part of a street, appropriated by the Corporation under this Act and not required for the works.

Agreements
with adjoining
owners.

(2) The Corporation may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so required.

PART III WORKS

18. Subject to the provisions of this Act the Corporation may, in the lines or situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

Power to
construct
works.

Work No. 1 A widening of Bottom o' th' Moor on the south side and of Huddersfield Road on the north side commencing at a point 45 yards east of the junction of Brook Street with Bottom o' th' Moor and terminating in Huddersfield Road at a point 18 yards south-west of its junction with Barry Street:

Work No. 2 A widening of the junction of Shaw Road with Bottom o' th' Moor and Huddersfield Road and a widening of Shaw Road on its west side commencing at a point 12 yards north-east of the said junction and terminating at a point 5 yards south of the junction of Castle Mill Street with Shaw Road:

Work No. 3 A widening of the junction of Cross Street with Bottom o' th' Moor and Huddersfield Road and a widening of Cross Street on its west side commencing at a point 21 yards west of the junction of Cross Street with Bottom o' th' Moor and terminating at a point 38 yards south of the junction of Cross Street with Gravel Walks:

PART III
—cont.

Work No. 4 An improvement of the junction of Greenacres Road with Huddersfield Road commencing in Huddersfield Road at a point 28 yards north-east of the said junction and terminating in Greenacres Road at a point 15 yards east of the junction of Greenacres Road with Dickinson Street.

Power to deviate.

19. In executing the works the Corporation may deviate laterally from the lines or situations thereof to any extent within the limits of deviation relating thereto and vertically from the levels thereof defined on the deposited sections to any extent not exceeding 10 feet either upwards or downwards, or to such further extent as may be found necessary or convenient and as may be sanctioned by the Minister of Transport.

Subsidiary works.

20.—(1) The Corporation may in connection with and for the purposes of this Act, and as part of the works, execute and do any of the following works or things within the limits of deviation:—

- (a) make and maintain all such approaches, subways, roundabouts, passages, means of ingress or egress, shafts, stagings, buildings, apparatus, plant and machinery as may be necessary or convenient;
- (b) make junctions and communications (including the provision of steps or ramps for the use of persons on foot), with any existing or proposed streets intersected, crossed or interfered with by or contiguous to any of the works and divert, widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the works, or any of them, or with any existing or proposed street, or of crossing under or over the same;
- (c) construct and provide carriageways, footways, reserved areas, vaults, cellars, arches, sewers, drains, sunken or ornamental gardens and other works and conveniences;
- (d) construct and provide all such abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient for the works or for carrying the same over or under any stream or watercourse, any street or any land;
- (e) stop up and appropriate the site and soil of so much of any streets as they may consider unnecessary to retain or to throw into the works;
- (f) raise, sink or otherwise alter the position of any of the steps, areas, cellars, cellar flaps, pavement lights, gratings, boundary walls, railings, fencings, windows,

sewers, drains, watercourses, pipes, spouts or wires belonging to any house or building and remove all other obstructions;

PART III
—cont.

- (g) execute any works for the protection of any adjoining land or buildings;
- (h) execute any works and do anything necessary for the strengthening and supporting of any walls or adjoining buildings;
- (i) remove, alter, divert or stop up any drain, sewer, channel or watercourse, the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse; and
- (j) alter or remove any monument, drinking trough, lamp-post, refuge, railings or other structure erected upon any street or land and plant trees, shrubs or other vegetation;

together with all necessary or convenient subsidiary or incidental works.

(2) The Corporation may on any lands abutting on the works and outside the limits of deviation execute or do by agreement with the owners and occupiers of the said lands any of the works or things referred to in paragraphs (f), (g) and (h) of subsection (1) of this section, and any works necessary or convenient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.

(3) Any paving, metalling or materials in, on or under any street stopped up, altered or diverted by the Corporation under the powers of this Part of this Act and any sewers, drains and works rendered unnecessary by the substitution therefor of other sewers, drains and works shall vest in the Corporation and the substituted sewers, drains and works shall be under the same jurisdiction, care, management and direction as the existing sewers, drains and works for which they may be so substituted.

(4) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any person and shall make reasonable compensation for any damage caused by the exercise of such powers.

(5) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

PART III
—cont.

Temporary
stoppage of
streets.

21.—(1) The Corporation during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the street from passing along and using the same:

Provided that the Corporation shall not exercise the powers of this subsection with respect to any street upon which a service of stage carriages or express carriages is operated unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised.

(2) The Corporation shall provide reasonable access for foot-passengers bona fide going to or from any such land, house or building.

Power to
prevent
access to or
from works.

22.—(1) For the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, the route of any of the works, the Minister of Transport, on the application of the Corporation, may from time to time authorise the Corporation, at or in the vicinity of the junction of any street with any of the works, to erect or remove—

- (i) barriers for the prevention, prohibition or limitation of access by vehicular or pedestrian traffic to or from such route from or to any such street; or
- (ii) notices prohibiting or limiting such access.

(2) The Corporation shall give public notice of the making of an application under subsection (1) of this section in such manner as the said Minister may direct.

(3) Any person removing or interfering with any such barrier, or removing, defacing or failing to comply with any such notice, shall be liable on summary conviction to a fine not exceeding five pounds.

Power to
make trial
borings.

23.—(1) The Corporation may make trial borings at such places within the lands which may be acquired compulsorily under this Act as they may think fit for the purpose of ascertaining the nature of the soil:

Provided that no land shall be entered for the purpose of making trial borings under this section unless the Corporation, not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

(2) Where land is damaged in the exercise of the powers conferred by subsection (1) of this section, any person interested in the land may recover from the Corporation compensation for the damage to be determined in case of dispute by the tribunal, and so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

PART III
—cont.

1961 c. 33.

PART IV

DISTRICT HEATING

24.—(1) The Corporation may supply heat to such premises as they may think fit in the borough upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises:

Supply of
heat.

Provided that, in the exercise of the powers of this section, the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice of their intention so to do to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice of such discontinuance shall be given by the Corporation to the owner of such premises.

25.—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the borough belonging or leased to them erect, lay down, maintain, work and use stations, boiler-houses, mains, pipes and other works for providing, storing, transmitting, distributing and supplying heat and for producing any material, product, matter or thing arising or used in the process of such provision of heat (including the generation of electricity) together with such buildings, boilers, engines, pumps, machinery, sidings, electric lines, matters and things of whatever description as may be required by the Corporation to enable them to provide, store, transmit, distribute and supply heat and the Corporation may accordingly on those lands provide, store, transmit, distribute and supply heat and may produce such materials, products, matters and things:

Works for
provision
of heat.

Provided that—

- (a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted;

PART IV
—cont.

- (b) any electrical works or apparatus erected, laid down, maintained, worked and used in pursuance of this section shall be so constructed, maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line;
- (c) before installing any engines or machinery for the generation of electricity (other than electricity to be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated) the Corporation shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

- (a) to the generating board; or
- (b) with the approval of the generating board to the electricity board;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the generating board and the electricity board) elsewhere.

(3) The generating board shall, subject to the terms of any agreement made under paragraph (c) of the proviso to subsection (1) of this section, take all the electricity generated by the Corporation as aforesaid which is not—

- (a) required for or in connection with the supply of heat; or
- (b) supplied to the electricity board with the approval of the generating board;

upon such terms and conditions as may be agreed between the Corporation and the generating board or, in default of agreement, determined by the Minister of Power who, in determining the terms and conditions, shall have regard to the costs which the generating board would incur in producing the equivalent amount of electricity from their own resources.

Power to
buy heat
in bulk.

26.—(1) The Corporation may enter into and carry into effect agreements with any persons able to give a supply of heat for the furnishing to the Corporation by such persons of a supply of heat for the purposes of this Part of this Act, and—

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision by the Corporation or for the joint user by them and any

other party to the agreement of any works, plant, materials or things required for the purposes of the agreement.

PART IV
—cont.

(2) The Corporation may, for the said purposes, also enter into and carry into effect agreements for the taking and use of waste heat, hot water or steam from any generating station or gasworks and any authority able to supply heat, hot water or steam may enter into such an agreement.

27.—(1) The Corporation may be authorised by the Minister to purchase compulsorily, for the purposes of the heating undertaking, land in the borough. Purchase of land for heating undertaking.

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

(3) In this section the expression “land” includes easements and rights in respect of land, and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land. In relation to the compulsory acquisition of any such easement or right, the Acquisition of Land (Authorisation Procedure) Act, 1946, and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired, and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall, after the construction of the works has been completed, subject to the easement or right, have the same right to use and cultivate the land as if this Act had not been passed.

(5) If, in his particulars of claim, the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can

PART IV
—cont.

be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (5) of this section.

Power to
lay mains,
etc., and break
open streets.
1945 c. 42.

28.—(1) The following provisions of the Third Schedule to the Water Act, 1945, are hereby incorporated with this Part of this Act, namely:—

- Part V (Power to lay mains &c.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies navigation authorities tramway undertakers &c.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(2) For the purpose of the construction of the provisions incorporated by this section, the following expressions have the meanings hereby respectively assigned to them:—

- “the undertakers” means the Corporation;
- “supplying water” means supplying heat and “supply of water” shall be construed accordingly;
- “service pipe” means a pipe for supplying heat from a main to any premises; and
- “the limits of supply” means the borough.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation—

- (a) to lay down a main outside the borough except for the purpose of—
 - (i) giving or facilitating a supply of heat within the borough; or
 - (ii) taking a supply of heat from any works or premises outside the borough;
- (b) to supply heat to any premises outside the borough.

29. The provisions of section 10 (Attachment of street lamps brackets, etc.) of the Oldham Corporation Act, 1960, shall extend and apply to such brackets, mains, electric lines and attachments as may be required for the purposes of the heating undertaking as if they were mentioned in that section.

PART IV
—cont.
Attachment
of heating
mains, etc.
1960 c. lii.

30.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 25 (Works for provision of heat) of this Act the Corporation may lay down or erect electric lines and apparatus—

Power to lay
down or erect
electric lines,
etc.

- (a) in, under or over any street in the borough subject however to the provisions of subsection (3) of this section; and
- (b) with the consent of every owner and occupier of any land in the borough not forming part of a street in, on or over that land;

and may, from time to time, inspect, repair, alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise:

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to and determined by the Minister.

(2) (a) Where the Corporation in the exercise of the powers of this section lay down or erect any electric line or apparatus in, on or over any land not forming part of a street or inspect, repair, alter, renew or remove any electric line or apparatus laid down or erected in, on or over any such land they shall, from time to time, pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the inspection, laying, erection, repair, alteration, renewal or removal of the electric line or apparatus.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

(3) The following provisions of the Third Schedule to the Water Act, 1945, shall apply with the necessary modifications to the laying down, erection, inspection, repair, alteration, renewal or removal of electric lines and apparatus under this section and for the purpose of such application the borough shall be deemed to be the limits of supply and the expression “undertakers” means the Corporation:—

1945 c. 42.

Section 22 (Power to break open streets) except the words “and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains”;

PART IV
—cont.

Section 25 (Protection for railway companies navigation authorities tramway undertakers &c.);

Section 27 (Remedies where undertakers fail to comply with foregoing requirements);

Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and

Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

1947 c. 54.
1899 c. 19.

(4) The provisions for the protection of the Postmaster General and his telegraphic lines which are contained in the Electricity (Supply) Acts, 1882 to 1936, as amended by the Electricity Act, 1947, and in the schedule to the Electric Lighting (Clauses) Act, 1899, shall, so far as applicable, extend and apply to any electric lines or apparatus laid down or erected under this section and references in those provisions to the electricity board or the undertakers shall be construed as references to the Corporation.

(5) The powers of this section shall not be exercised except with the consent of the generating board and the electricity board which consent shall not be unreasonably withheld and any dispute as to whether such consent is or is not unreasonably withheld shall be determined by the Minister of Power.

Power to
supply
fittings.

31.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire fittings and may install, repair, renew or alter any fittings, whether supplied by them or not, and may provide any materials and do any work required in connection with such installation, repair, renewal or alteration.

(2) The Corporation may make such charges as may be agreed or, in default of agreement, as may be reasonable for any fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any fittings let by the Corporation for hire and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

(b) shall, notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises, at all times continue to be the property of and (subject to the provisions of the Hire-Purchase Act, 1965) removable by the Corporation:

PART IV
—cont.

1965 c. 66.

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All fittings supplied by the Corporation under any hire-purchase agreement shall, until payment of the final instalment of the purchase money for such fittings, be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (a) The Corporation shall, as far as possible, so adjust the charges to be made by them under this section as will, taking one year with another, meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes thereof, and any sums required for repayment of the principal of moneys so borrowed.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year, including interest and any sums required for repayment of the principal, shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any fittings belonging to the Corporation, he shall be liable to a fine not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done, and may recover the expenses reasonably incurred by them in so doing from the offender and, if the amount does not exceed twenty pounds, summarily as a civil debt.

32.—(1) The Corporation may from time to time prescribe a scale of charges (hereinafter in this Part of this Act referred to as “heating charges”) for heat supplied to premises under the powers of this Part of this Act, and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for re-connecting premises thereto and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises, except in any case where the owner has agreed with the Corporation to pay the same, in which case they shall be payable by the owner.

Heating
charges.

PART IV
—cont.

(2) The heating charges payable by any person may, after a demand therefor, be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt and, subject as hereinafter provided, where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises, the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

Provided that if before the expiration of the said seven days notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay the same, the Corporation shall not cut off the supply of heat until the dispute has, on the application of either party, been determined by a court of competent jurisdiction.

(3) Without prejudice to any other method of recovery, any heating charges payable by the tenant of any premises belonging to the Corporation, and connected as aforesaid, may be recovered as rent due from him.

Security for
payment of
accounts.

33. The Corporation may require any person desiring to take a supply of heat or to be supplied with fittings or materials under this Part of this Act to deposit with the Corporation, before taking such supply of heat or being supplied with such fittings, such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply of heat, or of any fittings or materials supplied to him in connection therewith.

Notice to
be given
before quitting
premises
supplied with
heat.

34.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent (if any) up to the next date on which the register of the meter for heating on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises, whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by recorded delivery service or otherwise delivered to the Corporation at the treasurer's office, Oldham, so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section, or a statement of the effect thereof, shall be endorsed upon every account for heating charges payable to the Corporation.

PART IV
—cont.

35.—(1) Subject to the provisions of this section, any authorised officer of the Corporation shall, on producing if so required some duly authenticated document showing his authority, have a right to enter, at all reasonable hours, any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises in or upon which any fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid for the purpose of—

Power to
enter
premises.

- (a) inspecting and examining any fittings (whether belonging to the Corporation or not);
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder or of any conditions subject to which a supply of heat was agreed to be furnished to any premises;
- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act;
- (d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation:

Provided that (except in cases of emergency arising from defects in any fittings) admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force:

PART IV
—cont.

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who, in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by—

(a) the generating board or the electricity board for the purposes of or in connection with the generation or supply of electricity; or

(b) the gas board for the purposes of or in connection with the manufacture, storage or supply of gas.

Interference
with apparatus,
etc.

36.—(1) If any person wilfully and without the consent of the Corporation turns on, opens, closes, shuts off or otherwise interferes with any valve, cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a fine not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

(2) If any person wrongfully takes, uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a fine not exceeding five pounds.

PART IV
—cont.

37.—(1) The Corporation may make byelaws for preventing the waste, misuse, undue consumption or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste, misuse or undue consumption of heat supplied under this Part of this Act.

Byelaws for
protection
of heating
undertaking.

(2) Byelaws under this section may include provisions—

- (a) prescribing the size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, insulation, alteration and repair of the fittings to be used;
- (b) forbidding the use of any fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—
 - (i) waste, misuse, undue consumption or contamination of or interference with the circulation of hot water or steam;
 - (ii) reverberation in pipes; or
 - (iii) waste, misuse or undue consumption of heat;
- (c) requiring the testing of fittings.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may, without prejudice to their right to take proceedings for a fine in respect of such contravention, cause any fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

(4) 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.

38. The Corporation may, if they think fit, make an allowance by way of discount on all sums of money due to them for the supply of heat from any person who pays the same within such

Discount
for prompt
payment.

PART IV
—cont.

time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every account in respect of such charges:

Provided that the Corporation shall make the same allowance to all persons under like circumstances.

Corporation not to be exempted from proceedings for nuisance.

39. Nothing in this Part of this Act shall exonerate the Corporation from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them:

Provided that this section shall not apply to the exercise by the Corporation of the powers of section 28 (Power to lay mains, etc., and break open streets) of this Act.

Modification of section 26 of Public Utilities Street Works Act, 1950.
1950 c. 39.

40.—(1) In any case in which—

- (a) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and
- (b) either the generating board, the electricity board or the gas board are the owning undertakers or (as the case may be) the operating undertakers;

the said section 26 shall be modified as follows:—

- (i) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans, sections and particulars of the works;
- (ii) the said notice shall be given not less than seven days before the works are commenced;
- (iii) any question which may arise under the said section, as modified by this section, between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950, and the proviso to subsection (2) of that section shall not apply.

1950 c. 39.

(2) In this section the expression "the Act of 1950" means the Public Utilities Street Works Act, 1950, and the several words and expressions to which meanings are assigned by that Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART V

FINANCE AND MISCELLANEOUS

41.—(1) The Corporation may borrow without the consent of Power to any sanctioning authority for any of the purposes specified in borrow. column (1) of the following table the sum specified in relation thereto in column (2) of that table:—

Purpose for which money may be borrowed (1)	Amount (2)	Maximum period for repayment of loan (3)
(a) The purchase of lands, easements and rights under the powers of this Act	The sum requisite	Sixty years.
(b) The construction of the works authorised by this Act	£75,200	Sixty years.
(c) The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

(2) Every sum borrowed under 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 column (3) of the foregoing table.

(3) The Corporation may also, with the sanction of the Minister, borrow such further moneys as may be necessary for any of the purposes aforesaid and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister, and the revenues chargeable for any moneys so borrowed shall be such as the Minister shall prescribe.

(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.

1946 c. 58.

42.—(1) As from the appointed day any person intending to install or place oil-burning equipment in any building in the Oil-fired boilers.

PART V
—cont.

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.

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

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

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

(3) (a) Any 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.

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

PART V
—cont.

- (c) the installation of any oil-burning equipment by the electricity board or the generating 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 gas board for the purposes of their undertaking:

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

(i) to houses; or

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

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

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

(i) to houses; or

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

(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.

1961 c. 34.

(9) 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.

Removal of
vehicles.

1960 c. 16.

43.—(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. 1960 c. 16.

(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. 1960 c. 63.

(4) For the purpose of the said section 15 and any such order as applied by the last foregoing 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.

(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.

44.—(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 of the Corporation, and which in the opinion of the council would be better exercised by that officer or those officers. Transfer of certain powers of surveyor.

PART V
—cont.

(2) The Corporation may revoke, amend or vary any such instrument by another instrument under their common seal.

(3) The Corporation shall cause any instrument executed under subsections (1) or (2) of this section to be published in one or more of the local newspapers circulating in the borough one month at least before the instrument shall come into operation.

Entry on land
for certain
purposes.

45.—(1) Whenever it becomes necessary for the Corporation, or any of their officers, servants, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Corporation may, after notice to such owner or occupier, apply to a magistrates' court for an order under this section.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Corporation, or any of their officers, servants, contractors or workmen, may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter, examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Corporation shall at their own expense make good and restore to their former condition any lands laid open by them, or their officers, servants, contractors or workmen, and shall make good, to the reasonable satisfaction of the owner or occupier of the lands entered, all damage or loss sustained by him in consequence of such entry, examination or laying open, and any dispute as to the amount of damage or loss so sustained as aforesaid shall, in default of agreement, be assessed by a magistrates' court, and the amount so assessed shall be recoverable in such court.

(4) If any statutory undertakers refuse to permit any of their operational lands, or the British Railways Board refuse to permit any lands belonging to them and used for the purposes of their undertaking, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section,

application under that subsection shall not be made to a magistrates' court but any question arising as to whether permission for any such lands to be so entered upon, examined or laid open is unreasonably withheld shall be determined by arbitration, and if the arbitrator shall determine that such permission is unreasonably withheld, the Corporation shall have the like powers of entering, examining and laying open the said lands for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

PART V
—cont.

(5) If any person who in compliance with the provisions of this section or an order made thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART VI

PROTECTIVE PROVISIONS

46.—(1) Nothing in section 20 (Subsidiary works) of this Act shall authorise the Corporation to alter, remove or otherwise interfere with any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878. For protection of Postmaster General. 1878 c. 76.

(2) Where in pursuance of the powers conferred by subsection (1) of section 20 of this Act, any street or part of a street is diverted or stopped up, the following provisions of this subsection shall, unless otherwise agreed in writing between the Corporation and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to, or used by, the Postmaster General as is under, in, upon, over, along or across any land which by reason of the diversion or stopping up ceases to be a street (in this subsection referred to as "the affected line"), that is to say:—

(a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the diversion or stopping up of the street or part of the street, so however that the said power shall not be exercisable as respects the whole or any part of the

PART VI
—cont.

affected line after the expiration of a period of one month from the date of the sending of the notice referred to in subsection (3) of this section unless, before the expiration of that period, the Postmaster General has given notice to the Corporation of his intention to remove the affected line or that part thereof (as the case may be):

- (b) The Postmaster General may by notice in that behalf to the Corporation abandon the affected line, or any part thereof, and shall be deemed, as respects the affected line, or any part thereof, to have abandoned it at the expiration of the said period of one month unless, before the expiration of that period, he has removed it or given notice of his intention to remove it:
- (c) The Postmaster General shall be entitled to recover from the Corporation the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require:
- (d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Corporation and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after the whole or part of a street has been diverted or stopped up in pursuance of the powers referred to in subsection (2) of this section the Corporation shall send to the Postmaster General a notice informing him of the diversion or stopping up.

(4) The exercise of the powers conferred by section 21 (Temporary stoppage of streets) of this Act in relation to any street shall not prejudice, or affect the right of the Postmaster General:—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, upon, over, along or across that street; or
- (b) for the purposes of such maintenance, inspection, repair, removal or renewal to enter upon or break open that street.

(5) In this section “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878.

47. For the protection of certain statutory undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers concerned, apply and have effect:—

PART VI
—cont.

For
protection
of certain
statutory
undertakers.

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

“ Act of 1950 ” means the Public Utilities Street Works Act, 1950 c. 39.

“ apparatus ” means—

(a) mains, pipes, valves, siphons, stopcocks, pillars or other apparatus belonging to or maintained by the North Western Gas Board;

(b) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the North Western Electricity Board;

and includes any building, structure or works constructed for the lodging therein of apparatus;

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

“ position ” includes depth;

“ the undertakers ” means the North Western Gas Board and the North Western Electricity Board or either of such boards and in relation to any apparatus or property means the undertakers by whom the apparatus is maintained and in relation to the supply of electricity or gas means the undertakers by whom the supply is provided;

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not acquire any apparatus under the powers of this Act otherwise than by agreement:

(3) Subject to the provisions of this section, in relation to any of the works to which, apart from this section, the provisions contained in Part II of and Schedule 4 to the Act of 1950 (which regulate the relations between an authority executing a road alteration and undertakers within the meaning of the Act of 1950 whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were included in paragraph (a) of subsection (1) of section 21 of the Act of 1950 and the undertakers' apparatus affected thereby was in a street:

PART VI
—cont.

Provided that for the purposes of such application the said provisions of the Act of 1950 shall have effect in relation to the construction of the works—

(a) so as to impose on the Corporation an obligation, before commencing any of the works, to give notice to the undertakers concerned under paragraph 2 of Schedule 4 to the Act of 1950 together with plans, sections and particulars of the works to be commenced; and

(b) as if the words in parenthesis in paragraph 3 of the said schedule relating to a road alteration were omitted from that paragraph:

- (4) Where a street in which any apparatus is situated has been permanently stopped up by the Corporation under the powers of paragraph (e) of subsection (1) of section 20 (Subsidiary works) of this Act the undertakers shall, notwithstanding such stopping up, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up has ceased to be a street as they would have if it had remained a street or the undertakers may and, if reasonably required by the Corporation, shall—

(a) remove the apparatus and relay or replace it in such other position as the undertakers may reasonably determine; or

(b) provide and lay or place in such other position as aforesaid other apparatus in place of the existing apparatus:

- (5) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in, or in connection with, the carrying out of such works as are referred to in sub-paragraphs (a) or (b) of the last foregoing paragraph (whether or not the Corporation have required those works to be carried out), including expenses so incurred in cutting off any apparatus from any other apparatus and in doing any work rendered necessary in consequence of carrying out the said works:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which impose limitations on undertakers' rights to payment) shall, so far as applicable, extend and apply to any payment to be made by the Corporation under this paragraph as if the works in respect of which the payment is to be made were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection, for the words

“ specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act ”, there were substituted the words “ agreed or settled by arbitration under section 47 (For protection of certain statutory undertakers) of the Oldham Corporation Act 1966 ”:

- (6) The expense of all repairs and renewals of any apparatus which may be rendered necessary by reason or in consequence of the construction of any of the works or any subsidence resulting from the works shall be borne by the Corporation and paid by them to the undertakers:
- (7) The Corporation shall, so far as is reasonably practicable, so exercise the powers conferred by the following sections of this Act as not to obstruct or render less convenient the access to any apparatus:—
 - Section 20 (Subsidiary works);
 - Section 22 (Power to prevent access to or from works):
- (8) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 21 (Temporary stoppage of streets) 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 any such street as may be reasonably necessary for inspecting, repairing, maintaining, renewing or removing any apparatus which at the time of the stopping up or diversion was in that street:
- (9) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed, the Corporation shall provide an alternative means of access to such apparatus:
- (10) Nothing in section 23 (Power to make trial borings) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers conferred by that section:
- (11) If by reason or in consequence of any of the works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the undertakers, or any interruption in the supply of electricity or gas by the undertakers, shall be caused, the Corporation shall—
 - (a) make reasonable compensation to the undertakers for any loss sustained by them; and

PART VI
—cont.

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Corporation with respect to any damage or interruption which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

(12) (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 referred to and determined by arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation 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, as far as may be reasonably possible, interference with any purpose for which the apparatus is used.

PART VII

GENERAL

Confirming
authority for
byelaws.

48. In the case of byelaws made under the provisions of section 37 (Byelaws for protection of heating undertaking) of this Act, the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister and in the case of byelaws made under the provisions of section 42 (Oil-fired boilers) the confirming authority shall be the Secretary of State.

Restriction
on right to
prosecute.

49. 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.

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 inquiries; 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.

1946 c. 31.

51.—(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. The appointed day.

(2) 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 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.

(3) 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.

52.—(1) Section 300 of the Act of 1936 shall apply with respect 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 involves the execution of any work or the taking of any action 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 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.

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

PART VII
—cont.

(2) The section of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to this Act other than Part IV (District heating) thereof.

Application of
Arbitration
Act.

1950 c. 27.

54. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act, 1950, shall apply to any such arbitration.

Protection of
members and
officers of
Corporation
from personal
liability.

1875 c. 55.

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

Saving for
town and
country
planning.

1962 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.

SCHEDULE

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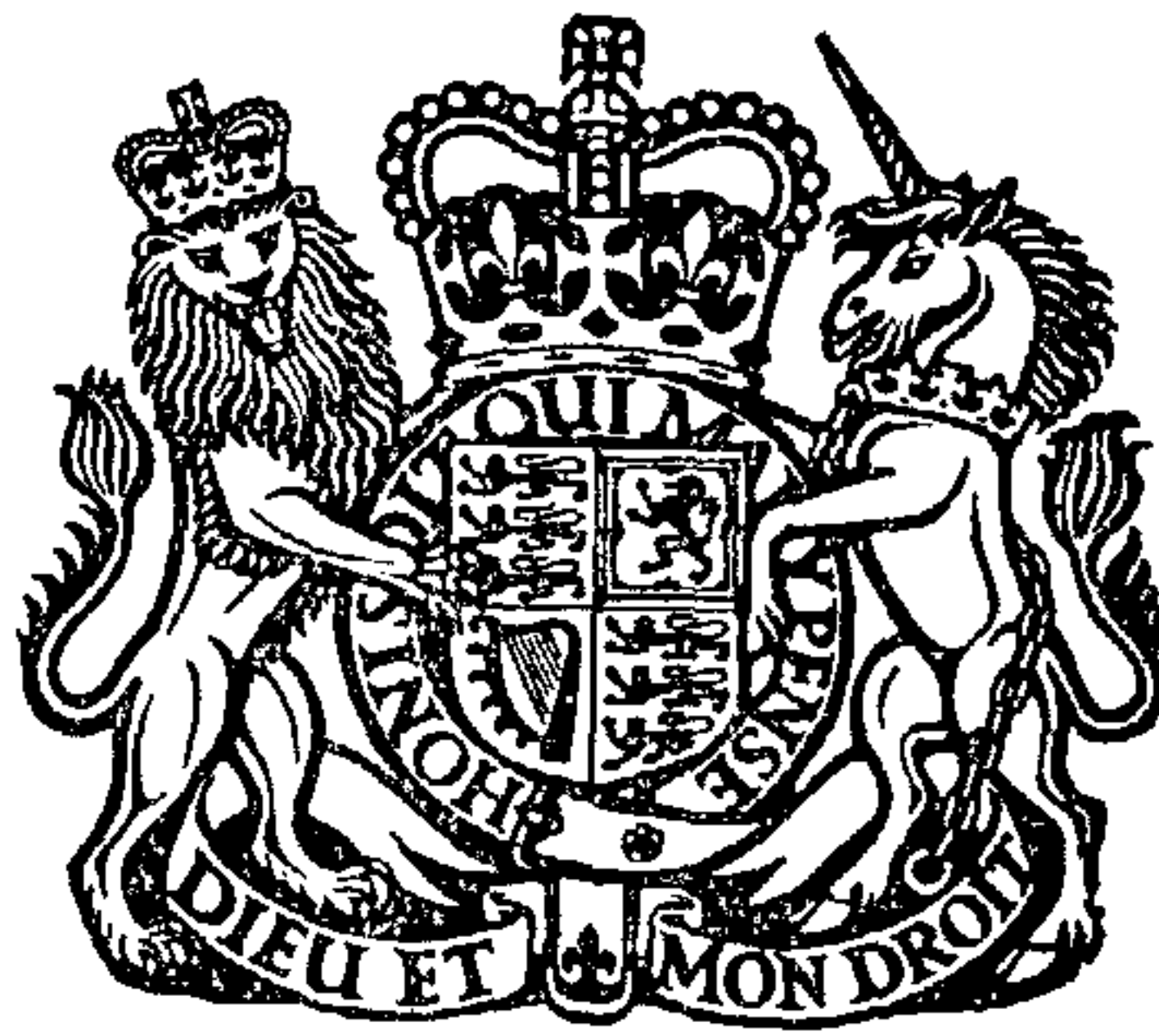
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