

ELIZABETH II



1966 CHAPTER xxxvii

An Act to confer further powers on the mayor, aldermen and burgesses of the county borough of Brighton; to make further provision with respect to the local government, improvement and finances of the borough; and for other purposes. [13th December 1966]

WHEREAS the borough of Brighton (hereinafter called "the borough") is a county borough under the government of the mayor, aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas it is expedient that further provision should be made with respect to the local government, improvement and finances of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended as by this Act provided:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

1933 c. 51.

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:—

Short and
collective
titles.

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

(2) The Brighton Corporation Acts, 1931 to 1960, and this Act, may be cited together as the Brighton Corporation Acts, 1931 to 1966.

Interpretation.

2.—(1) In this Act the several words and expressions to which 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—

1931 c. cix.

“ the Act of 1931 ” means the Brighton Corporation Act, 1931;

1933 c. 51.

“ the Act of 1933 ” means the Local Government Act, 1933;

1936 c. 49.

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

“ the borough ” means the county borough of Brighton;

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

“ the council ” means the council of the borough;

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

1952 c. 55.

“ magistrates' court ” has the meaning assigned thereto by section 124 (1) of the Magistrates' Courts Act, 1952;

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

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

(3) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by any other enactment, including this Act.

3.—(1) For the purposes of section 7 (Coffee bars, clubs, etc., open after 11 p.m. or before 5 a.m.) and section 8 (Mobile coffee stalls, etc.) of this Act “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

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

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

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

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

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

(4) Either—

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

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

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

(5) It shall be lawful for any person who—

(a) immediately before the appointed day was using any premises for the purpose of a coffee bar to which section 7 (Coffee bars, clubs, etc., open after 11 p.m. or before 5 a.m.) of this Act applies; and

(b) had before that day duly applied for registration under the said section 7 of this Act;

to continue to use those premises for that purpose until he is informed of the decision with regard to his application.

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

(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 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.

5.—(1) The Corporation may advance money to—

Loans for
erection of
buildings,
etc.

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

(b) the owner, purchaser or lessee of—

(i) any land in the borough; or

(ii) any land (whether within or outside the borough) 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.

(2) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act, 1963 (which section empowers local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to an advance made under subsection (1) of this section, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3 of references to an advance made under subsection (1) of this section and to any other necessary modifications. 1963 c. 29.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) In this section—

“lessee” includes a person to whom the Corporation have agreed to grant a lease and the expression “lease” shall be construed accordingly; and

“owner” means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land.

1936 c. lxvii. (6) Section 21 (Power to Corporation to advance money for erection of buildings) of the Brighton Corporation Act, 1936, is hereby repealed.

Mixing of mortar, etc., in streets.

1957 c. 56.
1959 c. 25.
1962 c. 38.

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

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

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

Coffee bars, clubs, etc., open after 11 p.m. or before 5 a.m.

7.—(1) In this section—

“ coffee bar ” means—

(a) any premises which are kept open for public refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning; or

(b) any premises which are used by a club, organisation or body and which, if they were kept open to the public, would fall within paragraph (a) of this definition;

but does not include any premises—

(i) 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

(ii) which are kept open wholly or mainly as an ancillary amenity to a bona fide hotel, guest house or lodging house; or

(iii) which are used by a club registered or licensed under the Licensing Act 1964, or a club provided or maintained by the Corporation; or

1964 c. 26.

(iv) which are used by a club, organisation or body—

(A) registered as a charity under section 4 of the Charities Act, 1960, or not required to be registered 1960 c. 58. under that section by virtue of the provisions of subsection (4) thereof; or

(B) exclusively and bona fide for the purpose of a gymnasium or swimming bath, or playing badminton, fives, racquets, squash, bingo, tombola, billiards, chess, dominoes, bridge, whist or any game similar to any of those games; or

(v) in respect of which a licence is for the time being in force for the public performance of stage plays or a cinematograph exhibition;

“ specified drug ” means any substance which the council, with the approval of the Secretary of State, by resolution determine should, from a date to be fixed by the resolution, be included among the drugs to which subsection (13) of this section applies;

“ young person ” means a person of not more than eighteen years of age.

(2) For the purposes of a resolution relating to a specified drug the provisions of subsections (3) and (4) of section 3 (The appointed day) of this Act shall (with any necessary modifications) apply to any such resolution and the date fixed thereby.

(3) If in the opinion of the Corporation it becomes unnecessary that premises of any particular class or description should remain subject to the provisions of this section the council may by resolution determine that as from a date to be fixed by the resolution such class or description of premises shall be exempted from the provisions of this section; and the provisions of subsections (3) and (4) of the said section 3 shall (with any necessary modifications) apply to any such resolution and the date fixed thereby:

Provided that the Corporation may, after the date so fixed by any such resolution, apply to a magistrates' court for an order that, having regard to any relevant circumstances, any specified premises exempted from the provisions of this section by such a resolution should become subject to the provisions of this section, and if the court so orders those premises shall become subject to the provisions of this section from such date as may be fixed by the court, being a date not earlier than one month from the date of service upon the occupier of those premises of a copy of the order of the court.

(4) On and after the appointed day—

- (a) no premises in the borough shall be used for the purpose of a coffee bar, unless they are registered with the Corporation in accordance with the provisions of this section;
- (b) if any owner, occupier or other person concerned in the management of premises in the borough uses them for the purpose of a coffee bar or permits the premises to be used for that purpose he shall, unless the premises have been so registered with the Corporation and the registration remains in force, be liable to a fine not exceeding one hundred pounds.

(5) The Corporation may refuse to register or renew the registration of any premises for use as a coffee bar if they are satisfied that—

- (a) the premises are not suitable for the purpose, having regard to the likelihood of nuisance being caused by reason of the situation of the premises and the character of adjacent properties;
- (b) the premises, or the persons intended to be concerned with the conduct of the premises as a coffee bar, are such that young persons resorting thereto are likely to be depraved or corrupted;
- (c) the premises are not safe for the purpose;
- (d) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (e) adequate precautions against fire on the premises have not been taken;
- (f) satisfactory means of escape in case of fire and suitable fire-fighting appliances have not been provided on the premises; and
- (g) the applicant has, within the period of five years immediately preceding the date of the application to the Corporation, been convicted of an offence under subsection (6) or (13) of this section.

(6) (a) The Corporation may, on registering or renewing the registration of any premises for use as a coffee bar, impose conditions as to—

- (i) the maintenance of public order and safety;
- (ii) the number of persons who may be allowed to be on the premises at any time;
- (iii) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, fire-fighting appliances and means of lighting and ventilating the premises;

- (iv) the maintenance in safe condition of means of heating the premises; and
- (v) the hours of opening and closing the premises for use as a coffee bar so as to ensure that nuisance is not likely to be caused to residents in the neighbourhood:

Provided that the Corporation shall not impose any condition under sub-paragraph (v) of this paragraph in the case of premises which are kept open wholly or mainly as an ancillary amenity to a bona fide tenpin bowling establishment.

(b) Any person concerned in the management of a coffee bar who contravenes any condition imposed under this subsection, or who knew or had reasonable cause to suspect that such a condition was being contravened by some other person, shall be liable to a fine not exceeding fifty pounds:

Provided that if the person against whom proceedings are brought under this paragraph proves that he has used all due diligence to secure that the condition concerned was complied with, he shall be acquitted of the offence under this paragraph.

(7) The Corporation may at any time revoke the registration of any premises on any ground upon which, pursuant to subsection (5) of this section, they may refuse to renew the registration of those premises, or if they are satisfied that any condition imposed under subsection (6) of this section has not been complied with.

(8) 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;
- (b) the name and address of the applicant and his trade or calling during the six months preceding the application;
- (c) 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.

(9) Any person making application for registration or renewal of registration under this section shall, when making application, pay to the Corporation in respect thereof a fee of one pound.

(10) 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 upon which it was based.

(11) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises under this section, or by the revocation of any such registration or by any condition imposed under this section, may within twenty-one days from the date of such refusal, or revocation, or the imposition of the condition, appeal to a magistrates' court; and on any such appeal the court may by order confirm or set aside such refusal or revocation, or confirm, vary or set aside any such condition, or impose any condition which the Corporation would have been entitled to impose by virtue of this section, and the Corporation shall give effect to such order accordingly.

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

1964 c. 64.
1965 c. 15.

(13) If a coffee bar is conducted in a disorderly manner, or if any drug to which the Drugs (Prevention of Misuse) Act 1964, or the Dangerous Drugs Act 1965, applies, or any specified drug, is sold, supplied or otherwise distributed on the premises by a person to any other person resorting thereto, any person concerned in the management of the coffee bar who knew or had reasonable cause to suspect that the premises were so conducted as aforesaid or that such sale, supply or distribution was taking place on the premises shall be guilty of an offence under this section and liable on conviction to a fine not exceeding fifty pounds:

1956 c. 76.

Provided that nothing in this subsection shall apply to the administration of a drug or a specified drug for the purposes of medical treatment by or in accordance with the directions of a medical practitioner registered pursuant to the Medical Act, 1956, or any enactment amending or replacing the same.

(14) 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 as a coffee bar, or intended to be so used, 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.

(15) 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 (14) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(16) Where an offence under this section committed by a body corporate is proved to have been committed with the consent of 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.

(17) Notwithstanding the reference in subsection (1) of this section to the hours of eleven o'clock in the evening and five o'clock in the morning where premises are for the time being registered with the Corporation under this section the person who keeps the premises shall be deemed to have been duly licensed in respect of those premises under the provisions of the Refreshment Houses Act, 1860, in respect of the period between the hours of ten o'clock in the evening and five o'clock in the morning and the provisions of that Act, and of any enactment amending or extending the same, shall apply accordingly. 1860 c. 27.

8.—(1) In this section—

Mobile coffee stalls, etc.

“mobile stall” means any van, cart, motor car, trailer or other vehicle intended or adapted for use for the purpose of serving refreshments;

“refreshments” means any food or drink intended for immediate consumption but does not include ice-cream, water ice or any similar commodity.

(2) (a) On and after the appointed day no person shall, without the consent of the Corporation, sell or offer for sale any refreshments from a mobile stall in any street in the borough between the hours of ten o'clock in the evening and eight o'clock in the morning.

(b) The Corporation may refuse their consent under this subsection if they are satisfied that the sale or offer for sale of refreshments from a mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning, or the behaviour of persons resorting thereto during that period, is likely to cause annoyance to the occupiers of adjacent properties or members of the public; and in giving a consent the Corporation may impose such reasonable terms and conditions relating to the situation of, and the conduct of the business at, the mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning as they may think fit, but shall not impose any term or condition which requires the payment of money.

(3) The Corporation may at any time revoke, as from such date as the Corporation may specify (being a date not earlier than seven days from the date of service, upon the person to whom the consent was given, of notice of the revocation), any consent given under the last foregoing subsection if they are satisfied that the sale or offer for sale of refreshments from a mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning, or the behaviour of persons resorting thereto during that period, has caused and is likely to continue to cause annoyance to the occupiers of adjacent properties or members of the public, or if any term or condition imposed under the last foregoing subsection has not been complied with.

(4) Any person aggrieved by the refusal of the Corporation to give their consent under this section, or by any term or condition attached to such consent, or by the revocation of such consent, may within twenty-one days from the date of such refusal or revocation, or from the imposition of any term or condition, appeal to a magistrates' court.

(5) Any person who contravenes any of the foregoing provisions of this section shall be liable to a fine not exceeding twenty pounds.

Power to
advertise
advantages of
borough.

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

- (a) combine with any other organisation, company or person; and
- (b) employ such persons, firms or companies as they think fit.

1931 c. 17.
1936 c. 48.

(2) Any expenditure under this section shall be separate from and additional to the expenditure, if any, of the Corporation under the Local Authorities (Publicity) Act, 1931, or the Health Resorts and Watering Places Act, 1936.

Amendment
of
sections 410
and 421 of
Act of 1931.

10.—(1) Section 410 (Provisions as to hackney carriages) of the Act of 1931 is hereby amended as follows:—

- (a) In subsection (2) thereof after the words "conductors thereof" there shall be inserted the words "and regulations made under section 421 of this Act fixing the rates or fares (whether for time or for distance) to be paid for hackney carriages and for securing the due publication of such rates or fares";

(b) In subsection (3) thereof for the words " or byelaws " there shall be substituted the words " byelaws or regulations ".

(2) Section 421 (Power to make regulations for certain purposes) of the Act of 1931 is hereby amended by the insertion in subsection (1) thereof after the words " publication of such " of the words " rates or ".

11. Section 514 (Application of revenue of undertakings) of the Act of 1931 is hereby amended as follows:—

Amendment
of section 514
of Act of
1931.

(a) In paragraph (b) of subsection (1) the words " in the case of the electricity undertaking to the consent of the Electricity Commissioners and " shall be omitted;

(b) In paragraph (c) of subsection (1) for the words " ten shillings " and " one-twentieth " there shall be substituted respectively the words " two pounds " and " one-tenth ", and for the words " the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of other undertakings " there shall be substituted the words " each undertaking ";

(c) In subsection (4) the words " (except in the case of the electricity undertaking) " shall be omitted in both places where those words occur.

12. The Corporation may by agreement with any other person provide, upon such terms as the Corporation may think fit, for—

Electronic or
mechanical
equipment.

(a) the joint purchase, provision, use or maintenance of any electronic or mechanical accounting or calculating equipment; or

(b) the use by one party to the agreement of any such equipment of the other party;

and any such agreement may, if it appears convenient, provide for the joint use, or the use by either party, of the services of any persons employed in connection with any such equipment.

13.—(1) The Corporation may, within or outside the borough, provide and maintain recreational, social and welfare facilities for their employees.

Recreational
and other
facilities for
employees.

(2) For the purposes aforesaid the Corporation may—

(a) erect or maintain buildings;

(b) adapt any premises on any land belonging to them but not already appropriated for such purposes;

(c) make such charges as they think fit for the use of facilities provided under this section;

(d) make regulations for the management of such premises; and

(e) lend money or make grants to any club or other social organisation of their employees on such terms as they think fit.

(3) No power conferred upon the Corporation by this section shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(b) as to contravene a covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Corporation) subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Power to borrow.

14.—(1) The Corporation may borrow—

(a) such sums as may be necessary for any of the purposes of this Act;

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

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

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

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

1946 c. 58.

Local inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry, and for that purpose

the definition of "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act, as well as the Ministers therein mentioned.

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

1946 c 31.

16. The written consent of the Attorney General shall be requisite for the taking of proceedings in respect of an offence created by or under section 6 (Mixing of mortar, etc., in streets), section 7 (Coffee bars, clubs, etc. open after 11 p.m. or before 5 a.m.) or section 8 (Mobile coffee stalls, etc.) of this Act by any person other than the Corporation.

Restriction on right to prosecute.

17.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act, and sections 301 and 302 of that Act shall apply accordingly.

Appeals.

(2) Where any refusal, revocation, term or condition 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 any business which he was lawfully carrying on up to the time of the refusal, revocation, term or condition or to use any premises for any purpose for which the same were lawfully used up to that time;

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

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action; and

(ii) that person may carry on that business or use those premises for that purpose.

18. The sections of the Act of 1936 mentioned in the schedule to this Act shall have effect as if references therein to that Act included references to this Act.

Application of general enactments.

19. 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.

Protection of members and officers of Corporation.

1875 c. 55.

20. The costs, charges and expenses of and incidental to preparing, applying for and obtaining this Act, as taxed by the taxing officer of one of the Houses of Parliament, shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act.

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Brighton Corporation Act 1966

CHAPTER xxxvii

ARRANGEMENT OF SECTIONS

Section

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15. Local inquiries.
16. Restriction on right to prosecute.
17. Appeals.
18. Application of general enactments.
19. Protection of members and officers of Corporation.
20. Costs of Act.

SCHEDULE—Provisions of the Act of 1936 applied to this Act.