

**ELIZABETH II**



**1966 CHAPTER XI**

An Act to confer further powers on the lord mayor, aldermen and citizens of the city of Liverpool in relation to industry and lands; to empower them to establish an undertaking for the supply of heat; to make further provision for the improvement, health, local government and finances of the city; and for other purposes.

[21st December 1966]

**WHEREAS—**

(1) The city of Liverpool (hereinafter referred to as “ the city ”) is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city acting by the council (hereinafter referred to as “ the Corporation ”):

(2) It is expedient to make further provision with reference to industry, lands, public health, local government, improvement and finances of the city, and with respect to the airport undertaking of the Corporation, and that the powers of the Corporation in relation thereto should be enlarged and extended:

(3) It is expedient that the Corporation should be authorised to supply heat to premises within and outside the city as by this Act provided:

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

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

1933 c. 51. (6) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

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

## PART I

### PRELIMINARY

Short title. 1. This Act may be cited as the Liverpool Corporation (General Powers) Act 1966.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—  
Part I.—Preliminary.  
Part II.—Lands.  
Part III.—Streets and buildings.  
Part IV.—Public health.  
Part V.—Public order.  
Part VI.—District heating.  
Part VII.—Finance, superannuation, etc.  
Part VIII.—Miscellaneous.  
Part IX.—General.

Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 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—

1921 c. lxxiv. “the Act of 1921” means the Liverpool Corporation Act, 1921;  
1927 c. lxxxviii. “the Act of 1927” means the Liverpool Corporation Act, 1927;  
“the Act of 1933” means the Local Government Act, 1933;  
1936 c. 49. “the Act of 1936” means the Public Health Act, 1936;  
1950 c. 39. “the Act of 1950” means the Public Utilities Street Works Act, 1950;

- “ the Act of 1959 ” means the Highways Act, 1959; PART I
- “ the Act of 1960 ” means the Road Traffic Act, 1960; —cont.
- “ airport undertaking of the Corporation ” includes any aerodromes established and maintained or which may be established and maintained by the Corporation under the provisions of the Civil Aviation Act, 1949, or any other enactment, and also includes all roads, works, apparatus, plant, equipment and buildings and other accommodation and any services, facilities and ancillary businesses undertaken or provided in connection therewith; 1959 c. 25.  
1960 c. 16.
- “ appointed day ” has the meaning assigned to it by section 53 (The appointed day) of this Act; 1949 c. 67.
- “ the city ” means the city of Liverpool;
- “ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the lord mayor, aldermen and citizens of the city acting by the council;
- “ the council ” means the council of the city;
- “ enactment ” includes an enactment in this Act or in any general or local Act, and any order, byelaw, scheme or regulation for the time being in force within the city;
- “ the general rate ” and “ the general rate fund ” mean respectively the general rate and the general rate fund of the city;
- “ land ” includes water and any interests in land or water and any easement or right in, to, under or over land or water;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961; 1949 c. 42.  
1961 c. 33.
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act, 1952; 1952 c. 55.
- “ memorial ” includes a monument, gravestone, tablet, tombstone, headstone, kerbstone, railings, vase and any other ornament placed or erected over any grave;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878; 1878 c. 76.
- “ the town clerk ” means the town clerk of the city.

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



PART I  
—cont.

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

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

Provided that—

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

## PART II

## LANDS

Acquisition  
of land for  
development.

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

- (a) development by the erection of any building or the construction or carrying out of works on land for the benefit or improvement of the city; or
- (b) facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking (including the requirements arising from the needs of persons employed or to be employed therein).

1946 c. 49.

(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.

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

(4) (a) Subject to the provisions of paragraph (b) of this subsection, the powers conferred by this section shall continue in force until 31st December, 1971.

(b) (i) The Minister may on the application of the Corporation by order extend the period referred to in paragraph (a) of this subsection until 31st December, 1981.

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

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

PART II  
—cont.

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

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

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 of, 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 subsection (1) of this section 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

PART II  
—cont.

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 subsection (1) of this section shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

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

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

Suspension  
of restrictive  
covenants.

7.—(1) If the Corporation—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land; or

(c) have acquired land by agreement before the passing of this Act;

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by any enactment) as to the user thereof or the building thereon, the council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Corporation shall—

(a) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected, and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;



(b) serve by registered post or the recorded delivery service on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the foregoing paragraph of this subsection; and

(c) cause a notice containing the like particulars to those specified in paragraph (a) of this subsection to be posted in a prominent position on the land to which the resolution relates once at least in each of four successive weeks.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister within the period specified in the notice referred to in subsection (3) of this section and by sending a copy of such objection and of the grounds thereof to the Corporation.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and, before confirming the resolution, the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and, after considering the report of the person who held the inquiry, may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Corporation acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine, not being earlier than the date on which the Corporation acquire the land.

(7) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act, 1845, to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof, and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961. 1845 c. 18. 1961 c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates, or, if the Corporation

PART II  
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convey the land to any body for any of the purposes of the Education Acts, 1944 to 1964, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts, 1944 to 1964, remain unenforceable only so long as the land is used for that purpose.

(9) If the Corporation dispose of any land to which the restriction suspended under the powers of this section relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) Nothing in this section shall apply to any restriction for the protection of or for securing access to apparatus of any statutory undertakers contained in any deed, wayleave, agreement or other instrument.

(11) In this section the expression “ the appropriate Minister ” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Corporation have acquired or agreed to acquire that land.

Reclamation  
and  
improvement  
of land.  
1949 c. 97.  
1963 c. 29.

8.—(1) The power of the Corporation under subsection (5) of section 89 of the National Parks and Access to the Countryside Act, 1949 (which relates to the treatment of derelict land), to acquire land compulsorily for the purpose of their functions under subsection (2) of the said section 89, as set out in section 6 of the Local Authorities (Land) Act, 1963 (which amends provisions relating to the treatment of derelict land), shall include power to acquire any land to which this section applies; and, notwithstanding the provisions of subsection (3) of the said section 6, the Corporation may be authorised under section 103 of the said Act of 1949 (which contains general provisions as to the acquisition of land) to acquire any land to which this section applies.

(2) This section applies to land in the city which is not itself derelict, neglected or unsightly but which is required for the purpose of bringing into use or improving the appearance of land in the city which is derelict or which, by reason of neglect following the abandonment of the previous use of the land, is unsightly and which, unless the said functions of the Corporation are exercised, is likely to continue in that condition.



9.—(1) In this section—

“ the bishop ” means the Lord Bishop of Liverpool for the time being or, during a vacancy in the See of Liverpool, the guardian of the spiritualities thereof;

“ the board ” means the Liverpool Diocesan Board of Finance;

“ ecclesiastical property ” means land (with any buildings thereon) vested in an incumbent of a benefice in the city being land, whether consecrated or not, which is or has formed part of a church subject to the jurisdiction of the bishop or the curtilage or the site of a church so subject or being or forming part of a burial ground so subject;

“ incumbent ” means the incumbent of a benefice acting with the consent of the bishop or during any period in which the benefice is vacant the bishop;

“ the registrar ” means the registrar of the Consistory Court of the Diocese of Liverpool.

(2) Where the fee simple of ecclesiastical property is in abeyance it shall be treated for the purpose of this section as vested in the bishop.

(3) Notwithstanding any obligations or restrictions (including the legal effects of consecration) imposed under ecclesiastical law or otherwise in respect of ecclesiastical property, the Corporation and the incumbent may enter into an agreement for the sale to the Corporation of any ecclesiastical property in the city or any part of such property which may be required by the Corporation for the benefit, improvement or development of the city and the incumbent may in pursuance of such agreement and subject to the provisions of this section convey such property to the Corporation.

(4) All sums payable by the Corporation in consideration of the conveyance of the ecclesiastical property shall be paid to the board (the receipt of whose treasurer shall be a good and sufficient discharge) and on the payment of such sums and the fulfilment of such terms and conditions as may have been agreed between the Corporation and the incumbent, the ecclesiastical property shall thereupon vest in and may be used by the Corporation free from and in defeasance of the estates, rights and interests therein of the bishop or of the patrons or incumbent of the benefice or of any other person or persons and also free and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which, immediately before such payment, attached thereto under ecclesiastical law or otherwise and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred

PART II  
—cont.  
Purchase of  
ecclesiastical  
property by  
agreement.

PART II  
—cont.

in the ecclesiastical property and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said payment by reason of the ecclesiastical property or any part thereof being or forming the site or enclosure of a church or being a burial ground or churchyard or otherwise.

(5) (a) Where the ecclesiastical property or any part thereof comprises a church, such church shall be closed and disused for divine service within three months after the vesting thereof in the Corporation or on such later date as may with the consent of the Corporation be fixed by the bishop by order under his hand; and as soon as may be thereafter the said church shall be pulled down and wholly demolished by the Corporation and shall not be used or kept temporarily or otherwise for any purpose whatsoever.

(b) As soon as conveniently may be after the closing of such church the board shall cause to be removed therefrom all church ornaments, fittings and furniture, and shall dispose of the same in such manner as the bishop may in writing direct and such disposition shall be good and effectual in law:

Provided that in giving any direction under this paragraph in relation to any object which has been given by way of memorial, the bishop may have special regard to the wishes of any of the relatives of the person in whose memory it was given.

(c) All registers, deeds, records, books and documents belonging to or kept in such church shall before the closing and disuse thereof be removed by the board to, and securely kept at, such place, or otherwise dealt with, as the bishop shall direct:

Provided that before giving directions as to the removal of any marriage registers kept at such church, the bishop shall consult with the Registrar General and comply with any requirements he may make.

(6) Notwithstanding anything in any enactment but subject to the provisions of this section, it shall be lawful, as from the date on which any ecclesiastical property which comprises a burial ground or churchyard or part thereof vests in the Corporation under the powers of this section, to use, deal with or dispose of such property for the erection of any building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of the burial of human remains.

(7) (a) Where the ecclesiastical property or any part thereof comprises a burial ground or churchyard in which the remains of deceased persons are interred, the Corporation shall before using, dealing with or disposing of any part of such property for any purpose other than as a public open space and subject to the provisions of subsection (6) of section 10 (For protection of

Commonwealth War Graves Commission) of this Act remove or cause to be removed the remains of all deceased persons interred in such part.

(b) (i) Before proceeding to remove any such remains the Corporation shall give notice of their intention so to do by publishing a notice in manner provided in sub-paragraph (ii) of this paragraph in at least two newspapers circulating in the city and shall display a like notice in a conspicuous place in the part of the ecclesiastical property from which the remains are proposed to be removed and such notice shall have embodied in it the substance of paragraphs (c) to (f) and (h) and (i) of this subsection.

(ii) The notice referred to in sub-paragraph (i) of this paragraph shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(c) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the part of the ecclesiastical property from which the remains are proposed to be removed may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon, subject to the provisions of subsection (6) of section 10 (For protection of Commonwealth War Graves Commission) of this Act, he shall be at liberty, without any faculty for the purpose, but subject as hereinafter mentioned and subject to any regulations made by the bishop, to cause such remains to be removed to and interred in any burial ground or cemetery in which burials may legally take place, but in the case of a churchyard only with the previous consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium.

(d) If any person giving such notice as aforesaid fails to satisfy the Corporation that he is such personal representative or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar and the registrar shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(e) The expense of removal and reinterment or cremation (not exceeding in respect of the remains removed from any one grave the sum of fifty pounds) shall be defrayed by the Corporation, such sum to be apportioned if necessary equally according to the number of remains in the grave.

(f) If—

(i) within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave; or



PART II  
—cont.

- (ii) within two months after such notice has been given no application has been made under paragraph (d) of this subsection and the person who gave the notice fails to remove the remains; or
- (iii) within two months after any order is made under the said paragraph the person not being the Corporation specified in the order fails to remove the remains;

the Corporation may without any faculty for the purpose cause the remains of the deceased person to be removed and reinterred in such other burial ground or cemetery in which burials may legally take place as, subject to the consent of the bishop, the Corporation think suitable for the purpose or cremated in such crematorium as the Corporation think suitable for the purpose, but in the case of reinterment in a churchyard the previous consent of the incumbent of the benefice concerned shall also be required.

(g) Upon the reinterment or cremation of any remains under this subsection a certificate of reinterment or cremation shall be sent to the Registrar General by the Corporation giving the date of reinterment or cremation and identifying the space from which the remains were removed and the place in which they were reinterred or cremated.

(h) (i) Subject to the provisions of this paragraph any memorial relating to the remains of any deceased person removed and reinterred under this subsection shall at the expense of the Corporation be removed and re-erected at the place of reinterment of such remains or at such other place as the bishop may direct on the application either of such personal representative or relative as aforesaid or of the Corporation.

(ii) Any memorial relating to the remains of any deceased person removed and cremated under this subsection shall at the request of such personal representative or relative as aforesaid or, if no such request is made, may at the discretion, and in either case at the expense of the Corporation, be removed and re-erected at such place as the bishop may direct on the application either of such personal representative or relative or of the Corporation.

(iii) Any memorial not re-erected in accordance with the provisions of sub-paragraph (ii) of this paragraph shall be offered by the Corporation to the bishop for re-erection or disposal as he thinks fit, and—

- (A) if accepted by him shall be so re-erected or disposed of at the expense of the Corporation; and
- (B) if not accepted by him shall be broken and defaced before being disposed of in such manner as the Corporation think fit.

(iv) Where the Corporation consider that by reason of its ruinous condition any memorial removed under this paragraph is unsuitable for re-erection it may be disposed of in such manner as the Corporation think fit.

(v) The amount required to be paid by the Corporation in respect of the cost of removal and re-erection or disposal of any memorial under this paragraph by or at the request of the said personal representative or relative or the bishop shall not exceed the sum of fifteen pounds.

(vi) The Corporation shall cause a record to be made of each memorial removed under this paragraph containing—

(A) a copy of the inscription thereon; and

(B) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General and in the Public Episcopal Registry.

(i) The removal of the remains of any deceased person under this subsection shall be carried out under the supervision and to the satisfaction of the medical officer of health of the city.

(8) All moneys received by the board under this section upon the sale of any ecclesiastical property shall, after the payment of all expenses of or incidental to such sale, be applied by the board with the consent of the bishop for any purpose for which the fund known as “The Bishop’s Call to Build” can be used or may be credited to that fund or to any other fund for the time being designated by the bishop and established for the same or any similar purpose, being charitable.

10.—(1) In this section—

For  
protection of  
Common-  
wealth  
War Graves  
Commission.

“burial ground” means any churchyard, cemetery or other ground, whether consecrated or not, which has been at any time set apart for the purpose of interment and comprises or forms part of land or premises sold or conveyed to the Corporation under section 9 (Purchase of ecclesiastical property by agreement) of this Act and in which there is situated any Commonwealth war grave relating to the war of 1914 to 1921 or to the war of 1939 to 1947;

“the Commission” means the Commonwealth War Graves Commission;

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

“the Secretary of State” means the Secretary of State for the Home Department.

PART II  
—cont.

(2) Notwithstanding any of the provisions of the said section 9 the Corporation shall, when so requested by the Commission and in accordance with such arrangements and in such manner (including the disposal of the memorial) as shall be agreed in writing by the Commission, remove any memorial placed or erected by the Commission in a burial ground over any grave in which there is a Commonwealth war burial.

(3) Upon the removal in pursuance of any of the powers of this Act of any memorial in a burial ground from any grave in which there is a Commonwealth war burial no other memorial shall be placed or erected over such grave.

(4) Any Commonwealth war burial in any grave in a burial ground shall at all times be protected from interference or disturbance except—

- (i) in the circumstances referred to in and in accordance with the provisions of subsection (6) of this section; or
- (ii) where authorised by a licence granted by the Secretary of State after prior notification to the Commission of the application for the licence;

and no structure or erection shall at any time be placed or erected over any Commonwealth war burial in a burial ground.

(5) Before exercising the powers of subsection (6) of the said section 9 in relation to a burial ground so as to cause or permit the use, dealing with or disposal of the burial ground for any purpose other than as a public open space, the Corporation shall give notice to the Commission of the intended exercise of those powers and if the Commission within a period of twenty-eight days from the date on which such notice is received by the Commission give the Corporation notice that the Commission objects to the intended exercise of the said powers, the Corporation shall not exercise the said powers without the consent of the Minister:

Provided that—

- (i) when applying for such consent the Corporation shall furnish to the Minister a copy of the Commission's objection and shall not later than the date of the application inform the Commission in writing thereof;
- (ii) the Minister shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of the application;
- (iii) any such consent may be given subject to such terms and conditions as the Minister thinks fit.



(6) If the Corporation intend to exercise the powers of subsection (7) of the said section 9 in relation to a burial ground—

PART II  
—cont.

(a) the Corporation shall not later than the date upon which such notice is first published in a newspaper circulating in the city serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the provisions of the said subsection; and

(b) if it is agreed between the Corporation and the Commission that there is no practicable alternative other than for a Commonwealth war burial to be removed, then subject to the Corporation complying with the provisions of the said section 9 the removal of the remains shall be carried out in accordance with such arrangements and to such place of reinterment as shall be agreed between the Commission and the Corporation and any personal representative or relative who has given a notice to the Corporation in accordance with the provisions of subsection (7) of the said section 9:

Provided that in default of agreement between the parties for any of the purposes of this subsection any difference shall be referred to the Secretary of State for determination and effect shall be given thereto accordingly.

### PART III

#### STREETS AND BUILDINGS

11.—(1) This section applies to any excavation made after the passing of this Act on any land in the city within 30 feet from any street which is a highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of that part of the street nearest to the land on which the excavation is made with the vertical plane of the boundary of the street nearest to the excavation, but does not apply to any excavation made in, or for the purpose of, carrying out undertakers' works within the meaning of the Act of 1950.

Excavations  
near streets.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for any street in

PART III  
—cont.

relation to which this section applies to the excavation, and if the making of any such excavation, or the execution of works for the making of any such excavation, causes the withdrawal of support as aforesaid for any such street so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the street by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any liability in civil proceedings for breach of an obligation, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment or on summary conviction, to a fine:

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(4) Subject to the provisions of section 14 (Exemption of owner from liability on conviction of actual offender) of this Act, for the purposes of this section the owner of the land on which an excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of works for the making of the excavation.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

Exemption  
for river  
authorities  
from last  
foregoing  
section.

12.—(1) The provisions of the last foregoing section shall not apply to an excavation made by a river authority for the purpose of any of their functions in respect of which the following conditions have been fulfilled:—

- (a) Not less than 28 days before commencing the excavation plans are submitted by the river authority to the Corporation for their reasonable approval;
- (b) The excavation shall not be commenced until the plans have been approved in writing by the Corporation or settled by arbitration:

Provided that if the Corporation do not within 28 days after the submission to them of any such plans signify to the river authority concerned in writing their disapproval thereof they shall be deemed to have approved thereof;



(c) The excavation shall be carried out in accordance with the plans approved, deemed to have been approved or settled by arbitration.

(2) Any question between the Corporation and a river authority arising under this section shall be determined by arbitration.

(3) In this section—

“ plans ” includes sections and particulars; and

“ river authority ” includes any drainage authority within the meaning of the Land Drainage Act, 1930.

1930 c. 44.

13.—(1) This section applies to building operations, being operations for the construction, repair or demolition of any building, carried out on land in the city. Building operations affecting public safety.

(2) Any person who, after the passing of this Act, carries out building operations to which this section applies shall secure that the operations are so carried out as to cause no danger to persons in any street, and if in the course of the carrying out of such building operations there is any accident which gives rise to the risk of serious bodily injury to a person in a street, whether or not the death or disablement of any person is caused thereby, or which, but for the taking by or on behalf of the Corporation of steps to remove immediate danger under section 283 (Dangerous structures) or section 284 (Neglected structures) of the Act of 1921, would give rise to such risk, the person responsible for the part of the building operations in the course of the carrying out of which such accident happens shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Subject to the provisions of section 14 (Exemption of owner from liability on conviction of actual offender) of this Act, for the purposes of this section the owner of the land or building on which building operations are carried out shall be taken as being the person responsible for those operations.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all reasonably practicable steps were taken to secure that the building operations were carried out so as to avoid causing danger to persons in any street.

14.—(1) Where proceedings are brought under section 11 (Excavations near streets) or section 13 (Building operations affecting public safety) of this Act against the owner of any land or building he shall be entitled, on information duly laid by him Exemption of owner from liability on conviction of actual offender.



PART III  
—cont.

and on giving to the prosecution not less than three days' notice in writing of his intention to do so, to have brought before the court in the proceedings—

(a) any other person who has undertaken to be responsible—

(i) in the case of proceedings for an offence under the said section 11, for the making of the excavation in question or the execution of the works in question; or

(ii) in the case of proceedings for an offence under the said section 13, for the building operations or part thereof in question; or

(b) any other person who, by reason of the fact that he had in his charge or subject to his direction the making of the excavation, the execution of the works or the carrying out of the building operations or part thereof (as the case may be), ought to be taken to be responsible as aforesaid;

being the person whom the owner charges as the offender; and if after the commission of the offence has been proved the owner proves to the satisfaction of the court that the offence was committed without his consent, connivance or wilful default the owner shall not be guilty of the offence, and if it is proved that the offence was committed by the person whom the owner charges as the offender that person shall be convicted of the offence and shall, in the discretion of the court, be liable to pay any costs incidental to the proceedings.

(2) The prosecution as well as the person whom the owner charges as the offender shall have the right in any such case as aforesaid to cross-examine the owner, if he gives evidence, and any witnesses called by him in support of his charge and to call rebutting evidence.

(3) Where the Corporation are reasonably satisfied—

(a) that a person other than the owner has undertaken to be responsible, or ought to be taken to be responsible, as aforesaid and should be charged as the offender; and

(b) that the offence has been committed without the consent, connivance or wilful default of the owner;

they shall proceed against the person whom they consider to be the offender without first proceeding against the owner.

Liability of  
directors, etc.

15.—(1) Where an offence under section 13 (Building operations affecting public safety) of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by 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 the offence and shall be liable to be proceeded against and punished accordingly.

PART III  
—cont.

(2) In subsection (1) of this section “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

16. Notwithstanding the provisions of subsection (2) of section 273 (Restrictions on projections and projecting buildings in streets) of the Act of 1921, or anything in any other enactment, the Corporation may for the benefit, improvement or development of the city authorise the erection of any building or structure over, above or across any street maintainable at the public expense or any part thereof in the city on such terms and conditions as they think fit including terms and conditions relating to the construction, use and maintenance of the building or structure: Buildings  
over streets.

Provided that—

- (a) The Corporation shall not exercise the powers of this section as respects a trunk road without the consent of the Minister of Transport;
- (b) Before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below sixteen feet six inches the clear headway over the carriageway of any street, the Corporation shall give public notice of the proposal by advertisement in some local newspaper circulating in the city and shall take into consideration any objections or representations in respect of such proposal which may be made in writing within twenty-eight days of the first publication of such notice;
- (c) Before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below seventeen feet six inches the clear headway over the carriageway of any street which is the only means of vehicular access to an electricity substation of the Merseyside and North Wales Electricity Board, the Corporation shall give notice of the proposal to the Board and shall take into consideration any written objections or representations in respect of such proposal which may be made by the Board within twenty-eight days of such notice.



## PART IV

## PUBLIC HEALTH

Urgent  
repairs to  
supply pipes  
and water  
fittings.

17.—(1) Where the Corporation are satisfied that by reason of any injury to or defect in a supply pipe or other water fitting in any occupied house to which this section applies that house or any part thereof is or is likely to become in such a condition as to be prejudicial to health, or a nuisance, the Corporation may (without prejudice to any other action which they may be authorised to take under any other enactment) execute such work as they think necessary or expedient in the circumstances of the case to prevent or avoid such injury to health or prevent or abate such nuisance without being requested so to do, and may recover the expenses necessarily incurred by them in so doing summarily as a civil debt from the owner of the house:

Provided that, except in cases of emergency, 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) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) This section applies to any house in the city—

- (a) which, or a part of which, is let in lodgings or which is occupied by members of more than one family; or
- (b) which is one of two or more houses or other buildings supplied with water by one common supply pipe.

(4) In this section the expression "supply pipe" and "water fitting" have the same respective meanings as in the Third Schedule to the Water Act, 1945.



PART V

PUBLIC ORDER

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

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

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

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

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

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

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

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

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

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

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

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

PART V  
—cont.

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

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

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

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

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

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

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

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



of Misuse) Act, 1964, or the Dangerous Drugs Act, 1965, applies has been unlawfully supplied by a person to any other person resorting to the premises while so being used—

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

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

shall be liable to a fine not exceeding fifty pounds.

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

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

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

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

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

- (i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described; or
- (ii) a private house or private flat; or



PART V  
—cont.

1964 c. 26.

- (iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act, 1964; or
- (iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or any branch of such organisation.

(b) Nothing in this section shall apply to—

1960 c. 58.

- (i) a club registered or licensed under the Licensing Act, 1964;
- (ii) a club, organisation or body registered as a charity under section 4 of the Charities Act, 1960;
- (iii) a club provided or maintained by the Corporation;
- (iv) a club, organisation or body for the benefit of which the Corporation have exercised any of the powers conferred upon them by section 4 of the Physical Training and Recreation Act, 1937;

1937 c. 46.

- (v) a club, organisation or body in respect of the use of any premises exclusively and bona fide for the purpose of—
  - (A) games played on a playing field held with those premises;
  - (B) a gymnasium or swimming bath;
  - (C) playing badminton, fives, racquets, squash, tenpin bowling, billiards, chess, dominoes, bridge, whist or any game similar to any of those games.

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

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

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

Misleading  
signs on motor  
vehicles.

1962 c. 13.

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

PART VI

DISTRICT HEATING

20. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

Interpretation  
of this Part  
of Act.

“ the electricity authority ” means the Central Electricity Generating Board;

“ the electricity board ” means the Merseyside and North Wales Electricity Board;

“ the gas board ” means the North Western Gas 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 fittings ” includes radiators, air heaters, water heaters, mains, pipes, meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the supply or use of heat;

“ the heating undertaking ” means the heating undertaking authorised by this Part of this Act and includes all lands, stations, boiler-houses, properties, works, buildings, machinery, plant, mains, pipes, apparatus, 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;

“ main ” includes mechanical and thermal protection for a main and apparatus used in connection with a main.

21.—(1) The Corporation may supply heat to—

Supply of  
heat.

(a) such premises in the city; and

(b) such premises owned by them outside the city;

as they may think fit, 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 the premises:

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.



PART VI  
—cont.

(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 to do so 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.

Works for  
provision  
of heat.

22.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands in the city 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, lifts, hoists, 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:

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;
- (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 electricity authority and shall not instal such engines or machinery except with the agreement of that authority.

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

- (a) to the electricity authority; or



(b) with the approval of the electricity authority to the electricity board;

PART VI  
—cont.

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 electricity authority and the electricity board) elsewhere.

(3) The electricity authority 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 electricity authority;

upon such terms and conditions as may be agreed between the Corporation and the electricity authority 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 electricity authority would incur in producing the equivalent amount of electricity from their own resources.

23.—(1) The Corporation may enter into and carry into effect agreements with any persons able to supply 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—

Power to buy  
heat in bulk.

- (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.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of surplus 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.

24.—(1) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land within the city.

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.

PART VI  
—cont.

(3) (a) 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.

1946 c. 49.

(b) 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, subject to the easement or right, have the same right to use 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 Lands 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:

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

(6) A notice to treat given under this section for an easement or right 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.

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

Part V (Power to lay mains etc.);

Section 22 (Power to break open streets);

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

- 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).

PART VI  
—cont.

(2) For the purposes of this Part of this Act, in the construction of the provisions incorporated by this section—

- “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 city.

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

- (a) to lay down a main outside the city except for the purpose of—
- (i) giving or facilitating a supply of heat within the city; or
  - (ii) taking a supply of heat from any works or premises outside the city; or
  - (iii) supplying heat to any premises owned by them;
- (b) to supply heat to any premises outside the city other than premises owned by them.

26.—(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 22 (Works for provision of heat) of this Act the Corporation may, within the city, lay down or erect electric lines and apparatus—

Power to lay down or erect electric lines, etc.

- (a) in, under or over any street, subject however to the provisions of subsection (3) of this section; and
- (b) with the consent of every owner and occupier of any land 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 a consent is or is not unreasonably withheld shall be referred to and determined by the Minister.



PART VI  
—cont.

(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 laying down, erection, inspection, 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.

1945 c. 42.

(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 city shall be deemed to be the limits of supply:—

Section 22 (Power to break open streets);

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

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);

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

1888 c. 12.

(4) Without prejudice to the operation of section 4 of the Electric Lighting Act, 1888, 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.

1947 c. 54.

1899 c. 19.

(5) The powers of this section shall not be exercised except with the consent of 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.

27.—(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 any such heating fittings as may be required for or in connection with the

supply or utilisation of the heat so supplied and may instal, repair, renew or alter any heating 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 heating 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 heating fittings let for hire by the Corporation 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 1965 c. 66. by the Corporation:

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

(4) All heating 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) The Corporation shall 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, establishment charges, and any sums carried to a sinking fund for repayment of moneys so borrowed.

(6) If any person wilfully injures or suffers to be injured any heating 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.

28.—(1) The Corporation may from time to time prescribe Heating a scale of charges (in this section called "heating charges") for charges. heat supplied to premises under the powers of this Part of this



PART VI  
—cont.

Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for reconnecting 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.

(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.

29. The Corporation may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the Corporation 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.

Power to  
enter premises.

30.—(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 heating fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid, for the purpose of—

(a) inspecting and examining any heating 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;
- (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 heating 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 that—

- (a) 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) 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:

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

PART VI  
—cont.

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 the electricity authority or the electricity board or the gas board for the purposes of or in connection with the generation or supply of electricity or the manufacture, storage or supply of gas (as the case may be).

Interference  
with  
apparatus, etc.

31.—(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.

Byelaws for  
protection  
of heating  
undertaking.

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

(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 heating fittings to be used; and
- (b) forbidding the use of any heating 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.



(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 in respect of such contravention, cause any heating 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.

33. 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 or rent of meter or for heating fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such 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 demand note in respect of such charges:

Discount  
for prompt  
payment.

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

34.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving twenty-four hours' notice in writing of his intention so to do to the Corporation, 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 up to the next date on which the register of the meter 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.

Notice to be  
given before  
quitting  
premises  
supplied  
with heat.

(2) The foregoing provisions of this section, or a statement of the effect thereof, shall be endorsed upon every demand note in respect of heating charges payable to the Corporation.

35. 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.

Corporation  
not to be  
exempted from  
proceedings  
for nuisance.

36.—(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

Modification  
of section 26  
of Act of  
1950.

PART VI  
—cont.

- (b) either the electricity authority, the electricity board, the gas board or the Wirral Water 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) subject to the provisions of the next succeeding paragraph the said notice shall be given not less than seven days before the works are commenced;
- (iii) on the first occasion on which the Corporation execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the Corporation execute such works extending for a distance of more than one hundred yards, the said notice shall be given not less than twenty-one days before the works are commenced and shall be accompanied by information as to—

(A) the maximum temperatures and pressures at which hot water or steam is proposed to be transmitted or distributed by the Corporation by means of such works; and

(B) the measures (if any) proposed to be taken by the Corporation with respect to the securing of the safety of any apparatus of the electricity authority or the electricity board or the gas board or the Wirral Water Board from damage or injury arising directly or indirectly from such works and with respect to the insulation of such works so as to prevent the escape of heat therefrom;

- (iv) 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.

(2) In this section any expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

Separate  
accounts and  
reserve fund.

37. Section 204 (Revenue and expenses of trading undertakings), section 205 (Separate accounts in respect of trading undertakings) and section 206 (Reserve funds for trading undertakings) of the Act of 1927 shall have effect as if the heating undertaking were included in the undertakings mentioned therein respectively.



38. For the protection of the mayor, aldermen and burgesses of the county borough of Bootle (in this section referred to as "the Bootle Corporation" and "the borough" respectively) the following provisions shall unless otherwise agreed in writing between the Corporation and the Bootle Corporation apply and have effect:—

PART VI  
—cont.

For  
protection  
of Bootle  
Corporation.

- (1) Notwithstanding the provisions of this Part of this Act the Corporation shall not supply heat to any premises in the borough without the consent of the Bootle Corporation but such consent shall not be unreasonably withheld and shall not be withheld in any case where the Bootle Corporation are unable or unwilling to supply heat on terms and conditions as favourable as the terms and conditions on which the Corporation are able to supply heat to those premises:
- (2) Any dispute between the Corporation and the Bootle Corporation under this section shall be determined by the Minister.

## PART VII

### FINANCE, SUPERANNUATION, ETC.

39.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament, the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment, and so much of such payment may, on proof of such agreement, be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of  
rates from  
certain  
owners.

(b) The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act, 1925, 1925 c. 90. applies by virtue of a resolution of the Corporation.

PART VII  
—cont.False  
statements to  
obtain rent  
rebates, etc.**40.**—(1) If a person for the purpose of obtaining for himself or another person—

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

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

1911 c. 6.

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

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

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

Amendment  
of section 561  
of Act of  
1921.**41.** Section 561 (Provisions as to raising money by bills) of the Act of 1921 is hereby amended as follows:—

- (1) in paragraph (4) of the said section 561 the words “ resolution passed by the Council ” shall be substituted for the words “ warrant sealed by the Corporation ”;
- (2) in paragraph (6) of the said section 561 the words “ shall bear the signature of the treasurer of the City or of some other person authorised by the Council ” shall be substituted for the words “ shall be under the seal of the Corporation ”;
- (3) in paragraph (7) of the said section 561 the words “ the statutory borrowing power in respect of which the bill is issued ” shall be omitted;
- (4) in paragraph (10) of the said section 561 the words from “ Such remuneration ” to the end of the paragraph shall be omitted;



(5) for paragraph (12) of the said section 561 there shall be substituted the following paragraph:—

“(12) The aggregate amount payable on bills current at any one time shall not exceed—

(a) the sum of five million pounds; or

(b) one-fifth of the amount estimated to be produced by the general rate levied in the city during the then current financial year;

whichever is the less, except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills:”

(6) in paragraph (14) of the said section 561 the words “for capital purposes” shall be inserted after the word “raised” wherever that word occurs;

(7) there shall be inserted after paragraph (15) of the said section 561 the following paragraphs:—

“(16) The purposes for which money raised by the issue of bills may be employed by the Corporation shall be extended so as to include any purpose for which the revenues of the Corporation may properly be applied:

(17) In this section the expression ‘revenues’ in relation to the Corporation has the same meaning as in section 218 of the Local Government Act, 1933.” 1933 c. 51.

42.—(1) The salary, wages, fees and other payments paid or made to an employee of the Corporation or of any other local authority in respect of any part-time employment by the Corporation (additional to his ordinary whole-time employment)—

Certain remuneration and service excluded for superannuation purposes.

(a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or

(b) as a warden of or other employee performing duties at a youth centre; or

(c) as a civil defence instructor; or

(d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment where that employment is by the Corporation;

shall not be remuneration within the meaning of the Local Government Superannuation Acts, 1937 to 1953, or of any other enactment affecting the superannuation fund maintained by the Corporation under those Acts and the service of any such employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

PART VII  
—cont.

(2) Where before the passing of this Act any person has paid any contribution or contributions to the superannuation fund maintained by the Corporation which would not have been so paid if this section had been in force when such contribution or contributions was or were paid, the Corporation shall repay to such person a sum equal to the amount of such contribution or contributions together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

Transfer of  
certain sums  
from super-  
annuation  
fund.

1937 c. 68.

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

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund maintained by the Corporation is dismissed, resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct in consequence of which the employing authority have suffered direct financial loss the Corporation shall, on demand from the employing authority, pay to them out of such fund an amount equal to so much of the employee's contributions thereto as the employing authority have not directed to be returned to the employee or paid to his wife or family or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct, whichever is the less:

1965 c. 51.

Provided that where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act, 1965, the Corporation shall not, under this subsection, be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions.

(3) In this section the expressions "contributory employee" and "employing authority" have the same respective meanings as in the Local Government Superannuation Act, 1937.

As to proof  
of continued  
existence of  
pensioners.

44. Notwithstanding anything in the Local Government Superannuation Acts, 1937 to 1953, the Corporation shall not be required to make any payment by way of superannuation allowance or pension under those Acts, or under the Pensions (Increase) Acts, 1920 to 1962, or any other superannuation,



pension, compensation or other such payment under any statutory authority to, or for the benefit of, any person unless satisfactory proof is given to the Corporation, in such manner and at such times as they may from time to time require, of the continued existence of such person.

PART VII  
—cont.

PART VIII  
MISCELLANEOUS

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

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

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

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

(5) Nothing in this section shall apply to any aircraft belonging to or exclusively employed in the service of the Crown or in the service of any visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act, 1952, or any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964. 1952 c. 67.  
1964 c. 5.

46.—(1) The Corporation may, by agreement with any local authority or any other body or person, use or permit that local authority or that other body or person to use for the purposes Electronic or mechanical accounting equipment.

PART VIII  
—cont.

of that local authority or that other body or person any electronic or mechanical accounting equipment which the Corporation have provided for the purposes of all or any of their accounting work, and they may make such charges as may be agreed for the use of the said equipment.

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

Power to let  
stalls, etc.

47. Notwithstanding anything contained in section 205 (Letting shops and stalls in markets) or section 206 (Power to take tolls) of the Act of 1921, the Corporation may from time to time let to any person any shop, stand, stall, bench or other convenience in any market for any period (not being less than one week) at such rent and on such terms as they think reasonable.

Notice of  
variation  
of rent, etc.

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

- (a) specifying the amount of the increase or reduction in rent or the variation or amendment of or addition to the terms and conditions; or
- (b) in the case of an increase or reduction in rent, showing in general terms how the increase or reduction in rent has been determined and indicating that the revised rent has been or will be included in the rent book provided by the Corporation;

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

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

Grant of  
exclusive  
rights of  
burial under  
hand.  
1847 c. 65.

49. Notwithstanding anything in section 42 of the Cemeteries Clauses Act, 1847, and the schedule to that Act, or in any other enactment, a form of grant of the exclusive right of burial in any



part of a burial ground or cemetery maintainable by the Corporation may be given under the hand of the town clerk or his duly authorised deputy in lieu of under the common seal of the Corporation:

PART VIII  
—cont.

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

50.—(1) In this section the expression “ the institution ” means the body corporate incorporated under the Act 10 George 4 Chapter xv under the name of “ The President, Vice-Presidents, Treasurer and Members of the Liverpool School for the Indigent Blind ”.

Change of name of Liverpool School for the Indigent Blind.

(2) From and after the passing of this Act the name of the institution shall be changed from “ The President, Vice-Presidents, Treasurer and Members of the Liverpool School for the Indigent Blind ” to “ The Royal School for the Blind, Liverpool ”.

1829 c. xv.

(3) The change of name shall not affect any rights or obligations of the institution or render defective any legal proceedings by or against the institution and any legal proceedings that might have been continued or commenced against the institution by its former name may be continued or commenced against the institution by its new name.

(4) Any devise or bequest which would have taken effect in favour of The President, Vice-Presidents, Treasurer and Members of the Liverpool School for the Indigent Blind under the will of any person, whether dying before or after the passing of this Act, and which may not then have taken effect, shall be deemed to have been made to The Royal School for the Blind, Liverpool and shall take effect in favour of The Royal School for the Blind, Liverpool as fully and effectually as it would have taken effect in favour of The President, Vice-Presidents, Treasurer and Members of the Liverpool School for the Indigent Blind as if this Act had not been passed.

## PART IX

### GENERAL

51. In the case of byelaws made under the provisions of section 32 (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 the said section in its application to such byelaws shall have effect as if in subsection (6) thereof after the word “ confirm ” where it firstly occurs, the words “ with or without modification ” were inserted.

Confirming authority for byelaws.

52.—(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.

Local inquiries.

PART IX  
—cont.

(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.

1946 c. 31. (3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

The appointed day.

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

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

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

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

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

(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.

(4) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

(a) immediately before that day was carrying on that business or using any premises for that purpose; and

(b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 55 (Appeals) of this Act.

Restriction on right to prosecute.

54. 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.



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

PART IX  
—cont.  
Appeals.

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

(a) involves the execution of any work or the taking of any action; or

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

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

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and

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

56. 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 provisions of Act of 1936.

57. 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.

Protection of members and officers of Corporation from personal liability.

58. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of either party to the dispute (after notice in writing to the other).

1875 c. 55.  
Arbitration.

59. 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.

Saving for town and country planning.  
1962 c. 38.

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

Costs of Act.

Section 56.

## SCHEDULE

## SECTIONS OF THE ACT OF 1936 APPLIED

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

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# Liverpool Corporation (General Powers) Act 1966

## CHAPTER xl

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

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

#### PART II

##### LANDS

5. Acquisition of land for development.
6. Agreements with developers.
7. Suspension of restrictive covenants.
8. Reclamation and improvement of land.
9. Purchase of ecclesiastical property by agreement.
10. For protection of Commonwealth War Graves Commission.

## PART III

## STREETS AND BUILDINGS

## Section

11. Excavations near streets.
12. Exemption for river authorities from last foregoing section.
13. Building operations affecting public safety.
14. Exemption of owner from liability on conviction of actual offender.
15. Liability of directors, etc.
16. Buildings over streets.

## PART IV

## PUBLIC HEALTH

17. Urgent repairs to supply pipes and water fittings.

## PART V

## PUBLIC ORDER

18. Entertainment clubs.
19. Misleading signs on motor vehicles.

## PART VI

## DISTRICT HEATING

20. Interpretation of this Part of Act.
21. Supply of heat.
22. Works for provision of heat.
23. Power to buy heat in bulk.
24. Purchase of land for heating undertaking.
25. Power to lay mains, etc., and break open streets.
26. Power to lay down or erect electric lines, etc.
27. Power to supply fittings.
28. Heating charges.
29. Security for payment of accounts.
30. Power to enter premises.
31. Interference with apparatus, etc.
32. Byelaws for protection of heating undertaking.
33. Discount for prompt payment.
34. Notice to be given before quitting premises supplied with heat.
35. Corporation not to be exempted from proceedings for nuisance.
36. Modification of section 26 of Act of 1950.
37. Separate accounts and reserve fund.
38. For protection of Bootle Corporation.



PART VII

FINANCE, SUPERANNUATION, ETC.

Section

39. Recovery of rates from certain owners.
40. False statements to obtain rent rebates, etc.
41. Amendment of section 561 of Act of 1921.
42. Certain remuneration and service excluded for superannuation purposes.
43. Transfer of certain sums from superannuation fund.
44. As to proof of continued existence of pensioners.

PART VIII

MISCELLANEOUS

45. Lien over aircraft.
46. Electronic or mechanical accounting equipment.
47. Power to let stalls, etc.
48. Notice of variation of rent, etc.
49. Grant of exclusive rights of burial under hand.
50. Change of name of Liverpool School for the Indigent Blind.

PART IX

GENERAL

51. Confirming authority for byelaws.
52. Local inquiries.
53. The appointed day.
54. Restriction on right to prosecute.
55. Appeals.
56. Application of general provisions of Act of 1936.
57. Protection of members and officers of Corporation from personal liability.
58. Arbitration.
59. Saving for town and country planning.
60. Costs of Act.

SCHEDULE—Sections of the Act of 1936 applied.