

Lancashire County Council (General Powers) Act 1968

CHAPTER xxix

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ELIZABETH II



1968 CHAPTER xxix

An Act to confer further powers on the County Council of the Administrative County of the County Palatine of Lancaster and on local authorities in relation to lands, industrial development and highways and the local government, improvement, health and finances of the County Palatine of Lancaster; and for other purposes. [26th July 1968]

WHEREAS—

- 1) It is expedient that further and better provision should be made with reference to lands, industrial development and highways and for the local government, improvement, health and finances of the Administrative County of the County Palatine of Lancaster and that the powers of the county council and of other authorities therein should be enlarged and added as provided in this Act:
- 2) It is expedient that the other provisions contained in this Act should be enacted:
- 3) The purposes of this Act cannot be effected without the authority of Parliament:

1933 c. 51. (4) 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 Lancashire County Council (General Powers) Act 1968.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Industrial development and land.
 Part III.—Highways and streets.
 Part IV.—Health, welfare, etc.
 Part V.—Finance and superannuation.
 Part VI.—Miscellaneous.
 Part VII.—Protective provisions.
 Part VIII.—General.
- Interpretation. 3.—(1) In this Act, unless otherwise expressly enacted or the subject or context otherwise requires, the several words and expressions to which meanings are assigned by sections 294 and 295 of the Act of 1959 have the same respective meanings.
- (2) In this Act, unless otherwise expressly enacted or the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—
 “ Act of 1933 ” means the Local Government Act 1933;
 “ Act of 1936 ” means the Public Health Act 1936;
 “ Act of 1938 ” means the Lancashire County Council (Rivers Board and General Powers) Act 1938;
 “ Act of 1951 ” means the Lancashire County Council (General Powers) Act 1951;
 “ Act of 1959 ” means the Highways Act 1959;
 “ Act of 1960 ” means the Lancashire County Council (Industrial Development etc.) Act 1960;
 “ Act of 1967 ” means the Road Traffic Regulation Act 1967.
- 1936 c. 49.
 1938 c. xciv.
 1951 c. xxxv.
 1959 c. 25.
 1960 c. xxxiii.
 1967 c. 76.

“authorised security” means any mortgage, stock, bond or other security which the Council are for the time being authorised to grant, create or issue, or upon or by means of which the Council are for the time being authorised to raise money;

“Council” means the county council of the county;

“county” means the administrative county of the County Palatine of Lancaster;

“county fund” means the county fund of the Council;

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

“development corporation” has the same meaning as in the New Towns Act 1965;

1965 c. 59.

“district” means a borough or an urban or rural district in the county;

“highway authority” means—

(a) in the case of a trunk road, the Minister of Transport or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;

(b) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and

(c) in the case of any other highway, the local authority for the district in which the highway is situate;

“industrial building” has the same meaning as in the Local Employment Act 1960;

1960 c. 18.

“land” includes land covered by water and any interest in land or any easement or right in, to or over land;

“local authority” means the council of a district;

“magistrates’ court” has the same meaning as in the Magistrates’ Courts Act 1952;

1952 c. 55.

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

“Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946;

1946 c. 31.

“officer” includes servant;

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

1962 c. 38

PART I
—cont.

- “ parish council ” means the parish council of a rural parish in the county; or where there is no parish council the parish meeting of such parish;
- 1960 c. 16. “ road ” has the same meaning as in section 257 of the Road Traffic Act 1960;
- “ rural district ” means a rural district in the county;
- “ rural district council ” means the council of a rural district;
- 1962 c. 38. “ statutory undertakers ” has the same meaning as in section 221 of the Town and Country Planning Act 1962;
- 1878 c. 76. “ telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ urban district ” means a borough or an urban district in the county.

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

PART II

INDUSTRIAL DEVELOPMENT AND LAND

Power to
Council to
assist industry.

4. The Council may if requested by any person owning or intending to own land in the county being land on which an industrial building is built or is intended to be built, extended, improved, carry out work in relation to the preparation or improvement of the site for that building or for the provision or improvement of services or facilities on which any trade or business is carried on, or intended to be carried on, in such building dependent on the carrying on of such trade or business, and may with the approval of the Minister make grants or loans towards the cost of such works or of the provision or improvement of such services or facilities or both:

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

Power to
Council to
guarantee
rents, etc.,
of industrial
buildings.

5.—(1) The Council may, if requested to do so by any person who is the owner or intended owner or lessee or intended lessee of any industrial building or part of an industrial building or of land on which it is proposed that any industrial building should be erected, guarantee or contract to secure the payment of—

- (a) any rent or other sum payable in respect of the building or part thereof;

(b) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purpose of any trade or business carried on or to be carried on in the building.

(2) Subject to the provisions of subsection (3) of this section, this section shall continue in force until 31st December, 1978.

(3) (a) The Minister may, on the application of the Council, order extend the period referred to in subsection (2) of this section until 31st December, 1988.

(b) 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.

(c) An order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

5. Section 8 (Loans for erection etc. of buildings) of the Act of 1960 shall have effect as if—

Amendment
of section 8
of Act of 1960.

(1) in subsection (1) for the words “acquired from or leased by the Council” there were substituted the words “in the county”; and

(2) in the proviso to that subsection for the words “three-quarters” there were substituted the words “nine-tenths”.

(1) If the Council—

(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;

Suspension
of restrictive
covenants.

On 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.

PART II
—cont.

(3) The Council 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 in the manner in which objections to the suspension of the restriction can be made;
- (b) on or before the date of the first publication of the said notice 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) on or before the date of the first publication of the said notice 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 Council.

(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 Council 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

and after such date as the appropriate Minister shall determine, not being earlier than the date on which the Council acquire the land.

(7) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 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.

1965 c. 56.
1961 c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates, or, if the Council 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 Council 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 Council 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 benefit or protection of or for preventing interference with the use of or for securing access to operational land or apparatus of any statutory undertakers contained in any deed, wayleave, agreement or other instrument.

(11) Nothing in this section shall apply to any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or restriction contained in any deed, wayleave, agreement or other instrument and imposed by or enuring for the benefit of the National Coal Board for the purpose of safety.

(12) 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 Council have acquired or agreed to acquire that land.

PART II
—cont.Disposal of
land.

1963 c. 29.

Application
of provisions
in Part II
to local
authorities.

8. Any land acquired by the Council under section 157 (Power of local authorities to acquire land by agreement) or section 158 (Acquisition of land in advance of requirements) of the Act of 1933, as extended by section 1 of the Local Authorities (Land) Act 1963, for the benefit or improvement of the county may be disposed of under section 165 (Power to sell or exchange land) of the Act of 1933 as if it were land which was not required for the purpose for which it was acquired.

9.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority and for that purpose those provisions shall have effect subject to the substitution for references therein to the Council of reference to the local authority and to any other necessary modifications.

(2) The provisions hereinbefore referred to are the following:—

Section 7 (Suspension of restrictive covenants);

Section 8 (Disposal of land).

PART III

HIGHWAYS AND STREETS

Prohibition
of building
until street
defined.

10.—(1) Where a plan and sections of a new street have been deposited with a local authority in pursuance of new street byelaws and have been approved by them, no person shall without their consent, begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line, width and level of so much of the street as abuts on any land which will be occupied as the site of, or in connection with, the building.

(2) Where the approved width of a new street has been defined as aforesaid, no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections, he shall be liable to a fine not exceeding twenty pounds and the local authority may—

(a) in the case of a contravention of subsection (1), define as aforesaid the approved line, width and level of the new street; and

(b) in the case of a contravention of subsection (2), remove the building or structure;

and in either case recover the expenses of so doing from the person.

Prohibition
of building
until street
formed and
sewered.

11.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of new street byelaws are approved by them, they may by notice prohibit the erection of

building on land abutting on the street until the carriageway the street has been constructed and the street has been sewered accordance with the said byelaws:

Provided that where the plan shows that the street will exceed yards in length, the local authority shall divide the street, the purpose of the notice, into lengths not exceeding yards and each such length shall, for that purpose, be treated a separate street.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of such a notice, he shall be liable to a fine not exceeding twenty pounds and the local authority may construct the carriageway and works of drainage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925, as amended by the Law of Property (Amendment) Act 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under any enactment relating to private street works for the time being in force in the district in which the street is situated.

12. For the purpose of the execution of any works on or near a public footpath or bridleway in the county the highway authority may restrict or prohibit temporarily the use of that footpath or bridleway, or of any part thereof:

Temporary
stoppage of
footpaths
and
bridleways.

Provided that—

(A) the highway authority shall not exercise the powers of this section so as to deprive persons bona fide going to or from any building or land of reasonable access to the building or land;

(B) the exercise by the highway authority of the powers of this section in relation to any footpath or bridleway in the county shall not prevent statutory undertakers from obtaining access to any apparatus nor prejudice or affect the right of the Postmaster General or any statutory undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any telegraphic line or apparatus in the footpath or bridleway or part thereof as the case may be;
or

PART III
—cont.Retaining
walls.

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal, enter upon or break open that footpath or bridleway or part thereof as the case may be.

- 13.—(1) In this section “retaining wall” means a wall which
- (a) serves, or is intended to serve, as a support for earth or other material on one side only; and
 - (b) does not form part of a permanent building;
- and this section applies to any length of a retaining wall, being length—
- (i) any cross-section whereof is wholly or partly within 12 feet of a street in a district; and
 - (ii) which is at any point of a greater height than 6 feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans, sections and specifications approved by the local authority; and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a fine not exceeding five pounds.

(3) Any person aggrieved by the refusal of the local authority to approve any plans, sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to magistrates’ court.

(4) If any length of a retaining wall to which this section applies—

- (a) is in such disrepair as to be liable to endanger persons using the street; or
- (b) having been erected before the passing of this Act and erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid;

the local authority may by notice to the owner or occupier require him to execute such work as may be necessary to prevent its being liable as aforesaid; and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to a retaining wall erected—

- (a) on land belonging to any railway, dock, canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of the railway, dock, canal or inland navigation undertaking; or
- (b) by the Minister of Transport on a trunk road.

4.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or duty is payable) shall habitually use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on the verge of any road to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

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

(3) This section applies to all trunk roads in the county, to such parts of the classified roads A57, A562, A567, A574, A582, A584, A585, A586, A588, A671, A674, A678, A683, A5080, B5239 and B5269 as are situate in the county, and to any other county road, or part of a county road, in the county to which the highway authority may by order apply this section.

(4) (a) An order under subsection (3) of this section shall not be made except with the consent of the Minister of Transport.

(b) Before making application for a consent under this subsection, the highway authority shall publish once at least in each of two successive weeks in a local newspaper circulating in the locality in which the road is situated a notice stating the general effect of the order, and stating that within a period specified in the notice (not being less than twenty-eight days from the first publication of the notice) any person may object to the application by sending notice of his objection and of the grounds thereof to the Minister of Transport and by sending a copy thereof to the highway authority.

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the Minister of Transport from any person appearing to him to be affected, the said Minister shall, before consenting to the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(5) The Minister of Transport may, in consenting to any order submitted to him for his consent under this section, consent to that order in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions,

PART III
—cont.

exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the highway authority in question and other persons likely to be concerned.

(6) Nothing in this section shall apply to—

- (a) any shed, hut, shelter, booth, stall, shop or other erection or any vehicle or any container placed on private property by or with the consent of the owner of such property; or
- (b) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or land to which this section applies.

Mixing of
mortar in
streets.

15.—(1) No person shall deposit mixed cement or any like substance or mix mortar or any like substance in any street in the county which is a highway maintainable at the public expense except upon a board or in a receptacle which will protect the street from such mortar, cement or substance:

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

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

PART IV

HEALTH, WELFARE, ETC.

Registration
of hawkers
of food and
premises.

16.—(1) Section 115 (Registration in county districts of hawkers of meat fish fruit and vegetables and premises) of the Act of 1933 is hereby amended as follows:—

- (a) in paragraph (a) of subsection (1) and in paragraph (a) of subsection (2) the words "other than a person keeping an open shop for the sale of meat or meat food products, fish or fruit or vegetables" shall be omitted;
- (b) in subsection (3) for the words "forty shillings" the words "ten pounds" shall be substituted and for the word "twenty" there shall be substituted the word "sixty";

- (c) after subsection (9) there shall be inserted the following subsection:—

PART IV
—cont.

“(10) Nothing in this section shall apply to the sale or offer or exposure for sale of meat or meat food product or fish or fruit or vegetables in an open shop for the sale of meat or meat food product or fish or fruit or vegetables by a person keeping that shop or by a person employed and in the course of his employment by such a person or to the use by a person so keeping open shop or by a person employed and in the course of his employment by such a person of any premises as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale by him or his employer, as the case may be, in that shop.”

- (2) Section 14 (Registration of hawkers of food and their premises) of the Act of 1951 is hereby amended as follows:—

- (a) In proviso (i) to subsection (1)—

(i) after the words “for sale of food” there shall be inserted the words “in an open shop for the sale of food”;

(ii) for the words “keeping open shop for the sale of food” there shall be substituted the words “keeping that open shop”;

(iii) at the end there shall be inserted the words “in that shop”:

- (b) In subsection (2) for the words “forty shillings” there shall be substituted the words “ten pounds” and for the word “twenty” there shall be substituted the word “sixty”.

- 17.—(1) Subject to the provisions of this section and the next following section—

Local grants
for improve-
ment of
dwellings.

- (a) a local authority may, if they think fit, give assistance in respect of the improvement of any dwelling in their district by the owner thereof by the execution of such works as may in the opinion of the local authority be required for the dwelling to be provided, for the exclusive use of its occupants, with all or any of the following amenities:—

(i) a fixed bath or shower in a bathroom or elsewhere;

(ii) a wash-hand basin;

PART IV
—cont.

- (iii) a hot and cold water supply at a fixed bath or shower;
- (iv) a hot and cold water supply at a wash-hand basin;
- (v) a hot and cold water supply at a sink;
- (vi) a water closet; and
- (vii) facilities for storing food;

by way of making a grant (hereafter in this section and the next following section and in Schedule 1 to this Act referred to as "a local improvement grant") in respect of the cost of executing the works, if an application in that behalf is made by the owner to the local authority and approved by them before the works are begun and the works are executed to their satisfaction within such period (if any) as may be determined by the local authority at the time of determination of the amount of the grant;

- (b) an application under this section must specify the dwelling and the nature and extent of the works proposed to be executed and must also contain a statement that the owner is the occupier of the dwelling or that the occupier has consented in writing to the making of the application;
- (c) the amount of a local improvement grant in respect of any dwelling shall be such amount as the local authority may determine at the time of approving the application but shall not exceed one-half of the cost shown to have been incurred in executing the works in respect of which it is made or the sum of one hundred and fifty-five pounds, whichever is the less;
- (d) in this section and the next following section and in Schedule 1 to this Act the expression "owner" means a person who has, in every parcel of land on which the works are to be carried out, an interest constituting either an estate in fee simple absolute in possession or a term of years absolute of which not less than eight years will remain unexpired at the date of the intended completion of the works.

(2) This section shall not apply to a dwelling in respect of which an application for a standard grant under section 4 of the House Purchase and Housing Act 1959 may be entertained.

—(1) In the case of a dwelling in respect of which a local improvement grant has been made the conditions set out in Schedule 1 to this Act shall be observed with respect to the dwelling for the period specified in or prescribed under subsection (2) of this section and shall, so long as they are required to be observed, be deemed to be part of the terms of any lease, agreement for a lease or tenancy of the dwelling and shall be enforceable accordingly.

(2) Subject to the provisions of subsection (3) and subsection (4) of this section the period during which conditions are to be observed is a period of three years from the date of the completion of the works in respect of which the grant is made or such other period as the local authority may prescribe in the case of a particular dwelling in respect of which a local improvement grant is made.

(a) In the event of the breach of any of the conditions specified in Schedule 1 to this Act at a time when they are required to be observed with respect to a dwelling the local authority may, if they think fit, require the owner for the time being of the dwelling to repay to them and the owner shall repay to them such part of the amount of the local improvement grant as is proportionate to the extent to which the period during which the conditions are required by virtue of subsection (2) of this section to be observed with respect to the dwelling remains unexpired on the date of the occurrence of the breach together with interest as provided in subsection (5) of this section.

(b) Upon satisfaction of a liability of an owner of a dwelling under this subsection to a local authority, observance with respect to the dwelling of the conditions specified in Schedule 1 to this Act shall cease to be requisite.

(4) (a) The owner for the time being of a dwelling in respect of which the conditions specified in Schedule 1 to this Act are required to be observed or a mortgagee of the interest of the owner in the dwelling, being a mortgagee entitled to exercise his power of sale, may at any time during the period specified in or prescribed under subsection (2) of this section pay to the local authority the like amount as would become payable to them under subsection (3) of this section in the event of a breach at that time of any conditions applying to the dwelling together with interest as provided in subsection (5) of this section and on the making of the payments observance with respect to the dwelling of those conditions shall cease to be requisite.

(b) A sum paid under this subsection by a mortgagee shall be treated as part of the sum secured by the mortgage and may be discharged accordingly.

PART IV
—cont.

1958 c. 42.

(5) Any amounts repayable under subsection (3) or subsection (4) of this section shall bear compound interest at the rate prescribed for the purposes of subsection (2) or subsection (3) of section 34 of the Housing (Financial Provisions) Act 1958 and regulations made by the Minister under the said Act of 1958 and with yearly rests.

1925 c. 22.
1926 c. 11.

(6) A condition required by Schedule 1 to this Act to be observed with respect to a dwelling shall be treated as a local land charge for the purpose of the Land Charges Act 1925, as amended by the Law of Property (Amendment) Act 1926.

PART V

FINANCE AND SUPERANNUATION

Power to
borrow.

19.—(1) The Council may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority such sums as may be necessary for the payment of the costs, charges and expenses of this Act;
- (c) without the consent of any sanctioning authority such sums as may be requisite for the purpose of lending to any local authority under section 22 (Power to Council to lend money to local authorities, etc.) of this Act.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of the Act of 1933 and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

1946 c. 58.

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

Power to
Council to
raise money
by issue of
bills.

20. In addition to the modes of borrowing prescribed by the Act of 1933, the Council may raise money—

- (1) for any purpose for which the Council are authorised to borrow;

- (2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

PART V
—cont.

means of bills (to be called "Lancashire County Council bills" and in this section referred to collectively as "bills" and separately as "a bill") subject to and in accordance with the following provisions:—

- (a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:
- (b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:
- (c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:
- (d) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:
- (e) The Council may make regulations providing for—
- (i) the preparation and form and the mode of issue, payment and cancellation of bills;
 - (ii) the issue of a new bill in lieu of one defaced, lost or destroyed;
 - (iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;
 - (iv) the giving of a proper discharge on the payment of a bill; and
 - (v) amending or revoking any regulations previously made or deemed to have been made under this paragraph:
- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

PART V
—cont.

(g) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—

(i) the sum of five million pounds; or

(ii) one-fifth of the amount estimated to be produced by the levying of rates in the county during the current financial year to meet liabilities falling to be discharged by the Council;

whichever is the greater:

(h) Subject to the provisions of the last preceding paragraph the Council may renew a bill at maturity:

(i) The Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid no power of the Council to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

Amendment
of power to
issue bonds.
1963 c. 46.

21. Notwithstanding anything contained in section 7 (2) of the Local Government (Financial Provisions) Act 1963—

(a) bonds issued by the Council under the said Act of 1963 and held continuously by trustee savings banks and building societies and persons and bodies of such other classes as the Council may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;

(b) a bond issued by the Council as aforesaid shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may at the discretion of the Council be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.

Power to
Council to
lend money to
local
authorities,
etc.

22.—(1) The Council may lend to any local authority and any local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are authorised to borrow and any money so lent shall be repaid to the Council by the local authority within the period prescribed by the sanctioning authority or otherwise, for the repayment thereof.

(2) Any agreement under this section may be made by resolutions passed respectively by the Council and by the local authority.

(3) Every sum borrowed by the Council for the purpose of this section shall be repaid within the period to expire not more than one year after that for which the same was lent by them to the local authority.

(4) The Council shall be entitled to charge such rate of interest in respect of any loan under this section as may be agreed between the Council and the borrower:

Provided that the Council shall ensure, so far as is reasonably practicable to do so, that, having regard to all the circumstances existing at the time the loan is made, the rate of interest agreed is such that no loss is incurred by the Council in respect of the loan.

(5) All costs, charges and expenses incurred by the Council in respect of any particular loan under this section shall be met by the borrower.

(6) In this section the expression "local authority" means the council of any county district and any other authority having jurisdiction within the county and being a local authority as defined by section 34 of the Local Loans Act 1875.

1875 c. 83.

23.—(1) The Council may lend money for a period not exceeding twelve months to any person on the security of—

Power to
make tem-
porary loans.

(a) any stock, bonds, bills or other property in which trustees are by law authorised to invest trust money or a certificate to bearer relating to any such stock; or

(b) Treasury bills or bills issued by any local authority in the United Kingdom; or

(c) bills or bonds payable or guaranteed by the Treasury or secured upon the revenues of or local rates leviable by any local authority in the United Kingdom authorised to issue bills or bonds and in the securities of which trustees are by law authorised to invest; or

(d) any securities transferable by delivery issued or guaranteed by the government of any overseas territory within the Commonwealth in the securities of which trustees are by law authorised to invest.

(2) The aggregate amount of money lent under this section which is outstanding at any one time shall not exceed five million pounds.

(3) The Council shall determine the percentage by which the value of the securities on which a loan is to be made under this section shall exceed the amount of the loan.

PART V
—cont.

Amendment
of powers of
investment
of super-
annuation
fund.

1937 c. 68.

24.—(1) Section 15 (Investment of superannuation fund) of the Act of 1960 shall have effect as if the following provisions were substituted for subsection (1):—

“(1) In its application to the Council subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of the superannuation fund maintained by the Council under that Act there were substituted an obligation to invest such moneys as follows, namely:—

- (a) in or upon any investments for the time being authorised by law for the investment of trust funds; or
- (b) in or upon any of the stocks, funds or securities of any dominion, commonwealth, union, dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof; or
- (c) in or upon any of the stocks, bonds, mortgages or securities of any municipality, county or district council or local or public authority or board in the United Kingdom or any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or
- (d) in or upon any stocks, shares, bonds, mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom government or by the government of any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid; or
- (e) in or upon any of the stocks, funds or securities of the government of any foreign country or state; or
- (f) in or upon the bonds, debentures, debenture stock, convertible debenture stock, obligations or securities of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world; or

(g) in or upon any guaranteed, preference or ordinary stock or shares or any preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world, being stock or shares which at the time of making the investment are quoted on any recognised stock exchange or similar institution; or

(h) in the purchase, whether alone or jointly or in common with any other person or corporation, of immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands, or of any share or interest in such immovable property, including any interest in such immovable property comprised in a building agreement providing for the grant of a lease of such property contingent on the erection or completion of the building specified in such agreement; or

(i) in the advance of money upon the security of—

(i) immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands; or

(ii) any legal estate or interest in immovable property comprised in a building agreement as specified in paragraph (h) of this subsection;

and in any such case whether the security be taken by a separate and distinct mortgage or security made exclusively to the Council, or by a mortgage or security made jointly to the Council and any other person; or

(j) in undertaking or financing whether alone or jointly with any other person—

(i) the erection of a new building or the improvement or extension of an existing building; or

(ii) building operations or other development; on land belonging to the Council or to any other person or on land which is, or will be, held jointly by the Council and any other person; or

(k) upon the security of freehold or leasehold ground rents, land charges or rentcharges;

with the like power of varying such investments from time to time by sale and reinvestment or otherwise:

PART V
—cont.

Provided that the investment of any part of the superannuation fund in any investment of the nature specified in paragraph (g) of this subsection shall be subject to the following qualifications:—

(i) no investment shall be made in any company which has not paid a dividend on its ordinary stock or shares of at least 5 per cent. per annum for each of the four years immediately preceding the date of investment, or if the company has been incorporated or registered or has been trading for less than four years before that date unless—

(A) the company has paid such a dividend on its ordinary stock or shares for each of the years since incorporation or registration or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or registered or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend on its ordinary stock or shares of at least 5 per cent. per annum for each of the four years immediately preceding the date of the amalgamation;

(ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (g) which form part of the superannuation fund equals or exceeds three-quarters of the total value of the assets of that fund.”

(2) All costs, charges and expenses incurred by the Council in investing moneys forming part of their superannuation fund or otherwise in relation thereto shall be paid by the Council out of the said fund.

(3) In subsection (1) of the said section 15 as substituted by subsection (1) of this section the expression—

“recognised stock exchange” in its application to the United Kingdom, means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958.

1958 c. 45.

Investment
of other
funds of
Council.

25. Notwithstanding anything in any other enactment the moneys standing to the credit of any capital, repairs, reserve, renewals, insurance, contingencies or other similar fund established by the Council, other than funds applicable wholly or

partly for the redemption of debt, may be invested in similar manner and subject to the same restrictions as money of the superannuation fund.

PART V
—cont.

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

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

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

27.—(1) If a contributory employee of the Council is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Council may transfer from the superannuation fund maintained by them to the county fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife and family, or the amount of loss suffered by the Council in consequence of the employee's offence, whichever is the less. Transfer of certain sums from superannuation fund.

(2) In this section "contributory employee" has the same meaning as in the Local Government Superannuation Act 1937. 1937 c. 68.

28. The Council shall not be required to register as joint holders of any authorised security any more than four persons. Joint holders of bonds and mortgages.

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

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

PART V
—cont.

knowingly or recklessly makes, or permits to be made, to the Council or to any committee of the Council or member of the Council or employee of the Council 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 Council 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 Council a sum not exceeding the difference between any reduced payment accepted by the Council in faith of the false statement and the payment which the Council would otherwise have accepted.

Notice of
variation of
rent, etc.

30. The rent for the time being recoverable by the Council under a tenancy of any premises forming part of any housing accommodation belonging to the Council 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 Council 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 Council;

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 Council 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.

PART V
—cont.

31. The Council may make reasonable payments for or in connection with—

Expenses of
public
entertainment.

(a) refreshments for members or representatives of the Council, local authorities or other bodies or for other persons attending conferences or meetings convened by the Council; and

(b) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council.

32. Paragraph (b) of subsection (3) of section 107 of the Act of 1938 (which limits the total amount which may be paid by the council of any county district to any charity, philanthropic association or society or other associations, institutions or societies rendering public or national service) shall have effect as if the words "a general rate of one-half of a penny in the pound" were substituted for the words "a general rate of one-quarter of a penny in the pound".

Amendment
of section 107
of Act of
1938.

33.—(1) A local authority shall have power, in addition and without prejudice to their powers of borrowing under the Act of 1933, from time to time to borrow such sums as may be necessary for any of the purposes of this Act.

Power to
local
authorities to
borrow.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

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

1946 c. 58.

34.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority, and for that purpose those provisions shall have effect subject to the substitution for references therein to the Council of references to the local authority.

Application
of provisions
in Part V
to local
authorities.

PART V
—cont.

(2) The provisions hereinbefore referred to are the following.

Section 29 (False statements to obtain rent rebates, etc.)

Section 30 (Notice of variation of rent, etc.)

Section 31 (Expenses of public entertainment).

PART VI

MISCELLANEOUS

Numbering
of buildings
other than
dwelling-
houses.

35.—(1) A local authority may from time to time require the buildings to which this section applies to be marked with such numbers or identifying marks as may be approved by the local authority.

(2) The occupier of a building to which this section applies shall mark the building with such number or identifying mark as aforesaid and shall renew such number or mark as often as becomes obliterated or defaced.

(3) Every person who destroys, pulls down or defaces a such number or identifying mark or puts up on a building any number or identifying mark different from the number or identifying mark put up pursuant to this section shall be liable to a fine not exceeding five pounds for every such offence.

(4) Any occupier who fails, within two weeks after notice for that purpose from the local authority, to mark a building with number or identifying mark approved of by the local authority, or to renew such number or mark when obliterated, shall be liable to a fine not exceeding five pounds.

1967 c. 9.

(5) This section applies to every building in the county, being a dwelling-house, which is entered as a separate hereditament in a valuation list made under the General Rate Act 1967 and for the time being in force.

Provision of
reciprocal
services, etc.,
by Council
and other
bodies.

36.—(1) For the better performance of their respective powers or duties, provision may be made by agreement between any two or more authorities to whom this section applies for the taking by any party thereto of action of the following kinds:—

(a) the undertaking by one party for another of any administrative, clerical, professional or technical services;

- (b) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of another party and if it appears convenient the services of any staff employed in connection therewith:

PART VI
—cont.

Provided that no agreement shall be made under this section unless one of the parties thereto is an authority possessing powers or duties within the county.

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

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

(4) This section applies to the Council, a local authority (including a rural district council at the request of the council of a parish within their rural district), a police authority, the council of an administrative county, the council of a county borough and a river authority, and in its application to the Council extends so as to authorise the Council to enter into agreements with any voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise of the powers of this section and with the council of any university for the taking by the Council of action of any of the kinds mentioned in subsection (1) of this section.

37. The Council may by agreement with any other person permit the other person to use any electronic or mechanical accounting equipment and may make such charges as may be agreed for the use of the said equipment.

Hire of
electronic or
mechanical
accounting
equipment.

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

As to minutes
of council
meetings,
etc.

PART VI:
—cont.

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

(2) The provisions of subsection (1) of this section shall apply to a local authority and for that purpose shall have effect subject to the substitution for references therein to the Council of references to the local authority and to any other necessary modifications.

Publication
of bulletins,
etc.

39.—(1) The Council or a local authority may publish and sell or dispose of bulletins, journals, periodicals and leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Council or the local authority, as the case may be.

(2) Nothing in this section shall affect the rights of any person under the law for the time being in force relating to copyright.

Delegation
of powers
to sub-
committees.

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

(2) A majority of the members of any such sub-committee shall be members of the Council:

Provided that—

(a) all the members of a sub-committee appointed by a finance committee of the Council shall be members of the Council; and

(b) whenever at any meeting of any such sub-committee the members present thereat do not include a majority of members of the Council, any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(3) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which a committee are authorised or required to appoint a sub-committee by any other enactment for the time being in force.

(4) The provisions of subsections (1) to (3) of this section shall apply to a local authority and for that purpose shall have effect subject to the substitution for references therein to the Council of references to the local authority and to any other necessary modifications.

41.—(1) The powers of a parish council under section 46 of the Act of 1967 to provide parking places for bicycles and motor cycles shall extend so as to authorise a parish council to provide parking places (whether or not consisting of or including buildings) for other vehicles in the circumstances and subject to the conditions prescribed by that section and the provisions of section 47 of the said Act shall apply to the exercise by a parish council of the powers of this section as they apply to such a council in the exercise of the powers of the said section 46.

PART VI
—cont.

Extension of parish councils' powers to provide parking places.

(2) For the purpose of exercising the powers of the said section 46 as extended by subsection (1) of this section the provisions of subsections (5) and (8) of section 28, subsections (1) to (3), (5) to (7) and (9) of section 29, subsections (1) to (6) of section 31, subsections (1) and (2) of section 32 and section 96 of the Act of 1967 shall apply to a parish council as they apply to a local authority.

(3) The provisions of section 48 of the Act of 1967 shall apply to the exercise by a parish council of the powers of this section as they apply to such a council in the exercise of the powers of section 46 of that Act.

42.—(1) A parish council may provide prizes in connection with competitions for allotments or allotment gardens but shall not expend thereon more than twenty-five pounds in any one year or such higher amount as the Minister may by order either specially or generally allow.

Prizes for allotment competitions.

(2) Expenditure under this section shall not be treated as expenditure under the provisions of the Allotments Acts 1908 to 1950 for the purposes of the limitations on expenditure provided for by section 16 of the Allotments Act 1922 but shall be treated as expenditure under the provisions of the Allotments Acts 1908 to 1950 for the purposes of section 15 of and the First Schedule to the Parish Councils Act 1957.

1922 c. 51.

1957 c. 42.

43.—(1) A parish council may provide and maintain apparatus for the purpose of saving life on the sea or on any river, lake or water to which the public have access and structures for the storage and safe keeping of any such apparatus.

Provision of life-saving apparatus.

(2) A parish council may contribute towards the cost of the provision and maintenance of life-saving apparatus by any body or person and the services of persons in connection therewith and may combine with or contribute to the costs of any other parish council in the exercise of the powers of this section.

(3) The provisions of section 5 of the Parish Councils Act 1957 shall apply to any apparatus or structure provided by a parish

PART VI
—cont.

council on land which is not owned and occupied by the Council or is part of a highway or abuts on a highway as they apply to any apparatus provided under Part I of the said Act.

Power for
parish
councils to
make byelaws
as to
seashore.
1907 c. 53.

44. In any parish in the county in which—

- (a) section 82 of the Public Health Acts Amendment Act 1907 (which empowers local authorities to make byelaws for the prevention of danger, obstruction or annoyance to persons using the seashore) is not in force; or
- (b) if the said section 82 is in force, no byelaws are in operation thereunder;

the parish council may make and enforce byelaws under that section for the same purposes, to the same extent and subject to the same conditions as if the parish council were a local authority within the meaning and for the purposes of that section.

PART VII

PROTECTIVE PROVISIONS

Crown
rights.

45. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Council or any local authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land or hereditaments or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

Saving for
Duchy of
Lancaster.

46. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Lancaster nothing in this Act contained shall extend or operate to authorise the Council to take, use, enter upon or in any manner interfere with, any land, soil, water or any manorial rights, or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said

Chancellor shall deem necessary or appropriate) or take away, prejudice or diminish any estate, right, privilege, power or authority vested in or enjoyed or exercisable by Her Majesty Her Heirs and Successors in right of Her said Duchy.

PART VII
—cont.

47. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the local authority concerned and the undertakers apply and have effect:—

For
protection of
certain
statutory
undertakers.

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

“ apparatus ” means—

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

(b) mains, pipes or other apparatus belonging to or maintained by the North Western Gas Board;

(c) water mains, pipes or other apparatus belonging to or maintained by any statutory water undertakers;

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

“ the corporation ” means the lord mayor, aldermen and citizens of the city of Manchester;

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

“ position ” includes depth;

“ the undertakers ” means—

the Central Electricity Generating Board;

the Merseyside and North Wales Electricity Board;

the North Western Electricity Board;

the North Western Gas Board;

the statutory water undertakers who are authorised to supply water in any part of the county;

or any of them, and in relation to any apparatus or property means the undertakers by whom the apparatus is maintained, and in relation to the supply of electricity, gas or water means the undertakers by whom the supply is provided;

“ statutory water undertakers ” has the same meaning as in the provisions of the Water Act 1945 other than Part II of that Act: 1945 c. 42.

PART VII
—cont.

- (2) For the purposes of section 10 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (3) Nothing in the said section 10 or in section 11 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection of, apparatus (including an electricity substation, or feeder pillar or pressure governor or meter house) for the purposes of their undertaking on land abutting on any new street before in the case of the said section 10, such new street is defined or, in the case of the said section 11, such new street is constructed or sewered in accordance with new street byelaws:
- (4) Any question or difference arising between a local authority and the undertakers under this section shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other party.

Provisions
applicable
to borough
of Crosby.

48.—(1) The following sections of this Act shall not apply within the borough of Crosby:—

- Section 10 (Prohibition of building until street defined);
 Section 11 (Prohibition of building until street formed and sewered);
 Section 14 (Sale of food and articles on verges, etc.);
 Section 15 (Mixing of mortar in streets).

(2) The following sections of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Crosby—

- Section 8 (Disposal of land);
 Section 17 (Local grants for improvement of dwellings);
 Section 18 (Conditions relating to and repayments of local improvement grants);
 Section 22 (Power to Council to lend money to local authorities, etc.);
 Section 31 (Expenses of public entertainment);
 Section 32 (Amendment of section 107 of Act of 1938).

49. The following sections of this Act shall not apply within the borough of Eccles—

PART VII
—cont.

Section 10 (Prohibition of building until street defined);
Section 15 (Mixing of mortar in streets).

Provisions applicable to borough of Eccles.

50. The following sections of this Act shall not apply within the urban district of Kirkby—

Section 10 (Prohibition of building until street defined);
Section 11 (Prohibition of building until street formed and sewered).

Provisions applicable to urban district of Kirkby.

51. Section 10 (Prohibition of building until street defined) of this Act shall not apply within the urban district of Thornton Cleveleys.

Provisions applicable to urban district of Thornton Cleveleys.

52. The following sections of this Act shall not apply within the urban district of Urmston:—

Section 10 (Prohibition of building until street defined);
Section 11 (Prohibition of building until street formed and sewered).

Provisions applicable to urban district of Urmston.

53. The following sections of this Act shall not apply within the rural district of Lancaster—

Section 10 (Prohibition of building until street defined);
Section 11 (Prohibition of building until street formed and sewered).

Provisions applicable to rural district of Lancaster.

54. The following sections of the under-mentioned Acts are hereby repealed:—

Leigh Corporation Act 1903—

Section 126 (No buildings allowed until street formed &c.);

Repeal of local enactments.
1903 c. cxxiv.

Rawtenstall Corporation Act 1907—

Section 119 (No building allowed until street defined);

1907 c. lxxvii.

Middleton Corporation Act 1910—

Section 58 (No building allowed until street defined);

1910 c. cxxx.

Lytham Saint Anne's Corporation Act 1923—

Section 177 (No building allowed until street defined);

1923 c. lxxxvi.

Thornton Cleveleys Improvement Act 1936—

Section 21 (Erection of retaining walls);

1936 c. cx.

Swinton and Pendlebury Corporation Act 1938—

Section 49 (As to erection of retaining walls).

1938 c. lvi.

PART VIII.

GENERAL

55. Section 265 of the Public Health Act 1875 (which affords protection to local authorities and their members and officers

Protection of members and officers from personal liability.
1875 c. 55.

PART VIII
—cont.

from personal liability) shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act, and as if references in that section to a member of a local authority included reference to a member of a committee of the Council or of a local authority.

Local
inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 (which relate to the giving of evidence at, and the defraying of the cost of, local inquiries) shall apply in relation to any such inquiry and for that purpose shall have effect as if the expression “department” in that section included any Minister of the Crown having functions under this Act.

Liability of
directors, etc.

57.—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) The provisions hereinbefore referred to are the following:—

Section 14 (Sale of food and articles on verges, etc.);

Section 35 (Numbering of buildings other than dwelling-houses).

(3) In 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 any industry, or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction
on right to
prosecute.

58. 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 Council or the local authority or, in the case of an offence created by or under section 14 (Sale of food and articles on verges, etc.), section 15 (Mixing of mortar in streets), or section 35 (Numbering of buildings other than dwelling-houses) of this Act, a constable, as the case may be.

Appeals

59.—(1) Section 300 of the Act of 1936 (which relates to appeals to magistrates' courts) shall apply to appeals to a magistrates' court under this Act (except under the provision thereof mentioned in subsection (2) of section 60 (Application of general enactments)) of

this Act) and sections 301 and 302 of that Act (which make provision for appeals to courts of quarter sessions and as to the effect of a decision of any court upon appeal) shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Council or a highway authority or local authority 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 Council, highway authority or local authority themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

60.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included reference to this Act, except the provision thereof mentioned in subsection (2) of this section. Application of general enactments.

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 2 to this Act shall have effect as if references therein to that Act included reference to section 14 (Sale of food and articles on verges, etc.) of this Act.

(3) The sections of the Act of 1936 mentioned in Part III of Schedule 2 to this Act shall have effect as if references therein to that Act included a reference to section 4 (Power to Council to assist industry), Part III (Highways and streets), Part IV (Health, welfare, etc.) and Part VI (Miscellaneous) of this Act.

(4) The section of the Act of 1936 mentioned in Part IV of Schedule 2 to this Act shall have effect as if references therein to that Act included a reference to section 35 (Numbering of buildings other than dwelling-houses) of this Act.

61. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Council out of the county fund, or out of moneys to be borrowed under this Act. Costs of Act,

SCHEDULES

SCHEDULE 1

Section 18. CONDITIONS TO BE OBSERVED BY OWNERS OF DWELLINGS IN RECEIPT OF LOCAL IMPROVEMENT GRANTS

1. The conditions to be observed in pursuance of section 1 (Conditions relating to and repayments of local improvement grants of this Act in the case of any dwelling are those set out in this Schedule.

2. The dwelling shall not be used for purposes other than those of a private dwelling-house except with the consent in writing of the local authority.

3. Unless the local authority otherwise agree, the dwelling shall at all times at which it is not occupied—

(a) by the applicant for the local improvement grant or a member of his family; or

(b) in the case of a dwelling which, or an interest in which, has since before the application for the local improvement grant was made been vested in the personal representatives of a deceased person, or in trustees, by a person who on the death, or under the trust, has become interested in the dwelling or interest or the proceeds of sale thereof, or by a member of the family of such person; or

(c) by a person who, after the expiration of three years from the beginning of the period during which the conditions set out in this Schedule are to be observed, has become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person; or

(d) by a person who on the death of the applicant has (whether or not in consequence of a disposition by will) become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person;

be let or kept available for letting at a rent not exceeding the rent which, by virtue of the next following paragraph, may be paid by an occupier of the dwelling.

4. The rent payable by the occupier of the dwelling shall not exceed—

(a) in the case of a controlled tenancy the limit ascertained under Part V of the Act of 1968; and

(b) in any other case such rent as the local authority may from time to time fix:

Provided that—

(A) references in the Act of 1968 to a grant made under section 4 of the House Purchase and Housing Act, 1959, shall be deemed to include a reference to a local improvement grant made under section 17 (Local grants for improvement of dwellings) of this Act;

(B) if the local authority by a condition under sub-paragraph (b) of this paragraph fix a rent, references in the Act of 1968 to a limit imposed by a condition under section 33 of the Housing (Financial Provisions) Act, 1958, shall be deemed to include a reference to a rent so fixed; 1958 c. 42.

(C) if the local authority do not under sub-paragraph (b) of this paragraph fix a rent in respect of a dwelling which is the subject of a regulated tenancy, the rent payable by the occupier shall not exceed the limit imposed by Part III of the Act of 1968.

5. The owner of the dwelling shall, on being required so to do by the local authority, certify that the conditions imposed under paragraphs 2, 3 and 4 of this Schedule are being observed with respect to the dwelling.

6. In this Schedule the expression "Act of 1968" means the Rent Act 1968 and the expressions "controlled tenancy" and "regulated tenancy" have the meanings assigned to them by section 7 of the Act of 1968. 1968 c. 23.

SCHEDULE 2

GENERAL ENACTMENTS APPLIED

PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT, OTHER THAN SECTION 14 Section 60.

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

PART II

SECTIONS OF ACT OF 1959 APPLIED TO SECTION 14 OF THIS ACT

Section	Marginal note
269	Summary proceedings for offences.
270	Continuing offences.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.
281	Authentication of documents, etc.
282	Service of notices, etc.
283	Reckoning of periods, etc.

PART III

SECTIONS OF ACT OF 1936 APPLIED TO SECTION 4, PARTS III, IV AND VI
OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act, 1925.

1925 c. 22.

PART IV

SECTION OF ACT OF 1936 APPLIED TO SECTION 35 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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