

Bedford Corporation Act 1969

CHAPTER xlv

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ELIZABETH II



1969 CHAPTER XLVI

An Act to confer further powers upon the mayor, aldermen and burgesses of the borough of Bedford in relation to lands and streets; to make further provision with regard to the health, local government, welfare, improvement and finances of the borough; and for other purposes. [25th July 1969]

WHEREAS—

1) The borough of Bedford (hereinafter referred to as "the borough") is a borough under the local government and management of the mayor, aldermen and burgesses of the borough (hereinafter referred to as "the Corporation");

2) It is expedient that further and better provision should be made with reference to lands and streets and the health, local government, welfare and improvement of the borough and that powers of the Corporation in regard thereto should be increased and extended as in this Act provided;

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

(4) The purposes of this Act cannot be effected with the authority of Parliament:

1933 c. 51. (5) 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 in Council, and with the advice and consent of the Lords Spiritual, 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 Bedford Corporation Act 1969.

Division of Act into Parts.

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

- Part I—Preliminary.
- Part II—Lands.
- Part III—Streets.
- Part IV—Public health.
- Part V—Hackney carriages, etc.
- Part VI—Finance.
- Part VII—Miscellaneous.
- Part VIII—General.

Interpretation.
1936 c. 49.

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

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

1957 c. 56.

"the Act of 1933" means the Local Government Act 1933;

"the Act of 1936" means the Public Health Act 1936;

1959 c. 25.

"the Act of 1957" means the Housing Act 1957;

"the Act of 1959" means the Highways Act 1959;

1962 c. 38.

"the Act of 1962" means the Town and Country Planning Act 1962;

1967 c. 76.

"the Act of 1967" means the Road Traffic Regulation Act 1967;

"the borough" means the borough of Bedford;

"contravention" includes a failure to comply with a requirement;

"contravene" shall be construed accordingly.

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"the Corporation" means the mayor, aldermen and burgesses of the borough;

"the council" means the council of the borough;

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

"development" has the same meaning as in the Act of 1962;

"electricity undertakers" means the Central Electricity Generating Board and the Eastern Electricity Board or either of them, as the case may be;

"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 borough;

"gas undertakers" means the Eastern Gas Board;

"the general rate fund" means the general rate fund of the borough;

"magistrates' court" has the same meaning as in the Magistrates' Courts Act 1952;

1952 c. 55.

"the Minister" means the Minister of Housing and Local Government;

"public service vehicle" has the same meaning as in section 117 of the Road Traffic Act 1960;

1960 c. 16

"statutory undertakers" means any company, body or person authorised by any enactment to supply electricity, gas or water and includes the Postmaster General;

"telegraphic line" has the same meaning as in the Telegraph Act 1878;

1878 c. 76.

"the town clerk" means the town clerk of the borough.

(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 virtue of any subsequent enactment including this Act.

PART II

LANDS

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

PART II
---cont.
Agreements
with
developers.

5. (1) The Corporation and any person --

- (i) who is the owner or lessee of any land in the borough;
- (ii) who has purchased, or taken on lease, from the Corporation any land outside the borough;

may enter into an agreement which may provide for all or the following:

- (a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of 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 different parts of that development shall be completed;
- (c) ensuring that the estate or interest of that person in that land shall not be conveyed, leased or assigned by way of mortgage or legal charge to any person until the Corporation shall have first satisfied themselves that that person has or can command sufficient 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 any land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated including the maintenance and cleansing of the surface and the lighting of the building or structure 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 and use of facilities for the parking of vehicles in connection with development of that land;
- (f) any other related or consequential matters.

(2) (a) An agreement entered into under the foregoing subsection may contain positive and negative covenants 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 or under the covenantor.

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

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Part II
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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 in so doing shall be recoverable by them from the person in default.

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

(3) The Corporation may 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.

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

Loans for
erection of
buildings, etc.

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

(b) the owner, purchaser or lessee of—
(i) any land in the borough; or
(ii) any land (whether within or outside the borough) acquired, or taken on lease, from the Corporation;

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

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

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

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

PART II
—cont.

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

(5) In this section—

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

“ owner ” means the person (other than a mortgagee in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple in the land.

Power to
Corporation
to assist
industry.

7. (1) The Corporation may, if requested so to do by any person

(i) who is the owner or intended owner or lessee or intended lessee of any land in the borough; or

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

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

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

(2) In this section “ industrial building ” means a building or structure or designed for use for the carrying on of any process or trade incidental to any of the following purposes, that is to say

(a) the making of any article or of part of any article;

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or any other operation, or sale, or breaking up or demolition, of any article;

(c) the storing of any article; or

PART II
cont.

(d) without prejudice to the foregoing paragraphs, the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine; being a process carried on in the course of a trade or business, and for the purposes of this definition "building" includes a part of a building and "article" means an article of any description, including a ship or vessel.

PART III
STREETS

8.—(1) The Corporation may, for the benefit, improvement or development of the borough, by licence authorise the construction of any building or structure over, above or across a public highway or part thereof in the borough, on such terms and conditions as they think fit, including terms and conditions relating to the construction, use and maintenance of the building structure;

Buildings and structures over highways.

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 16 feet 6 inches the clear headway over the carriageway of any highway, the Corporation shall give public notice of the proposal by advertisement in some local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them 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 17 feet 6 inches the clear headway over the carriageway of any street which is the only means of vehicular access to an electricity substation of the electricity undertakers, the Corporation shall give notice of the proposal to the electricity undertakers concerned and shall take into consideration any written objections or representations in respect of such proposal which may be made by the electricity undertakers concerned within twenty-eight days of such notice.

After the passing of this Act a person, except in the exercise of statutory powers, constructs a building or structure over or across a public highway or part thereof within the

PART III
— cont.

borough without a licence under this section or constructs a building or structure over, above or across a public highway otherwise than in accordance with the terms and conditions of the licence or fails to remove or alter a building or structure over, above or across a public highway when required to do so in accordance with any condition of the licence or within a period specified from the date of the expiration of the licence the Corporation may serve upon the owner or occupier of the building or structure a notice requiring him to remove or alter the same as may be specified in the notice.

(3) If a person on whom a notice under subsection (2) of this section is served fails to comply, within twenty-eight days of the date of the service of the notice on him, with a requirement of the notice he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding twenty pounds and to a default fine not exceeding five pounds.

(4) Where the Corporation have served a notice under subsection (2) of this section on any person and he is guilty of an offence by reason of his failure to comply with a requirement of the notice within the time specified in subsection (3) of this section then, whether or not proceedings are taken against him in respect of the offence, the Corporation may remove (as the case may be) the building or structure to which the notice relates and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the building or structure to which the notice relates if, in either case, the person on whom the notice was served.

(5) Schedule 13 to the Act of 1959 shall apply in relation to any sum paid by an occupier of premises in compliance with a requirement of the Corporation under subsection (2) of this section or, where the requirement was not complied with, in reimbursing the Corporation for expenses reasonably incurred by them under subsection (4) thereof.

Provided that—

- (a) in the application of the said Schedule 13 in relation to this section shall be substituted for the reference to the Act of 1959; and
- (b) the said Schedule 13 shall not so apply if the sum was made in connection with a building or structure erected by that occupier.

(6) The Corporation shall not exercise the powers conferred upon them by this section so as to authorise the construction of a building or structure which would affect the sighting of signals or the stability of railway works.

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(7) The provisions of this section shall not apply to any advertisement to which regulations made under section 34 of the Act of 1962, or under the corresponding provisions of the Town and Country Planning Act 1947, for the time being apply. 1947 c. 51.

PART III
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(8) Nothing in a licence granted under this section shall authorise any interference with a telegraphic line except with the consent of the Postmaster General or any interference with any mains, pipes, lines or apparatus (including any structure constructed for the lodging therein of mains, pipes, lines or apparatus) of any statutory undertakers except with the consent of those undertakers.

(9) Nothing in this section shall prejudice the powers of the Corporation under section 151 of the Act of 1959 (which empowers a highway authority to grant to the owner or occupier of premises adjoining a highway a licence to construct a way by means of a bridge over the highway on terms and conditions) or the rights of any person under a licence granted in pursuance of the said section 151.

9.—(1) Where planning permission has been given, or has been deemed to have been given, pursuant to the Act of 1962, to a means of access which involves the construction of a carriage-crossing across a verge, ditch or footway to land adjacent to any highway in the borough, the Corporation may at any time after the development has commenced give notice to the owner or occupier of the premises that they propose to construct the carriage-crossing.

Carriage-
crossing over
verges etc.

(2) Where the Corporation give notice under the foregoing subsection, the provisions of section 155 of the Act of 1959 shall apply to the construction of the carriage-crossing, subject to any necessary modifications, and for the purposes of such subsection the Corporation shall be deemed to be the appropriate authority and the notice shall be deemed to be a notice given for the purposes of paragraph (a) of subsection (1) of the said section 155.

10.—(1) Where the Corporation are satisfied—

Temporary
restriction or
prohibition
of traffic
during
execution
of works.

(a) that traffic on any street in the borough for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be restricted or prohibited; and

(b) that it is desirable that such restriction or prohibition should come into force without delay and that for this purpose it is not expedient to effect such restriction or prohibition by means of an order made under subsection (1) of section 12 of the Act of 1967;

PART III
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they may by notice restrict or prohibit for any period not exceeding twenty-four hours the use of that street or any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions and exceptions as they may consider necessary:

Provided that the powers conferred on the Corporation by this section shall not be exercised---

- (i) with respect to any street or any part thereof, more than one occasion in any period of fourteen consecutive days; or
- (ii) with respect to any street upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

(2) The provisions of subsections (3), (4), (5), (9), (10) and (11) of section 12 of the Act of 1967 shall extend and apply for the purposes of this section as if any notice issued by the Corporation under subsection (1) of this section had been issued under subsection (2) of that section.

(3) Notwithstanding the imposition of any restriction or prohibition on the use of any street under the powers conferred by this section, the Postmaster General shall be at all times to execute and do all such works and things on or under that street as may be necessary for inspecting, maintaining, renewing or removing any telegraphic apparatus of the Postmaster General which at the time of the imposition of the restriction or prohibition is in that street.

Mixing of mortar, etc., in streets.

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

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

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

PART III
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12.—(1) Any person may, in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building, erect or place, or cause to be erected or placed, any scaffolding, obstruction or projection constituting an obstruction (each of which is hereafter in this section referred to as "scaffolding") in, upon or over any street in the borough if he has previously obtained a licence from the Corporation and complied with such terms and conditions as may be laid down in the licence granted to him:

licence to erect scaffolding.

Provided that the Corporation shall be entitled to refuse a licence only on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such street.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness:

provided that this subsection shall not apply to scaffolding extending over the footway of a street but not over the carriage-way if no part thereof is less than 8 feet above the level of the footway measured vertically and if the nearest part thereof to the carriage-way is at least 1 foot 6 inches from the carriage-way measured horizontally.

Any person offending against the provisions of this section in contravention of the terms or conditions of any licence granted to him under this section shall be liable for every such offence to a fine not exceeding twenty pounds and in the case of a continuing offence to a daily fine not exceeding two pounds.

Any person aggrieved by the refusal of the Corporation to grant a licence under this section, or by the terms and conditions laid down in any such licence may appeal to a magistrates' court.

No licence shall be required under this section in respect of scaffolding erected or placed by the British Railways Board for the purpose of constructing, reconstructing or maintaining works pursuant to their statutory powers:

and that, except in the case of an emergency, the board shall consult with the Corporation and comply with any reasonable requirements of the Corporation before erecting or placing scaffolding.

(3) Before the Corporation grant any licence under this section they shall (except in the case of emergency) give at least 7 days notice to the Postmaster General, if he appears to

PART III
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them to be concerned, of their intention to do so, and on any such licence shall attach thereto such conditions as the Postmaster General may, within the said period of seven days, require to secure that the person to whom such licence is granted shall comply with his reasonable requirements for the protection of any telegraphic line belonging to, or used or maintained by, him, or for securing access to such telegraphic line.

Control of
goods service
areas.

13. (1) The council may by order made for the purposes of this section designate land, being land in the borough to which this section applies, as a service area.

Provided that—

(a) land shall not be so designated unless it is expected that the designation will be necessary so to prevent or reduce traffic congestion in the borough caused by the loading or unloading of vehicles standing on any such street;

(b) the land shall not be so designated unless either—
(i) it belongs to the Corporation; or
(ii) it has been provided as an area for the unloading of vehicles pursuant to planning permission;

(c) where the land is in the curtilage of premises in connection with only one shop, the order shall apply only to such part of the land as is required for the loading or unloading of vehicles, including obtaining access to the land from the point at which vehicles are unloaded for the purpose of the business carried on at those premises.

(2) No person shall cause or permit any vehicle to be parked in a service area designated under this section between 8 o'clock in the morning and 6 o'clock in the afternoon on a weekday otherwise than for the loading or unloading of a vehicle.

(3) This section applies to such part of any land, including the curtilage or vicinity of shop premises, as is used or intended to be used as a place where vehicles may wait for the unloading of goods and includes a roadway not being a highway.

(4) This section shall not apply to any property owned, controlled, used, or intended to be used by the British Railways Board for their purposes.

(5) If any person contravenes the provisions of any of the provisions of this section he shall be liable, in the case of a first conviction, to a fine not exceeding twenty pounds, and, in the case of a subsequent conviction, to a fine not exceeding fifty pounds.

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(6) (a) If the council consider that an order should be made under this section they shall give notice thereof to the owner and occupier of the land stating that objections to the said order may be made in writing within one month after the date of service of the notice.

(b) The council shall consider all such objections and shall afford to any owner or occupier who has made objection an opportunity of being heard by a committee of the council before the order is made.

(7) (a) After considering any objections duly made under the last foregoing subsection the council may make an order.

(b) Any such order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of subsection (5) of this section or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the council may determine but without prejudice to their power to make a further order in the same manner as the original order.

(8) When an order has been made by the council under this section they shall give notice thereof and of the right to appeal to the owner and occupier of the land and any such owner or occupier who is aggrieved by the order may appeal to a magistrates' court.

(9) In this section, "shop premises" has the meaning assigned to it by section 1 of the Offices, Shops and Railway Premises Act 1963 (c. 41) 1963.

PART IV

PUBLIC HEALTH

14.—(1) Where it appears to the Corporation that there are reasonable grounds for believing that a flue in a house or building the bonfire is in such a state as to be prejudicial to health or a nuisance to persons within that house or building, or within any place or building, they may apply any smoke or smell, and, as a result of such test they deem it necessary, open the flue for the purpose of examining it internally.

Power to examine and test flues believed to be defective.

(2) If on examination the flue is found to be in proper condition the Corporation shall as soon as possible reinstate the same and shall not be liable for any damage done by them.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

PART IV
cont.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period, not being less than one month after the date of the service of the notice, as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds:

Provided that—

(a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises or place; and

(b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section, if on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) Section 89 of the Act of 1936 shall in its application to a borough have effect as if for the words " refreshment-house or place of public entertainment " in subsection (1) of that section there were substituted the words " or refreshment-house ".

(b) Nothing in this section shall apply to premises to which the said section 89, as amended by this subsection, applies by reason only of the holding thereof of any exhibition, performance, amusement, game or sport to which the public are admitted.

(5) The provisions of this section shall not apply to any premises or place in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act 1961.

1961 c. 64.

6.—(1) Where the Corporation have under section 16 of the Securing of
of 1957 accepted an undertaking that a house will not be unoccupied
d for human habitation or where the Corporation have — houses under
Act of 1957.

(a) by a closing order made under section 17, 18, 26 or 35
of the Act of 1957, ordered any house or building, or
part thereof, to be closed; or

PART IV
—cont.

(b) by a clearance order made under section 44 of the Act of 1957, ordered any building, or any part thereof, to be vacated, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within a specified period of weeks from the date when, in pursuance of the order, the premises are vacated;

they may, if the premises are not effectively secured, take such steps as they may think fit to prevent the entry into the premises, when unoccupied, by any person other than a person authorised by the Corporation, after giving to the owner not less than 24 hours' notice of their intention to do so, themselves, or their servants, agents, or contractors, such things in relation to the house or building, or part thereof, as they may think fit, and will so secure the premises against entry.

1961 c. 64.

(2) Nothing in this section shall prejudice the power of the Corporation to take steps to deal with any dangerous premises under section 25 of the Public Health Act 1961.

(3) In this section—

“house” has the same meaning as in the Act of 1957;

“owner” includes any person deemed to be the owner of a house for the purposes of that Act.

PART V

HACKNEY CARRIAGES, ETC.

Interpretation
of Part V
of Act.

1847 c. 89.

17. In this Part of this Act, unless the subject otherwise requires—

“the Act of 1847” means the Town Police (Hackney Carriages) Act 1847;

“hackney carriage” has the same meaning as in the Act of 1847 save that it shall not include a private hire vehicle;

“the prescribed distance” has the same meaning as in the Act of 1847;

“private hire vehicle” means a vehicle to which section 25 (Provisions as to motor vehicles for hire) of the Bedford Corporation Act 1964 applies.

1964 c. XXXIII.

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18.—(1) The Corporation may fix the rates or fares, as well for time as distance, to be paid in respect of hackney carriages plying for hire within the prescribed distance by means of a table (hereinafter in this section referred to as a "table of fares") made in accordance with the provisions of this section.

PART V
cont.

Fixing of
fares for
hackney
carriages.

(2) (a) Where the Corporation make a table of fares they shall publish in at least one newspaper circulating in the borough a notice setting out the table of fares and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall be deposited in the offices of the town clerk and may be inspected free of charge by any person at all reasonable hours for a period of fourteen days from the date of the first publication of the notice.

(3) If no objection to a table of fares is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares shall come into operation on 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, whichever is the later.

(4) If objection to a table of fares is duly made as aforesaid and is not withdrawn, the table of fares shall be of no effect unless and until it is confirmed by the Secretary of State who may confirm the table of fares with or without modification.

(5) A table of fares made under this section shall have effect for the purposes of the Act of 1847 as if included in byelaws made by the Corporation under section 68 of that Act.

(6) On the coming into operation of a table of fares made under this section, any byelaws made by the Corporation for fixing the rates and fares under section 68 of the Act of 1847, or any table of fares previously made under this section, shall cease to have effect.

(7) Section 252 of the Act of 1933 shall extend and apply to a table of fares made under this section as it applies to byelaws made by the Corporation.

19.—(1) For the purposes of their functions under the Act of 1847, the Corporation may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the borough and, with the consent of the owner, on any land not forming part of a street.

Stands for
hackney
carriages.

PART V
— cont.

(2) Before appointing any stand for hackney carriage, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower the Corporation to appoint any such stand so as unreasonably to prevent access to any premises or in any station of the British Railway Company except with their consent.

(4) Any byelaws made by the Corporation before the commencement of this Act for fixing stands of hackney carriages under section 14 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

Prohibition of other vehicles on hackney carriage stands.

20. (1) Except for the purpose of taking up or setting down passengers, no person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 19 (Stands for hackney carriages) of this Act.

(2) If any person contravenes the provisions of this section he shall be liable in the case of a first conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

Misleading signs on motor vehicles.

1962 c. 13.

21. (1) If in the borough any person exhibits or permits to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) any sign or signboard 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 two pounds.

(2) Without prejudice to the generality of the provisions of the foregoing subsection, if in the borough any person exhibits or permits to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) which is offered or let for hire with the services of a driver any sign or signboard or advertisement containing the words "cab", "taxi", "for hire" or "for hire" he shall be deemed to have contravened the provisions of that subsection.

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22.—(1) If a hackney carriage or a private hire vehicle licensed by the Corporation under the Act of 1847 is transferred to a person other than the proprietor or part proprietor whose name is specified in the licence for the hackney carriage or vehicle, the proprietor or part proprietor shall within seven days after such transfer give notice thereof in writing to the Corporation specifying the name and surname of the person to whom the hackney carriage or vehicle has been transferred and the licence shall be deemed to be revoked if the Corporation disapprove the transfer of the licence to that person:

Part V
cont.
Transfer of
hackney
carriages,
etc.

Provided that the Corporation shall not disapprove the transfer of a licence to a person except upon the ground that he is not a fit and proper person to hold such a licence.

(2) Any person aggrieved by the refusal of the Corporation under this section may appeal to a court of quarter sessions.

(3) If a proprietor or part proprietor fails to give notice to the Corporation as provided by subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

23. The cost not exceeding two pounds for inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether licences should be granted herefor under the Act of 1847 shall, if the council so resolve, be recoverable from the proprietors thereof.

Recovery of
costs of
inspections.

24. In its application to the borough, section 46 of the Act of 1847 shall have effect as if for the words "one shilling" there were substituted the words "one pound for the first licence and one shilling for any succeeding licence".

Fee for
driver's
licence.

25.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle on the ground of unfitness of the hackney carriage or vehicle or for any other reasonable cause, and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been suspended or revoked.

Suspension
and
revocation of
proprietor's
licence.

Any such proprietor aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

(2) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence or for any other reasonable cause.

Suspension
and
revocation of
driver's
licence.

PART V
—cont.

(2) Any such driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a quarter sessions.

Fitness of
hackney
carriages,
etc.

27. Any person acting on behalf of the Corporation authorised in writing by the town clerk shall have power at reasonable times to inspect any hackney carriage in the borough and any private hire vehicle in the borough which is being licensed by the Corporation under the Act of 1847 for the purpose of ascertaining its fitness, and if he is not satisfied as to the fitness of the hackney carriage or vehicle or of the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or vehicle to make it or its taximeter available for further inspection at such reasonable time and place as is specified in the notice and suspend the licence of the proprietor until such time as he is so satisfied or the expiration of two months, whichever shall first occur.

Age limit for
proprietors
and drivers.

28. Notwithstanding anything in the Act of 1847, the Corporation shall not grant a licence in respect of a hackney carriage or a private hire vehicle or a licence to act as driver of a hackney carriage or such a vehicle to any person under the age of twenty-one years.

Fitness of
drivers.

29. The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle

1956 c. 76.

- (1) to produce a certificate signed by a medical practitioner registered pursuant to the Medical Act 1956 in effect that he is physically fit to be the driver of a hackney carriage or such a vehicle; and
- (2) whether or not such a certificate has been produced to submit to examination by a medical practitioner selected by the Corporation as to his fitness to be the driver of a hackney carriage or such a vehicle.

Penalty on
persons
refusing to
pay fare.

30. Any person who, within the prescribed period after the completion of the hire of a hackney carriage licensed by the Corporation under the Act of 1847, refuses to pay the fare lawfully due from him shall be liable to a fine of not more than twenty pounds.

Extension of
section 68 of
Act of 1847.

31. The powers of the Corporation under section 68 of the Act of 1847 shall extend so as to enable them to make regulations for regulating the conduct of passengers in hackney carriages and private hire vehicles.

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32. Notwithstanding anything in section 43 of the Act of 1847, any licence granted by the Corporation in respect of a hackney carriage or a private hire vehicle shall, if the Corporation think fit, remain in force for such period exceeding one year, but not exceeding three years, from the date of the licence as they may determine:

Part V
cont
Corporation
may extend
period of
hackney
carriage
licences,
etc.

Provided that nothing in this section shall affect the powers of the Corporation to suspend or revoke such a licence

PART VI

FINANCE

33.—(1) The Corporation may borrow

Power to
borrow

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

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

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

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

1946 c. 55

34.—(1) The Corporation may enter into a contract with any person whereby, in consideration of payments made by way of premium or otherwise by the Corporation, that person undertakes to pay to the Corporation such sums as may be provided in the contract in the event of any voluntary assistant meeting with a personal accident, whether fatal or not, while he is engaged as an agent or otherwise in carrying any business of the Corporation, or suffering any disease or sickness, whether fatal or not, as a result of being so engaged.

Insurance
of certain
voluntary
assistants

(2) Any sum received by the Corporation under any such contract shall, after deduction of any expenses incurred in the contract, be paid by the Corporation to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received.

PART VI
—cont.
1774 c. 48
1958 c. 72.

(3) The provisions of the Life Assurance Act 1774 apply to any such contract, but any such contract shall be for the purposes of the Insurance Companies Act 1958 a policy of insurance upon the happening of personal disease or sickness.

(4) In this section "voluntary assistant" means a person at the request of the Corporation or an authorised officer of the Corporation, performs any service or does anything, than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Corporation.

Recovery of sums paid to officers, etc.

35. (1) Where the Corporation have paid in advance to an employee the amount of his emoluments and such employee before the expiration of the period in respect of which payment is made the Corporation shall not be required to the return of such portion thereof not exceeding ten pounds as the Corporation may determine.

(2) In any case where the Corporation exercise the powers conferred by the foregoing subsection they shall transfer from the general fund or the housing revenue account (as the case may be) to the superannuation fund maintained by them the amount so paid but for the exercise of those powers would have been payable to the fund.

(3) In this section

"employee" means any officer or servant of the Corporation or any officer or servant whose salary or wages are payable by the Corporation and includes any officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Corporation; and

"emoluments" means in relation to an officer or servant, his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit the amount of that allowance or benefit.

Extension of power to invest moneys in superannuation fund.
1937 c. 68.
1961 c. 62.

36. (1) In its application to the investment by the Corporation under subsection (3) of section 21 of the Local Government Superannuation Act 1937 of any moneys forming part of a superannuation fund maintained by the Corporation the Trustee Investments Act 1961 shall have effect as if the following paragraph were included in Part III (Permissible Investments) of Schedule 1 to that Act:—

"4. In the purchase of freehold ground rents or leasehold land messuages tenements and buildings"

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within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run."

PART VI
Cont

(2) So long as the value of the investments of property for the time being made under the powers conferred by the foregoing subsection is equal to or greater than one-half of the total value of the wider range part of the fund, no further investment may be made thereunder.

37. 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 Corporation, 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 annuities fund maintained by the Corporation.

Investment
of other
funds of
Corporation

(1) The Corporation 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 charged 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) A scheme made by the Corporation 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 provision to the contrary, have full force and effect.

PART VII
MISCELLANEOUS

9.—(1) In this section "coffee bar" means—

Entertainment
clubs and
coffee bars

(a) any premises which are kept open for public refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning and which are not being premises which are kept open wholly or mainly as an ancillary amenity for residents of a bona fide hotel, guest house or lodging house; or

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

PART VII
—cont.

1967 c. 19.

"entertainment club" means a club, organisation which, in furtherance of the objects or purposes which the club, organisation or body was used by the members thereof for the purpose of amusement, dancing or the playing of games on premises not being entertainment or dancing premises of which a licence is required under the Public Entertainment (Licensing) Act 1967;

"registered" means registered with the Corporation under this section, and "registration" shall be construed accordingly;

"specified drug" means any substance which, with the approval of the Secretary of State, by resolution, be included among the drugs specified in subsection (14) of this section applies;

"young person" means a person of not more than 18 years of age.

(b) For the purposes of this section premises shall be deemed to be kept open for public refreshment at any time during which they are being used for the sale of refreshments to the public whether or not the public are allowed to be on the premises at the time of sale.

(2) For the purposes of a resolution relating to a specified drug, the provisions of paragraphs (b) and (c) of subsection (1) of this section shall (with any necessary modifications) apply to any such resolution and the date specified thereby.

(3) If, in the opinion of the Corporation, it becomes necessary that premises of any particular class or description remain subject to the provisions of this section, the Corporation may by resolution determine that as from a date to be specified in the resolution such class or description of premises shall be deemed to be exempt from the provisions of this section; and the provisions of paragraphs (b) and (c) of subsection (1) of this section shall (with any necessary modifications) apply to any such resolution and the date specified thereby.

Provided that the Corporation may, after the date specified in any such resolution, apply to a magistrates' court for an order that, having regard to any relevant circumstances, premises exempted from the provisions of this section by the resolution should become subject to the provisions of this section, and if the court so orders those premises shall be deemed to be subject to the provisions of this section from such date.

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specified by the court, being a date not earlier than one month from the date of service upon the occupier of those premises of a copy of the order of the court.

Page VII
cont

(4) Subject to the provisions of subsection (17) of this section, on and after the appointed day

(a) no premises in the borough shall be used, whether occasionally or not

(i) for the purposes of a coffee bar; or

(ii) by an entertainment club;

unless they are registered;

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

5) The Corporation may refuse to register or renew the registration of any premises for use for the purposes of a coffee bar or by an entertainment club if in the opinion of the Corporation:

(a) the premises are not suitable for the purpose having regard to their situation and to the character of adjacent properties; or

(b) the premises are not safe for such use or the means of heating the premises are not safe; or

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

(d) adequate precautions against fire on the premises have not been taken; or

(e) satisfactory means of escape in case of fire and suitable fire fighting appliances are not provided on the premises; or

(f) the owner or occupier of the premises or any person intended to be concerned in the organisation or management of the coffee bar or the entertainment club has, within the period of five years immediately preceding the date of the application for registration or, as the case may be, for renewal of registration, been convicted of an offence under this section other than an offence under paragraph (b) of subsection (4).

PART VII
—cont

(6) Registration shall, unless revoked, remain in force for a period not exceeding thirteen months as may be fixed by the Corporation at the time of registration.

(7) An application for registration or renewal of registration shall be made in writing to the Corporation by the occupier of the premises to which the application relates, and 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 which the application relates and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

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

(9) (a) Any person making application for registration or renewal of registration in respect of additional or enlarged premises shall give public notice of the application (identifying the premises)—

- (i) by displaying the notice on or near the premises in a place where it can conveniently be read by the public for seven days beginning with the date of the application; and
- (ii) by advertisement on one at least of those newspapers circulating in the borough.

(b) A person intending to oppose an application for registration of any premises or for renewal of registration shall give notice to the Corporation in writing of his intention and shall send a copy of such notice upon the applicant, stating in general terms the grounds of the opposition, not later than twenty days after the date of the application.

(10) The Corporation may at any time by notice in writing refuse to register or to renew registration of any premises on any ground on which it might refuse to register under subsection (5) of this section.

(11) (a) The Corporation may, on registering or renewing registration of any premises for use for the purposes of a public bar or by an entertainment club, impose conditions—

- (i) the maintenance of public order and safety; and
- (ii) the number of persons who may be allowed to be on the premises at any time;

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Part VII
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- (iii) the taking of proper precautions against fire and the maintenance in proper order of means of escape in case of fire, fire fighting appliances and means of lighting, sanitation and ventilation;
- (iv) the maintenance in safe condition of means of heating the premises; and
- (v) the hours of opening and closing the premises, regard being had, inter alia, to the desirability of avoiding any nuisance to residents in the neighbourhood.

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

(12) Before refusing to register or renew the registration of any premises or cancelling the registration of any premises and in any case if any person has given notice to the Corporation under paragraph (a) of subsection (9) of this section the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered and to any person who has given notice to the Corporation under the said paragraph (a) an opportunity of appearing before and of being heard by a committee of the council or a sub-committee of such committee and, if so required by the applicant, the Corporation shall within seven days of their decision give to him a statement of the grounds on which it was based.

(13) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises or by the cancellation of any such registration or by any condition imposed on registration may within twenty-one days from the date of the giving of notice of such refusal, cancellation or condition apply to a magistrates' court.

(4) If premises while used for the purposes of a coffee bar or an entertainment club are conducted in a disorderly manner, or if premises so used have been habitually used for an unlawful purpose, or if during the last preceding twelve months there have been on the premises while so being used illegal sales of liquor, or if during that period any drug to which section 1(1) of the (Dangerous Drugs) Act 1968, applies or any specified drug has been sold, or otherwise distributed by a person to any other person on the premises while so being used

(e) any person concerned in the organisation or management of a coffee bar or entertainment club who knew or had reasonable cause to suspect that the premises were being used in such manner or for any such purpose as aforesaid;

PART VII
—cont.

(b) any other person who, knowing or having cause to suspect that the premises were used in that manner or for any such purpose as aforesaid

(i) allowed the premises to be so used;

(ii) let the premises or otherwise made them 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:

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

1956 c. 76

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

(a) whether there is, or has been, in or in connection with the premises, any contravention of the provisions of this section or of any condition imposed by the powers of this section;

(b) whether or not circumstances exist which would entitle the Corporation to take any action under this section;

(c) whether or not, in the case of premises in respect of which a licence appears to be in force for any of the purposes mentioned in paragraph (c) of subsection (1) of this section, the terms, conditions, restrictions or other provisions attaching to the licence or subject to which it has been granted are complied with so far as they relate to the matters mentioned in that paragraph.

(16) The provisions of subsections (2), (3) and (4) of section 59 of the Act of 1936 shall apply to entry into any premises for the purposes of subsection (15) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

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

(i) any building of a description specified in paragraph (a) of section 59 of the Act of 1936 during the period in which the building is used for the purpose or purposes so specified; or

(ii) a private house or private flat; or

PART VII
— cont.

- (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, 1964 c. 26, 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, or
- (v) any premises which are kept open wholly as an ancillary amenity to a tenpin bowling establishment; or
- (vi) any premises which are used as a canteen forming part of a factory or office which is subject to the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963, 1961 c. 34, 1963 c. 41.
- (b) Nothing in this section shall apply to
- (i) a club registered or licensed under the Licensing Act 1964;
- (ii) a club, organisation or body registered as a charity under section 4 of the Charities Act 1960; 1960 c. 55.
- (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, darts, rackets, squash, billiards, chess, dominoes, bridge, whist or any game similar to any of those games;
- (vi) a club in respect of which a licence is required under the Gaming Act 1968; 1968 c. 65.
- or any premises used by any such club.

(c) Subject to the provisions of subsections (14) and (15) of section 1, 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

PART VII
—cont.

(ii) public music or dancing or other entertainment of like kind; or

(iii) a cinematograph exhibition;

Provided that the terms, conditions, restrictions, 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 to precautions against fire, the means of escape in case of fire and the provision of suitable fire fighting appliances.

(18) (a) In this section "the appointed day" means as may be fixed by resolution of the council subject to the provisions of this section.

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

(i) of the passing of any such resolution and of the effect thereof; and

(ii) of the general effect of the provisions of this section;

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

(c) Either

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

(ii) a photostatic or other reproduction certified by a clerk to be a true reproduction of a page, or pages, of any such newspaper bearing the notice and containing any such notice

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

(d) It shall be lawful for any person who

(i) immediately before the appointed day was using the premises for the purposes of a coffee bar or entertainment club; and

(ii) had before the appointed day duly applied for the registration required by subsection (4) of section 54

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

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40.—(1) For the purpose of providing a parking place under section 28 of the Act of 1967, the Corporation may, with the consent of the Minister, utilise any part of a park, pleasure ground or open space provided by them or under their management and control: Part VII
cont.
Parking places
in parks, etc.

Provided that the part of any park, pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof, or one acre, whichever is the less.

(2) In this section "open space" has the same meaning as in the Open Spaces Act 1906. 1906 c. 25.

41.—(1) The Corporation may within or outside the borough provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient. Golf courses.

(2) References in the following provisions of this section to a golf course are references to a golf course provided under this section and shall include references to any buildings provided, or works executed, under the foregoing subsection and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either

(a) themselves manage a golf course, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or

(b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may

(a) at a golf course, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;

(b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;

(c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;

(d) by themselves, or any person appointed by them in that behalf, apply for and hold licences for the sale of intoxicating liquor at a golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses, whether within or without the borough, and the conduct of persons using them or resorting thereto.

PART VII
-cont

(6) As respects byelaws made under this section the authority for the purpose of section 250 of the Act of 1958 shall be the Secretary of State.

Saving for trusts.

42. No power conferred upon the Corporation by the two foregoing sections shall be exercised in such a manner as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument rests upon the donor, or any other person, the power to vary the trust without the consent of the donor or that other person.

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

(2) as to contravene a covenant or condition which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Microfilming of documents.

43. (1) The Corporation may make and retain microfilm recordings of documents of the Corporation.

(2) Notwithstanding anything contained in any enactment, the Corporation may destroy any documents of the Corporation other than minute books, of which they have made microfilm recordings.

Provided that—

(a) the Corporation shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records and Documents) Act 1962, and

(b) the Corporation shall afford a right of access to the public to a microfilm recording of a document which has been destroyed in pursuance of this section, if any, of the public to that document which has been destroyed.

(3) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or any rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be deemed to be a copy of that document.

1958 c. 51.
1962 c. 56.

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shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the town clerk certifies that

Part VII
cont

- (a) the document has been destroyed; and
- (b) a microfilm recording of the document has been made, and
- (c) the enlargement is an enlargement of that microfilm recording.

(5) In this section unless the context otherwise requires

- (a) "document" means the whole or part of a register, book, map, plan or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the council or any committee of the council;
- (b) "microfilm recording" means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

4. Notwithstanding anything in any enactment

As to grants
of burial, etc

- (1) a grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation; and
- (2) any licence granted by the Corporation,

may be given under the hand of the town clerk or his duly authorised deputy instead of under the corporate seal of the Corporation.

45.—(1) The Corporation may for the purpose of enabling them to perform any of their functions under

Power to
obtain
information as
to ownership
of premises

- (a) this Act;
- (b) any enactment in force at the passing of this Act which authorises the Corporation to acquire land compulsorily;
- (c) any enactment mentioned in Schedule 1 to this Act; and
- (d) any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within the borough;

may

- (1) the occupier and any person having an interest in any premises in the borough, and any person who either

PART VII
—cont.

directly or indirectly receives rent in respect of those premises, to state in writing the nature of his interest therein and the name and address of any person known to him as having an interest in the premises, whether as freeholder, mortgagee, lessee or tenant, or the name and address of any person known to him to receive either directly or indirectly the rent of those premises; and

(1) any person who has sold or otherwise disposed of, leased or let any premises in the borough, shall state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who having been required by the Corporation in pursuance of this section to give to them any information, or knowingly makes a false statement in respect thereof, shall be liable to a fine of not more than twenty pounds.

(3) For the purposes of this section the expression "premises" includes any legal estate or interest in the premises, and any charge issuing out of those premises.

(4) The provisions of any of the enactments mentioned in paragraph (b) of subsection (1) of this section which confer power to require information as to the ownership of premises shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

Repair of
walls, etc.
of yards.

40. (1) If it appears to the Corporation that any wall forming part of any house in the borough or the yard of any such house is—

- (a) has collapsed or been pulled down; or
- (b) is in danger of collapsing; or
- (c) is in such a state of disrepair as to be a source of inconvenience to the inhabitants of the borough or the public;

the Corporation may by notice require the owner of the house to carry out such works (including reinstatement, removal or repair of any such wall) as are reasonably necessary.

(2) The provisions of section 290 of the Act of 1963 in relation to notices given under this section and the provisions of section 291 of that Act in relation to the notices mentioned in subsection (1) of

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47.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any specimen, work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation.

PART VII
—cont
Disposal of
unavailable
specimens
and works
of art

(2) The Corporation may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

(a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section;

(b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor; and

(c) any sum received by the Corporation in the exercise in respect of any object of the powers of this section shall, unless it exceeds fifty pounds and is subject to a trust the terms of which prevent its being used for the purchase of other objects, be paid into the art fund established by the Corporation under section 9 of the Bedford (Amendment of Local Enactments) Order 1951.

48. Subject to subsection (5) of section 85 of the Act of 1933 the power of delegation conferred on the council by that section shall extend to enable the council to delegate functions to a committee, notwithstanding that those functions have been delegated to the council by or by virtue of any enactment.

49.—(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.

Delegation of
powers to
sub-
committee

PART VII
cont.

(2) A sub-committee appointed under this section (a sub-committee of a committee for regulating and the finances of the council or of the borough) may include who are not members of the council:

Provided that

- (a) a majority of the members of any such sub-committee shall be members of the council, and
- (b) whenever at any meeting of any such sub-committee 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 council.

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

Power to advertise advantages of borough

50.—(1) For the purpose of promoting and the development of the borough the Corporation may incur expenditure in advertising and making known the advantages and amenities afforded by the borough in any manner which the Corporation may think fit and without prejudice to the provisions of the foregoing provisions of this section they may

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

(2) Any expenditure under this section shall be paid from and additional to the expenditure, if any, of the Corporation under the Local Authorities (Publicity) Act 1931.

1931 c. 17.

Research into matters concerning social conditions, etc

51. The Corporation may in connection with any of their functions contribute, by grants or otherwise, to the cost of investigations and research undertaken by any bodies or persons into matters affecting the borough

- (1) social or economic conditions, or
- (2) health or hygiene.

PART VIII

GENERAL

Local inquiries

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

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

Part VIII
cont

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

1946 c. 31

53. The written consent of the Attorney General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

Restriction
on right to
prosecute

54.—(1) Where an offence under the sections of this Act mentioned in Schedule 2 to this Act 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.

Liability of
director, etc.

(2) In the foregoing subsection, "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.

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.

Appeals.

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

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

PART VIII
—cont.

then, until the time for appealing has expired or, as is lodged, until the appeal is disposed of or withdrawn for want of prosecution:

- (i) no proceedings shall be taken in respect of the work, or take the action; and
- (ii) that person may carry on that business on those premises for that purpose.

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

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

For protection of gas and electricity undertakers.

57. For the protection of the undertakers the provisions shall unless otherwise agreed in writing between the Corporation and the undertakers concerned be in effect:

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

“apparatus” means—

(a) mains, pipes or other apparatus used for the supply of gas or maintained by the gas undertakers;

(b) any electric line or works defined in the Electric Lighting Act 1882 or maintained by the electricity undertakers, and includes any works constructed in connection with either of them or apparatus;

“in” in a context referring to a road or street means under, over, across, along or upon;

“operational land” means any land in which the undertakers hold an interest for the purpose of their undertaking other than land held for use for the purpose only of offices;

“undertakers” means the electricity undertakers and the gas undertakers or either of them.

- (2) Notwithstanding the prohibition of the use of any road or street, or any part thereof, by the powers of section 10 (Temporary prohibition of traffic during execution of works) of this Act the undertakers shall be entitled to use upon any such road or street, or part thereof,

necessary vehicles, for the purpose of placing, maintaining, inspecting, repairing, renewing or removing any apparatus:

- (3) Before the Corporation grant any licence under section 12 (Licence to erect scaffolding) of this Act they shall give to the undertakers notice of their intention so to do and on granting any such licence shall attach thereto such conditions as the undertakers may within the period of seven days from receipt of the notice require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers for the protection of any apparatus or for securing access to their apparatus or operational land:
- (4) Nothing in section 13 (Control of goods service areas) of this Act shall apply to any vehicle used by the undertakers for or in connection with the placing, inspecting, repairing, maintaining, renewing or removing of any apparatus in or adjoining land designated as a service area under the said section.
- (5) (a) When the Corporation give any notice under subsection (1) of section 16 (Securing of unoccupied houses under Act of 1957) of this Act they shall at the same time give similar notice to the undertakers.
- (b) Nothing in the said section 16 shall prejudice the rights of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises secured under the said section 16 shall ensure that the premises are not left less secure by reason of the entry.

- (6) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus, and may, if he thinks fit, require the Corporation to

SCHEDULES

SCHEDULE 1

Section 45

ENACTMENTS MENTIONED IN SECTION 45 (EFFECT OF THIS ACT)

Public Health Act 1875.	1875 c. 55.
Public Health Acts Amendment Act 1890.	1890 c. 59.
Public Health Acts Amendment Act 1907.	1907 c. 53.
Public Health Act 1925.	1925 c. 71.
and Drainage Act 1930.	1930 c. 44.
Public Health Act 1936.	1936 c. 49.
Public Health (Drainage of Trade Premises) Act 1937.	1937 c. 40.
Shops Act 1950.	1950 c. 28.
Housing Act 1957.	1957 c. 56.
Land Drainage Act 1961.	1961 c. 48.
Public Health Act 1961.	1961 c. 64.
Housing Act 1961.	1961 c. 65.
Town and Country Planning Act 1962.	1962 c. 35.
Housing Act 1964.	1964 c. 56.

SCHEDULE 2

Section 54

SECTIONS OF ACT TO WHICH SECTION 54 APPLIES

- Section 8 (Buildings and structures over highways);
- Section 11 (Mixing of mortar, etc., in streets);
- Section 12 (Licence to erect scaffolding);
- Section 13 (Control of goods service areas);
- Section 15 (Sanitary conveniences at places of public exhibition, etc.);
- Section 20 (Prohibition of other vehicles on hackney carriage stands);
- Section 21 (Misleading signs on motor vehicles);
- Section 22 (Transfer of hackney carriages, etc.);
- Section 39 (Entertainment clubs and coffee bars).

Section 58.

SCHEDULE 3

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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.
304	Judges and justices not to be disqualified by liability to tax.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II

SECTIONS APPLIED TO PARTS III AND IV OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work of tenants, owners or occupiers.
276	Power of local authority to sell certain materials.
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.
292	Power to make a charge in respect of establishment expenses.
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 III

SECTION APPLIED TO PART IV AND SECTIONS 13 AND 46 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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