

Cardiff Corporation Act 1969

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ELIZABETH II



1969 CHAPTER XLVII

to empower the lord mayor, aldermen and citizens of the city of Cardiff to construct works and to make provision with regard to the health, local government, welfare, improvement and finances of the city and for other purposes. [25th July 1969]

WHEREAS the city of Cardiff (hereinafter referred to as "the city") is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (hereinafter referred to as "the Corporation");

whereas it is expedient that the Corporation should be empowered to construct the works authorised by this Act for the purpose of making available further lands for refuse disposal and in connection to acquire lands:

whereas it is expedient that further and better provision should be made with reference to lands, streets and buildings in the city for the purpose of the health, local government, welfare and improvement of the city and that the powers of the Corporation with regard to the said matters should be enlarged as in this Act provided:

and as it is expedient that the provisions with regard to the said matters of the city which are contained in this Act should be amended and that the Corporation should be empowered to do so for the purposes of this Act:

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

And whereas the purposes of this Act cannot be effected by the authority of Parliament:

And whereas estimates have been prepared by the Corporation of the expense of the works and purposes hereinafter mentioned and such estimates are as follows:—

For the purchase of lands and easements

For the construction of works authorised by this Act

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas a plan and sections showing the lines or sites and levels of the works by this Act authorised such plan also the lands which the Corporation may acquire or use by the powers of this Act and a book of reference to such plan containing the names of the owners or reputed owners or reputed lessees and of the occupiers of all such lands describing the same have been deposited in the office of the Clerk of the Parliaments, House of Lords and in the Private Bill Office of the House of Commons and with the town clerk of the Corporation which plan, sections and book of reference are in this Act referred to respectively as the deposited plan, the deposited sections and the deposited book of reference:

1933 c. 51.

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

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, 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 Cardiff 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. Works.
 Part IV. District heating.
 Part V. Music and dancing licences.
 Part VI. Industrial development and amenities.
 Part VII. Public health and public order.
 Part VIII. Finance, rating and superannuation.
 Part IX. Miscellaneous.
 Part X. General.

PART I
 — cont.

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

In this Act unless otherwise expressly provided or the
 or context otherwise requires—

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

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

“the Act of 1946” means the Acquisition of Land (1946 c. 49.
 Authorisation Procedure) Act 1946;

“the Act of 1960” means the Road Traffic Act 1960; 1960 c. 16.

“the Act of 1961” means the Cardiff Corporation Act 1961; 1961 c. v.

“the Act of 1965” means the Compulsory Purchase Act 1965; 1965 c. 56

“the Act of 1967” means the Road Traffic Regulation Act 1967 c. 76.
 1967.

“the appointed day” has the meaning assigned to it by
 section 101 (The appointed day) of this Act;

“the city” means the city of Cardiff;

“the Corporation” means the lord mayor, aldermen and
 citizens of the city acting by the council;

“the council” means the council of the city;

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

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

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

“noted date” means such date as may be specified
 in writing to be sent by the Corporation to

the British Transport Docks Board certifying that
 the dock is open to navigation being a date not
 earlier than fourteen days after the date of the notice;

PART I
—cont.

1950 c. 39.

“ statutory undertakers ” means any company or person authorised by an Act of Parliament having the force of an Act to supply electricity or water;

“ street ” has the same meaning as in the Public Utilities Works Act 1950;

“ tidal work ” means so much of any work as is carried out over tidal waters or tidal lands below the level of high-water springs;

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

“ the Trinity House ” means the master, wardens and assistants of the guild, fraternity or brotherhood of the Most Glorious and Undivided Trinity and of St. Catherine in the parish of Deptford Strond in the county of Kent commonly called the Corporation of the Trinity House of Deptford Strond;

“ the works ” means the works authorised by Part I (Works) of this Act and “ work ” shall be construed accordingly.

(3) All areas, distances and lengths stated in any description of works, powers or lands in this Act shall be construed as if the words “ or thereabouts ” were inserted after each such distance or length.

(4) Any reference in this Act to a work identified by a number of the work shall be construed as a reference to the work of that number authorised by section 16 (Power to carry out works) of this Act.

(5) 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.

Application of Part I of Act of 1965.

4.— (1) Part I of the Act of 1965 (except section 4, subsections (1) and (2) of section 24, section 27 and paragraph 3 (3) of Schedule 1 thereof) in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as if it applied to a compulsory purchase to which Schedule 1 to the Act of 1946 applies and as if this Act were a compulsory purchase under the said Act of 1946.

(2) In subsection (1) of section 11 of the Act of 1965 as applied, for the words “ fourteen days ” there shall be substituted the words “ three months ”.

1845 c. 18.

(3) The Lands Clauses Consolidation Act 1845 shall apply to the acquisition of land under this Act.

PART II

LANDS

(1) Subject to the provisions of this Act, the Corporation Power to enter upon, take and use such of the lands delineated on the acquire lands, sited plan and described in the deposited book of reference may be required for or in connection with—

- a) the construction and maintenance of the works; and
- b) the disposal of refuse.

The powers of the Corporation for the compulsory acquisition of land under this section shall not be exercised after December, 1972.

(1) If the deposited plan or the deposited book of reference is inaccurate in its description of any land, or in its statement of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the lessee and occupier of the land in question, may apply to the justices having jurisdiction in the city for the correction

Correction of errors in deposited plan and book of reference.

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

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

The person with whom a copy of a certificate is deposited in accordance with section 10 shall keep it with the other documents to which it relates.

The Corporation may, instead of acquiring any land, are authorised to acquire compulsorily such easements and rights over or in the land as may be required for the purpose of constructing, using, maintaining or removing the works or for the purpose of doing any other thing necessary in connection with the works.

Power to acquire easements only.

PART II
--cont.

(2) Accordingly the Corporation may give notice in respect of any such easement or right describing the nature and "land" in Part I of the Act of 1965, as applied includes such easements and rights as aforesaid.

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

(a) they shall not be required or, except by agreement during the execution of the works, entitled to cut or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time shall, subject to the easement or right, have the right to use the land as if this section had not been enacted.

Disregard of recent improvements and interests.

8. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of an interest in land created after 5th December, 1968, or any diminution of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made on the said date, whether on land acquired or on any other land which the claimant is, or was at the time of erection, alteration or making of the building, works, improvement or alteration directly or indirectly concerned, if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration in the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Grant of easements by persons under disability.

9.-- (1) Any person empowered by the Act of 1965, as amended by this Act, to sell and convey or release lands may, if he is a person under disability, grant to the Corporation any easement or right required for the purposes of this Act over or in the lands not being an easement or right over water in which some person other than the grantor has an interest.

(2) The provisions of the Act of 1965 with respect to rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of substituted sites.

10. 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 which may be acquired under this Act.

PART II
—cont.

Power to
reinstate
owners or
occupiers of
property.

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

Any such agreement may provide for the exchange of land; for that purpose the Corporation may pay or receive money of any quality of exchange.

Agreements
with adjoining
owners.

(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, land abutting on any portion of land that may be acquired under this Act with respect to the sale by the Corporation to him of that land.

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

Extinction of
rights affecting
land.

(1) All rights over any land which may be acquired under section 5 (Power to acquire lands) of this Act (other than the rights numbered 11 on the deposited plan) shall be extinguished, in the acquisition of the land by the Corporation, whether compulsorily or by agreement:

Provided that the purposes of this section shall not apply so as to extinguish rights of common.

Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute and in accordance with the Land Compensation Act 1961, 1961 c. 33.

Compulsory
acquisition of
easements.

(1) The Corporation, by means of an order made by the confirming authority and submitted to and confirmed by the confirming authority, may be authorised to create in favour of the Corporation any easement or other right over or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any buildings owned or occupied, or intended to be occupied, by the Corporation for the purposes of any of its undertakings, powers or duties.

The confirming authority shall not confirm any order made under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in or over or in relation to which it is to be created or, in the case of a park or garden belonging to the Corporation, without seriously affecting the amenity or convenience of the land.

PART II
— cont.

(3) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1965 as if—

(a) the expression “ compulsory purchase of land ” in the Act of 1946 included the creation of such easement or other right as is mentioned in subsection (1) of this section and

(b) paragraphs 9 and 10 of Schedule 1 to the Act of 1946 applied to the creation of such easement or other right as is mentioned in the said subsection (1) whether created in, over or under any land to which either of those paragraphs relates or in, over or under any land in which the person entitled to the benefit of either of those paragraphs has an easement or other right which, if it were land would be land to which the paragraph

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building, manufactory or of a park or garden belonging to a householder in subsection (1) of section 8 of the Act of 1965.

(5) In this section the expression “ confirming authority ” means the authority having power to authorise the compulsory purchase of the land for the enjoyment or use of which an easement or other right is required or which would be required if such power if such land were not already owned by the Corporation.

Compensation arising from use of lands for refuse disposal.

15. Section 278 of the Act of 1936 shall apply with modifications to the disposal of refuse by the Corporation on any lands acquired under the powers of section 5 (Power to acquire lands) of the Act and used for such disposal, as the said section 278 applies to the exercise by a local authority of any of the powers conferred by the said Act of 1936.

PART III
WORKS

Power to construct works.

16.—(1) Subject to the provisions of this Act, the Corporation may within the city in the lines and situation and upon the land delineated upon the deposited plan and described in the book of reference and according to the levels shown in the deposited sections make and maintain the following works and conveniences connected therewith or ancillary thereto, that is to say:—

Work No. 1 A diversion of the river by commencing at the line drawn east and west across the existing channel

the river through a point 357 yards south of the downstream face of the Penarth line railway bridge of the British Railways Board (the measurement being taken along the centre line of the said existing channel) and terminating at a line drawn north-east and south-west across the said existing channel through a point on the existing boundary of the city where it crosses the river adjacent to the north-western side of Victoria Wharf.

Work No. 2. An access road commencing at a point on the private road known as Ferry Road, 580 yards south of its junction with York Place and terminating at a point on the existing river bank 194 yards measured in a south-westerly direction from the point of commencement.

Work No. 3. An access road commencing at a point on the private road known as Ferry Road, 533 yards measured in a southerly direction along the said road from the commencement of Work No. 2 and terminating at a point on the existing river bank 60 yards measured in a south-westerly direction from the point of commencement.

The Corporation may within the limits of deviation for works extend, enlarge, alter, replace or relay the same.

Subject to the provisions of this Act, the Corporation may in pursuance of the Work No. 1 enclose and reclaim from the river bed of the river Ely or of the sea so much of the river bed of the river Ely or of the sea as is included within the limits of land to be acquired delineated on the deposited plan and described in the deposited book of reference and is necessary for the said work.

In pursuance of the construction of the works authorised by section 16 (Power to deviate. to construct works) of this Act, the Corporation may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation and deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding ten feet upwards or downwards.

The Corporation, in connection with Work No. 1 (Subsidiary river works. purposes thereof), may make, provide and maintain and convenient walls, embankments, piling, fences, drains, gwers, weirs, sluices, stairs and footpaths and machinery, works, appliances and conveniences as may be required.

PART III
—cont.

- (2) The Corporation, in connection with Work No. 1, shall—
- (a) shall stop up and discontinue such portion of the river Ely as will be rendered unnecessary by reason of the diversion thereof under the powers of this Act;
- (b) shall fill in the channel of the said portion of the river Ely.

Power to
make
subsidiary
works.

19.—(1) The Corporation, in connection with the filling in of such portion of the river Ely as will be rendered unnecessary by reason of the diversion thereof under the powers of this Act and the enclosing, reclaiming and use of the lands acquired under this Act for or in connection with the works, may from time to time within the limits of deviation of such lands, in addition to such works—

- (a) remove, alter, divert, stop up or interfere with any sewer, drain or watercourse, or any pipe, apparatus, provided that the Corporation shall provide a proper substitute before interrupting the flow of sewage or water in any sewer, drain or watercourse;
- (b) raise, sink or otherwise alter the position of any steps, areas, cellars, windows and pipes or other parts belonging to any house or building and remove all obstructions;
- (c) construct and provide roads, footpaths, carriageways, drains, culverts, arches, bridges, embankments and other works as may be necessary or convenient for any railway, stream or watercourse, any street or land;
- (d) execute any works for the protection of any adjacent land or buildings;
- (e) execute any works and do any things necessary for the strengthening and supporting of any walls or buildings or structures;
- (f) alter or remove any structure erected upon any adjacent land;
- (g) make junctions with, and alter the line or level of any street or way interfered with by, or contiguous to, any works or such portion of the said river.

together with all necessary or convenient subsidiary works.

(2) Any sewer, drain, watercourse, pipe, wire or apparatus (in this subsection referred to as "apparatus") rendered unnecessary by the substitution of other apparatus under the powers of this section shall vest in the Corporation.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as possible to be done.

circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

PART III
— cont.

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

1961 c. 33.

If the works authorised by section 16 (Power to construct works) of this Act are not completed within ten years from the commencement of this Act, then on the expiration of that period the powers of works granted to the Corporation for making and completing works or otherwise in relation thereto shall cease except so much thereof as is then completed:

Period for completion of works.

Provided that nothing in this section shall prejudice or affect the powers of the Corporation to maintain, extend, enlarge, alter, or relay the works at any time and from time to time as may be required.

The powers conferred by this Act for the construction of works and for the filling in of the channel of the portion of the river which will be rendered unnecessary by reason of the execution thereof by means of that work, may be exercised notwithstanding any rights of navigation which may exist along, on the river or any rights of user of the river by vessels of any description and, upon the specified date, all such rights as far as they relate to the said portion shall cease and be extinguished.

Extinction of rights of navigation.

A tidal work shall not be constructed, extended, altered, replaced or relaid except in accordance with the provisions approved by the Board of Trade and subject to the conditions and restrictions imposed by the Board before the work is begun.

Tidal works not to be executed without approval of Board of Trade.

If a tidal work is constructed, extended, enlarged, altered, or relaid in contravention of this section or of any condition imposed under this section—

The Board may by notice in writing require the Corporation at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Corporation, the Corporation fails to comply with the requirements of the notice, the Board may execute the works specified in the notice.

Where the Board are satisfied that it is urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenses incurred by the Board in so doing shall be recoverable from the Corporation as a simple contract debt.

PART III
—cont.

Provision
against
danger to
navigation.

23.—(1) In case of injury to or destruction of any work or any part thereof, the Corporation shall notify the Trinity House and shall lay down such beacons, lights, and take such other steps for preventing navigation as the Trinity House shall from time to time direct.

(2) If the Corporation fail to notify the Trinity House as required by this section or to comply in any respect with the directions given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on indictment to a fine.

Abatement
of works
abandoned
or decayed.

24.—(1) Where a tidal work is abandoned, or has fallen into decay, the Board of Trade may by notice in writing require the Corporation at their own expense either to repair the work or any part thereof, or to remove the work and to restore the site thereof to its former condition, to such extent as may be specified within such limits as the Board of Trade think proper.

(2) Where a work authorised by this Act and consisting wholly or partly of a tidal work and partly of works on or over the level of mean high-water springs is abandoned, or has fallen into decay and that part of the work on or over the level of mean high-water springs is in such condition as to cause reasonable apprehension that it may interfere with the right of navigation or other public rights, the Board of Trade may include that part of the work as a portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date on which notice under this section is served upon the Corporation, the Corporation failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice, and the expenditure incurred by them in so doing shall be recoverable from the Corporation as a simple contract debt.

Survey of
tidal works.

25. The Board of Trade may at any time, if it appears to be expedient, order a survey and examination of any work constructed by the Corporation or of the site upon which it is to construct the work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Corporation as a simple contract debt.

Permanent
lights on
tidal works.

26.—(1) After the completion of a tidal work, the Corporation shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the directions given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART III
—cont.

(1) The Corporation shall at or near a tidal work during the time of the construction, extension, enlargement, replacement or relaying thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Directors shall from time to time direct.

Lights on tidal works during construction.

If the Corporation fail to comply in any respect with a requirement given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on indictment to a fine.

Any person who wilfully obstructs any person acting in the authority of the Corporation in setting out the lines for works, or who damages, moves or removes any pole, stake, point or bench mark established for the purpose of such work, shall for every such offence be liable to a fine not exceeding twenty pounds.

Fine for obstructing works.

Work No. 1 when completed and brought into operation shall be part of the main river of the Glamorgan River Authority for the purposes of Part II of the Land Drainage Act 1930 and

River diversion to be part of main river.

1930 c. 44.

the portion of the river Ely stopped up and discontinued under the powers conferred by this Act shall cease to be part of the main river;

The main river map of the Glamorgan River Authority approved by the Minister of Agriculture, Fisheries and Food on 7th April, 1965, under section 11 (2) (a) of the Water Resources Act 1963, shall be varied by the said Minister in such a manner as appears to him to be necessary to give effect to the provisions of this section, and the variation when made shall be deemed to have been made under subsection (6) of the said section 11.

1963 c. 38.

from the specified date—

Alteration of limits of harbour.

Work No. 1 shall be within the limits of the harbour and within the jurisdiction of the board accordingly;

As much of the river Ely as will be rendered unnecessary as a result of the completion of Work No. 1 and as is within the limits of the harbour shall be excluded from those limits.

From the specified date references in the Ely Tidal Harbour Act 1856, the Penarth Harbour Dock

1856 c. cxxii.

PART III
—cont.
1857 c. lxxix.

and Railway Act 1857 and any other enactment, laws or regulations made under those Acts or under any Act incorporated therewith to the limits of the harbour within the limits of jurisdiction of the board by reference to those limits shall be construed and have effect as if they were within those limits as altered by this section.

(3) (a) As soon as reasonably practicable after the date the board shall prepare a map of the limits of the harbour as altered by subsection (1) of this section.

(b) Four copies of the said map shall be made and one copy shall be deposited with the secretary of the board, and deposited with the following persons:
the Ministry of Transport;
the Board of Trade;
the board's docks' manager at Cardiff;
the town clerk.

(4) The copy of the said map deposited with the secretary shall be kept at the City Hall, Cardiff, and shall be open to inspection by members of the public at all reasonable times.

(5) In this section—

“ the board ” means the British Transport Docks Board;

“ the harbour ” means the harbour at Penarth, Glamorgan and includes so much of the river as falls within the expression “ the limits of the harbour ” defined in the Penarth Harbour Dock Act 1857.

Saving for
Harbours
Act 1963.
1964 c. 40.

31. Nothing in this Act shall exempt the board from the provisions of section 9 of the Harbours Act 1964 in relation to the works authorised by this Act.

PART IV

DISTRICT HEATING

Interpretation
of this Part
of Act.

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

“ the electricity board ” means the South Wales Electricity Board;

“ the gas board ” means the Wales Gas Board;

“ the generating board ” means the Cardiff Generating Board;

“ heat ” means heat (with or without hot water) intended to be supplied by means of steam or hot water;

“heating fittings” includes radiators, air heaters, water heaters, mains, pipes, meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the supply by the Corporation of heat or the use of heat so supplied;

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

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

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

Supply of heat

- (a) any premises in the city; and
- (b) any premises owned by them outside the city;

in accordance with the provisions of this Part of this Act and upon subject to such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises.

(2) The Corporation may by agreement with the owners or occupiers of the premises and with the consent of the appropriate authority supply heat to any premises outside the city which in the opinion of the Corporation are so situated that they can be included within the scope of the heating undertaking for the supply of heat to premises referred to in subsection (1) of this section without unreasonable addition to expenditure for the purposes thereof and without prejudicially affecting the supply of heat to any such premises, upon and subject to the provisions contained in this Part of this Act and such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises and between the Corporation and the authority:

provided that nothing in this subsection shall empower the Corporation to supply heat to any premises except—

- (a) premises which are situated within a radius of one mile from premises which at the time when the supply is first made are owned and supplied with heat by the Corporation; or
- (b) premises which have been earlier supplied with heat pursuant to paragraph (b) of subsection (1) of this section.

PART IV
—cont.

(3) The terms and conditions subject to which the local authority is granted shall not be other than such terms and conditions as are necessary to protect the interests of the local authority.

(4) In the exercise of the powers of this section the local authority shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

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

(6) In this section "local authority" means the Corporation, borough, urban district or rural district.

Works for
provision of
heat.

34.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands in the city belonging to or controlled by them erect, lay down, maintain, repair, alter, store, storing, transmitting, distributing and supplying, and produce, producing any material, product, matter or thing in the process of such provision of heat (including the generation of electricity), together with such buildings, boilers, machinery, lifts, hoists, sidings, electric lines, apparatus and other works of whatever description as may be required by them to enable them to produce, store, transmit, distribute and supply heat; and the Corporation may accordingly produce, store, transmit, distribute and supply heat and produce such materials, products, matters and things as may be required for the purposes of this section.

Provided that—

- (a) nothing in this section shall be taken to require the consent of any government department in respect of any lands of the Corporation in a case in which such consent would have been required if the provisions of this section had been enacted;
- (b) any electrical works or apparatus erected, laid down, maintained, worked and used in pursuance of this section shall be so constructed, maintained, worked and used as to prevent interference with any telegraphic communication by means of any apparatus belonging to or used by the Postmaster-General or any telegraphic communication by means of any apparatus belonging to or used by the Postmaster-General;
- (c) before installing any engines or apparatus for the generation of electricity (other than such engines or apparatus as may be used for or in connection with the supply of heat) the Corporation shall exercise the powers of this Part of this Act as if they were the powers of this Part of this Act relating to the supply of heat.

it is generated) the Corporation shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

PART IV
—cont.

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

(a) to the generating board; or

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

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

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

(a) required for or in connection with the supply of heat; or

(b) supplied to the electricity board with the approval of the generating board;

on such terms and conditions as may be agreed between the Corporation and the generating board or, in default of agreement, determined by the President of the Institution of Electrical Engineers who, in determining the terms and conditions, shall regard to the costs which the generating board would incur in producing the equivalent amount of electricity from their own sources.

(4) Before erecting or laying down any works for providing, generating, transmitting, distributing or supplying heat, the Corporation shall give notice of their proposals to the generating board, the electricity board and to such other bodies as the Corporation may consider it appropriate to consult, together with all reasonable particulars by way of a specification of the requirements of the Corporation for the supply of heat proposed and, if so requested by any of such boards or bodies within fourteen days of the date of the receipt by that board or that body of such information, the Corporation shall consult with that board or that body to the specification and any alternative proposals for the specification which may within three months after the date of the receipt by that board or that body be submitted by that board or that body.

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

(a) any such person may enter into any such agreement accordingly; and

PART IV
—cont.

(b) any such agreement may provide for the Corporation or for the joint user or other party to the agreement of all materials or things required for the agreement.

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

Purchase of land for heating undertaking.

36.—(1) The Corporation may be authorised of State to purchase compulsorily for the purpose of undertaking land within the city.

(2) The Act of 1946 shall apply as if this section were contained in a public general Act and not in force before the commencement of that Act.

(3) Where the Corporation have acquired a right only in any land under section 14 (Compulsory easements) of this Act as respects any land which has been authorised to purchase compulsorily under section 36 of this Act—

(a) they shall not be required or (except as otherwise provided) entitled to fence off or sever that land from the rest of the land;

(b) the owner or occupier of the land to which the right is attached shall, subject to the easement or right, be entitled to use the land as if this Act had not been passed;

(c) a notice to treat given under the said section 14 and the effect of subsection (2) thereof.

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

37.—(1) The following provisions of the Water Act 1945 are hereby incorporated in this Act:—

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

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

“the undertakers” means the Corporation;

“supplying water” means supplying heat and “supply of water” shall be construed accordingly;

“service pipe” means a pipe for supplying heat from a main to any premises; and

“the limits of supply” means the city.

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

(a) to lay down a main outside the city except for the purpose of—

(i) giving or facilitating a supply of heat within the city; or

(ii) taking a supply of heat from any works or premises outside the city; or

(iii) supplying heat to any premises owned by them or to which subsection (2) of section 33 (Supply of heat) of this Act applies;

(b) to supply heat to any premises outside the city other than premises owned by them or to which subsection (2) of section 33 (Supply of heat) of this Act applies.

(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 34 (Works for provision of heat) of this Act the Corporation may, within the city, lay down or erect electric lines and apparatus—

(a) in, under or over any street, subject however to the provisions of subsection (3) of this section; and

(b) with the consent of every owner and occupier of any land not forming part of a street in, on or over that land;

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

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

(2) Where the Corporation in the exercise of the powers of section 34 lay down or erect any electric line or apparatus in, under or over any land not forming part of a street or inspect, repair, alter or renew or remove any electric line or apparatus laid down or erected by them in, on or over any such land, they shall from time to time pay compensation to every person interested in that land for any

PART IV
—cont.

damage done to or injurious affection of that land by laying down, erection, inspection, repair, alteration or removal of the electric line or apparatus.

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

1945 c. 42.

(3) The following provisions of the Third Schedule to the Electricity Act 1945 shall apply with the necessary modifications to the laying down, erection, inspection, repair, alteration, removal or replacement of electric lines and apparatus under this section for the purpose of such application the city shall be deemed to be within the limits of supply:—

Section 22 (Power to break open streets);

Section 25 (Protection for railway companies, tramway undertakers and other authorities, tramway undertakers);

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

Section 28 (Application of Part VI to vehicles, aeroplanes, balloons and highways not maintained at public expense); and

Section 93 (Protection for works of navigation, harbours and for catchment boards and other authorities).

1898 c. 12.

(4) Without prejudice to the operation of section 10 of the Electric Lighting Act 1888, the provisions for the protection of the Postmaster General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936, as amended by the Electricity Act 1947, and in the schedule to the Electricity (Clauses) Act 1899, shall so far as applicable extend to any electric lines or apparatus laid down or erected under this section, and references in those provisions to the electric board or the undertakers shall be construed as references to the Corporation.

1947 c. 54.

1899 c. 19.

(5) The powers of this section shall not be exercisable without the consent of the electricity board which shall not be unreasonably withheld and any dispute as to whether consent is or is not unreasonably withheld shall be referred to the Minister of Power.

(6) Any regulations made by the Minister of Power under section 60 of the Electricity Act 1947 and any regulations made by the Corporation under that section shall have effect as if they had been made under that section in relation to electric lines and apparatus laid down or erected by the Corporation under this section.

Power to
supply
fittings.

39.—(1) In any premises to which the Corporation propose to supply heat they may provide (but not supply) and may supply by way either of sale or hire of fittings as may be required for or in connection with the

utilisation of the heat so supplied and may install, repair, renew or alter any heating fittings whether supplied by them or not, and may provide any materials and do any work required in connection with such installation, repair, renewal or alteration.

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

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

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

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

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

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

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

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

PART IV
—cont.Heating
charges.

40.—(1) The Corporation may from time to time make a scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Part and for connecting premises to the heating system (where premises have been disconnected from the heating system) for reconnecting premises thereto, and for heat supplied to any premises the heating charges made under the scale shall be payable by the occupier of the premises except in any case where the owner has agreed in writing to pay the same, in which case they shall be payable by the owner.

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

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

(3) Without prejudice to any other method of recovery, the heating charges payable by the tenant of any premises to which the Corporation may cut off the supply of heat shall be treated as rent due from him.

Security for
payment of
accounts.

41. The Corporation may require any person to whom a supply of heat or to be supplied with heating under this Part of this Act to deposit with the Corporation a sum as the Corporation may reasonably require for the payment of any moneys which may become due to the Corporation in respect of such supply of heat or fittings or materials supplied to him in connection with the supply.

Power to
enter premises.

42.—(1) Subject to the provisions of this section, an officer of the Corporation shall, on producing a duly authenticated document showing his authority, be entitled to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under this Part of this Act, or any premises in connection with the supply.

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

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

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

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

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

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

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

An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary

PART IV
—cont.

and, on leaving any unoccupied premises which, by virtue of such a warrant, shall leave them as effect against trespassers as he found them.

(4) Every warrant granted under this section shall be in force until the purpose for which the entry is made is satisfied.

(5) If any person who, in compliance with this section or of a warrant issued thereunder, enters a factory or workplace discloses to any person any information obtained by him in the factory or workplace with respect to the manufacturing process or trade secret he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall authorise any officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by the general manager of the electricity board or the gas board for the purpose of connection with the generation or supply of electricity or the manufacture, storage or supply of gas (as the case may be).

Interference
with apparatus,
etc.

43. (1) If any person wilfully and without the authority of the Corporation turns on, opens, closes, shuts off or interferes with any valve, cock or other work belonging to the Corporation and thereby impedes the supply of heat to be interfered with, he shall be liable to a fine not exceeding five pounds and, whether proceedings are taken against him in respect of his offence or not, the Corporation may recover from him the amount of any damage caused by him either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed two hundred pounds, primarily as a civil debt.

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

Byelaws for
protection
of heating
undertaking.

44.—(1) The Corporation may make byelaws for the purpose of preventing the waste, misuse, undue consumption or other interference with, the circulation or supply of heat supplied by them in connection with the supply and use of gas under this Part of this Act or for preventing the waste or undue consumption of heat supplied under this Part of this Act.

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

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

45. The Corporation may, if they think fit, make an allowance by way of discount on all sums of money due to them for the supply of heat or rent of meter or for heating fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf, and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand made in respect of such charges:

Discount for prompt payment.

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

(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving twenty-four hours notice in writing of his intention so to do to the Corporation he shall be liable to pay to the Corporation all money owing due for heat supplied by them to the premises and for rent up to the next date on which the register of the meter premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises, whichever first occurs.

Notice to be given before quitting premises supplied with heat.

indirectly from such works and with respect to the insulation of such works so as to prevent the escape of heat therefrom;

PART IV
—cont.

(iv) any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(2) In this section "the Act of 1950" means the Public Utilities Act 1950, and any expressions to which meanings are assigned by that Act have the same respective meanings.

PART V

MUSIC AND DANCING LICENCES

(1) In this section (except in subsection (8) thereof) the expression "entertainment" means public dancing, singing, music or other public entertainment of the like kind but does not include travelling fair or circus. Music and dancing licences

Subject to the provisions of this Act, as from the appointed place shall not be kept or used in the city for the purposes of entertainment without a licence from the Corporation under this section.

(a) The Corporation may grant licences under this section to persons as they think fit to keep or use places specified in the licence for the purposes of entertainment on such terms and conditions and subject to such restrictions as they may prescribe and may renew such licences.

Any licence granted pursuant to paragraph (a) of this section may be granted so as to be provisional upon the fulfilment to the reasonable satisfaction of the Corporation of structural or other alterations to premises at the place specified in the licence as may in the opinion of the Corporation be reasonably required.

A place licensed under this section for the purposes of entertainment may be open for those purposes after the hour specified in the licence

with the written permission of the Corporation; or

on any special occasion when a special order of exemption shall have been granted under subsection (4) of section 74 of the Licensing Act 1964 in respect of that place; 1964 c. 26.

and the hour specified in such permission or special order (as the case may be) as the hour for closing.

PART V
—cont.

1890 c. 59.

(5) Part IV of the Public Health Acts Act 1890 shall not be adopted by the Corporation.

1862 c. cxxiii

(6) Nothing in this section shall affect the validity of any licence granted in respect of any place within the Corporation (Provision for regulating places for dancing and other public entertainments) of the Cardiff Borough Act 1862 in force on the appointed day, and any such licence shall have effect thereafter as if it had been granted under this Act, subject to the provisions of this Act, commencing on the 31st December next following the appointed day.

1952 c. 68
1964 c. 26.

(7) Nothing in this Part of this Act shall affect the provisions of section 7 of the Cinematograph Act 1952 and section 182 (1) of the Licensing Act 1964.

(8) (a) A licence shall not be required under this Act for any premises by reason only of the use of the premises

(i) for the purpose of the public performance of music which includes persons playing or singing or which otherwise includes music performed by music; or

(ii) for the giving of a boxing or wrestling exhibition which is accompanied by music, as the case may be.

(b) For the purposes of this subsection any use of any premises by way of introduction to, in any part of or by way of conclusion of a stage performance or in the interval between two stage performances shall be treated as music accompanying a stage performance if the total time taken by music so played does not exceed to less than one-quarter of the total time taken for the performance or entertainments given in the premises on that day.

(9) As from the appointed day, section 4 of the Cardiff Act 1862 and the Provisional Order relating to the Corporation confirmed by the Local Government Board (Confirmation (No. 8) Act 1890 shall be and shall be deemed to have been repealed.

Duration,
transfer, etc.,
of licences.

50.—(1) A licence granted by the Corporation under this Act (Music and dancing licences) shall, if not revoked, be in force for the period of one year or such shorter period as the Corporation may determine in the licence:

Provided that the Corporation may grant a licence for the use of any place or premises for the purpose of any entertainment as is referred to in the said section 4 on one or more particular occasions only as may be specified in the licence.

(2) The Corporation may transfer any such licence as is referred to in this section to such person as they think fit.

(3) An applicant for the grant or renewal or transfer of any licence as aforesaid shall give not less than twenty-eight days' notice of his intention to make such application to the Corporation and the applicant shall also furnish such particulars and give such other notices as the Corporation may by regulation prescribe.

51—(1) A person when making application for the grant or renewal of a licence (other than an occasional licence) under section 49 (Music and dancing licences) of this Act shall pay to the Corporation such fee as the Corporation may fix not exceeding—

£ s. d.

(a) in respect of an application for the grant or renewal of any such licence for a period not less than a year 3 0 0

(b) in respect of an application for the grant or renewal of any such licence for any period less than one year ten shillings for every month or part thereof so however that the aggregate fees payable in any one year under this subsection in respect of the same premises shall not exceed 3 0 0

Any person when making application under the foregoing provisions of this Part of this Act for the grant or renewal of an occasional licence or for the transfer of a licence shall pay to the Corporation such fee as the Corporation may fix not exceeding ten shillings.

Any fees paid to the Corporation pursuant to the foregoing provisions of this section may be retained by the Corporation whether the licence is or is not granted, renewed or transferred.

The Corporation may remit any fees payable under this section in respect of an application for the grant, renewal or transfer of a licence for the purposes of an entertainment which in the opinion of the Corporation has been organised or arranged for a charitable or similar object.

Any person who provides an entertainment to which the foregoing provisions of this Part of this Act apply in any place or premises in respect of which there is not in force a licence appropriate for such entertainment under this Part of this Act; or

Penalties.

PART V
— cont.

- (b) being the occupier or rated as occupier of any place or premises keeps or uses such place or premises or allows them to be kept or used for any entertainment without a licence appropriate for that entertainment under this Part of this Act; or
- (c) being a person to whom a licence has been granted under this Part of this Act or to whom a licence has been transferred under this Part of this Act, keeps or uses such place or premises or allows them to be kept or used for any entertainment in contravention of the terms, conditions or restrictions to which such licence was granted or transferred.

he shall be liable—

- (i) in respect of an offence under paragraph (b) of this section to a penalty not exceeding one hundred pounds; and
- (ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding forty pounds.

and in either case to a daily penalty not exceeding ten pounds.

Power to
revoke
licences.

53. If the holder of a licence granted by the Corporation for the time being in force under the foregoing provisions of this Part of this Act be convicted of any contravention of the terms, conditions or restrictions on or subject to which a licence has been granted, renewed or transferred, the licence shall be revoked by the Corporation.

Powers of
entry and
inspection.

1968 c. 54.

54.—(1) A police officer or any person appointed for that purpose by the Corporation may at all reasonable times enter any place or premises licensed by the Corporation under the foregoing provisions of this Part of this Act, or any premises under the Act 1968, in which there is reason to believe that an offence to which the said provisions apply is being or about to be committed with a view to seeing whether the provisions of the Act applicable to such an entertainment or stage performance, or the terms, conditions or restrictions on or subject to which a licence under the said provisions has been granted, are being complied with.

(2) A police officer or any person appointed for that purpose by the Corporation may, if he shall be authorised in that behalf by a warrant granted by a justice of the peace, enter any place or premises in the city in respect of which there is reason to believe that an offence under the foregoing provisions of this Act is being committed.

PART V
—cont.

Every person who refuses to permit any such officer or son to enter or inspect any such place or premises in accordance with the provisions of subsection (2) of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Where under the foregoing provisions of this Part of this Act the Corporation—

Initial appeals under Part V.

- a) refuse to grant, renew or transfer a licence; or
- b) revoke a licence; or
- c) attach any terms, conditions or restrictions to a licence;

any person aggrieved by such refusal, revocation or attachment may appeal to a magistrates' court.

(1) Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence granted by the Corporation and for the time being in force under the foregoing provisions of this Part of this Act or under the Cinematograph Act 1909, the Corporation may—

Cancellation and variation of licences by agreement.
1909 c. 30.

- a) cancel the licence; or
- b) modify or waive any of the terms, conditions or restrictions attached to the licence or attach new or substituted terms, conditions or restrictions to such licence.

The terms, conditions or restrictions of any such licence modified, and any new or substituted terms, conditions or restrictions attached under the powers of this section shall be binding and enforceable in all respects as if they had been attached to the licence at the grant thereof.

Upon the death of the holder of a licence granted in respect of a place or premises in the city under this Part of this Act or the Cinematograph Act 1909, the person carrying on at the place or premises the functions in respect of which the licence was granted, or acting as the actual and responsible manager of the place or premises in respect of which the licence was granted, shall be deemed to be the holder of the licence until the licence is transferred to some other person.

Devolution of licences in case of death of licensee.

PART VI

INDUSTRIAL DEVELOPMENT AND AMENITIES

- 1) The Corporation may, if requested so to do by any person who is the owner or intended owner or lessee of any land in the city; or

Power to Corporation to assist industry.

PART VI
—cont.

(b) who has purchased or intends to purchase from the Corporation any land (outside the city);

being in either case land upon which an industrial building has been built or is intended to be built, extended or reconstructed, or any work required in relation to the preparation of the site for that building or for the provision of services or facilities on which any trade or business is or intended to be carried on in such building, and with the approval of the Secretary of State in respect of the cost of such works or of the provision of such services or facilities or both;

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

1960 c. 18.

(2) In this section the expression "industrial building" has the same meaning as in the Local Employment Act 1960.

Loans for
erection of
buildings,
etc.

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

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

(b) the owner, purchaser or lessee of

(i) any land in the city; or

(ii) any land (whether within or without the city) acquired from or leased by the Corporation;

for the purpose of enabling or assisting him to purchase such land or to extend or improve it or to do any work thereon;

Provided that any such advance shall not exceed one-third of the amount which in the opinion of the Corporation is the market value of the interest of the borrower in the land the purpose of the loan has been effected.

1963 c. 29.

(2) The provisions of subsections (2), (4) and (5) of section 10 of the Local Authorities (Land) Act 1963 (which relate to local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to advances made under subsection (1) of this section, and those provisions shall have effect subject to the modifications and references therein to an advance made under subsection (1) of this section and to any other necessary modifications.

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

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

(5) In this section

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

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

(6) Section 11 (Development of land) and section 12 (Loans for erection, etc., of buildings) of the Act of 1961 are hereby repealed.

Notwithstanding the provisions of subsection (3) of Reclamation and section 6 of the Local Authorities (Land) Act 1963, the Corporation may be authorised, under section 103 of the National Parks and Improvement of Land Access to the Countryside Act 1949, to acquire land in the improvement of land. 1963 c. 29. 1949 c. 97. under the power conferred by subsection (5) of section 89 of the Act, for the purpose of their functions under subsection (2) of the said section 89, as set out in the said section 6, which is itself derelict, neglected or unsightly but which is required for the purpose of bringing into use or improving the appearance of land in the city which is derelict or which, by reason of neglect or the abandonment of the previous use of the land, is unsightly and which, unless such functions are exercised, is likely to continue in that condition.

(1) Without prejudice to the provisions of any other Boundary Act, where any building or structure or part of a building walls. structure is demolished by the Corporation leaving exposed a wall of adjoining premises, the Corporation may—

(a) with the consent of the owner of those adjoining premises, carry out at their own expense any works which they

PART VI
—CONT.

consider to be reasonably necessary, either or both of the following purposes—

- (i) weatherproofing the surface;
 - (ii) restoring, reconstructing or improving the appearance of the wall; or
- (b) make such contribution, if any, as the court may order, towards any expenses incurred by the owner of the adjoining premises in carrying out the works for both of the purposes referred to in paragraph (a):

Provided that where in the opinion of the court the consent required for the carrying out of works for the purposes mentioned in sub-paragraph (a) of this subsection is unreasonably withheld, and the wall in question is, or unless such works will be, detrimental to the general appearance of the adjoining premises are situate, they may, in the High Court or the County Court, by way of complaint, for an order may either order the carrying out of the works to such conditions, if any, as the court thinks fit, or the carrying out of those works.

(2) An officer or servant of the Corporation or a contractor, acting in pursuance of an order of a court or of a court of quarter sessions on, or in pursuance of the foregoing provisions of this section, giving of not less than twenty-four hours' notice of the land on which the exposed wall is situated, at reasonable times, and on producing, if so required, an authenticated document showing his authority for the purpose of carrying out in compliance with the works referred to therein.

(3) Nothing in this section, nor the carrying out thereunder, shall impose upon the owner of any premises as are referred to in subsection (1) a liability which would not have been imposed if this section had not been enacted and the said works were carried out, other than the liability to comply with any order made by a court under this section.

PART VII

PUBLIC HEALTH AND PUBLIC ORDER

Hawking, etc., of any article or commodity.

62.—(1) As from the appointed day no person shall hawk, sell or offer for sale any article or commodity on any street in the city to which this section applies.

(2) The prohibition imposed by subsection (1) of this section shall not apply to—

- (a) the sale or offering for sale by any person of newspapers and periodicals;
- (b) a sale or offering for sale to persons residing in, or carrying on business or employed at, premises in or adjoining a street to which this section applies; or
- (c) in the case of any street to which Part X (Regulation of Street Traders) of the Act of 1961 for the time being applies, a sale or offering for sale by a person who, at the date of the making of any byelaw made by the council under this section with respect to the street, is, and during the continuous period of one year immediately preceding that date has been, the holder of a street trading licence under that Part.

(3) This section applies to any street to which this section applies by virtue of byelaws made by the Corporation under this section.

(4) If any person contravenes any of the foregoing provisions of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(5) The provisions of this section shall not prevent any landowner, or any person with his consent, exercising any rights which he could have exercised if this section had not been enacted.

(6) As from the appointed day subsection (3) of section 60 (Street trading licences) of the Act of 1961 shall have effect as if after paragraph (b) thereof there were inserted

“and the Corporation may refuse to grant a street trading licence if the street or streets to which the application relates is or are a street or streets to which the provisions of section 62 (Hawking, etc., of any article or commodity) of the Cardiff Corporation Act 1969 for the time being apply.”

(7) In this section “street” includes part of a street.

(8) (1) As from the appointed day no person being the owner or occupier of premises fronting a street to which this section applies shall allow any other person to use a forecourt of such premises, whether for payment or not, for the purposes of hawking, selling or offering for sale any article or commodity. Sale of food and articles from private forecourts.

PART VII
—cont.

(2) This section applies to any street to which this section applies by virtue of byelaws made by the Corporation under this section.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a fine not exceeding ten pounds, or in the case of a second or subsequent offence a fine not exceeding fifty pounds.

(4) The provisions of subsection (1) of this section shall apply to any activity—

(a) in respect of which planning permission is granted under section 70 or

(b) for which planning permission is granted under section 70, or a development order or other order made under section 70, except a use which is permitted by virtue of Class B of Schedule 2 to the Town and Country Planning General Regulations 1963.

S.I. 1963/709.

(5) The prohibition imposed by subsection (1) of this section shall not apply to—

(a) the sale or offering for sale by any person of newspapers and periodicals; or

(b) the sale or offering for sale of any articles or goods, except hot food, by an automatic vending machine; or

(c) a sale or offering for sale to persons employed at, those premises.

(6) The provisions of this section shall not be taken to prevent an owner or occupier of premises from allowing a relative or a bona fide employee of the said owner or occupier to use the forecourt of such premises for any purpose mentioned in subsection (1) of this section.

(7) In this section—

“ hot food ” does not include any beverage;

“ forecourt ” does not include any area lying between the kerb line in any street.

Saving for sales in legal markets or fairs.

64. In the case of any market or fair held in pursuance of a statute, royal licence, royal charter or letters patent, or from time immemorial, nothing in sections 62 (Sale of any article or commodity) or 63 (Sale of food in public or private forecourts) of this Act shall affect the sale or offer for sale of goods in any such market or fair by a person who has paid a toll to or is acting under the will of a person holding or entitled to hold such market or fair, or tolls in respect of sales made or stalls or stands in such market or fair.

65.—(1) Where the Corporation have, under section 16 of the Act of 1957, accepted an undertaking that any house will not be used for human habitation, or where the Corporation have

Securing of unoccupied buildings.

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

(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 six weeks from the date when, in pursuance of the order, the premises are vacated;

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

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

1961 c. 64

(3) In this section—

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

“owner” includes any person deemed to be the person having control of the house for the purposes of Part II of that Act;

“the Act of 1957” means the Housing Act 1957.

1957 c. 56

66.—(1) The Corporation may make byelaws for applying, with such consequential modifications as may be provided for in the byelaws, any of the provisions of—

Provisions as to motor vehicles let for hire.

(a) sections 37 to 67 of the Town Police Clauses Act 1847, as subsequently amended, as they apply with respect to hackney carriages and their proprietors and drivers; and

1847 c. 89.

(b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

private hire vehicles and their proprietors and drivers.

PART VII

— cont. —

1847 c. 89.

(2) In this section “private hire vehicle” means a vehicle (within the meaning of the Act of 1960) licensed under the provisions of the Town Police (Hackney Carriages) Act 1847 with respect to hackney carriages, which is not licensed for the purpose of being let out for hire with a driver and passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

- (a) a vehicle which is kept and used for the purpose of being let out for hire for longer periods of hire;
- (b) a vehicle kept by any person in connection with a business carried on by him as a taxi or hackney undertaker and used wholly or mainly in connection with that business; or
- (c) a public service vehicle as defined in section 1 of the Act of 1960; or
- (d) any vehicle belonging to or used by the Railway Board for the purpose of carrying passengers or luggage to or from any of their railway premises.

PART VIII

FINANCE, RATING AND SUPERANNUATION

Power to borrow.

67. —(1) The Corporation may borrow

- (a) such sums as may be necessary for any purpose specified in section 66 of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for any of the purposes specified in the following table, the sum specified in the first column of that table, and the second column of that table.

(2) Every sum borrowed under paragraph (a) of subsection (1) shall be repaid within such period of time as the Corporation, with the consent of any sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) shall be repaid within such period of time as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the following table.

(4) Subject to the provisions of this section, the provisions of Part VII of the Act of 1933 shall have effect as if money borrowed under this Part were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

PART VIII
cont.

1946 c. 55

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
The purchase of lands, easements and rights under the powers of Part II of this Act	The sum requisite	Sixty years.
The construction of the works authorised by this Act	£293,000	Forty years.
The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

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

- (1) for any purpose for which the Corporation are authorised to borrow;
- (2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

Power to Corporation to raise money by issue of bills.

by means of bills (to be called "Cardiff Corporation bills" and 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 Corporation may determine;
- (d) Bills shall be issued under the authority of a resolution passed by the council of the city, and shall bear the signature of the treasurer of the city or of some other person authorised by the council;

PART VIII
—cont.

- (e) The Corporation may make regulations—
- (i) the preparation and form and payment and cancellation of bills;
 - (ii) the issue of a new bill in lieu of a bill lost or destroyed;
 - (iii) the prevention, by the use of a special description of paper, of fraud in relation to bills;
 - (iv) the giving of a proper discharge of a bill; and
 - (v) amending or revoking any regulations 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 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;
- (g) The aggregate amount payable on bills issued at one time shall not (except by the amendment of this section) exceed—
- (i) the sum of two million pounds;
 - (ii) one-fifth of the amount estimated to be produced by the general rate levied in the then current financial year;
- whichever is the greater;
- (h) Subject to the provisions of the last paragraph of this section, the Corporation may renew a bill at any time;
- (i) The Corporation may borrow for the purpose of repaying the principal money raised by bills but this power shall be suspended to the extent of the amount raised for capital purposes by the issue of bearer bonds;
- (j) In this section the expression "revenue" has the meaning as in section 218 of the Act and the expression "signature" includes a facsimile of a signature or whatever process reproduced.

Power to
Corporation
to raise money
by issue of
bearer bonds.

69. In addition to any other method by which they may raise any money which they are authorised to raise, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by the issue of bearer bonds or other securities to be issued

10.—(1) The Corporation may establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as "the specified risks").

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount, the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section, but, if the fund is at any time reduced below the prescribed amount, the Corporation shall recommence and continue such appropriations, until the fund be restored to the prescribed amount, and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum prescribed, such moneys as are in excess of the prescribed amount shall be transferred to the general rate fund and, if any moneys shall have been appropriated from the housing revenue account under the next succeeding subsection, to the housing revenue account in such proportions as the Corporation consider equitable, and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account or accounts in the general rate fund, and, if they think fit, from the housing revenue account, and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which, if the specified risks were insured against in an insurance office, would be properly chargeable with the payment of the premium of such insurance:

Provided that any appropriation from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly accrues to the specified risks arising from the purposes for which the account is kept.

(5) (a) Except so far as the insurance fund and the proceeds of investments of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, or any of them, all moneys for the time being standing to the credit of the insurance fund shall (unless applied in any other manner authorised by any enactment) be invested in the same manner and subject to the like restrictions as the moneys

PART VIII
—cont.

forming part of the superannuation fund of the Corporation, and the interest and other annual proceeds by the Corporation in respect of such investment to and form part of the general rate fund.

(b) The Corporation shall in every financial year credit of the insurance fund out of the revenue of the general rate fund an amount equal to the interest and proceeds carried to the general rate fund in the preceding paragraph of this subsection.

(6) (a) The insurance fund shall be applied to the payment of damages, costs or expenses sustained by the Corporation in respect of the specified risks which are payable out of the fund, in the order of the dates on which such damages, costs or expenses become ascertained, and, if at any time from time to time the insurance fund shall be insufficient to meet any such losses, damages, costs or expenses, the Corporation, with the sanction of the Secretary of State, but subject to the provisions of Part IX of the Act of 1930, may raise by loan of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of the interest on and repayment of principal of any sums borrowed by the Corporation of the preceding paragraph of this subsection and of any such deficiencies as aforesaid not made up by the Corporation shall be paid out of the general rate fund and, if there shall have been appropriated from the housing revenue account in the preceding subsection (4) of this section, the housing revenue account in such proportions as the Corporation consider equitable to be charged in the accounts of the Corporation under the several headings or divisions in respect of such undertakings, works or services of the Corporation and in such proportions as the Corporation may determine having regard to the nature of the undertakings, works or services in which such deficiencies arise.

(7) If and when the Corporation establish an insurance fund under this section any moneys standing to the credit of the insurance fund provided by the Corporation at the date of the passing of this Act shall be carried to and form part of the insurance fund provided under this section.

(8) Any covenant or obligation binding on the Corporation to insure against any risk shall (except in so far as such covenant or obligation otherwise specifically provided) be deemed to be satisfied by a resolution of the Corporation under section (1) of this section that that risk shall be one of the specified risks.

(9) As from the establishment of an insurance fund under this section, section 148 (Insurance fund) of the Cardiff Corporation Act 1930, shall cease to have effect.

PART VIII
— cont.

(10) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks the insurance fund may be carried to and form part of any capital fund established by the council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 (if the council so determine) shall be applied in such other manner as the Secretary of State may approve towards the discharge of any debt of the council, or otherwise for any purpose for which capital money may be properly applied.

1953 c. 26.

(1) In this section—

“financial year” means the period of twelve months commencing on 1st April in any year and ending on 31st March in the next following year;

“insurance office” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

“the prescribed amount” means such sum as may from time to time be prescribed by the council.

Without prejudice to section 292 of the Act of 1936, and that section as applied by any other enactment, where under that section as applied by any other enactment, where under that enactment the Corporation are empowered to execute works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in doing so, they may include in, and recover as part of, the charges such additional sum, not exceeding 5 per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Establishment
expenses.

Section 77 (Investment of superannuation fund) of the Act of 1961 shall have effect as if—

Extension of
powers for
investment of
superannuation
fund.

(a) after paragraph (d) of subsection (1) there were inserted the following paragraph:—

“(dd) in or upon any of the stocks, funds or securities of the government of any foreign country or state; or”;

(b) in paragraphs (e) and (f) of the said subsection after the word “charter” in each place where it occurs there were inserted the words “or registered or incorporated in any part of the world”;

(c) in the said paragraph (f) for the words “the London Stock Exchange” there were substituted the words “any recognised stock exchange or similar institution”;

PART VIII
— cont

(d) for the remainder of subsection (1) of the said paragraph (f) of subsection (1) there shall be substituted

“(g) in the purchase, whether made jointly with any other person or not, of any interest in any immovable property of any tenancy in the United Kingdom, the Isle of Man or the Channel Islands, or of any share or interest in any property, including any interest in any property comprised in a building agreement for the grant of a lease of such property on the erection or completion of the building in such agreement; or

(h) in the advance of money upon the security of

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

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

and in any such case whether the purchase or advance is made by a separate and distinct mortgage or charge or by way of security made jointly to the Corporation or to any other person; or

(i) in undertaking or financing of any kind, whether jointly with any other person or not

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

(ii) building operations or other operations of any kind on land belonging to the Corporation or to any other person or on land which is, or is to be, acquired by the Corporation and any other person;

(j) upon the security of freehold land, or of any rents, land charges or rentcharges, or of any other property with the like power of varying such security from time to time by sale and reinvestment.

Provided that no investment shall be made under the powers of—

(A) paragraph (f) of this subsection, when the value of all the investments made under the said paragraph (f) which form part of the said fund equals or exceeds three-quarters of the value of the assets of that fund; or

(B) paragraphs (g), (h), (i) of this subsection, when the value of the investments of property made in the aggregate under those paragraphs

or greater than one-quarter of the value of so much of the assets of the superannuation fund as would fall within the wider-range part of the fund within the meaning of the Trustee Investments Act, 1961.”;

PART VIII
—cont.

1961 c. 62.

(e) in subsection (2) the words “ paragraph (ii) of ” were omitted.

All costs, charges and expenses incurred by the Corporation investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, shall be met by the Corporation out of that fund.

Expenses of investment of superannuation fund.

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

Transfer of certain sums from superannuation fund.

1937 c. 68.

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

Provided that where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1959, the Corporation shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment less the amount of contributions.

1959 c. 47.

In this section “ contributory employee ” and “ employing authority ” have the same respective meanings as in the Local Government Superannuation Act 1937.

PART VIII

—cont.

Recovery of
rates from
certain owners.

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

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

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

1925 c. 90.

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

As to proof
of continued
entitlement of
pensioners.

76. Notwithstanding anything in any Act, the Corporation shall not be required to make any payment by way of superannuation allowance, pension or other such payment under any statutory provision for the benefit of any person unless satisfactory proof is furnished to the Corporation, in such manner and at such times as may from time to time require, of the continued existence of such person in any case in which entitlement to such payment depends on the status of such person (whether as a widow or otherwise), of the continued status of such person.

PART IX

MISCELLANEOUS

Extinction of
rights of
navigation
over part of
river
Rhymney.

77.—(1) As from the date on which the Cardiff Harbour Authority commence to construct a diversion of the river Rhymney in the city of Cardiff between the National Grid Reference ST21607809 and the National Grid Reference ST21627792 all rights of navigation over such portion of the river Rhymney shall be unnecessary by reason of such diversion and shall be hereby extinguished.

1949 c. 74

(2) Nothing in this section shall affect the operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Ordnance and Survey for certain operations and certain other provisions relating to navigation).

PART IX
— cont.

Temporary prohibition or restriction of traffic during execution of works, etc.

(1) Where the Corporation are satisfied—

(a) that traffic on any street in the city 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 prohibition or restriction should come into force without delay and that for this reason 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;

they may by notice restrict or prohibit for any period not exceeding four hours the use of that street or any part thereof by cycles, or by vehicles of any particular class or description, to the extent and subject to such conditions and exceptions as they 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 on 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; or

(iii) so as to prevent such access to, or egress from, any station or depot used by public service vehicles as may be reasonably required for vehicles using such station or depot; or

(iv) so as to obstruct or interfere with the access to or exit from any station or depot of the British Railways Board.

(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 of this section, any statutory undertakers or the Postmaster General shall be at liberty at all times to execute and do all such works and things in, upon or under such street as may be necessary for the carrying out, repairing, maintaining, renewing or removing any apparatus of those undertakers or the Postmaster General, as the case may be, which at the time of the imposition of such restriction or prohibition is in that street.

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—cont.

(4) The engineer of the Corporation may exercise the powers conferred on the Corporation by subsection (1) of section 45 of the Act by subsection (2) of section 12 of the Act of 1961 and is empowered to act by the Corporation.

Amendment of
section 22 of
Act of 1961.

79. Section 22 (Decorations in streets) of the Act of 1961 shall have effect as if—

(1) in subsection (1) of that section after the word "and" there were inserted the word "(a)" and in that subsection there were added the following paragraph:—

"(b) decorations together with brackets, lamps and equipment to be erected in, on or over buildings, structures, gardens, parks and places in the city belonging to the Corporation with the consent of the owner or occupier of such buildings, structures, gardens, parks and places."

(2) after subsection (1) there were inserted the following subsection:—

"(1A) The provisions of section 45 of the Public Health Act 1961 shall in its application extend and apply to decorations, brackets, lamps, brackets, lamps, fittings, equipment, apparatus erected or provided for the purposes of subsection (1) of this section as mentioned in the said section 45."

1961 c. 64.

Illuminations

80.—(1) Subject to the provisions of section 82 (Supplementary provisions as to the Act), the Corporation may in, on or over buildings, structures, streets, gardens, parks and places belonging to the Corporation or (with the consent of the owner or occupier of any other buildings, structures, streets, gardens, parks and places) in the city provide or arrange on such terms as they may think fit for the provision of illuminations for such purposes provide, fit up, maintain and repair brackets, lamps, fittings, equipment, apparatus and do all such things as may be necessary in connection therewith.

(2) The provisions of section 45 of the Public Health Act (which makes provision for the attachment of brackets, lamps, fittings, equipment, apparatus and tenancies as may be required for the purposes of that section) shall, in its application to the city, apply as if they had been mentioned in that section.

(3) The Corporation shall not exercise the powers conferred by this section in, on, over, above or across a trunk main without the consent of the Secretary of State:

Provided that such consent shall not be unreasonably withheld and may be given subject to a condition that the Corporation shall at their own expense remove anything placed in a trunk road under the powers conferred by this section if reasonably required by the Secretary of State to do so.

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—cont.

81.—(1) Subject to the provisions of this section and of section 82 (Supplementary provisions as to illuminations) of this Act, the Corporation may illuminate any inscription which has been set up of the name of any street in the city. Illumination of street names.

(2) The Corporation may for the purposes of this section affix signs, brackets, pipes, electric lines or other apparatus (hereafter in this section referred to as "attachments") to a building with the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld, it may apply to a magistrates' court, who may either allow the affixing of the attachments subject to such conditions (if any) as to the form or otherwise as the magistrates' court thinks fit or disallow the affixing of the attachments.

(3) Nothing in this section shall authorise the Corporation to affix any inscription or attachments forming part of any such inscription—

(a) a building for the time being included in a list published by the Minister of Public Building and Works under any enactments for the time being in force with respect to ancient monuments without the consent of that Minister; or

(b) a building for the time being included in a list of buildings of special architectural or historic interest compiled under section 32 of the Town and Country Planning Act 1962, 1962 c. 38 not being a building to which paragraph (a) of this subsection applies, without the consent of the Secretary of State.

82. In the exercise of the powers of section 80 (Illuminations) of this Act, the Corporation shall have effect as if section 81 (Illumination of street names) of this Act— Supplementary provisions as to illuminations.

(a) the Corporation shall not continue any illuminations which hinder or are likely to hinder the interpretation of—

(i) any railway signal or is likely to render more hazardous the use of any railway (in either case, in the reasonable opinion of the British Railways Board); or

(ii) any traffic sign as defined by section 54 of the Road Traffic Act of 1967;

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— cont.

1882 c. 56.

Certain vehicles deemed to be property of Corporation for third-party insurance purposes.

Public weighing or measuring equipment.
1963 c. 31.

As to disposal of public walks and pleasure grounds.
1875 c. 55.

(b) any illuminations and any brackets, equipment, apparatus or appurtenances, fitted up, maintained or operated under the Act, or to be so provided, fitted up, maintained or operated, as to prevent interference with—

(i) any telegraphic line belonging to the Postmaster General or with telegraphic apparatus by means of any such line;

(ii) electric lines and works (including the lodging therein of such lines) as respectively defined in the Electricity Act 1947 and belonging to or maintained by the Electricity Board.

83. Any vehicle for the time being in the custody of the Corporation and in charge of a person in the employment of the Corporation or any other person for whose actions they are responsible, shall be deemed to be a vehicle owned by the council of the Corporation for the purposes of Part VI of the Act of 1960 (relating to compulsory insurance or security against third-party liability out of the use of motor vehicles).

84. In the application of Part III of the Weighing and Measuring Act 1963 to the city, weighing or measuring equipment shall be deemed to be provided or available for use by the Corporation in any case where a fee for such use is charged notwithstanding that the use of such equipment is restricted to any particular class of persons.

85.—(1) The powers of sections 163, 164 and 165 of the Public Health Act 1933 may be exercised by the Corporation in respect of any time being held by them for the purposes of section 163 of that Act, notwithstanding that such time is made available for free and unrestricted access to the public:

Provided that the Corporation shall not exercise any of the powers of this section appropriate, sell, lease or otherwise dispose of any land

(a) otherwise than for the use thereof for the purposes of recreation with the provision of facilities for the purposes of recreation;

(b) exceeding in total an area of 3,000 square yards;

(c) as respects any one transaction, exceeding an area of 1,000 square yards or one-third of the area of any public walk or pleasure ground (whichever is the greater).

(2) The power conferred upon the Corporation by any of the powers of this section shall not be exercised in such a manner as to

(a) as to be at variance with an express trust in respect of any land or a building is held, managed or otherwise disposed of

Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

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

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

Power to require 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 land or premises requiring the execution by such owner or occupier of works on such land or premises or which authorises the Corporation to execute works on land or premises within the city;

(i) the occupier and any person having an interest in such land or premises, and any person who either directly or indirectly receives rent in respect of such premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder, mortgagee, lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and

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

Any person who having been required by the Corporation pursuant of this section to give to them any information to give that information, or knowingly makes any mis-statement in respect thereof, shall be liable to a fine not exceeding 10 pounds.

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

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—cont.

(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 any object shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

Disposal of
unsuitable
specimens and
works of art.

87.—(1) The Corporation may sell, lend, exhibit or otherwise dispose of any object vested in the Corporation if, in the opinion of the Corporation, it is not required for deposit in any museum, art gallery, library or other building of the Corporation.

(2) The Corporation may make arrangements for the loan, exchange or gift with any person being a museum, art gallery or library for the transfer to that person of any object vested in the Corporation which, in the opinion of the Corporation, is more suitable for exhibition in a museum, art gallery or library of that person than in any 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 any power conferred by this section in respect of that object;

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

(c) any sum received by the Corporation in respect of any object of the powers conferred by this section shall be applied in the purchase of objects of art for the fund maintained by them under section 10 of the Libraries and Museums Act 1964, or in any other manner in which such sum exceeds £50 and is subject to any terms of which prevent its being so applied.

1964 c. 75.

(4) In this section "object" means a specimen or book.

Officers of
Corporation
acting as
receivers, etc.
1959 c. 72.

88.—(1) The Corporation may pay to any of the persons mentioned in subsection (2) to act in any of the following capacities:—

(a) as the receiver appointed by an order under Part VIII of the Mental Health Act 1959;

(b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;

(c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which he is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums on an insurance policy indemnifying an officer acting in any of the capacities mentioned in subsection (1) of this section against any act, neglect or default, whether his own or that of any other person, occurring in the course of the receivership or administration.

39. Paragraph (ii) of subsection (4) of section 34 (Provision of means of escape from fire in certain existing buildings) of the Act of 1961 shall have effect as if after the word "Act" there were inserted the words "is so used as respects at least one of its floors and". Amendment of section 34 of the Act of 1961.

40.—(1) The Corporation may, by agreement with any local authority or any other body or person, use or permit that local authority or that other body or person to use for the purposes of that local authority or that other body or person any electronic or other accounting equipment which the Corporation have provided for the purposes of all or any of their accounting work, and they may make such charges as may be agreed for the use of the said equipment. Electronic or other accounting equipment.

(2) In this section the expression "local authority" means the Council of a county, county borough or county district.

41.—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle, the Corporation may cause such receptacle to be opened and the contents examined, if they deem it necessary to do so, for the purpose of either identifying and tracing the owner of the property or of ascertaining the nature of its contents. Disposal of lost and uncollected property.

(2) If any lost or uncollected property within three months coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any person, it shall thereupon vest in the Corporation:

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which

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—cont.

involves unreasonable expense or inconvenience or standing that it has not vested in the Corporation, be disposed of at such time and in such manner as the Corporation may think fit, and, if it is sold, the proceeds shall vest in the Corporation at the expiration of three months from the date on which the property came into the custody of the Corporation.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section, the Corporation may, if it thinks fit, deliver to the person, whether an employee of the Corporation or not, who placed the lost property in the custody of the Corporation, the whole or any part of such property or its estimated value thereof in cash.

(4) This section shall, in the case of uncollected property placed in the custody of the Corporation on express terms, be in effect subject to those terms.

(5) In this section—

the expression "lost property" means any property which has come into the custody of the Corporation on or in any premises occupied by the Corporation to which the public have access; and

the expression "uncollected property" means any property deposited in any cloakroom or parcel room or other place provided by the Corporation for the use of the public, in which there is exhibited a notice containing a statement of the effect of subsections (1) and (2) of this section.

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

92. (1) For the better performance of their functions or duties, provision may be made by agreement between the Corporation and any authority or body referred to in this Act for the taking by either party thereof of the following kinds:—

(a) the use or maintenance by one party of any equipment, or apparatus of the other party, or the use of any vehicle, plant, equipment or other thing by either party and if it appears convenient for the benefit of any persons employed in connection therewith;

(b) the carrying out of works of maintenance or repairs in connection with land or buildings for the use of which the other party is responsible.

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

(3) In its application to the use of any equipment or plant, the provisions of subsection (1) of this section shall extend to enable the Corporation to let for hire such equipment or plant to any authority or body referred to in Schedule 3 to this Act or any person carrying out work for or on behalf of the Corporation.

93.—(1) The Corporation may provide and maintain or contribute to the cost of providing and maintaining recreational, social and welfare facilities for their employees. Recreational and other facilities for employees.

(2) For the purposes aforesaid, the Corporation may —

- (a) erect or maintain buildings;
- (b) make such charges as they think fit for the use of facilities provided under this section;
- (c) make regulations for the management of such premises.

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

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

or

- (b) as to contravene any covenant or condition subject to which a gift or lease of any land or 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.

(4) Section 72 (Loans to voluntary organisations for acquisition, construction or improvement of buildings) of the Act of 1961 shall have effect as if after paragraph (a) of subsection (1) of that section there were inserted the following paragraph:—

“(aa) any voluntary organisation concerned in the provision and maintenance of recreational, social and welfare facilities for the employees of the Corporation; or”.

94. For the protection of the river authority the following provisions shall unless otherwise agreed in writing between the Corporation and the river authority apply and have effect: For protection of Glamorgan River Authority.

(1) In this section—

“construction” includes execution and placing and “construct” and “constructed” have corresponding meanings;

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—cont.

" plans " includes drawings and plans;

" the river " means the river Fly;

" the river authority " means the River Authority;

" Work No. 1 " includes any work under section 18 (Subsidiary river works) (Power to make subsidiary works) and

- (2) Not less than twenty-eight days before the Corporation commences Work No. 1 the Corporation shall submit plans for such work to the river authority for their approval and shall not commence Work No. 1 until the plans have been approved by the river authority or until a period of difference until they have been settled.

Provided that if the river authority, within twenty-eight days after the receipt of the plans, signify to the Corporation their disapproval of the plans on the grounds for their disapproval they shall be deemed to have approved thereof:

- (3) (a) Subject to the provisions of this section, Work No. 1 shall not be constructed except in accordance with the plans as may be approved or deemed to be approved by the river authority as aforesaid or settled and shall be constructed to the reasonable satisfaction of the engineer of the river authority and shall be commenced on reasonable notice of the date and time when the work is to be commenced;
- (b) The Corporation shall at all reasonable times allow the engineer of the river authority and his authorised representatives access to such work for the purpose of inspection;
- (4) The Corporation shall indemnify and keep indemnified the river authority from all claims, damages, costs and expenses which may be made on or against the river authority or which it may have to pay by reason or in consequence of any injury or damage which may be caused to the river so as to impair its efficiency as a result of the work by or in consequence of the construction of the work or of the failure or want of repair thereof or in consequence of any act or omission of the Corporation, its contractors, agents, workmen or servants in connection with any work upon an authorised work or any such work as aforesaid:

Provided that the river authority shall not be liable to the Corporation reasonable notice of any claim, damages, costs or expenses as aforesaid and no settlement of any such claim thereof shall be made without the consent of the Corporation:

- (5) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the river authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Corporation from any liability under the provisions of this section:
- (6) Any difference arising between the Corporation and the river authority under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

25. For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

For protection of British Railways Board.

(1) In this section—

"railway property" means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works; and in particular the lands numbered on the deposited plans 5, 7 and 11 in the city;

"the specified works" means so much of the works as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works;

"the engineer" means an engineer to be appointed by the board;

"plans" include sections, drawings and specifications;

- (2) Save as provided in paragraph (3) of this section the Corporation shall not under the powers of this Act acquire compulsorily any railway property but they may in accordance with the provisions of section 7 (Power to acquire easements only) of this Act acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the specified works and notwithstanding the provisions of the said section 7 the Corporation shall fence off the specified works from railway property to the satisfaction of the engineer where reasonably so required by him:

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—cont.

(3) The Corporation shall—

(a) so construct Works Nos. 2 and 3 across the lines of railway of the Corporation at the respective level crossings at the respective level crossings to be constructed at the expense of the Corporation to the satisfaction of the engineer;

(b) provide from Works Nos. 2 and 3 means of access to the reasonable satisfaction of the engineer as are reasonably required for the convenience of pedestrians to the board's adjoining premises;

(c) notwithstanding the provisions of section 11 of the Corporation Act 1925 (Power to acquire easements only) the land numbered on the plan as No. 11 in the city and known as "The Old Mill"

(4) The Corporation shall before commencing any works (other than works of maintenance) furnish to the board proper and sufficient plans for the reasonable approval of the engineer and shall not commence the specified works until the plans have been approved in writing by the board or by arbitration;

Provided that—

(a) the approval of the engineer shall not be unreasonably withheld;

(b) if within twenty-eight days after the plans have been furnished to the board the engineer has not have intimated his disapproval of the plans on grounds of his disapproval he shall be deemed to have approved the same;

(5) If, within twenty-eight days after the plans have been furnished to the board, the board shall resolve that the Corporation that in consequence of the engineer's disapproval of the specified works it is reasonable that the board should themselves construct the specified works, then if the Corporation shall construct the same with all the expenses thereof on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans as they are deemed to be approved or settled and under the supervision (if given) of the Corporation;

(6) Upon signifying his approval of the plans the engineer may specify the nature of the works whether temporary or permanent.

in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Corporation shall not commence the construction of the specified works until the engineer shall have notified the Corporation that the protective works have been completed:

(7) The Corporation shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the specified works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the specified works:

(8) The specified works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property and as little interference with or interruption as may be to the safe user of the railway or the traffic thereon and the use by passengers of railway property; and if any damage to railway property, or any such interference or obstruction, shall be caused or take place, the Corporation shall notwithstanding any such approval as aforesaid make good such damage and shall on demand pay to the board the reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:

(9) The Corporation shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:

(10) The board shall at all times afford reasonable facilities to the Corporation and their agents for access to any works carried out by the board under this section during their construction and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:

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—cont.

- (11) If any alterations or additions, either temporary, to railway property shall be necessary in consequence of the carrying out of the specified works, such alterations and additions may be effected by the board after notice in writing to the Corporation and the Corporation shall on demand pay to the board on demand the reasonable cost thereof as ascertained by the engineer, including in respect of alterations and additions a capitalised sum representing the increased or additional cost of maintenance and, when necessary, renewing any works or additions:
- (12) The Corporation shall repay to the board the charges and expenses reasonably incurred by the board—
- (a) in constructing any part of the specified works on behalf of the Corporation as mentioned in paragraph (5) of this section or in carrying out protective works under the provisions of paragraph (6) of this section including, in respect of protective works, a capitalised sum representing the cost of maintaining and renewing any works;
 - (b) in respect of the employment of signalmen, watchmen and other persons who may be reasonably necessary to attend to the works, watching, lighting and signalling, and for preventing as far as may be practicable any obstruction, danger or accident in connection with the construction, maintenance, repair or carrying out of the specified works;
 - (c) in respect of any special traffic arrangements arising from any speed restrictions which may be imposed as a result of the construction, maintenance, repair or failure of the specified works and from any special services imposed or from the substitution of special services which may be reasonable on the same reason;
 - (d) in respect of any additional lighting or other works on property in the vicinity of the specified works or the lighting made reasonably necessary in connection with the specified works or the failure thereof;
 - (e) in respect of the supervision of the carrying out of the specified works;
- (13) If at any time after the completion of the specified works, not being works vested in the Corporation, the board shall give notice to the Corporation that the board

that in the reasonable opinion of the board the state of repair of the specified works appears to be such as to affect prejudicially railway property, the Corporation shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the specified works in such state of repair as not to affect prejudicially railway property and, if and whenever the Corporation fail to do so, the board may make and do in and upon the lands of the board or of the Corporation all such works and things as shall be reasonably requisite to put the specified works in such state of repair as aforesaid and the reasonable costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Corporation:

(14) Before providing any illumination or illuminated road traffic sign on or in connection with the specified works or in the vicinity of the railway, the Corporation shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:

(15) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Corporation in widening, altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the Corporation to the board:

(16) The Corporation shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board —

(a) by reason of the construction of the specified works or the failure thereof; or

(b) by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the works;

and the Corporation shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Corporation or in accordance with plans approved by the engineer or in

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—cont.

accordance with any requirement of the Act under his supervision shall not (if it is not negligence on the part of the board or of their employ or of their contractors) render the Corporation from any liability under any provision of this section:

Provided that the board shall give reasonable notice of any claim or demand and no settlement or compromise shall be made without the prior consent of the Corporation.

- (17) Any difference arising between the Corporation and the board under this section (other than as to the meaning or construction of the Act) shall be referred to and settled by arbitration.

For protection
of British
Transport
Docks Board.

96. For the protection of the British Transport Docks Board (in this section referred to as "the board") the provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect as if they were contained in the Act.

- (1) In this section—

"authorised work" means Work No. 1 and any subsidiary works connected therewith, including extension, enlargement, alteration, or relaying of Work No. 1 authorised by the Corporation under section 16 (Power to construct and alter works);

"plans" includes sections;

"the river" means the river Taff.

- (2) If during the construction of Work No. 1 or any subsidiary works connected therewith, or within two years after the completion of Work No. 1 or any subsidiary works connected therewith, any accumulation of silt or other materials shall be deposited in the river which shall cause an impediment to the navigation of the river downstream of Work No. 1, the Corporation, if so requested by the board within three months after completion, shall pay to the board the expenses incurred in removing such accumulated material:

- (3) Should any such accumulation arise during any period of five years and be removed in accordance with the provisions of paragraph (2) of this section, the Corporation, if so requested by the board, shall remove any recurrence of such accumulation and shall pay to the board the expenses incurred in removing such accumulated material as aforesaid during the period of five years after the completion of Work No. 1.

(4) The Corporation shall, except in an emergency, before commencing an authorised work submit to the board for their reasonable approval plans of such work showing the general mode of construction or carrying out thereof:

Provided that if the board do not within twenty-eight days after the receipt of any such plans signify to the Corporation their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:

(5) Subject to the provisions of this section an authorised work shall not be constructed or carried out except in accordance with such plans as may be approved or as are deemed to be approved by the board, or if such approval be withheld as may be settled by arbitration:

Provided that nothing in this section shall require the Corporation to construct Work No. 1 to dimensions of width and bed depth greater than those shown on the deposited plan:

(6) If there shall be any inconsistency between any plans approved or deemed to have been approved by the board under this section and the plans approved by the Board of Trade under section 22 (Tidal works not to be executed without approval of Board of Trade) of this Act the authorised work shall be constructed in accordance with the plans approved by the Board of Trade:

(7) The Corporation shall at all reasonable times afford to the duly authorised representative of the board all reasonable facilities for inspecting an authorised work in the course of its construction or execution:

(8) Any difference arising between the Corporation and the board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

(1) If there shall be any inconsistency between any plans approved or deemed to have been approved by a protected authority under the relevant section and the plans approved by the Board of Trade under section 22 (Tidal works not to be executed without approval of Board of Trade) of this Act the authorised work to which the plans relate shall be constructed in accordance with the plans approved by the Board of Trade. Provisions applicable to last three sections.

PART IX
—cont.

(2) In this section—

“ authorised work ” has the meaning given by that expression—

(a) “ Work No. 1 ” in section 1 of the Glamorgan River Authority Act 1946;

(b) “ the specified works ” in section 1 of the Protection of British Railways Board Act 1950 or

(c) “ authorised work ” in section 1 of the British Transport Docks Board Act 1947 as the case may be;

“ protected authority ” means the Glamorgan River Authority, the British Railways Board or the British Transport Docks Board;

“ relevant section ” means whichever of sections 1 to 3 of this Act is expressed to be for the protection of the protected authority concerned.

For protection
of statutory
undertakers.

98. For the protection of the undertakers mentioned in this section shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect as if—

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

“ adequate alternative apparatus ” means apparatus adequate to enable the undertakers to perform their statutory functions in a manner not less efficient than previously;

“ apparatus ” means mains, pipes, cables, gas pipes and electric lines or works (as defined in section 1 of the Electric Lighting Act 1882) maintained by the undertakers (in the case of the Wales Gas Board not being a public utility) of which the relations between the Corporation and that board are regulated by the provisions of the Public Utilities Street Works Act 1950 and includes any work constructed for the purpose of apparatus;

“ in ” in a context referring to alternative apparatus includes along or upon;

“ position ” includes depth;

“ specified work ” means any work done by the undertakers under the powers conferred by this Act;

“ the undertakers ” means the South Wales Electricity Generating Board, the South Wales Gas Board, the Gas Council and the Wales Water Board or any of them as the case may be.

1882 c. 56.

1950 c. 39.

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

(3) The Corporation shall not under the powers of section 19 (Power to make subsidiary works) of this Act, alter any apparatus except in accordance with the provisions of this section:

(4) If the Corporation in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:

(5) (a) The Corporation for the purpose of the construction of any specified work may require the undertakers to remove any apparatus. If the Corporation, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan and section of the proposed work and of the proposed position of the alternative apparatus to be constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed;

(b) If the Corporation require the undertakers to remove any apparatus, or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Corporation shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other land of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus, or any part thereof, is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Corporation, forthwith use their best endeavours to obtain the necessary facilities and rights:

(a) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of paragraph (5) of

PART IX
— CONT.

this section shall be constructed in such line or situation as may be agreed by the undertakers and the Corporation or, in default of agreement, settled by arbitration:

(b) The undertakers shall, after the line and the line and situation of any apparatus has been agreed, or settled by arbitration, and after the grant to the undertakers of the facilities and rights as are referred to in paragraph (a) of this section, proceed with all reasonable speed to construct and bring into operation the apparatus and thereafter to repair and maintain the same as required by the Corporation to be done in accordance with the provisions of this section and, in default of agreement, may remove the apparatus:

(7) Notwithstanding anything in paragraph (b) of this section, if the Corporation give notice in writing to the undertakers that they desire themselves to execute so much of the work necessary for the construction of the alternative apparatus as is referred to in paragraph (a) of this section, the apparatus required to be constructed shall, if it is to be situated in any lands of the Corporation, be executed by the undertakers, or by the Corporation with all reasonable facilities, under the superintendence, if given, and to the satisfaction of the undertakers:

Provided that nothing in this paragraph shall require the Corporation to execute the installation, bedding, packing, testing, or disconnection of any apparatus or the removal of any apparatus (where the apparatus is situated within 12 inches above the apparatus to be replaced).

(8) Where in accordance with the provisions of paragraph (7) of this section the Corporation afford to the undertakers the same facilities and rights for the construction, maintenance, and inspection in lands of the Corporation of an alternative apparatus in substitution for apparatus as aforesaid, those facilities and rights shall be upon such terms and conditions as may be agreed between the Corporation and the undertakers, and, in default of agreement, determined by arbitration.

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through any lands, the arbitrator shall—

(i) give effect to all reasonable facilities afforded by the Corporation for ensuring the

operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus (if any) constructed through the lands of the Corporation for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Corporation by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(9) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the Corporation under paragraph (5) of this section, the Corporation shall submit to the undertakers a plan, section and description of the work to be executed;

(b) Such work shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work.

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Corporation, reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (5) thereof;

PART IX
—cont.

(ii) nothing in this sub-paragraph shall prevent the Corporation from submitting from time to time, but in no case less than 14 days before commencing the execution of any work, a new plan, section and description of the plan, section and description proposed, and thereupon the provisions of this section shall apply to and in respect of such new plan and description;

- (c) The Corporation shall not be required to comply with sub-paragraph (a) of this paragraph in an emergency but, in such a case, they shall give the undertakers notice as soon as reasonable and a plan, section and description of the work as soon as reasonably practicable and shall comply with sub-paragraph (b) of this paragraph as reasonably practicable in the circumstances.
- (10) The Corporation shall repay to the undertakers reasonable costs, charges and expenses incurred by them in or in connection with

(a) the removal and relaying or repair or protection of any apparatus or the construction of any new apparatus in pursuance of the provisions of this section;

(b) the cutting off of any apparatus or apparatus;

(c) any other work or thing necessary in consequence of the exercise by the Corporation of any of the powers conferred on it by this Act.

1950 c. 39.

Provided that subsections (3) and (4) of section 98 of the Public Utilities Street Works Act 1950 shall so far as applicable extend to any payment to be made by the Corporation in pursuance of paragraph (c) of this section as if the Corporation were the authority and the works hereinbefore mentioned were such undertakers' works as mentioned in the said subsection (3) and as if the words "specified as so necessary" of the words "specified as so necessary" of the works settled under Part I of this Act or agreed so to be by the parties to this Act or agreed so to be by the parties to this Act there were substituted the words "settled by arbitration under section 98 (For purposes of this section) of the Cardiff Corporation Act 1950".

(1) If by reason or in consequence of the execution, user or failure of any specified work or any subsidence resulting from any such work any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of such work) or property of the undertakers or any interruption in the supply of gas or electricity by the undertakers shall be caused, the Corporation shall bear and pay the cost reasonably incurred by the undertakers in making good such damage or in restoring the supply of gas or electricity, and shall —

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

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

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

Provided that —

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

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

(2) (a) Before the Corporation serve any notice under subsection (1) of section 65 (Securing of unoccupied buildings) of this Act, they shall give to the undertakers not less than seven days' notice of their intention so to do;

(b) Nothing in the said section 65 shall prejudice the right 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 under the said section 65 shall ensure that the premises are not left less secure by reason of the entry:

PART IX
—cont.

- (13) (a) Any difference which may arise between the Corporation and the undertakers shall be determined by arbitration;
- (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 the work, and may, if he thinks fit, require the undertakers to execute any temporary or other work which may be necessary as far as may be reasonably possible, and to use the use of any apparatus.

PART X

GENERAL

Local
inquiries.

99.—(1) Any Minister of the Crown may cause inquiries to be held as he may consider necessary in connection with any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1936 shall apply in relation to any such inquiry and, for the purposes of the definition of the expression "department" in that section shall include any Minister of the Crown performing any of his functions under this Act, as well as the Minister mentioned.

Appeals.

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

(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 of the Corporation or any action; or
- (b) makes it unlawful for any person to do any work which he was lawfully carrying on at the time of the requirement, refusal or decision, or to do any work for any purpose for which they were lawfully carrying on that time;

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

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action, nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

101.—(1) For the purposes of this Act the expression “the appointed day” means, except where otherwise expressly provided, such day as may be fixed by resolution of the council, subject to and in accordance with the provisions of this section. The appointed day.

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

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

- (a) of the passing of any such resolution and of the date fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that date;

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

(4) Either —

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

shall, until the contrary be proved, be conclusive evidence of the publication of the notice and of the date of the publication.

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

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

PART X
—cont.

to continue to carry on that business or to use it for that purpose until he is informed of the decision of the Commission, and if the decision is adverse during such period as is provided under subsection (2) of section 100 of the 1936 Act.

Application
of general
provisions
of Act of
1936.

102.—(1) The sections of the Act of 1936 mentioned in Schedule 2 to this Act shall have effect as if references in that Act included reference to this Act.

(2) The sections of the Act of 1936 mentioned in the said schedule shall have effect as if references in that Act included reference to the following provisions, that is to say:—

- Part IV (District heating);
- Section 61 (Boundary walls);
- Section 65 (Securing of unoccupied buildings);
- Section 80 (Illuminations).

(3) The section of the Act of 1936 mentioned in the said schedule shall have effect as if references in that Act included reference to the following provisions, that is to say:—

- Section 63 (Sale of food and articles from premises);
- Section 66 (Provisions as to motor vehicles);
- Section 81 (Illumination of street names).

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

103. Section 265 of the Public Health Act 1875 shall have effect in relation to the Corporation as if any reference in that section of that Act of 1875 included a reference to this Act and as if in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority.

Restriction
on right to
prosecute.

104. The written consent of the Attorney-General shall be a requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than the Corporation or, in the case of an offence committed by any of the following provisions of this Act, by any of the following provisions of this Act:

- Section 52 (Penalties);
- Section 54 (Powers of entry and inspection);
- Section 62 (Hawking, etc., of any articles).

Section 63 (Sale of food and articles from private forecourts); and section 105 (Liability of directors, etc.) of this Act so far as related to the provisions of the said sections 52 and 54.

PART X
— cont.

105.—(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.

Liability of directors, etc.

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

Section 52 (Penalties);

Section 54 (Powers of entry and inspection).

(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.

106. As respects byelaws made under section 44 (Byelaws for regulation of heating undertaking) of this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister of Power and as respects byelaws made under provisions of this Act other than the said section 44 shall be the Secretary of State.

Confirming authority for byelaws.

107. In arbitrations under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of any party (after giving notice in writing to the other party or parties) by the President of the Institution of Civil Engineers.

Arbitration.

108. Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of the Trinity House.

Saving for Trinity House.

109. 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

PART X
—cont.

herein contained authorises the Corporation to in any manner interfere with any portion of the shore or of any river, channel, creek, bay or estuary, or any rights or interests in or over any of the said rights or interests, subjects or rights of whatsoever description to Her Majesty in right of Her Crown and under the authority of the Crown Estate Commissioners without the written consent in writing of those commissioners on behalf of Her Majesty, if she had and obtained for that purpose.

Saving for
town and
country
planning.

110. The provisions of the Town and Country Planning Act 1962 to 1968, and any restrictions or powers conferred in relation to land, shall apply and have effect in relation to any land notwithstanding that the land is, or may be, authorised or regulated by or under any other Act.

Costs of Act.

111. All the costs, charges and expenses, print and incidental to, the preparation of and the printing of the Bill, the obtaining and passing of this Act, or other expenses incurred thereon, as taxed by the taxing officer of the House of Commons, shall be paid by the Corporation out of the general rate fund or out of money raised under this Act for that purpose.

SCHEDULES

SCHEDULE 1

ENACTMENTS MENTIONED IN SECTION 86 (1) (c) 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
Land Drainage Act 1930	...	...	...	1930 c. 44
Public Health Act 1936	...	...	...	1936 c. 49
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
Housing Act 1964	...	...	...	1964 c. 56
General Rate Act 1967	...	...	...	1967 c. 9

SCHEDULE 2

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 rates
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PART IV AND SECTIONS 61, 65 AND 80 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.
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.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Saving for certain provisions of the Land Charges Act 1925.

Sec. 2
—cont.

PART III

SECTION APPLIED TO SECTIONS 63, 66 AND 71

Section	Marginal note
287	Power to enter premises.

SCHEDULE 3

Section 92.

AUTHORITIES AND BODIES TO WHICH SECTION 92 APPLIES

1. The council of the administrative counties of Glamorgan and Monmouth and any borough or any urban district of those counties.

2. The parish council of any rural parish in any of the said counties.

3. Any fire authority, police authority, regional water board or river authority whose area of jurisdiction is wholly or partly in the city or any of the said counties.

4. Any statutory undertakers or any other body or person otherwise referred to in this schedule discharging functions under any enactment within the city or any of the said counties.

5. The magistrates' court committee and the police committee of the city.

6. Any joint committee appointed by the Corporation and one or more local authorities or any joint committee of which the Corporation forms a constituent authority.

7. Any voluntary organisation in receipt of a grant or other sum lawfully made by the Corporation within twelve months of the date of the exercise of the powers of section 92 of this Act.

8. The council of any university, university college or institution of advanced technology.

9. Any other body which the Secretary of State, on behalf of the Corporation, approves in writing for inclusion in this schedule.

PRINTED IN ENGLAND BY THE SOLICITORS' LAW STATIONERS

HARRY PITCHFORTH

Controller of Her Majesty's Stationery Office and Queen's Printer