

# Bradford Corporation Act 1969

CHAPTER xviii

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## Section

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ELIZABETH II



1969 CHAPTER XLVIII

Act to confer further powers on the lord mayor, aldermen and citizens of the city of Bradford, to make further 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 Bradford (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");

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

whereas it is expedient that further powers should be conferred upon the Corporation in respect of their water undertakings:

and whereas it is expedient that the provisions with regard to the finances of the city which are contained in this Act should be made and that the Corporation should be empowered to borrow money 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:

1933 c. 51.

And whereas in relation to the promotion of the purposes of 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 Bradford Corporation Act, 1969.

Division of Act into Parts.

2. This Act is divided into Parts as follows:

- Part I.—Preliminary.
- Part II.—City development.
- Part III.—Educational services.
- Part IV.—Management.
- Part V.—Municipal undertakings.
- Part VI.—Social services.
- Part VII.—Miscellaneous and general.

Interpretation.

3.—(1) In this Act the several words and expressions have the meanings assigned by sections 90 and 343 of the Local Government Act, 1933, unless there be anything in the subject or context repugnant to such construction.

(2) In this Act, unless otherwise expressly provided, the words and expressions have the meanings assigned by the subject or context otherwise requires—

1847 c. 89.

" the Act of 1847 " means the Town Police Clauses Act, 1847;

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

1936 c. 49.

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

1946 c. 49.

" the Act of 1946 " means the Acquisition of Land (Authorisation Procedure) Act, 1946;

1949 c. xlv.

" the Act of 1949 " means the Bradford Corporation Act, 1949;

1950 c. 39.

" the Act of 1950 " means the Public Utilities Act, 1950;

1957 c. 56.

" the Act of 1957 " means the Housing Act, 1957.

- PART I  
—cont.
- “the Act of 1959” means the Highways Act, 1959; 1959 c. 25.
- “the Act of 1961” means the Trustee Investments Act, 1961; 1961 c. 62.
- “the Act of 1962” means the Town and Country Planning Act, 1962; 1962 c. 38.
- “the Act of 1965” means the Compulsory Purchase Act, 1965; 1965 c. 56.
- “the Act of 1967” means the Road Traffic Regulation Act, 1967; 1967 c. 76.
- “the appointed day” has the meaning assigned to it by section 124 (The appointed day) of this Act;
- “authorised security” means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “bulk refuse container” means a container, of not less than one cubic yard nominal capacity, for refuse designed or adapted to be emptied by mechanical means into a refuse vehicle of the Corporation;
- “the city” means the city of Bradford;
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “the Corporation” means the lord mayor, aldermen and citizens of the city acting by the council;
- “the council” means the council of the city;
- “daily fine” means a fine for each day on which an offence is continued after conviction thereof;
- “the electricity board” means the Yorkshire Electricity Board;
- “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;
- “gas board” means the North Eastern Gas Board;
- “the general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city;
- “the generating board” means the Central Electricity Generating Board;
- “hackney carriage” has the same meaning as in the Act of 1847 but does not include a public service vehicle as defined in the Road Traffic Act, 1960; 1960 c. 16.
- “the building” has the same meaning as in the Local Employment Act, 1960; 1960 c. 18.



PART I  
cont.

- 1952 c. 55. "magistrates' court" has the same meaning as in the Magistrates' Courts Act, 1952;
- "medical officer", "engineer" and "public health inspector" mean respectively the medical officer of health, the engineer and any public health inspector of the Corporation;
- "the Minister" means the Minister of Housing and Local Government;
- 1946 c. 31. "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946;
- "the narrower-range part", "property" and "the wider-range part" in relation to the superannuation fund have the same meanings as they have for the purposes of the Act of 1961;
- "operational land" has the same meaning as in the Town and Country Planning Acts, 1962 to 1968;
- 1964 c. 48. "the police authority" has the same meaning as in the Police Act, 1964;
- 1875 c. 55. "the prescribed distance" has the same meaning as in section 171 of the Public Health Act, 1875;
- "the railways board" means the British Railways Board;
- "the river authority" means the Yorkshire Ouse and Don River Authority;
- "statutory securities" means any securities in which investments are for the time being authorised by law to be invested;
- "statutory undertakers" means any company, person or body of persons authorised by an Act of Parliament or having the force of an Act to supply electricity, gas or water;
- 1937 c. 68. "the superannuation fund" means the superannuation fund maintained by the Corporation under Part I of the Government Superannuation Act, 1937;
- 1878 c. 76. "telegraphic line" has the same meaning as in the Telegraph Act, 1878;
- 1945 c. 42. "the Third Schedule" means the Third Schedule to the Water Act, 1945;
- "the town clerk" means the town clerk of the day;
- "the tribunal" means the Lands Tribunal;
- 1944 c. 31. "voluntary school" has the same meaning as in the Education Act, 1944.

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

PART II  
CITY DEVELOPMENT

Section 50 (Loans for erection &c. of buildings) of the Act shall have effect as if the following subsection were substituted for subsection (1) thereof:—

Amendment of section 50 of Act of 1949

- (1) The Corporation may advance money to—
  - (a) any person for the purpose of enabling or assisting him to purchase or lease any land in the city; or
  - (b) the owner, purchaser or lessee of—
    - (i) any land in the city; or
    - (ii) any land (whether within or outside the city) acquired from or leased by the Corporation;
- (2) for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building on such land or to execute on or adjacent to such land any works which the Corporation could require him to execute by virtue of any enactment;

Provided that any such advance shall not exceed ten per cenths of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose for which the advance is made has been effected."

(3) The Corporation may, if requested so to do by any person—

Power to Corporation to assist industry

(a) purchase or lease from the Corporation any land (whether within or outside the city); or

(b) purchase or lease from the Corporation any land upon which an industrial building is built or to be built, extended or improved, carry out any works in relation to the preparation or improvement of such building or for the provision or improvement of such building on which any trade or business carried on or to be carried on in such building depends, and may with the consent of the Minister make grants or loans towards the cost of such works or of the provision or improvement of such building or both;

(4) Nothing in this section shall authorise the Corporation to carry out works for the provision or improvement of such building which is the function of statutory undertakers to carry out.

PART II  
— cont.  
Agreements  
with  
developers.

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

- (a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the different parts of that development shall be completed;
- (c) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned, or mortgaged, or by way of mortgage or legal charge to any person, until the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated, and the maintenance and cleansing of the surface and lighting of the building or structure over or above any public rights of way so dedicated and the maintenance and any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance and use of facilities for the parking of vehicles in connection with development of that land;
- (f) any other related or consequential matters.

(2) (a) An agreement entered into under the foregoing subsection may contain positive and negative covenants and whether they be positive or negative and notwithstanding that they do not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee they shall, if registered in the Local Land Charges Register, be enforceable by the Corporation against the covenantor and all persons deriving title by descent or under the covenantor.

(b) In the event of the person who has entered into an agreement under the foregoing subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement the Corporation may, after giving not less than twenty-one days' notice of their intention to do enter on the land and do the work in default and the expenses incurred by the Corporation shall be recoverable by them from that person in default.

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

The Corporation may take or acquire shares or other securities in any company incorporated in the United Kingdom in which an agreement is entered into under this section.

(1) The Corporation may, if requested to do so by any person who is the owner or intended owner or lessee or intended lessee of any building or part of a building in the city to which this section applies or of land in the city on which it is proposed that such building should be erected, guarantee or contract to secure the payment of

Power to Corporation to guarantee rents, etc., of certain buildings.

- a) any rent or other sum payable in respect of the building or part thereof;
- b) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purpose of any trade or business carried on or to be carried on in the building.

This section applies to industrial buildings and buildings which are office or shop premises within the meaning of the Shops and Railway Premises Act, 1963.

1963 c. 41.

Subject to the provisions of subsection (4) of this section, this section shall continue in force until 31st December, 1979.

(2) The Minister may, on the application of the Corporation, extend the period referred to in subsection (3) of this section to 31st December, 1989.

Any order under this subsection shall be made by statutory instrument and contain such supplemental or incidental provisions as the Minister to be expedient.

Any order under this subsection shall be subject to annulment by a resolution of either House of Parliament.

Nothing in this section shall prejudice or affect any rights, liabilities in respect of any guarantee given or made under this section.

(3) The Corporation, by means of an order made by the Council and submitted to and confirmed by the confirming authority, may be authorised to create in favour of the Corporation or any person over any land which under any enactment the Council may be authorised to acquire compulsorily any right in, under or over or in relation to such land if, in the opinion of the confirming authority, is essential for the purposes of the Corporation.

Compulsory acquisition of easements.

PART II  
- cont.

to the full enjoyment or use of any buildings owned or intended to be owned or occupied, by the Corporation for purposes of any of their undertakings, powers or duties.

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

(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 1946 and as if—

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

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

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

(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 have been required if such land were not already owned by the Corporation.

Suspension of restrictive covenants.

9. —(1) If the Corporation—

(a) acquire land by agreement; or

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

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

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

the resolution shall describe by reference to a map the land to which it applies.

The Corporation shall —

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

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

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

(4) any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by giving notice of his objection and of the grounds thereof to the appropriate Minister within the period specified in the notice and by giving notice thereof to the Corporation.

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

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

(7) if an objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended

PART II  
—cont.

on and after such date as the appropriate Minister shall determine, not being earlier than the date on which the Corporation ceases to own the land.

1961 c. 33.

(7) The Corporation shall pay compensation in accordance with the provisions of section 10 of the Act of 1965 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof, and the amount of such compensation shall be determined in the event of a dispute in accordance with the Land Compensation Act 1961.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates, or, if the Corporation convey the land to any body for any of the purposes of the Education Acts, 1944 to 1968, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person.

Provided that if such compensation is paid on the basis that the land may be used for a particular purpose, the restriction shall remain enforceable after any subsequent conveyance or disposition of the land to any person otherwise than for any of the purposes of the Education Acts, 1944 to 1968, remain unenforceable only so long as the land is used for that purpose.

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

(10) Nothing in this section shall apply to any restriction imposed for the protection of or for preventing interference with the operations of or for securing access to operational land or apparatus of statutory undertakers or the railways board contained in any deed, wayleave, agreement or other instrument.

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

(12) Nothing in this section shall apply to any restriction imposed for the protection of or for preventing interference with the operations of or for securing access to operational land or apparatus of statutory undertakers or the railways board contained in any deed, wayleave, agreement or other instrument.

...to land used in the performance of their  
...apparatus of the river authority contained  
...agreement or other instrument.

...the expression "the appropriate Minister"  
...of the Crown having power to authorise the  
...of the land for the purpose for which the  
...acquired or agreed to acquire that land.

...land owned by the Corporation (being land acquired  
...to provide a site for a voluntary school) is  
...the Corporation to the trustees of a voluntary  
...of the provisions of the Education Act, 1946,  
...restrictions affecting the use of such land as  
...enforceable against the trustees or governors  
...of the voluntary school only to the extent that they  
...against the Corporation prior to the conveyance  
...in this section.

Covenants or  
restrictions  
affecting  
certain land.  
1946 c. 50.

Where a plan and sections of a new street deposited  
in pursuance of new street byelaws are  
deposited, they may, for the purpose of securing adequate  
communication between the new street and any other  
existing or intended, by notice prohibit the erection  
of any structure at either end of the new street on  
land at the time of the deposit, to the owner of the land  
if the new street is proposed to be constructed or laid

Access to  
new streets.

such notice shall affect any structure existing  
at the deposit until both the new street and that other  
highway maintainable at the public expense.  
The notice shall be given to the person by whom or on  
behalf of whom the plan and sections were deposited; and the  
notice shall be binding on successive owners  
of the land to which it relates.

If a person contravenes a notice under this section he shall  
be liable to a penalty not exceeding twenty pounds; and the Corporation  
may demolish the structure and recover the expenses of so  
doing.

This section shall have effect subject to the provisions of  
the Law of Property Act, 1925, as amended by the Law of Property 1925 c. 22.  
1926, with respect to the avoidance of any such 1926 c. 11.  
registration as a local land charge.

Where a plan and sections of a new street deposited  
in pursuance of new street byelaws are  
deposited, they may, for the purpose of securing the

Adjustment of  
boundaries of  
estates in  
connection  
with streets.



PART II  
—cont.

proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

- (a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto, and for effecting exchanges of land in connection therewith; and
- (b) for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate;

as may be necessary or desirable having regard to the layout of the new street.

(2) The notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or for the widening or adaptation of a footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the Corporation and the persons interested in the respective estates, be determined by a single arbitrator appointed in default of agreement by the Minister.

(5) An agreement or award made under this section shall provide for the payment of money by the Corporation, but any such award shall provide for the payment of money by any person without his consent.

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land, and any removal, modification or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall, unless and except in so far as the award may otherwise provide, be paid by the Corporation.

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts, if any, as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor.

such covenants, restrictions or conditions shall be applicable unless otherwise provided in an instrument made under this section.

The corporation may purchase land by agreement for the purposes of this section and, until they dispose of the land or transfer it for any other purpose, may manage the land in such manner as they think fit.

In this section "estate" includes any parcel of land.

(1) In the case of a street in relation to which an improvement is prescribed under section 72 of the Act of 1959, section 23 of the Public Health Act, 1925, or section 17 (Defining the meaning of the Bradford Improvement Act, 1873, the improvement) for the purpose of avoiding obstruction to the street as using the street or other inconvenience or nuisance arising from irregularity of the boundary of the estate, the requirements of this subsection shall apply to the estate.

Enforcement of improvement line. 1925 c. 71 1873 c. clviii.

(2) Where the requirements of subsection (1) of this section apply to an estate, the owner of any building which, or any part of which, was beyond, or in front of, the improvement line when the line was prescribed, to demolish, set back or alter the building within such reasonable time as may be specified in the notice not being less than six months from the date of the notice, so that it shall not project beyond, or be in front of, the improvement line.

(3) Where the requirements of subsection (1) of this section apply to an estate, the owner of any building which, or any part of which, was beyond, or in front of, the improvement line when the line was prescribed, may, within twenty-eight days of the date of the service of a notice under subsection (1) of this section, give notice to the corporation, in which notice the owner of the building states that he objects to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall have no effect unless it is confirmed by the tribunal either in whole or in part or subject to such modifications as the tribunal may determine.

(4) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

(a) the notice is not justified by the terms of subsection (1) of this section;

(b) the corporation have refused unreasonably to approve any alternative works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary;

(c) the area specified in the notice within which the works are to be executed is not reasonably sufficient for the purposes of the notice.

(5) Where the requirements of sub-paragraphs (ii) and (iii) of this paragraph apply, the tribunal may be equitable to modify the notice.

PART II  
CONT.

(c) Without prejudice to the provisions of paragraph (a) of subsection (1) of this section, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or adjoining land in which that person has an interest;
- (ii) that person is able and, in the circumstances of the case, willing to sell the building to the Corporation, or to the person without adjoining lands, on terms not less favourable to the Corporation than those on which they could have acquired the building under a compulsory purchase order made under section 214 of the Act of 1959 or section 214 of the Act of 1946.

(d) Where a notice under subsection (1) of this section is confirmed by the tribunal it shall have effect as from the date on which the Corporation serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) (a) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, the owner or tenant thereof may recover from the Corporation compensation for the damage or loss sustained by him in consequence of the compliance and the amount of the compensation shall, in case of dispute, be determined by the tribunal.

1961 c. 33

(b) Rules 2 to 4 of the rules set out in section 5 of the Compensation Act, 1961, shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building.

(4) In determining the amount of the compensation payable under this section to the owner or tenant of a building in which he has an interest where—

- (a) he has an interest in land abutting on so much of an improvement line, as immediately before the date on which the notice under subsection (1) of this section is served on him, or abutted on, the building or land occupied in connection with the improvement; and
- (b) the value of his said interest is enhanced by the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(5) If any person fails to comply with a notice under this section, he shall be liable to a fine not exceeding one hundred pounds.

may do all such things as may be necessary to  
and recover the cost of so doing from that

The expression "building" includes a structure.

Nothing in this section shall without the consent of the  
apply to or affect any property occupied or used  
for the purposes of their railway undertaking, but  
consent shall not be unreasonably withheld and any question  
whether consent has been unreasonably withheld shall be deter-  
mined by the Minister.

(1) Where in the opinion of the Corporation a line of  
prescribed by them under section 17 (Defining line of  
of the Bradford Improvement Act, 1873, or any part of  
line is no longer necessary or desirable and should be  
they may by resolution revoke the line or that part

Revocation  
of improve-  
ment lines,  
1873 c. clvii.

the provisions of paragraph 8 of Schedule 9 to the Act of  
shall apply for the purposes of this section and shall have  
effect as if the said line were an improvement line prescribed under  
section 2 of the Act of 1959 and for the reference to the plan  
in accordance with paragraph 7 of the said Schedule 9  
shall be substituted a reference to the plan referred to in  
section 7 of the said Act of 1873 and subject to any other  
provisions.

(2) Where a plan and sections of a new street have been  
approved by the Corporation in pursuance of new street byelaws  
and the Corporation have been approved by them, no person shall without their  
consent erect a building on land abutting on the street  
which is marked by concrete markers, or in some other suitable  
manner, the line, width and level of so much of the  
land as may be occupied as the site of,  
and the width, the building.

Prohibition of  
building until  
street  
defined.

When the approved width of a new street has been defined  
no person shall begin to erect a building or structure  
the width of the street than the line of the concrete  
markers by which the width has been so defined.

Any person who contravenes the provisions of either of the  
subsections shall be liable to a fine not exceeding  
£100, and the Corporation may—

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

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

and recover the expenses of so doing from that

PART II  
—cont.  
Excavations  
near streets.

16.—(1) This section applies to any excavation made in pursuance of this Act on any land in the city within 30 feet of a highway maintainable at the public expense where the excavation will, within the said distance of 30 feet, be a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the footings of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to an excavation made in the course of carrying out works for the purposes of or in connection with apparatus of a telegraph or undertakers or any telegraphic line belonging to or used by the Postmaster General.

(2) Any person who makes, or executes works for the purpose of, an excavation to which this section applies shall, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to provide for the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation, or the execution of works for the making of any such excavation, involves the withdrawal of support as aforesaid for the highway so as to create the purpose of removing danger so caused, it is not necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any obligation which he or any other person may be subject apart from this section, be guilty of an offence under this section.

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

Provided that an offence under this section shall be punishable on summary conviction by a fine exceeding one hundred pounds.

(4) Subject to the provisions of section 19 (Defences) of this Act, for the purposes of this section the owner of the land on which an excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of such works as aforesaid.

Exemption  
for river  
authority.

17.—(1) The provisions of section 16 (Excavations) of this Act shall not apply to an excavation made by a river authority for the purpose of any of their functions.

which, except in a case of emergency, the following conditions have been fulfilled:

(a) not less than twenty-eight days before commencing the excavation plans are submitted by the river authority to the Corporation for their reasonable approval;

(b) the excavation shall not be commenced until the plans have been approved in writing by the Corporation or settled by arbitration;

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

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

If the river authority make an excavation in a case of emergency for the purposes of any of their functions they shall inform the Corporation as soon as possible of the action so taken.

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

In this section "plans" includes sections and particulars.

(2) This section applies to building operations, being operations for the construction, repair or demolition of any structure carried out on land in the city.

Building operations affecting public safety.

(3) Any person who, after the passing of this Act, carries out building operations to which this section applies shall secure that the operations are so carried out as to cause no danger to any street or other public place, and if in the course of the carrying out of such building operations there is any accident which gives rise to the risk of serious bodily injury to a person in any street or other public place, whether or not death or serious injury is caused thereby, or which, but for the taking by or on behalf of the Corporation of steps to remove immediate danger from the city under section 25 of the Public Health Act, 1961, or any other enactment, would give rise to such risk, the person responsible for the carrying out of the building operations in the course of the carrying out of which the accident happens shall, without prejudice to any liability to which he or any other person may be subject under this section, be guilty of an offence under this section.

1961 c. 64.

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

PART II  
—cont.

(4) Subject to the provisions of section 19 (Defences, etc.) of this Act, for the purposes of this section the owner of the building on which building operations are carried out shall be taken as being the person responsible for those operations.

## Defences, etc.

19.—(1) In any proceedings for an offence under section 16 (Excavations near streets) of this Act it shall be a defence to prove that all practicable steps were taken to prevent the loss of support.

(2) In any proceedings for an offence under section 17 (Building operations affecting public safety) of this Act it shall be a defence to prove that all reasonably practicable steps were taken to prevent that the building operations were carried out so as to avoid danger to persons in any street or in any other public place.

(3) Where the commission by any person of an offence under the said section 16 or the said section 18 is due to the negligence of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of that offence.

(4) Where a person who is charged with an offence under the said section 16 or the said section 18 proves to the satisfaction of the court—

- (a) that he exercised all due diligence to avoid the commission of such an offence by himself or any person under his control; and
- (b) that the commission of the offence was due to the default of another person;

the first-mentioned person shall, subject to the next subsection, be acquitted of the offence.

(5) A person shall not, without the leave of the court, be entitled to rely on the defence provided by subsection (4) of this section unless, not later than seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person in question as was then in his possession.

Liability of  
directors, etc.

20.—(1) Where an offence under section 18 (Building operations affecting public safety) of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to 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 as such,

the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

For the purposes of this section "director" in relation to a company established by or under any enactment for the purpose of carrying on under national ownership any industry or business or undertaking, being a body corporate managed by its members, means a member of that

A local corporation may, for the benefit, improvement or development of the city, by licence authorise the construction of any building or structure over, above or across a public highway or part of it in the city, on such terms and conditions as may be specified in the licence, including terms and conditions relating to the design and maintenance of the building or structure:

Buildings and structures over highways

A local corporation shall not exercise the powers of this section in respect of a trunk road without the consent of the Minister of Transport;

When authorising, in exercise of the powers conferred by this section, the erection of any building or structure which will reduce below 16 feet 6 inches the clear headway over the carriageway of any highway, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the city and shall take into consideration any objections or representations in respect of such proposal which may be made to the Corporation within twenty-eight days of the first publication of such notice;

When authorising, in exercise of the powers conferred by this section, the erection of any building or structure which will reduce below 17 feet 6 inches the clear headway over the carriageway of any street which is the only vehicular access to an electricity substation of a generating board or the electricity board, the Corporation shall give notice of the proposal to the board concerned and shall take into consideration any objections or representations in respect of such proposal which may be made by the board concerned within twenty-eight days of such notice.

From the passing of this Act a person, except in the exercise of the powers, constructs a building or structure over, above or across a public highway or part thereof within the city, or authorises the construction of any building or structure over, above or across a public highway or part thereof in accordance with the terms and conditions of the licence, or removes or alters a building or structure over, above



PART II  
*cont.*

or across a public highway when required to do so in accordance with any condition of the licence or within one month of the date of the expiration of the licence the Corporation may require upon the owner or occupier of the building or structure requiring him to remove or alter the same as the case may be.

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

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

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

Provided that—

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

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

(7) The provisions of this section shall not apply in relation to an advertisement to which regulations made under section 1 of the Act of 1962, or under the corresponding provisions of the Town and Country Planning Act, 1947, for the time being in force

1947 c. 51.

(8) Nothing in a licence granted under this section shall authorise any interference with a telegraphic line except

the Postmaster General or any interference with any apparatus (including any structure constructed therein of mains, pipes, lines or apparatus) of any undertakers except with the consent of those

nothing in this section shall prejudice the powers of the Corporation under section 151 of the Act of 1959 or the rights conferred under a licence granted in pursuance of the said

(1) Any person may, in connection with any building work of demolition, or in connection with the repair, maintenance or cleansing of the exterior of any building or place, or cause to be erected or placed, any scaffolding or projection constituting an obstruction which is hereafter in this section referred to as scaffolding, upon or over any street in the city if he has obtained a licence from the Corporation and complies with the terms and conditions as may be attached to the licence: provided that the Corporation shall be entitled to refuse a licence on the grounds that the scaffolding would cause an unreasonable obstruction of the highway.

Licence to erect scaffolding

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

and that this subsection shall not apply to scaffolding erected on the footway of a street but not over the carriageway and which is less than 8 feet above the level of the footway and which is wholly and if the nearest part thereof to the carriageway is at least 6 inches from the carriageway measured

any person without a licence from the Corporation who causes to be erected or placed, any scaffolding on any street in the city, or contravenes the terms or conditions of any licence granted under this section, he shall be liable for every such offence to a fine not exceeding five pounds or a daily fine not exceeding two pounds.

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

Nothing shall be required under this section in respect of scaffolding erected or placed by the railways board for the purpose of constructing, reconstructing or maintaining any railway in exercise of their statutory powers.

The Corporation shall not grant any licence under this section if the Postmaster General if he appears to them

PART II  
- cont.Boundary  
walls.

to be concerned notice of their intention to do so, and on any such licence shall attach thereto such conditions as the Postmaster General may, within the period of seven days after the giving of such notice to him, reasonably require for the protection of any apparatus belonging to, or used or made by him.

23. - (1) Without prejudice to the provisions of any enactment, where any building or structure or part of a building or structure is demolished by the Corporation leaving an exposed wall of adjoining premises, the Corporation may—

(a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the Corporation, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for:

- (i) weatherproofing the surface of the wall;
- (ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit to defray any expenses incurred by the owner or occupier of the adjoining premises in carrying out works for either or both of the purposes referred to in the first paragraph:

Provided that where in the opinion of the Corporation the consent required for the carrying out of works proposed by the owner or occupier of the adjoining premises for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out, is likely to be, detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to a magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works on such conditions if any, as the court thinks fit, or disallow the carrying out of those works.

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

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

PART II  
— cont.

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

Retaining  
walls.

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

Any person aggrieved by the refusal of the Corporation to approve any plans, sections and specifications submitted to them in accordance with the last foregoing subsection may appeal to a magistrates' court.

(2) Any length of a retaining wall to which this section applies which is in disrepair as to be liable to endanger persons on the street; or which was erected before the passing of this Act or which is in contravention of subsection (2) of this section, shall be treated as to be liable as aforesaid;

and the Corporation may by notice to the owner or occupier require the owner or occupier to do such work as may be necessary to prevent its being in disrepair, and the provisions of section 290 of the Act shall apply in relation to such a notice as they apply in relation to notices mentioned in subsection (1) of that section.

(3) The provisions of this section shall not apply to a retaining wall which is erected and belonging to the railways board so long as it is erected by that board primarily for the purpose of their

PART II  
— cont.Expenses of  
executing  
demolition  
orders, etc.

25. (1) Any expenses incurred by the Corporation under subsection (1) of section 23 or subsection (3) of section 24 of the Act of 1957 in respect of which judgment has been given under subsection (4) of the said section 23 together with any amount allowed by the court and interest accrued thereon shall be recovered as a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

1925 c. 20.

(2) The Corporation shall for the purpose of enforcing a charge under this section have all the same powers and remedies as if they were mortgagees by deed having powers of sale and lease of land, powers of surrenders of leases and of appointing a receiver.

Decorations  
in streets.

26.—(1) The Corporation may, on such occasions as they think fit, cause flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

(2) If any person wilfully removes or damages a flag-pole, pylon, socket or slot erected or provided under this section he shall be liable to a fine not exceeding ten pounds.

(3) (a) The Corporation shall not exercise the powers conferred by this section in a trunk road without the consent of the Minister of Transport.

(b) The consent required by paragraph (a) of this section shall not be unreasonably withheld but may be given subject to a condition that the Corporation shall at their expense remove anything placed in, or under the surface of, a trunk road and shall exercise the powers conferred by this section if reasonably required by the Minister of Transport to do so.

(4) The Corporation shall not exercise the powers conferred by this section in any street belonging to or repairable by the Corporation without the consent of that board.

Illuminations.

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

that the Corporation shall not continue any illumination under this section which

hinders or is likely to hinder the interpretation of any railway signal or is likely to render hazardous the use of any railway; or

hinders or is likely to hinder the interpretation of any traffic sign as defined by section 54 of the Act of 1967.

The provisions of section 45 of the Public Health Act, 1961, 1961 c. 64, (the application to the city extend and apply to such lamps, fittings, equipment, apparatus and appurtenances as required for the purposes of this section as if they had mentioned in that section.

Any illuminations and any brackets, lamps, fittings, equipment or appurtenances provided, fitted up, maintained or operated under this section shall be so provided, fitted up, maintained and operated as to prevent interference with—

any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line;

electric lines and works (including works for the lodging of them of such lines and works) as respectively defined in the Electric Lighting Act, 1882, and belonging to or maintained by the generating board or the electricity board.

The Corporation shall not exercise the powers of this section over, above or across a trunk road without the consent of the Minister of Transport.

The consent required by the foregoing subsection shall not be withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything from a trunk road under the powers conferred by this section as required by the Minister of Transport to do so.

Subject to the provisions of this section, the Corporation may illuminate any inscription which has been set up of the effect in the city: Illumination of street names.

that the Corporation shall not continue any illumination under this section which

in the opinion of the railways board hinders or is likely to hinder the ready interpretation of any railway signal, or is likely to render hazardous the use of any railway;

hinders or is likely to hinder the interpretation of any traffic sign as defined by section 54 of the Act of 1967.

PART II  
—cont.

(2) The Corporation may for the purposes of this section affix to a building (other than a building to which paragraph (1) applies) lamps, brackets, pipes, electric lines or other apparatus (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 the consent required under this subsection is unreasonably withheld they may apply to a magistrates' court, who may either give their consent to the affixing of the attachments subject to such conditions as to rent or otherwise as the magistrates' court thinks fit or refuse the affixing of the attachments.

(3) Any electrical apparatus provided in pursuance of the powers of this section shall be so constructed, maintained and used as to prevent interference with any telegraphic line used to or used by the Postmaster General or with telegraphic communication by means of any such line or with any apparatus belonging to or maintained by the generating board or electricity board.

(4) (a) Except with the consent of the Minister of Public Buildings and Works the Corporation shall not under this section affix attachments to a building which is for the time being included in a list published under section 12 of the Ancient Monuments Consolidation and Amendment Act, 1913.

1913 c. 32.

(b) Except with the consent of the Minister the Corporation shall not under this section affix any attachments to a building which is for the time being included in a list of buildings of architectural or historic interest compiled by the Minister under section 32 of the Act of 1962, not being a building to which paragraph (a) of this subsection applies.

Numbers of  
houses.  
1847 c. 34.

29. As from the appointed day, section 65 of the Improvement Clauses Act, 1847, shall have effect in its application to the city as if after the words "with such numbers as the commissioners approve of" there were inserted the words "and in such positions as to be easily visible from the street" and as if the words "a number approved of by the commissioners" were inserted the words "and in such position as to be easily visible from the street".

Amendment  
of section 34  
of Public  
Health Act,  
1961.  
1961 c. 64.

30. Section 34 of the Public Health Act, 1961, in its application to the Corporation shall have effect as if the words "and the Corporation may erect or maintain such hoarding or fence if the Corporation consider expedient for the purpose of preventing, or if it may be reasonably practicable, any further accumulation of refuse on that site: Provided that no such hoarding or fence shall be erected which unduly interferes with reasonable access to and from the site" had been inserted at the end of subsection (1).

31. Sec  
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in

PART II  
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Amendment  
of section 190  
of Act of  
1959.

of the Act of 1959 shall have effect in its  
city as if after the words "executing the  
inserted the words "including the expenses  
paying, metalling, flagging, channelling  
of intersection with any other streets".

Recovery of  
street works  
charges where  
owner  
unknown.

where any street works in the city have been completed  
but the Corporation are unable to recover the  
owner of any premises or otherwise under  
under the code of 1892 by reason of the fact  
unknown and cannot, after diligent inquiry  
amount becomes due and at reasonable  
be found, the Corporation may at any time  
of twelve years from the date when the said  
apply to the county court and that court may,  
on such application and on being satisfied that the  
of this subsection have been complied with, make an  
the said premises in the Corporation absolutely  
the Corporation may appropriate the said premises  
in accordance with the provisions of section 163  
of 1933 as if the said premises were land which was  
for the purpose for which it was acquired.

1949 c. 42.

The La  
mine

if the county court makes an order under subsection (1)  
the tribunal shall for the purpose of determining  
the said premises nominate one of their members  
in accordance with subsection (6) of section 1 and section 3  
Tribunal Act, 1949, and the member nominated shall  
accordingly and shall annex to his valuation  
writing subscribed by him of the correctness  
the Corporation shall thereupon pay into court a  
amount of such valuation after deduction of  
the final apportionment in respect of the said  
thereon for a period of six years at the rate  
annum, or at such other rate as may have been  
of the Minister under section 212 of the Act of  
with all costs and expenses reasonably incurred

to be paid into court under subsection (2) of this  
and applied in accordance with section 25

as conferred by subsection (1) of this section shall  
the Corporation in addition to any existing  
remedies for the recovery of expenses and shall  
the Corporation in respect of all street works  
done before or after the passing of this Act.



PART II  
—cont.Prohibition of  
vehicles on  
grass verges,  
etc.

(5) In this section "code of 1875" and "code" have the meanings assigned thereto by subsections (1) and (2) of section 173 of the Act of 1959.

33. (1) Where any grass verge, garden or space is provided for the Corporation in pursuance of the Act of 1957 or any other enactment or by any other person in pursuance of an agreement made with the Corporation and maintained in an open or mown condition or mown, they may by notice prohibit persons from causing or permitting vehicles to enter upon any such grass verge, garden or space.

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the grass verge, garden or space to which it relates and if any person contravenes a notice so posted (except in a case of emergency) shall be liable for every such offence on the first occasion to a fine not exceeding one pound and on the second or any subsequent occasion to a fine not exceeding ten pounds.

(3) Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided for any other person, the Corporation shall consult that other person.

(4) The powers of this section shall not be exercisable in relation to any grass verge, garden or space which forms part of a highway maintainable at the public expense.

(5) Nothing in this section shall restrict, prevent, interfere with or prejudice the exercise by any person of any statutory power to enter upon any lands.

Repair of  
damaged  
buildings, etc.

34. (1) Where the Corporation are satisfied that it is in the public interest to execute urgent repairs to any building or structure in the city arising directly or indirectly from damage thereto by aircraft or other aerial devices or articles falling therefrom or by natural disaster the Corporation may at the public expense execute such emergency works of repair to the building or structure as in their opinion are necessary.

(2) Before exercising their powers under this section the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building or structure.

Mixing of  
cement, etc.,  
in streets.

35. (1) No person shall mix or deposit cement, mortar, plaster or any like substance in any street in the city or in any street at the public expense or in any street therein constructed in pursuance of the powers in that behalf contained in the Act of 1957, the Act of 1959 or the Act of 1962, or an enactment repealed by those Acts, or in any part of a private street being a street

PART II  
—cont.

drains into gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such cement, mortar, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

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

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

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

Carriage-crossings over verges, etc.

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

(1) Where plans of any proposed work deposited with the Corporation in pursuance of building regulations include proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the Corporation may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless they are satisfied before them such proposals as appear to them to be necessary for preventing or reducing danger from fire, being danger arising to all or any of the following matters:—

Underground parking places.

(a) the construction of the underground parking place and the approaches thereto and the materials to be used in the construction;

(b) the provision of adequate means of ventilation of the underground parking place;

(c) the provision of electrical and mechanical and heating equipment in the underground parking place;

PART II  
—cont.

- (d) the provision of a satisfactory emergency lighting in connection with the underground parking place;
- (e) the provision of fire-fighting equipment and appliances in connection with the underground parking place;
- (f) the provision of safe and adequate means of ingress and egress from the underground parking place;
- (g) the provision of adequate means for preventing inflammable substances from being admitted to any draught system forming part of the underground parking place;
- (h) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (4) of section 65 of the Act of 1936 shall have effect as if they were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may, on the application of that person, be referred to the Secretary of State for determination, and the Secretary of State shall determine any question submitted to him under paragraph (a) of this subsection or, as the case may be, may refer the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If, after plans of any underground parking place have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section, it appears to the Corporation that any such proposal has not been carried into effect or is not being observed, the Corporation may by notice to the occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place in contravention of the notice, he shall be liable to a fine not exceeding £100, and to a daily fine not exceeding five pounds.

PART II  
— cont.

Further provision as to underground parking places.

18. (1) Without prejudice to the provisions of section 37 (underground parking places) of this Act, the Corporation may give notice to the owner or occupier of any underground parking place in the city which is first brought into use after the passing of this Act, require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building regulations, the Corporation may by notice require the owner or occupier thereof to comply with such conditions as aforesaid and with such other conditions with regard to matters specified in paragraphs (b) to (h) of subsection (1) of said section 37 as the Corporation think fit.

(2) Any person on whom a notice under this section has been given shall be liable to a fine not exceeding fifty pounds and a daily fine not exceeding five pounds.

(3) Any person on whom a notice under this section has been given may, within twenty-one days of the service of the notice, appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) Where required by any such person the Corporation shall furnish to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement specified in the notice, and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

(5) In the consideration of any such appeal the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement specified in the notice by the Corporation under this section.

(6) In the last two foregoing sections the expression "underground parking place" means a building or part of a building or a structure other than a building or part of a building in respect of which a notice has been issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 or a building or part of a building to which a notice has been given by the Secretary of State under section 10 of 1928 c. 32, which provides waiting space or storage space, or in addition to any other facility or service, for the parking of motor vehicles and of which any part of the floor is more than 4 feet below the surface of the ground and which is adjacent to such building or part of a building.

PART II  
— cont.Oil-fired  
boilers.

(2) For the purposes of paragraph (a) of subsection 1 of section 287 of the Act of 1936 the provisions of the foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

40. (1) As from the appointed day, any person intending to install or place oil-burning equipment in any building or on any land in the city shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (a) The Corporation may make byelaws for securing proper arrangements in relation to any oil-burning equipment so installed, and after the coming into operation of the byelaws, proper arrangements will be made for preventing or reducing danger from fire.

(b) Byelaws made under this section may include provisions

(i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, appliances, fittings and fire-fighting appliances to be provided, and the mode of arrangement of any such works, appliances, fittings and appliances; and

(ii) empowering the Corporation, if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire, to approve the installation or placing of any oil-burning equipment notwithstanding that it does not comply with the appropriate specifications for such equipment contained in the byelaws.

(3) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to and approved by the Corporation shall, for the purposes only of this section, be deemed to be approved by the Corporation as complying with the appropriate specification for such equipment contained in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the Corporation do not, within two months after the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any oil-burning equipment under any byelaw made under sub-paragraph (ii) of paragraph (2) of subsection (2) of this section may, within twenty-one days after the receipt of notification of the refusal, appeal to the Council of the State.

b) When an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaw.

(2) If any person installs oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(3) If any person contravenes any byelaw made under subsection (1) of this section he shall be liable to a fine not exceeding ten pounds; and if

(a) that person after conviction of the contravention; or  
(b) any other person after notice of the conviction has been served on him by the Corporation;

he is using oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(4) In this section—

(a) the expression "oil-burning equipment" means a boiler designed or adapted for the combustion of oil and includes the burner, the storage tanks and the apparatus, pipes, fittings, devices and catch-pits and any other equipment used or intended for or in connection with the heating of the boiler;

(b) the expression "boiler" means a boiler, furnace, heater, furnace or similar plant;

(c) the expression "storage tank" means a tank, container or receptacle designed or adapted for the purpose of supplying oil to a boiler;

(d) the expression "apparatus and fittings" includes pipes and fittings, valves, pumps, gauges, vessels, fans and other accessories.

(5) In this section the expression "the installation or placing of oil-burning equipment in any building or on any land" shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land adjacent to the building.

(6) A person who contravenes this section or any byelaws made thereunder shall be liable to a fine not exceeding ten pounds.

(7) A person who contravenes any byelaw made under this section in relation to oil-burning equipment if the storage tank or tanks used or designed or adapted to supply oil to the boiler or boilers has or have a total capacity not exceeding ten gallons; or

PART II  
—cont.

- (b) any oil-burning equipment installed in a private house not comprised in a block of flats; or
- (c) any oil-burning equipment installed in any building in respect of which a licence under the Cinemas Acts, 1909 and 1952, is for the time being in force;
- (d) the installation of any oil-burning equipment, generating board or the electricity board for the purposes of their respective undertakings;

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms.

- (e) the installation of any oil-burning equipment, generating board for the purposes of their undertaking;

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms.

- (f) the installation of any oil-burning equipment, generating board for the purposes of their undertaking;

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.

(8) Section 250 of the Act of 1933 shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words "or confirm or modify" after the word "confirm" in the second line where that word occurs in subsection (6) thereof.

(9) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Act, 1961, applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same subject-matter as this section.

1961 c. 34.

Building  
plans: access  
for fire  
brigade.

41.—(1) Where plans for the erection of a building are submitted in accordance with building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

- (a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable fire in the building to be effectively fought; or

(b) the building will interfere with the means of access of the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be effectively fought.

When plans for the extension of a building are in accordance with regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

(a) the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be effectively fought;

(b) the extension will interfere with the means of access of the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be effectively fought.

In this section "access by the fire brigade" means access to the building or more fire brigades and their appliances and appliances in a neighbouring building are, in relation to a neighbouring building, for the erection, alteration or extension of which the plans have been passed, references to the neighbouring building are to the building or buildings in which the building is to be erected or extended in accordance with those plans.

When the Corporation reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of section 6 of the Act of 1936 shall specify that the plans have been rejected.

An action arising under this section between the Corporation and the person by whom, or on whose behalf, plans have been submitted, as to whether the Corporation ought to pass the plans, or as to the application of that person, be determined by the court.

No building of the warehouse class and no building intended to be used for the purpose of trade or manufacture in the city of a cubic extent exceeding 250,000 cubic feet shall be intended to exceed that extent unless (in accordance with the particulars submitted in accordance with building regulations) approved for the purposes of this section by the Corporation.

Fire precautions in certain large buildings.

Every building of the warehouse class and no building intended to be used for the purpose of trade or manufacture in the city of a cubic extent exceeding 250,000 cubic feet shall, if the Corporation so require, be provided with all such means of escape therefrom in the event of fire as may be reasonably required; and every building of the warehouse class and no building intended to be used for the purpose of trade or manufacture in the city of a cubic extent exceeding 250,000 cubic feet shall, if the Corporation so require, be provided with all such means of escape therefrom in the event of fire as may be reasonably required; and if the Corporation so require, it is fitted with automatic fire alarms and a fire extinguishing system or with such other such alarms or such system to the satisfaction of the Corporation.



PART II  
—cont.

1961 c. 34.

1963 c. 41.

Provided that—

- (i) nothing in paragraph (a) of this subsection shall apply to a factory to which section 40 of the Factories Act, 1936 applies, to buildings to which section 59 of the Factories Act, 1936 applies or to premises to which the Offices, Shops and Railway Premises Act, 1963, applies;
- (ii) nothing in paragraph (b) of this subsection so far as it relates to the provision of fire alarms shall apply to a factory to which subsection (7) of section 48 of the Factories Act of 1961 applies or to premises to which section 59 of the said Act of 1963 applies, nor so far as it relates to the provision of a fire extinguishing system shall the said paragraph apply to a factory to which subsection (7) of section 51 of the said Act of 1961 applies or to premises to which the said Act of 1963 applies.

(2) (a) The person proposing to erect or cause to be erected, to extend or cause to be extended any building to which section (1) of this section applies shall, when submitting particulars in accordance with building regulations, deposit with the Corporation particulars showing how it is proposed to comply with the requirements of paragraphs (a) and (b) of subsection (1) of this section.

(b) The Corporation at any time within a period of two months after the deposit of the particulars irrespective of any decision under building regulations—

- (i) may refuse to approve them; or
- (ii) may approve them subject to such conditions as they think fit.

(c) Where the Corporation refuse to approve the particulars or approve them subject to conditions they shall give to the person who deposited the particulars notice stating their reasons for refusal or for the imposition of conditions:

Provided that if within the period of two months mentioned in paragraph (b) of this subsection the Corporation fail to give notice they shall be deemed to have approved the said particulars.

(3) (a) If any building to which the preceding subsections of this section are applicable is erected or extended in contravention of any of the requirements of paragraph (a) or (b) of subsection (1) of this section the Corporation, without prejudice to their power to take proceedings for penalties in respect of the contravention, may by notice require the person erecting or causing to be erected the building or extension either to pull down and rebuild the building or extension or to effect such alterations therein as may be necessary in order to comply with the said requirements.

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

(4) All means of escape provided and any fire alarms and fire extinguishing appliances situated under the requirements of paragraph (a) or (b) of subsection (1) of this section shall be properly maintained and kept free from obstruction.

(5) (a) A person who erects or causes to be erected or extends or causes to be extended a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(b) The proprietor of any premises who fails to maintain the means of escape provided and any fire alarms and fire extinguishing appliances under the requirements of paragraph (a) or (b) of subsection (1) of this section, or to keep them free from obstruction, shall be guilty of an offence under this section.

(c) A person who commits an offence under this section shall on summary conviction be liable to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding ten pounds.

(6) An appeal may be brought by—  
a) a resolution of the Corporation; or  
b) a resolution of the Corporation to approve particulars; or  
c) a resolution subject to which approval of particulars is given by the Corporation;

and a person convicted under (1) or (2) of this section may appeal to a magistrate and on any such appeal the court may confirm, vary or set aside the requirement, refusal or condition.

(7) No provision of this section shall apply to any building—

- (a) in respect of which a licence under the Cinematograph Act, 1909 and 1952, is for the time being in force; or
- (b) exempted from the provisions of Part II of the Act of 1936 in respect to building regulations by paragraph (c) of section 1 of that Act.

(8) Any reference in this section to plans deposited in accordance with the regulations shall be construed as including a reference to specifications and written particulars deposited in accordance with the regulations or this section.

(9) Section 60 of the Act of 1936 in its application to the provisions of this section shall have effect as if—

Provision of means of escape from fire in certain old buildings.

- (a) in paragraph (b) of subsection (4) of that section the words "old buildings" were omitted and the words "means of escape from fire in certain old buildings" were inserted after the words "means of escape"; and
- (b) in subsection (5) of that section the words "old buildings" were omitted and the words "means of escape from fire in certain old buildings" were inserted after the words "means of escape"; and

PART II  
—cont.

(b) in paragraph (c) of subsection (4) of that section the word " school " were inserted after the word " and " and the words " for persons employed on the premises " were omitted.

(2) (a) The Corporation may by notice require the person having control of a building to which the said section as amended by subsection (1) of this section, applies (other than a house let in flats) to keep unobstructed such passages and exits as are specified in the notice and, if he fails to do so, is liable to a fine not exceeding twenty pounds.

(b) A person served with a notice under this subsection may appeal to a magistrates' court on any of the following grounds—

- (i) that the requirement is not justified by the terms of the notice;
- (ii) that there has been some informality, defect or error in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

Means of  
ingress to and  
egress from  
certain  
buildings.

44. (1) Section 59 of the Act of 1936 in its application to the city shall have effect as if—

(a) in paragraph (b) of subsection (5) of that section the words " and in which more than twenty persons are employed " there were substituted the words " in which more than ten persons are employed ";

(b) in paragraph (d) of the said subsection (5) the words " and any premises used for giving instruction in dancing " were added at the end of that paragraph and

(c) there were added at the end of the said subsection (5) the following proviso:

" Provided also that this section shall not apply to such premises as are referred to in paragraph (d) of this subsection if—

(i) only the ground floor of the building is used for the purposes of; and

(ii) not more than five persons are employed in the restaurant, shop, store or warehouse, or in any case may be."

(2) The provisions of subsection (2) of the said section as to its application to the city shall be construed so as to require the Corporation to require that such first-aid fire appliances

...shall be installed in premises to which this section applies other than premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Provided that any notice served by the Corporation under subsection (2) requiring the installation of first-aid fire appliances may be served on the owner or the occupier of the building.

(3) The provisions of subsection (2) of this section shall cease to apply in relation to any premises to which the Factories Act, 1961 applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same in so far as the said subsection.

Nothing in subsection (2) of this section shall apply in relation to premises which are subject to regulations made under the Offices, Shops and Railway Premises Act, 1963, where those regulations relate to the same subject-matter as the said subsection.

(4) If it appears to the Corporation that for the purpose of preventing fire in any such building in the city as is referred to in subsection (1) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting to such building—

- (a) the apparatus, or fittings for lighting or heating the building require alteration; or
- (b) the arrangement of the chairs and seating requires alteration; or
- (c) the floor or requires strengthening in order to prevent loading; or
- (d) the materials from which any fireplaces, flues, chimneys, vents or other like parts of such building are constructed are unsuitable;

the Corporation may by notice require the owner or occupier of the building to make such provision in regard to the matters mentioned in the said list as may be necessary:

For the purposes of this subsection any fireplace, flue, chimney, vent or other like part of such building which is in accordance with building regulations for the time being in force made under section 4 of the Public Health Act 1936 shall not be deemed to have been constructed of inflammable materials;

PART II  
— cont.  
1968 c. 54.

1961 c. 34  
1963 c. 41.

(ii) this subsection shall not apply to premises in which a licence under the Theatres Act, 1968, or the Cinematograph Acts, 1909 and 1952, is for the time being in force;

(iii) nothing in this section shall affect the operation of the Factories Act, 1961, or the Offices, Shops and Premises Act, 1963, or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1966 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

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

46.—(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 works being executed or proposed to be executed 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 that reason it is not expedient to effect such restriction or prohibition by means of an order made under section (1) of section 12 of the Act of 1967;

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

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

- (i) with respect to any street or any part thereof 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 eight hours' previous notice to the traffic commissioner and to the operators of the public service vehicles 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

(19) shall not prevent such access to, or egress from, any station or depot of the railways board as may be lawfully required for vehicles using such station or depot.

The provisions of subsections (3), (4), (5), (9), (10) and (11) of section 2 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.

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

A committee may exercise the powers conferred on the Corporation by subsection (1) of this section and by subsection (2) of section 2 of the Act of 1967 without being empowered to act as a committee.

For the purpose of the execution of any works on or near a footpath or bridleway in the city the Corporation may prohibit temporarily the use of that footpath or bridleway or any part thereof: Temporary stoppage of footpaths and bridleways.

The Corporation shall not exercise the powers of this section so as to deprive persons bona fide going to or from any building or land of reasonable access to the building or land;

The exercise by the Corporation of the powers of this section in relation to any footpath or bridleway in the city shall not prevent statutory undertakers from having access to any apparatus nor prejudice or interfere with the right of the Postmaster General or any statutory undertakers —

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

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

PART II  
—cont.Disposal of  
dangerous  
containers.

48.—(1) No person shall within the city dispose of any container (including a container attached to a machine) which has been used for the storage of explosive or poisonous substance and is no longer used for that purpose unless he takes all such steps as may be necessary to prevent danger from the container to any property.

(2) If any person contravenes the provisions of subsection (1) of this section, he shall be liable to a fine not exceeding five pounds, and the Corporation may take such steps as are reasonably necessary to prevent danger from the container, and may recover from that person the expenses incurred by him in so doing:

1967 c. 69.

Provided that no proceedings shall be instituted for an offence under this section if the disposal or deposit of the container contravenes section 19 of the Civic Amenities Act, 1967.

1933 c. 25.

(3) In this section "poisonous substance" means a substance specified in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act, 1933.

Means of  
access for  
removal of  
refuse, etc.

49. Section 55 of the Act of 1936 shall in its application to the city have effect as if the following subsections were substituted for subsections (1) and (2) thereof:—

"(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority shall not reject the plans, unless it is shown to them that—

(i) satisfactory means of access can, and are, to be provided from the building to a street for the purpose of the removal of refuse; and

(ii) the method of storage and collection of refuse, together with the related facilities to be provided, are adequate:

Provided that this subsection shall not apply in relation to buildings erected in accordance with building regulations and specifications approved by the Minister in connection with housing operations to which section 55 of the Act of 1957 applies.

(b) Any question arising under this subsection as to whether or not a local authority and the person by whom, or on whose behalf, plans are deposited as to whether or not satisfactory means of access or refuse storage accommodation can be provided can be provided and ought to be provided, shall be referred to the authority as satisfactory may on the application of that person be determined by a magistrates' court.

(c) In this section 'refuse storage accommodation', in relation to a building, means accommodation for the use of dustbins or other refuse containers containing refuse intended to contain the refuse arising from the use of the building.

(2) It shall be unlawful for any person except with the consent of the local authority to close or obstruct the means of access by which refuse is removed from any building, and the local authority in giving their consent may impose such conditions as they think fit with a view to the improvement of any alternative means of access or the substitution of other means of access.

(b) A person who contravenes the provisions of this subsection shall be liable to a fine not exceeding ten pounds or to a further fine not exceeding forty shillings for each day on which the offence continues after conviction.

At or on the appointed day, no person shall deposit in any receptacle used for the reception of household refuse which is to be removed by or on behalf of the Corporation, or in a receptacle provided by the Corporation under paragraph (a) of subsection (1) of section 76 of the Act, any of the following—

Restriction on use of dustbins, etc.

(a) any liquid or partially liquid character;

(b) any flammable or explosive substance; or

(c) any other matter in such a state or condition that injury to the health of the employees of the Corporation may be caused thereby.

At or on the appointed day, no person shall use any receptacle provided by the Corporation (being a dustbin so provided for the reception of household refuse) for any purpose other than the removal of refuse for removal by, or on behalf of, the Corporation.

Any person who contravenes the provisions of this section, shall be liable to a fine not exceeding ten pounds.

The Corporation may at the request of the owner or occupier of premises within the city provide and maintain for the use of such premises a bulk refuse container on such terms and conditions as may be agreed between such owner or occupier and the Corporation, and such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Corporation.

Provision of bulk refuse containers by Corporation.



PART II  
— cont.

Maintenance  
of and access  
to bulk  
refuse  
containers.

52. (1) Where the owner or occupier of any premises in the city provides a bulk refuse container, or where the Corporation at the request of the owner or occupier provide a bulk refuse container, the Corporation may by notice require him to provide and maintain to the satisfaction of the Corporation a sufficient stand or base for the bulk refuse container and to provide and maintain to the satisfaction of the Corporation means of access from a highway to the bulk refuse container which are sufficient to allow the passage and to bear the weight of a full bulk refuse container, of any trolley or other vehicle or of a Corporation constructed to convey bulk refuse containers, from refuse vehicles.

(2) A notice under the preceding subsection may require the owner or occupier of the premises to execute such works as may be necessary to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall have effect in relation to notices given under this section as they apply to notices given under subsection (1) of that section and, in their application to notices given under this section, shall have effect as if the following paragraph were added to subsection (3) thereof:

“(g) where the notice requires the owner or occupier of any part of the premises in question to execute such works as may be necessary to the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that other part ought to bear, or contribute towards, the cost of executing the works required”;

and subsection (5) of the said section 290 shall have effect accordingly as if after the reference to “paragraph (f)” there were inserted the words “or paragraph (g)”.

Control of  
refuse tips.

53. The prohibition on the sorting over or disturbing of refuse material in subsection (3) of section 76 of the Act of 1936 shall apply in respect of material deposited in any place used by the Corporation for the deposit of refuse whether or not provided by the Corporation or not.

Extension of  
section 75 of  
Act of 1936.

54. (1) In its application to the city subsection (3) of section 75 of the Act of 1936 shall have effect as if the expression “stand” therein included any stands or frames used in connection with the same.

Provided that where such a stand or frame is provided by the Corporation any annual charge made under subsection (3) of the said section 75 shall be made in respect only of the stand or frame so provided.

(2) In its application to the city subsection (3) of section 75 shall have effect as if after the word “therein” there were inserted the words “or as respects any buildings therein”.

PART II  
—cont.

Entry on  
land for  
certain  
purposes.

55.—(1) Whenever it becomes necessary for the Corporation or any of their officers, servants, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveys, measuring, taking levels or making trial holes, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Corporation may, after notice to such owner or occupier, apply to a magistrates' court for an order under this section.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Corporation or any of their officers, servants, contractors or workmen, may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter, examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any objection or objection for so doing:

Provided that, except in case of emergency, no entry shall be made or work commenced under this section unless at least twenty-eight days' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

The Corporation shall at their own expense make good and restore to their former condition any lands laid open by them, their officers, servants, contractors or workmen, and shall be bound to the reasonable satisfaction of the owner or occupier of the land entered, all damage or loss sustained by him in consequence of such entry, examination or laying open, and any amount of damage or loss so sustained as may in default of agreement, be assessed by a magistrates' court, and the amount so assessed shall be recoverable from the Corporation.

Where any statutory undertakers refuse to permit any of their lands or the railways board refuse to permit any lands to be entered upon or used for the purposes of their functions, or the river authority refuse to permit any lands to be entered upon and used for any purpose in connection with the exercise of any of their functions, to be entered upon or laid open for any of the purposes mentioned in this section, application under that subsection may be made to a magistrates' court but any question arising as to whether permission for any such lands to be so entered upon or laid open is unreasonably withheld shall be referred to an arbitrator, and if the arbitrator shall determine that permission is unreasonably withheld, the Corporation may exercise the powers of entering, examining and laying open the lands for the purposes for which permission was refused under the same liabilities as under an order of the court under subsection (2) of this section.

PART II  
- cont.

(5) If any person who in compliance with the provisions of this section or an order made thereunder is admitted to a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to a manufacturing process or trade secret he shall, if such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Notice of  
variation of  
rent, etc.

56. (1) The rent for the time being recoverable by the Corporation under a tenancy of any premises forming or constituting any housing accommodation belonging to the Corporation may be increased or reduced or the terms and conditions of the tenancy may be varied, amended or added to by the Corporation on the tenant of a notice

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

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

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

1968 c. 42.

(2) This section shall not apply to any premises to which section 12 of the Prices and Incomes Act, 1968, applies.

Charges for  
registration of  
persons  
seeking  
exchange of  
houses

57. Notwithstanding anything in any other enactment, the Corporation may make reasonable charges in consideration of registering or undertaking to register or renew the registration of the name and requirements of any person seeking the registration or transfer of a tenancy of a house provided by the Corporation under Part V of the Act of 1957.

PART II  
—cont.

Protection of  
dangerous  
ponds and  
excavations.

58.—(1) Where there is on any land in the city a pond, well, mineshaft, quarry or other excavation which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a source of danger to children or other persons, the Corporation may pay, or contribute to the payment of any expenses incurred in the execution, by any person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger:

Provided that, in the case of any such excavation in respect of which any person may, under section 144 of the Act of 1959 or section 15 of the Mines and Quarries Act, 1954, be required to execute works to obviate the danger, the Corporation shall only pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such person to be required to bear the expense, or the whole of the expense (as the case may be) of executing such works.

1954 c. 70.

(2) If in the case of any such pond, well, mineshaft, quarry or excavation as aforesaid on any land in the city—

(a) the Corporation are unable, after making reasonable enquiry, to ascertain the name and address of the owner or occupier of the land; or

(b) the Corporation have, by notice given to the owner or occupier of the land, requested the execution of such works of repair, protection or enclosure as they may consider necessary to obviate the danger and, despite any offer made by the Corporation to pay or contribute to the payment of any expenses incurred by the owner or occupier in the execution of such works, the works are not executed within such reasonable time thereafter as may be necessary for the purpose;

the Corporation may, subject to the provisions of subsection (3) of this section, themselves execute such works.

In a case referred to in paragraph (b) of subsection (2) of this section, the Corporation propose themselves to execute such works on any land they shall, before carrying them out, serve notice on the owner or occupier of the land at the place where they propose to execute such works of the nature of the works proposed and the period, which shall be less than twenty-eight days, within which any appeal to the proposal may be sent in writing to the Corporation, including notice of the right of appeal under subsection (3) of this subsection.

PART II  
—cont.

(b) The Corporation shall consider any notice so sent to them by the owner or occupier of the land in the period so specified and give notice of their decision or objection to the person by whom it was made.

(c) If that person is aggrieved by the decision of the Corporation, he may, within twenty-one days after receiving notice of the decision, appeal to a magistrates' court, and the court shall have power to make such order in the matter as it considers reasonable.

(4) If in pursuance of subsection (2) of this section an order of a court made under paragraph (c) of subsection (2) of this section, the Corporation themselves execute works for the protection or enclosure on any land, they shall, unless otherwise agreed in writing between the Corporation and the owner or occupier of the land and unless otherwise provided by an order of the court, maintain those works.

(5) Paragraph (b) of subsection (2) of this section shall apply to any mineshaft vested in the National Coal Board.

Securing of  
unoccupied  
houses under  
Act of 1957.

59. (1) Where the Corporation have under section 25 of the Act of 1957 accepted an undertaking that a house or building used for a human habitation or where the Corporation

(a) by a closing order made under section 17, 18 or 19 of the Act of 1957 ordered any house or building or any part thereof, to be closed; or

(b) by a clearance order under section 44 of the Act of 1957 ordered any building, or any part thereof, to be demolished, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), is, or is unlikely to be, demolished within six months of the date when in pursuance of the order the premises are vacated;

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

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

1961 c. 64.

Amendment  
of section 90  
of Act of  
1949.

60. Section 90 (Treatment of contents of sewers) of the Act of 1949 shall have effect as if after the words "disposed of" there were inserted the words "any surplus materials and"

PART II  
---cont.

Provision of reciprocal services, etc., by Corporation and other local authorities.

61.—(1) For the better performance of their respective powers and duties, provision may be made by agreement between the Corporation and any other local authority for the taking by either party thereof of action of the following kinds:—

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

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

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

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

Power to advertise advantages of city.

(4) The Corporation may incur expenditure in advertising or making known the advantages, facilities and amenities or benefits afforded by the city for commerce and industry or tourism, centre, place of architectural, historical or cultural interest or day resort in any manner which the Corporation think fit and without prejudice to the generality of the foregoing of this section they may for that purpose—

(a) co-operate with any other organisation, company or person and

(b) employ such persons, firms or companies as they think fit.

Expenditure under this section shall be separate from, and shall not include, the expenditure, if any, of the Corporation under the Authorities (Publicity) Act, 1931, or the Health and Amenity Places Act, 1936, and shall not in any case exceed the equivalent of three times the product of the estimated for the purpose of section 12 of the Act of 1967.

1931 c. 17.  
1936 c. 48.  
1967 c. 9.

## PART III

## EDUCATIONAL SERVICES

Disposal of  
unsuitable  
specimens.

63.— (1) The Corporation may sell, lend, exchange or otherwise dispose of any specimen, work of art or document—

(a) vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation; or

(b) which has been in the custody of the Corporation for not less than three months after being left at any museum, art gallery, library or other building of the Corporation for the purpose of identification or otherwise and it is not proved to the reasonable satisfaction of the Corporation to belong to any claimant;

Provided that, in the case of any object to which paragraph (a) of this subsection applies, the powers of this subsection shall be subject to any express terms on which that object was placed in the custody of the Corporation.

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

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

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

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

(4) Any moneys received by the Corporation in the exercise of the powers of this section as respects any object which has become vested in the Corporation by virtue of a gift or bequest

1964 c. 75.

will be paid by them in the purchase of specimens, works of art, books or documents or paid into the art fund maintained by them under section 15 of the Public Libraries and Museums Act, 1964, except in a case in which such moneys exceed fifty pounds and are subject to a trust the terms of which prevent them being expended or paid.

Museum of science and technology.

(1) The Corporation and the university and any other bodies of the Corporation and any one or more of those bodies may by agreement provide or maintain or both provide and maintain a museum of science and technology (in this section referred to as "the science museum") and may employ such officers and servants and do all such things as may be necessary or expedient for or in connection with the provision or maintenance of the science museum.

(2) Without prejudice to the generality of the foregoing subsection, there may be provided in the science museum—

- (a) machinery, equipment, exhibits and things of scientific and technological interest; and
- (b) a planetarium.

(3) A museum shall be deemed to be a museum maintained by a local authority under section 12 of the Public Libraries and Museums Act, 1964, and sections 13, 15, 20 and 21 of that Act shall, with the necessary modifications, apply to such a museum.

(4) In connection with the science museum, provision may be made for—

- (a) the giving of lectures (including the giving of lectures in the museum or elsewhere), teaching and the provision of facilities for research;
- (b) the giving of information and advice and the publication of books, pamphlets, journals or other documents;
- (c) the acquisition by way of purchase or loan exhibits, specimens and other objects and the lending of the same to other museums;
- (d) the provision and maintenance (on payment or otherwise) of such facilities as may be expedient for the promotion and advancement of science and technology or scientific, technological or other research;
- (e) the provision of meals and refreshments and the making of such reasonable charges therefor;

(5) Nothing in paragraph (e) shall affect the provisions of the Licensing Act, 1964, by virtue of which a licence is required for the sale of liquor.



PART III  
— cont.

(5) The Corporation and the university and any other body with whom an agreement has been made under subsection (4) of this section may concur in appointing a joint committee to exercise of such of the functions under the preceding subsections of this section as may be agreed.

(6) An agreement entered into between the Corporation, the university and any other body under this section may provide —

- (a) that the Corporation shall provide or maintain a building for the science museum;
- (b) that a building provided or maintained by the Corporation for the purposes of this section shall, for such period and on such terms and conditions as may be specified in the agreement, be used jointly by the Corporation and the university and any such other body for the purposes;
- (c) for the making of contributions by the Corporation, the university and any such other body toward expenditure incurred in the provision and maintenance of any building as a science museum and any expenditure incurred for the purposes of this section;
- (d) for the constitution of a joint committee appointed under the last preceding subsection and the regulations made in pursuance of its proceedings.

(7) The Secretary of State may authorise the Corporation to purchase compulsorily any land which they require for the purposes of this section, and the Act of 1946 shall apply to this section were an enactment contained in a public general Act and in force immediately before the commencement of this Act.

(8) It shall be lawful for the Corporation to permit any person who is not an officer or servant of the Corporation but is employed in or in connection with the science museum to become a contributor to the superannuation fund of the Corporation as if he were an officer or servant of the Corporation.

(9) In this section "the university" means The University of Bradford.

Power to  
lend museum  
objects for  
educational  
purposes.

65. Any specimen, work of art or other object in the collection of the Corporation for the purposes of any museum provided for by this section may be used by them for educational purposes and may be lent to schools, colleges and other educational establishments or loaned to any such establishment for such purposes subject to such conditions as the Corporation may determine.

PART III  
—cont.

Provide art or the Corporation shall not apply to any specimen, work of art or the Corporation which has been left with the Corporation for identification or which has been lent to the Corporation on terms inconsistent with the powers of the Corporation under this section.

(1) The Corporation may use or allow to be used any part of the premises at the time required for the purpose of a public assembly for any of the following purposes, that

Use of Cartwright Hall.

- (a) the holding of an entertainment of any nature;
- (b) the holding of facilities for dancing.

(2) Nothing in this section shall—

(a) be taken to dispense with the consent of any Minister of the Crown to any appropriation, lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted; or

(b) require the provisions of any enactment by virtue of which a licence is required for the public performance of a play or the public exhibition of cinematograph films or for public music or dancing.

(3) Any provisions relating to a museum or art gallery of the Corporation shall not apply to any part of the premises which is used for any purpose other than as a museum or art gallery if that part is so used, except to such extent as they may be made to apply.

(4) In this section "the premises" means the premises in the Cartwright Hall.

(5) The Corporation may publish or contribute to the publication and sell or dispose of works of scholarship, periodicals, leaflets and documents of historical interest, having a local connection or relating to the Corporation.

Publication of bulletins, etc.

(6) This section shall affect the rights of any person at any time being relating to copyright.

(7) If any person takes part in any game of cricket, football, or any other such organised game, on any land or playground or playing field under the control of the Corporation as the local education authority, he shall be liable on summary conviction to a fine not exceeding

Unauthorised games on school playing fields.

PART III  
—cont.

Provided that no person shall be liable to any fine under this section unless it is proved that at the material time notices of the liability under this section were posted in a conspicuous position or near the boundary of the playground or playing field (as the case may be) as appear to the court to be proper.

(2) Any person found taking part in or causing or allowing other persons to take part in any such game as aforesaid on such playground or playing field without authority may be removed from the playground or playing field by a person duly authorised in that behalf by the Corporation.

1861 c. 97.

(3) Nothing in subsection (2) of this section shall be taken to affect the powers of the police or the powers of a justice of the peace or the Corporation or their servants under section 1 of the Malicious Damage Act, 1861.

1944 c. 31.

(4) In this section the expression "appropriate person" means the Corporation or such other person or persons as may be determined in accordance with the provisions of section 22 of the Education Act, 1944, entitled to control the occupation and use of the playground or playing field at the material time.

## PART IV

## MANAGEMENT

Delegation of  
powers to  
sub-  
committees.

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

(2) A sub-committee appointed under this section may include one or more persons who are not members of the council for regulating and controlling the finance of the council or of the city) may include persons who are not members of the council:

Provided that—

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

PART IV  
---cont.

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

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

Microfilming  
of documents.

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

provided that

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

1958 c. 51.  
1962 c. 56.

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

An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes a copy of that document.

Notwithstanding anything contained in any enactment or otherwise, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the town clerk certifies that—

(a) the document has been destroyed; and

(b) a microfilm recording of the document has been made;

and

(c) the enlargement is an enlargement of that microfilm recording.

This section unless the context otherwise requires—

(a) "document" means the whole or part of a register, plan or other document and includes a licence, certificate, scheme or order made, issued or granted by the council or any committee of the

PART IV  
—cont.

(b) "microfilm recording" means a reproduced document on film which is a product of photography or any process akin to photography and is in general legibility with the naked eye.

Destruction of documents connected with applications.

71. At any time after a period of six years from the receipt by the Corporation of an application made to them for a decision, determination, grant, consent, approval or permission, the Corporation may destroy documents received by them in connection with the application.

Provided that nothing in this section shall authorise the Corporation to destroy the application and a copy of any plans approved by them in connection therewith, together with any related certificate, consent, permit or other document pursuant to any enactment.

Power to change titles of officers.

72.—(1) Notwithstanding anything in Part IV of the Act of 1933, or in any other enactment, the council may from time to time by resolution determine that the office, style or title of an officer of the Corporation shall be that specified in the resolution instead of that specified in the Act of 1933 or in any other enactment and any thing done by an officer as holding the office in the style or title specified in the resolution, shall be as effectual for all purposes as it would have been had it been done by the officer in the office and holding the style or title specified in the Act of 1933.

(2) As from the date of the passing of any resolution of the council pursuant to subsection (1) of this section, any reference in any enactment or document to the office or title of an officer to whom the resolution applies shall be construed as if the office or title specified in the resolution were substituted for the office or title specified in that enactment or document.

Compensation for injury to or death of employees.

73.—(1) The Corporation may pay compensation—

- (a) to any of their employees who sustains an injury in the course of his employment; or
- (b) to a dependant of any of their employees who sustains an injury in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section shall be paid either—

- (a) by way of a lump sum; or

(b) by way of periodical payments of such amounts and payable at such times and for such periods as the Corporation may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an employee of the Corporation or his dependant may have against any person other than the Corporation or, except so far as may be agreed when the compensation is granted, against the Corporation.

74.—(1) The provisions of section 73 (Compensation for injury to or death of employees) of this Act shall extend so as to authorise in the case of a voluntary assistant) the Corporation (in the case of any other person to whom this section applies) with the consent of the Corporation the body by whom that person was employed to pay compensation to any person to whom this section applies, or to the widow or widower or child of any person.

Extension of section 73 to voluntary assistants, etc.

(2) This section applies to—

- (a) any voluntary assistant;
- (b) any person employed by the magistrates' court committee or the probation committee for the city;
- (c) any person employed by the managers or governors of any voluntary school in the city.

In this section "voluntary assistant" means a person who, at the request of the Corporation, or an authorised officer of the Corporation, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, any of the functions of the Corporation, and includes any officer or member of a voluntary organisation providing the city services or facilities of the kind provided by the Corporation in pursuance of their functions or to which the Corporation make any financial contribution.

The Corporation may provide and maintain or Recreational facilities for their employees, and other facilities for their employees.

For the purposes aforesaid, the Corporation may—  
recreate and maintain buildings:

PART IV  
—cont.

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

(c) make regulations for the management of such land.

(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, the Charity Commissioners or of the Secretary of State for Education and Science or (where the trust has no reserves to the donor or any other person that may vary the trust) without the consent of the donor or any other person; or

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

Certain remuneration and service excluded for superannuation purposes.

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

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

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

(c) as a civil defence instructor; or

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

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

PART IV  
—cont.

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

(3) Nothing in this section shall apply to any person who has paid any contribution or contributions to the superannuation fund maintained by the Corporation which would not have been so paid if this Act had been in force when such contribution or contributions were paid, if, before the passing of this Act, any sum or sums of value under the Local Government Superannuation Acts, 1937 to 1953, has been paid in respect of such contribution or contributions.

(1) Subject to the provisions of this section, the powers exercisable by the Corporation under the Act of 1961 to invest any property belonging to the wider-range part of the superannuation fund shall include power to invest such property in any manner which they think fit (and whether alone or in association with any other person) in the acquisition, development or management of land situated in the United Kingdom and used or to be used for any commercial or industrial purposes, but Part IV of the Act of 1961 shall not apply to any investment made under this subsection.

Investment of superannuation fund in acquisition, etc., of land.

Where the value of the investments of property for the wider-range part of the superannuation fund under the powers conferred by the foregoing subsection is equal to or greater than one-quarter of the total assets of the superannuation fund, no further investments shall be made thereunder.

For the purposes of the last foregoing subsection, the value of any property shall be deemed to be the value of that property at the time at which it was made.

Subsections (1) to (7) of section 6 of the Act of 1961 shall apply to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the Corporation of the powers conferred by section 6 of the Act to invest any property belonging to the wider-range superannuation fund in a manner specified in Schedule 1 to that Act.



PART IV  
— cont.

Further extension of power to invest superannuation fund moneys. 1937 c. 68.

78. (1) In its application to the investment by the Corporation under subsection (3) of section 21 of the Local Government Superannuation Act, 1937, of any moneys forming part of a superannuation fund not for the time being required to meet payments out of the superannuation fund, the Act of 1961 shall have effect as if—

(a) for paragraphs 3 and 4 of Part II of Schedule 1 of the said Act there were substituted the following paragraphs:—

“ 3. In fixed-interest securities issued by a public body, municipal or local authority, or any public body or nationalised industry or undertaking established within or outside the United Kingdom;—

4. In fixed-interest securities issued by the Government of any territory outside the United Kingdom;—

(b) for paragraph 6 of Part II of the said Schedule 1 there were substituted the following paragraph:—

“ 6. In debentures issued by a company registered in the United Kingdom or established under the law of any territory outside the United Kingdom;—

(c) in paragraph 9 of Part II of the said Schedule 1:—  
“ in the United Kingdom ”, where first occurring, be omitted and as if the following sub-paragraph were added at the end thereof:—

“ (g) any public, municipal or local authority established outside the United Kingdom;—

(d) the following paragraph were added at the end of the said Schedule 1:—

“ 4. In any securities issued in any of the territories within the meaning of section 1(1) of the Exchange Control Act, 1947, or in Canada, the United States of America, or in any of the following countries, namely, Austria, Belgium, Denmark, France, Holland, Italy, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland and West Germany.”;

(e) in paragraph 1 of Part IV of the said Schedule 1:—  
the word “ schedule ” there were inserted after the word “ other than those mentioned in paragraph 1 of Part III ”;

(f) the following paragraph were inserted after paragraph 1 of Part IV of the said Schedule 1:—

“ 2A. The securities mentioned in paragraph 1 of Part III of this Schedule do not include debenture stock not fully paid up (except debenture stock which, by the terms of issue, is required to be fully paid up within nine months of the date of issue).”;

1947 c. 14.

PART IV  
—cont.

(g) for sub-paragraph (a) of paragraph 3 of Part IV of the said Schedule 1, there were substituted the following sub-paragraph:

“(a) securities or debentures of a company of which the total issued and paid-up share capital is less than five hundred thousand pounds, or (as the case may be) an equivalent sum in any foreign currency in which such share capital is issued at the rate of exchange current at the time when the investment is made.”

(h) in sub-paragraph (b) of paragraph 3 of Part IV of the said Schedule 1, for the word “five” there were substituted the word “four” and as if at the end thereof there were added the words “or if the company has been incorporated or registered or has been trading for less than four years preceding the said calendar year unless the company has paid such a dividend for each of the years since incorporation or registration or commencement of trading, as the case may be.”

(j) Notwithstanding anything in the Act of 1961, the Corporation may invest any moneys referred to in subsection (1) of this section in any manner specified in Part III of Schedule 1 to that Act as amended by this section, and may also from time to time make any such investments:

provided that no such moneys as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said schedule as so amended exceeds three-quarters of the total value of the assets of the superannuation fund.

(k) For the purposes of subsection (2) of this section the value of any investment of moneys forming part of the superannuation fund shall be taken as being the value of the investment at the time when it was made.

(l) All costs, charges and expenses incurred by the Corporation in connection with the formation of the superannuation fund, or investment of moneys forming part of the superannuation fund, or in connection therewith, shall be paid by the Corporation out of the superannuation fund.

(m) The Corporation may lend money for a period not exceeding twelve months to any person on the security of—  
Temporary loans.

(n) The Corporation may invest trust money or moneys to bearer relating to any such stock; or  
(o) bills or bills issued by a local authority; or

PART IV  
— cont.

- (c) bills or bonds payable or guaranteed by the Corporation or secured upon the revenues of or local rates levied by any local authority in the United Kingdom to issue bills or bonds and in the securities of which the trustees are by law authorised to invest; or
- (d) any securities transferable by delivery issued or guaranteed by the government of any overseas territory or the Commonwealth in the securities of which the Corporation are by law authorised to invest.

(2) The aggregate amount of money lent under this section which is outstanding at any one time shall not exceed £100,000 pounds.

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

Lien over  
aircraft.

81.—(1) In this section “the joint committee” means the Leeds and Bradford Airport Joint Committee appointed under section 80 of the Corporation Act 1969, the lord mayor, aldermen and citizens of Leeds and the county council of the administrative county of the West Riding of Yorkshire under section 91 of the Act of 1969.

(2) In the case of default in the payment of any fees or charges payable to the joint committee by the operator of an aircraft using an airport or aerodrome forming part of the undertaking of the joint committee as from time to time determined by the joint committee or any person duly authorised by the joint committee in that behalf may take such steps as may be necessary to detain, pending payment, the aircraft in respect of which fees or charges were incurred, or any other aircraft of the same person in default is the operator at the time when the default begins.

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

(4) When for the purposes of this section an aircraft or any of its parts or accessories are sold, removed, destroyed or otherwise disposed of, the joint committee shall not be liable for loss of or damage to the aircraft, its parts or accessories or any property of the operator.

PART IV  
—cont.

in the aircraft, howsoever such loss or damage may arise, occurring while for those purposes the aircraft is on such airport or aerodrome or is in the course of landing or taking off at any such airport or aerodrome, or of being removed or dealt with elsewhere.

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

82.—(1) (a) Where the holder of an amount of any authorised security occupies an office or official position, his official description may be entered in the register in lieu of his name, and where in relation to an amount of an authorised security of any description any such official description is so entered, an instrument of transfer and an instrument containing directions with respect to the payment of interest on that amount shall if executed by the person for the time being occupying that office or position be as effectual as if his name were entered as the holder of that amount.

Designation of holders of authorised securities in register.

(b) The entry in the register of the official description of the holder of an office or official position shall not be deemed to constitute notice, express, implied or constructive, of the existence of any trust in connection with the authorised security to which it relates.

(2) Notwithstanding anything in subsection (1) of this section, the Corporation shall not be required—

(a) to enter in the register any designation or description which appears to them unreasonably long or elaborate;

OR

(b) to enter in the register both the name of a holder of an authorised security and any such official description as could under subsection (1) of this section be so entered in lieu of his name.

In this section, "register" means the register of authorised securities kept by or on behalf of the Corporation.

At any time after the Corporation have provided any essential equipment for the purposes of any of their bylaws, by agreement with any other person, use or let to any person to use the said equipment for the purposes mentioned, and they may make such charges as may be reasonable in respect of the said equipment.

Data processing equipment.

Notwithstanding anything in any enactment—

the Corporation shall have the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation.

As to grants of burial, etc.

PART IV  
--cont.

(b) any licence granted by the Corporation;

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

Collection and recovery of water rates and charges.

85. (1) Any water rate, rent or charge payable to the Corporation in respect of a supply of water to any premises demanded and collected together with the general rate, the same records may be used for the water rate, rent or charge as for the general rate.

(2) Notwithstanding the provisions of any other Act any water rate, rent or charge recoverable by the Corporation or a magistrates' court may (without prejudice to any other remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of enforcement as the general rate.

(3) There may be included in one and the same summons information, summons or warrant or in any schedule of two or more sums payable by any one person in respect of any water rate, rent or charge and general rate payable to the Corporation.

(4) Any summons relating to a sum due to the Corporation in respect of any water rate, rent or charge may be enforced by any warrant relating to a sum due to the Corporation in respect of any water rate, rent or charge may be directed against the persons as and executed in the same way as if it were in respect of the general rate.

(5) This section and sections 87 (Payments by consumers) and 88 (Communication pipes) of this Act shall be included among the enactments which may be cited as the Bradford Corporation Water Acts and Orders, 1969.

Transfer of land to University of Bradford.

86. (1) Where any land becomes vested in the University of Bradford by means of a compulsory purchase order made by the Corporation and confirmed by the Minister under the Act of 1940 or by subsection (3) of section 67 or subsection (3) of section 68 of the Act of 1962 and the land has become so vested in the University of Bradford for the purpose of securing its use by the university, the council of the Corporation may by a resolution transfer that land to the university, and upon the passing of such a resolution such land shall, without any conveyance or other instrument, be transferred to and vested in the university for the objects and purposes of the university.

(2) In this section "the university" means The University of Bradford.

PART V

MUNICIPAL UNDERTAKINGS

37. Where the Corporation supply water by meter for purposes other than domestic purposes to consumers of not less than 10 and one-quarter million gallons per quarter, they may, notwithstanding anything in any enactment or in any agreement, require that the water taken by all such consumers shall be paid monthly and where the Corporation have made such a requirement any meter reading taken within seven days before or after the end of a month shall be deemed to be taken on the last day of the month.

Payments by certain large consumers.

(1) Section 41 of the Third Schedule in its application to water undertaking of the Corporation shall have effect as if—

Communication pipes.

for subsection (3) there were substituted the following subsection:

(3) The undertakers may make reasonable charges for executing the work which they are required or authorised by this section to execute and such charges shall be paid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt:

Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe, they shall not make any charge in respect of the additional cost incurred in laying a main instead of that part of a service pipe";

(b) in subsection (4), for the word "expenses" in both places where that word occurs there shall be substituted the word "charges".

So much of Schedule 2 to the Bradford Water Order, 1968, as relates to section (3) of section 41 of the Third Schedule, as applied to the water undertaking of the Corporation, is hereby amended as follows.

(1) An officer of the Corporation authorised in writing may on giving (except in a case of emergency) 24 hours' notice to the secretary of a club registered under the Licensing Act, 1964, on production of a warrant enter and inspect as regards any matter affecting premises occupied by the club at any reasonable time as may be specified in the notice.

Fire precautions in registered clubs. 1964 c. 26.

(2) A person obstructing an officer of the Corporation in the exercise of the power conferred by this section shall be liable to a fine of twenty pounds.

PART V  
—cont.

1968 c. 65.

Prescription  
of signs, etc.,  
to be used on  
certain  
buildings.

(3) Nothing in this section shall apply to any premises by a club licensed under the Gaming Act, 1968.

90. (1) The Corporation may in relation to a building likely to involve special hazard to persons engaged in the duties of fire-fighting—

(a) prescribe standard uniform signs or symbols or notices in a form approved by the Secretary, clearly indicating the nature of the substance and the existence of danger to persons so engaged;

(b) by notice require the occupier of any part of a building used for the manufacture or storage of any substance to affix, within such reasonable time as is specified in the notice, and thereafter keep fixed in one or more positions in or on the part of a building used for such manufacture or storage, any sign, symbol or notice.

(2) Any person who fails to comply with the notice given by the Corporation under this section shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

Parts of  
buildings used  
for storage of  
flammable  
substances.

91. (1) This section applies to—

(a) any building of which part (hereafter referred to as "the storage part of the building") is or intended to be used, for the storage for sale or trade of any substance to which this section applies and part is used, or intended to be used, as a habitable room or a place in which any person works, if the part used, or intended to be used, as a habitable room or a place in which a person works, is directly or indirectly with, or is adjacent to, another room or a place in which a person works, situated at a higher level than, the storage part of the building;

(b) any substance which is highly flammable.

Provided that this section shall not apply to any building in which no substance to which this section applies is stored, than—

(i) one or more of the substances to which this section applies of the Petroleum (Consolidation) Act, 1928, or of the Celluloid and Cinematograph Film Act, 1929;

(ii) any substance which does not, when tested in accordance with the method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 100 degrees Fahrenheit (27 degrees Centigrade) and which is stored in securely closed metal containers in a building and containing not more than five gallons.

1928 c. 32.

1922 c. 35.

(iii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in unbreakable or glazed earthenware vessels securely stoppered, and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

(2) If the Corporation are of the opinion that the storage for the purposes of sale or trade of any substances to which this section applies in any part of a building to which this section applies in the city is

(a) in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

(b) in such manner as to be liable to cause fire or explosion;

they may by notice require the occupier of any part of the building to provide (if that is the case may be) within such reasonable period as may be specified in the notice—

(i) appropriate means of giving warning, in the case of fire, to persons occupying the building and for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building, being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building; and to place notices on the storage part of the building indicating the presence of danger from fire.

The occupier of any building who—

(a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a notice given by the Corporation under subsection (2) of this section; or

considers that the owner of the building, or any other person having an interest therein, should contribute towards the cost of the execution of works as aforesaid, is unable to agree with the owner or such other person whether such a contribution should be made and the amount thereof;

he may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying



PART V  
—cont.

with the notice or, as the case may be, to direct the building, or any other person who appears to the court to have an interest therein, to contribute towards the cost of such works as aforesaid such an amount as appears to the court, having regard to the circumstances of the case, to be fair and reasonable. The court may on such application make an order in respect of both of the matters aforesaid accordingly.

(4) Upon compliance with a notice under subsection (1) of this section the Corporation shall forthwith issue to the person to whom the notice was given a certificate of such compliance.

(5) (a) If, after a certificate of compliance with a notice under subsection (2) of this section has been granted by the Corporation,

- (i) any material extension or material structural alteration of the building to which the certificate relates is made; or
- (ii) it is intended materially to increase the storage in the said building of any substance to which the certificate applies;

the occupier of any part of the building shall not less than one day before any such extension or alteration is made or such storage is increased give notice of such intention to the Corporation who may serve a further notice varying or amending any requirement made under subsection (2) of this section in respect of the building.

(b) Upon compliance being made with such varied notice the Corporation shall amend the certificate or grant a new certificate in respect of the building, but if anything is done in accordance with a further notice served under subsection (5) of this section is not provided within such reasonable time as is specified in the notice, the Corporation may amend or revoke the certificate previously granted in respect of the building.

(6) All means of escape, fire alarms and means of extinguishing fire provided or fitted (as the case may be) under the provisions of sub-paragraphs (i) and (ii) of paragraph (b) of subsection (5) of this section shall be properly maintained and kept free from obstruction.

(7) For the purposes of paragraph (a) of subsection (5) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(8) (a) An authorised officer of the Corporation may, in pursuance of powers conferred by the said section 287, purchase and install any

any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any test of a sample taken by an authorised officer of the Corporation by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (9) of this section, unless the following requirements have been complied with, that is to say, the said officer shall forthwith after taking the sample notify the occupier of the building of his intention to have it tested and shall thereupon then divide the sample into three parts, shall cause each part to be placed in a suitable container, which shall be sealed up and marked, and shall—

- (i) deliver one part to the occupier of the building;
- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.

(9) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation of a requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified by the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the notice is not reasonably sufficient for the purpose of complying with the requirements in the notice.

(b) Any person aggrieved by the refusal of the Corporation to issue or amend a certificate under this section or by the cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

Any person who contravenes the provisions of this section or any requirement of the Corporation made thereunder he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

In this section "building" where used in relation to the storage of substances therein includes the curtilage of the building, and "room" includes a room or place to which the public is not generally admitted.

Provisions of this section shall apply to premises which are subject to the provisions of the Factories Act, 1961, the Offices, Shops and Railway Premises Act, 1963, the Licensing Act, 1964, or the Private Places (Licensing) Act, 1967, or regulations made under the Factories Act, 1961, the Offices, Shops and Railway Premises Act, 1963, the Licensing Act, 1964, or the Private Places (Licensing) Act, 1967, or regulations made under

1961 c. 34.  
1963 c. 41.  
1964 c. 26.  
1967 c. 19.

PART V  
—cont.  
Firemen's  
switches for  
luminous  
tube signs.

92. (1) This section applies to apparatus of luminous tube signs designed to work at a voltage exceeding 650 volts or other equipment so designed, transformers required to raise the voltage so as to supply such signs or equipment, not being apparatus which is installed in a building and is attended while in operation.

(2) As from the appointed day apparatus in the case of which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer; and the switch shall be placed, and coloured or otherwise marked, as to the position, and reasonable requirements as the Corporation may impose, so that it shall be readily accessible to, and recognisable by, the firemen.

(3) Not less than fourteen days before work is begun on apparatus to which this section applies, the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies is not installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is to be coloured or otherwise marked;

(b) in the case of apparatus not already provided with a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Corporation by the consumer by subsection (3) or subsection (4) of this section, the position, or, as the case may be, actual, position, colouring of the cut-off switch shall be deemed to satisfy the requirements of this section unless, within ten days from the date of the giving of the notice, the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the requirements of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of this section if the Corporation are so satisfied.

(7) A person aggrieved by a counter-notice served on him by the Corporation under subsection (5) of this section may apply to a magistrates' court; and the court, if it allows the application, may order the cancellation of the counter-notice.

PART V  
—cont.

(8) The owner or the occupier of premises where apparatus installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding ten pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations, 1937, or any regulations that may be made under section 60 of the Electricity Act, 1947 c. 54.

(12) This section shall not apply to apparatus installed on or premises or any part of premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force.

Provided that where any luminous tube sign to which, but by this subsection, subsection (1) of this section would apply is proposed to be fitted on or in any such premises, the owner or occupier thereof shall, before such apparatus is fitted, give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

Section 61 of the Bradford Corporation (Various Powers) Act, 1887, shall have effect as if the words from "but no such tolls" to the end of the section were omitted therefrom.

Amendment of section 6 of Bradford Corporation (Various Powers) Act, 1887. 1887 c. cxxxii.

PART VI

SOCIAL SERVICES

(1) Where an occupied house in the city has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a supply pipe (being a supply pipe which is laid in a highway) or the absence of the supply of water through that pipe or the absence or defective state of any fittings, the Corporation may, without notice or proceedings which they may take under any enactment, repair or renew the pipe or execute such other work or repair such fittings and do such other things (including the making of any payment) as they may consider

Supply of water to premises where supply cut off.

PART VI  
— cont.

necessary to secure that the supply of water to be restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether or not any part of the expenses should instead of being recovered from the person from whom they are sought to be recovered be recovered from the occupier of the premises in respect of which they were incurred, and the court may make such order as appears to it to be just in the circumstances of the case with respect to the payment of either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between two or more persons of their liability to bear the expenses:

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

(3) (a) Where two or more houses in the occupation of different persons, being houses supplied with water by a main pipe belonging to the owners or occupiers of those houses, or any of them, have ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the bursting of the supply pipe (not being a supply pipe which is situated on a highway) or the cutting off of the supply of water to the main pipe, the Corporation may give notice to the owners or occupiers of them within such reasonable period as may be stated in the notice to repair or renew the pipe or execute any other works necessary to secure that the supply of water to any of the houses is restored:

Provided that if after reasonable enquiry the Corporation is unable to ascertain the addresses of the owners, the Corporation may, if they think fit, repair or renew the pipe or execute any other works as aforesaid and may recover any expenses incurred by them in so doing from the owners or occupiers of the houses in such proportions as may be determined by arbitration or in the case of dispute by a magistrates' court.

(b) The provisions of section 290 of the Act of 1963 shall apply in relation to notices given under this subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(c) Nothing done under this subsection shall prejudice the rights and obligations as between themselves of the owners or occupiers of any house.

PART VI  
—cont.

(4) The powers and functions of the Corporation under the foregoing provisions of this section may be exercised by the medical officer or the public health inspector.

(5) The Corporation may if they think fit themselves bear the whole or any part of any expenses recoverable by the Corporation under this section.

95.—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke, gas or vapour from a chimney, flue or pipe of a building or structure forming part of, or within the curtilage of, a house in the city is prejudicial to the health of any of the inhabitants of the city, or a nuisance, the court may make an order requiring the owner of the chimney, flue or pipe, within such time as may be specified in the order—

Power to order alteration of domestic chimneys.

(a) to cause it to be raised to a height so specified; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding fifty pounds or such greater sum as the Minister may from time to time approve.

(2) If any person fails to comply with an order made under this section, he shall be liable to a fine not exceeding fifty pounds, or to a daily fine not exceeding five pounds.

Section 301 of the Act of 1936 shall apply to an order made under this section as if it were an order under the Act of 1936.

(1) As from the appointed day a person shall not carry on the business of a person who tattoos or offers to tattoo members of the public in the city on premises occupied by him unless he is registered by the Corporation under this section and the premises are registered.

Registration of tattooists.

(2) On application in that behalf made to the Corporation by a person for registration of the applicant or of any premises to which the application relates to premises) on his furnishing them with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

(3) The Corporation may make byelaws for the purpose of

regulating the cleanliness of premises registered under this section and the instruments, towels, materials and equipment used therein; and

PART VI  
—cont.

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) If any person carries on business in contravention of section (1) of this section he shall be liable to a fine of not more than twenty pounds and a daily fine not exceeding five pounds.

(5) If any person contravenes any byelaw made under section (3) of this section he shall be liable to a fine of not more than five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine impose a suspension or cancellation of his registration and of the registration of the premises in which the offence was committed and occupied by him.

1952 c. 55.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by section 84 of the Magistrates' Courts Act, 1952, for the period of appeal to quarter sessions have expired:

Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall continue in force until the appeal is finally determined or abandoned.

(7) Where the registration of any person is cancelled by the order of a court under subsection (5) of this section—

(a) he shall within seven days deliver up to the court by which the cancelled certificates of registration were issued the certificates; and if he fails to do so he shall be liable to a fine not exceeding ten pounds, ten shillings and a daily fine not exceeding ten shillings;

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

(8) The occupier of premises registered under this section shall keep a copy of the said byelaws and of the certificates of registration displayed in the premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(9) Where an offence under this section committed by a body corporate is proved to have been committed by any person, or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other 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.

(10) For the purposes of paragraph (a) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

97.—(1) In this section "entertainment club" means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of entertainment by the playing of games in any premises.

(2) Subject to the provisions of subsection (13) of this section, and after the appointed day—

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

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

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

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

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

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

(4) Registrations made under this section shall, unless revoked, remain in force for a period not exceeding thirteen months as may be determined by the Corporation.

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

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

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

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



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—cont.

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

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

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

(b) Any person who contravenes a condition imposed by this subsection shall be liable to a fine not exceeding £500.

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

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

(11) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

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

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

- (i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described or any building to which paragraph (a) of section 71 of the Act of 1936 applies; or
- (ii) a private house or private flat; or
- (iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act, 1964; 1964 c. 26. or
- (iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or any branch of such organisation; or
- (v) any premises in respect of which there is in force for the time being a licence granted under the Private Places of Entertainment (Licensing) Act, 1967; or
- (vi) any premises which are used as a canteen forming part of a factory or office which is subject to the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963. 1967 c. 19. 1961 c. 34. 1963 c. 41.

(b) Nothing in this section shall apply to—

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

1960 c. 53. 1937 c. 46.

- (i) playing games, played on a playing field held with those premises;
- (ii) using a gymnasium or swimming bath;
- (iii) playing badminton, laces, racquets, squash, snooker, bowling, billiards, chess, dominoes, bridge, or any game similar to any of those games;
- (iv) any game licensed under the Gaming Act, 1968.

1968 c. 65.

- (vi) this section shall apply to any premises in respect of which a licence is for the time being in force for—
- (i) the performance of plays; or
- (ii) music or dancing or other entertainment of the kind specified in paragraph (a) of section 2 of the Act of 1936; or
- (iii) a cinematograph exhibition;

PART VI  
—cont.

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

Misleading  
signs on  
motor  
vehicles.

1962 c. 13.

98.—(1) If in the city any person exhibits or causes to be exhibited on any vehicle (not being a hackney carriage or a public service vehicle) any sign or advertisement which might be taken to indicate that the vehicle is a hackney carriage or a public service vehicle, he shall be liable to a fine not exceeding £5.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, if in the city any person causes to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) any advertisement containing the words "cab", "taxi" or "for hire", he shall be deemed to have contravened the provisions of that subsection.

Fixing of  
fares for  
hackney  
carriages.

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

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

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days commencing from the date of the first publication thereof be deposited at the office of the town clerk and shall at all reasonable hours be open to public inspection without payment.

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

(4) If objection duly made as aforesaid and is not withdrawn, the table of fares shall be of no effect unless and until it is confirmed by the Secretary of State and before confirming a table of fares the Secretary of State may, if he thinks fit, cause a local inquiry to be held into the same and, after considering the report of the person who held the inquiry, may confirm the table of fares with or without modification.

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

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

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

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

(2) Before appointing any stand for hackney carriages in exercise of the powers of this section, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the city and shall take into consideration any objections or representations in respect of such proposal which are made to them in writing within twenty-eight days of the publication of such notice.

Nothing in this section shall empower the Corporation to situate any such stand so as unreasonably to prevent access to any premises at any station of the railways board except with the consent of the board.

Any byelaws made by the Corporation before the passing of this Act for fixing stands of hackney carriages under section 68 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

101.—(1) The provisions of the Act of 1868 for regulating public Stands for Hackney Carriages, in so far as they relate to the Bradford Waterworks and Improvement Act, 1868, shall be deemed to have been repealed, but any stands for hackney carriages appointed under the provisions of that section shall be deemed to have been appointed under this section.

## PART VI

— cont.

- Prohibition of other vehicles on hackney carriage stands.
101. (1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed to have been appointed by the Corporation under the provisions of section 100 (Stands for hackney carriages).
- (2) If any person contravenes the provisions of this section he shall be liable in the case of a first conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.
- Recovery of costs of inspection.
102. The cost not exceeding forty shillings for inspection by the Corporation in carrying out inspections of vehicles for the purpose of determining whether licences should be granted under the Act of 1847 shall, if the council so resolve, be recoverable from the proprietors thereof.
- Suspension and revocation of proprietor's licences.
103. (1) Notwithstanding anything in the Act of 1847 the Corporation may suspend the licence of a proprietor of a hackney carriage on the ground of the unfitness of the hackney carriage or may suspend or revoke such licence for any other cause, and where the Corporation suspend or revoke a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been so suspended or revoked.
- (2) Any such proprietor aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a magistrates' court.
- Suspension and revocation of driver's licences.
104. (1) Notwithstanding anything in the Act of 1847 the Corporation may suspend or revoke the licence of a driver of a hackney carriage on the ground that he has since the issue of the licence been convicted of an offence involving indecency or violence or for any other reasonable cause.
- (2) Any such driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a magistrates' court.
- Age limit for drivers.
105. Notwithstanding anything in the Act of 1847 the Corporation shall not grant a licence to act as a driver of a hackney carriage to any person under the age of twenty-one years.
- Fitness of drivers.
106. The Corporation may require any applicant for a licence to drive a hackney carriage—
- (a) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to drive a hackney carriage; and

(b) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage.

107. Any person who, within the prescribed distance, on completion of the hire of a hackney carriage licensed by the Corporation under the Act of 1847, refuses or neglects to pay any fare lawfully due from him shall be liable on summary conviction to a fine not exceeding ten pounds. Penalty on persons refusing to pay fare, etc.

108. The powers of the Corporation under section 68 of the Act of 1847 shall extend so as to enable them to make byelaws — Extension of section 68 of Act of 1847.

(a) for regulating the conduct of passengers in hackney carriages;

(b) for the examination and inspection of hackney carriages at such times and places as may be prescribed by such byelaws;

(c) for the examination and inspection of taximeters or other similar apparatus used or intended to be used in hackney carriages at such times and places as may be prescribed by such byelaws;

(d) for prescribing the signs to be exhibited on hackney carriages;

(e) for the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages;

(f) for the furnishing by the owner of every hackney carriage to an authorised officer or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such hackney carriage at any specified time within seven days prior to such request being made.

(1) The Corporation may agree with any person, in consideration of the payment of a sum by him, to maintain, for a period by the agreement or in perpetuity, a grave or tomb in a burial ground or crematorium provided by the Corporation. Agreements to maintain graves and tombstones.

In this section "burial ground" includes a cemetery;

"grave" includes a grave space, niche or urn;

"tomb" includes a monument or other memorial of a deceased person.

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— cont.

Extension of  
power to  
maintain  
burial grounds.

110.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power

- (a) to put, and keep, in order any memorial thereon;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial thereon;
- (d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (a), (b) or (d) of the foregoing subsection the Corporation shall

- (a) publish a notice of their intention to do so in two issues of two successive weeks in a local newspaper circulating in the city, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such person, can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall not be earlier than the fourteenth day after the date of the later of the two publications, or the twenty-first day after the date on which the notice is first displayed, or, where a notice is required to be served, than the twenty-first day after the date of service, whichever is the latest; and
- (c) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and a notice of withdrawal thereof, is given to the Corporation before the date specified in paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Minister, and the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, if it is claimed and removed by the person claiming it, or by a person acting on his behalf within three months after the date

earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section the Corporation may erect at their own expense, in substitution, a memorial of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) (a) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject to obtain for any work a faculty or licence of a consistory court.

(b) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such a faculty or licence was obtained.

Definitions in this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“memorial” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, path or railing protecting, enclosing or marking a grave or memorial.

(9) The Corporation, for the purpose of ascertaining whether or not an offence has been committed under section 1 of the Caravan Sites and Control of Development Act, 1960, may, if so directed by the town clerk, require the owner of any land in the city on which a caravan is stationed, or any person who, either directly or indirectly, receives information about such land, to state in writing the name and address of the owner of such land, and any person who, having been required by the Corporation in pursuance of this section to give that information, wilfully fails to give that information within the period of days of being so required, or knowingly gives false information in respect thereof, shall be liable on conviction to a fine not exceeding five pounds.

As to occupiers of land on which caravans are stationed.  
1960 c. 62.



PART VI  
cont.

Repeal of section 27 of Bradford Waterworks and Improvement Act, 1875. 1875 c. lxxx.

Amendment of section 43 of Bradford Corporation Act, 1866. 1866 c. cxxvii.

Extension of section 48 of National Assistance Act, 1948. 1948 c. 29.

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

(2) In this section—

“caravan” has the meaning assigned to it by section 29 of the said Act;

“occupier” has the meaning assigned to it by section 1 of the said Act.

112. Section 27 (Certificate for habitation of dwellings) of the Bradford Waterworks and Improvement Act, 1875, is hereby repealed.

113. (1) Section 43 (Power to Corporation to grant licence to sell marketable Articles out of Market Place) of the Bradford Corporation Act, 1866, shall have effect as if for the words “one penny shillings” there were substituted the words “one penny”.

(2) Section 53 (Increase of fees for licences to sell articles out of market place) of the Act of 1949 is hereby repealed.

114. The provisions of section 48 of the National Assistance Act, 1948, in its application to the Corporation shall be amended so as to enable the Corporation to take reasonable steps to mitigate damage to a house of which a person has been removed as mentioned in subsection (1) of that section and which was his place of residence or usual place of residence immediately before such admission or removal, by giving the Corporation power the Corporation to enter any such house at all reasonable times for the purpose of taking such action as may be necessary to prevent or mitigate damage thereto, and to enable the Corporation to recover any reasonable expenses incurred by them for this purpose:

Provided that the Corporation shall not incur any expenses for the purpose of preventing or mitigating damage to a house under the provisions of the said section 48 without the consent of the person admitted or removed as aforesaid, unless such consent cannot reasonably be obtained.

115. (1) The Corporation may pay to any of its officers or other persons who act in any of the following capacities—

- (a) as the receiver appointed by an order made 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 administrator of the Corporation;
- (c) as a surety to a bond required by law to be given by him acting in accordance with paragraph (a) of subsection (1) of that section;

the amount of any sum forfeited by him to the principal probate registrar or the amount of any sum paid by him to the principal probate registrar in respect of any such bond.

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.

116.—(1) Where the Corporation are of the opinion that, by reason of damage caused thereto or as the result of unlawful breaking and entering or breaking out or attempted breaking and entering or breaking out, any house or building in the city is not effectively secured so as to prevent unlawful entry, they may themselves do such things in relation to the house or building as are reasonably required effectively to secure it against such entry and may recover from the owner or occupier thereof any reasonable expenses incurred by them in so doing:

Protection of property broken into, etc.

Provided that the Corporation shall not exercise their powers under this section without the consent of the owner or occupier of the house or building unless his identity or whereabouts cannot be ascertained after reasonable enquiry.

The Corporation may delegate their powers under this section to the police authority with or without restrictions or conditions.

The provisions of the enactments specified in column (1) of Schedule 1 to this Act shall have effect as if the maximum fines which may be imposed on summary conviction of an offence specified in that enactment were a fine not exceeding the amount specified in column (2) of that schedule instead of a fine of or not exceeding the amount specified in column (3) of that schedule.

(1) Where several premises in the occupation of different persons are drained by means of a private sewer belonging to the owner or occupiers of those premises; and it appears to the medical officer or the public health officer that the sewer is obstructed; notice in writing require the persons concerned to remedy the defect within forty-eight hours from the service of the notice.

Further power to remedy obstructed private sewers.

If no notice is not complied with, the Corporation may do all the work necessary to remedy the defect in accordance with the provisions of subsection (3) of this section, and the Corporation may recover from the persons concerned such expenses as they may determine.

PART VI  
—cont.

(3) In proceedings to recover expenses under this section the court may inquire whether any requirement contained in an order served under this section was reasonable and whether the contribution by the Corporation was fair, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise an order unless it is satisfied that all persons affected thereby have had notice of the proceedings and an opportunity of being heard.

(4) In this section "persons concerned" means, in relation to a private sewer which is obstructed, the owner or occupier of the premises on which the sewer is situated at the point where the obstruction occurs and the owner or occupier of any premises drained by means of that sewer if the point where surface water and surface water are discharged from those premises to the sewer is situated at a level which is higher than that of the said point of obstruction.

(5) The provisions of this section shall be without prejudice to section 39 of the Act of 1936 and section 17 of the Public Health Act, 1961.

1961 c. 64.

## PART VII

## MISCELLANEOUS AND GENERAL

Power to borrow.

119.—(1) The Corporation may borrow—

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

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

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

(3) It shall not be lawful to exercise the power conferred by paragraph (a) of subsection (1) of this section in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1968.

1946 c. 58.

Power to require information as to ownership of premises.

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

- (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 2 to this Act; and
- (d) any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within or without the city;

require—

- (i) the occupier and any person having an interest in any premises within or without the city, 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 within or without the city 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.

(2) Any person who, having been required by the Corporation pursuant of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding ten 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.

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

11. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State, except that in the case of byelaws made under section 10 (Registration of tattooists) of this Act the confirming authority shall be the Minister.

Confirming  
authority for  
byelaws.

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

Local  
inquiries.

PART VII  
—cont.

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

Appeals.

123. (1) Section 300 of the Act of 1936 shall apply to a magistrates' court under this 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 or the taking of any action; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use any premises for any purpose for which they were lawfully used at that time;

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

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

The appointed day.

124. (1) In this Act " the appointed day " means the day as may be fixed by resolution of the council, subject to the provisions of this section, in accordance with the provisions of this section.

(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 newspaper circulating in the city notice—

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

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

(4) Either

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

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

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such period as is provided under subsection (2) of section 123 (appeals) of this Act.

125. The written consent of the Attorney General shall be a requisite for the taking of proceedings in respect of an offence on right to be exercised by or under this Act by any person other than a party prosecuted or the Corporation.

126.—(1) The sections of the Act of 1936 mentioned in Part I of schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act. Application of general provisions of Act of 1936.

The sections of the Act of 1936 mentioned in Part II of said schedule shall have effect as if references therein to that Act included references to Part II (City development) of this Act also to section 95 (Power to order alteration of domestic premises) and section 118 (Further power to remedy obstructed drainage) of this Act.

The sections of the Act of 1936 mentioned in Part III of said schedule shall have effect as if references therein to that Act included references to section 37 (Underground parking), section 38 (Further provision as to underground parking), section 39 (Oil-fired boilers), section 42 (Fire precautions in large buildings), section 45 (Preventing fire in public buildings), section 58 (Protection of dangerous ponds and excavations), section 59 (Securing of unoccupied houses

PART VII  
—cont.

under Act of 1957), section 90 (Prescription of signs used on certain buildings), section 91 (Parts of buildings for storage of flammable substances), section 92 (Switches for luminous tube signs), section 94 (Supply to premises where supply cut off), section 96 (Regulation of tattooists), section 97 (Entertainment clubs) and section 98 (Further power to remedy obstructed private sewers).

(4) The sections of the Act of 1936 mentioned in the said schedule shall have effect as if references to that Act included references to section 11 (Access to premises), section 13 (Enforcement of improvement line), section 14 (Prohibition of building until street defined), section 15 (Dangerous containers), section 94 (Supply of water to premises where supply cut off), section 116 (Protection of premises from fire, etc.) and section 118 (Further power to remedy obstructed private sewers) of this Act.

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

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

Arbitration.

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

For protection of Commonwealth War Graves Commission.

129. (1) In this section —

“ the Commission ” means the Commonwealth War Graves Commission;

“ Commonwealth war burial ” means a burial of a woman or man of the naval, military or air forces of the Commonwealth who has fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 110 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated Commonwealth war graves relating to the war of 1914 to 1921 or the war of 1939 to 1947, the Corporation shall —

(a) not later than the date upon which such notice is published in a newspaper circulating in the area, send upon the Commission a copy of any notice or report which the Corporation are required to publish pursuant to section 110;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 110;

and in any such case shall have due regard to any written representations made by the Commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not in pursuance of the powers of the said section 110 remove any memorial placed or erected over any Commonwealth war grave unless they have first given the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:

(a) that no other memorial shall be placed or erected over such grave;

(b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;

that in the case of any headstone placed or erected by the Commission over any such grave such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

A Commonwealth war burial would be affected by a notice given by the Minister under subsection (4) of the said section 110.

The Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Commission in writing of such reference and the Minister shall consider any representations submitted to him by the Commission within a period of 14 days from the date of reference to the Minister.

For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

For protection of certain statutory undertakers.

These provisions, unless the subject or context otherwise indicates, shall apply to the Corporation.

"Electric lines" means—

any electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to the Corporation.

1882 c. 56.



PART VII  
— cont.

to or maintained by the generating electricity board;

(b) mains, pipes or other apparatus or maintained by the gas board or the Corporation and includes any works for the laying of apparatus;

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

“ the undertakers ” means the generating electricity board, the gas board, the Corporation Council, or any of them, as the case may be;

- (2) Notwithstanding anything in section 12 (A) (Boundaries of estates in connection with this Act, the undertakers shall not, under the provisions of that section, be required to adjust the boundaries of or exchange any operational land with their consent, which shall not be unreasonably withheld and any difference as to whether consent is withheld unreasonably shall be determined by arbitration under subsection (4) of that section);
- (3) Nothing in section 13 (Enforcement of bye-laws) of this Act shall apply to any building or structure of the undertakers which is used by them in connection with the manufacture, distribution or use of gas or for the generation, transformation, distribution or regulation of electricity, if the consent of the undertakers which consent is unreasonably withheld;
- (4) For the purposes of section 15 (Prohibition of occupation until street defined) of this Act, land shall be deemed to be occupied in connection with a building if there is only of the existence of apparatus in connection with the building;
- (5) Nothing in the said section 15 shall prevent the undertakers from erecting apparatus (including a substation, a feeder pillar or a meter) or a temporary structure required in connection with the laying or maintenance of apparatus for their undertaking on land abutting on a new street before such new street is defined;
- (6) Before the Corporation grant any licence under section 22 (Licence to erect scaffolding) of this Act they shall, except in a case of emergency, give notice of their intention to do so to all persons who appear to them to be concerned and such licence shall contain such reasonable

as the undertakers may, within the period of seven days after the giving of such notice to them, require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers for the protection of apparatus or for securing access thereto:

(7) Nothing in section 24 (Retaining walls) of this Act shall apply to any retaining wall erected on operational land of the undertakers:

(8) Nothing in section 26 (Decorations in streets) of this Act shall relieve the Corporation or any person acting with the consent of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said section, and the said powers shall be so exercised as not to render less convenient, so far as is reasonably practicable, the access to any apparatus or operational land:

(9) Nothing in section 33 (Prohibition of vehicles on grass verges, etc.) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that, in exercising such rights, the undertakers shall not cause or permit, except in the case of necessity, vehicles to enter upon any such grass verge or space which is maintained in an ornamental condition or as a part of any garden:

(10) (a) Before the Corporation themselves do anything in relation to a house or building under subsection (1) of section 59 (Securing of unoccupied houses under Act of 1957) of this Act for the purpose of securing the premises against entry they shall give to the undertakers not less than seven days' notice of their intention to do so:

(b) Nothing in the said section 59 shall prejudice the right of the undertakers to enter upon any premises in exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation of liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises secured under the said section 59 shall ensure that the premises are not left less secure by reason of the entry:

(11) Nothing in section 91 (Parts of buildings used for storage of flammable substances) of this Act shall apply

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cont.

to any building, or part of a building, by that part of that building is used, or intended to be used, to contain a pressure governor, meter or other apparatus for the supply of gas:

- (12) (a) Except as provided in subsection (2) of this section any difference which may arise between the undertakers and the undertakers under this section (or any difference as to the meaning or construction of this section) shall be determined by arbitration.
- (b) In determining any difference under this section an arbitrator shall have regard to any duty which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the undertakers to execute any temporary or other works which may be necessary to avoid, so far as may be reasonably possible, any interference with any purposes for which the apparatus is used.

## Costs of Act.

131. All the costs, charges and expenses preliminary to and incidental to, the preparation of and the application for and the obtaining and passing of, this Act or otherwise in connection thereto, as taxed by the taxing officer of the House of Commons of the House of Commons, shall be paid by the undertakers out of the general rate fund or out of moneys to be raised under this Act for that purpose.

## SCHEDULES

## SCHEDULE 1

Section 117.

## INCREASE OF FINES

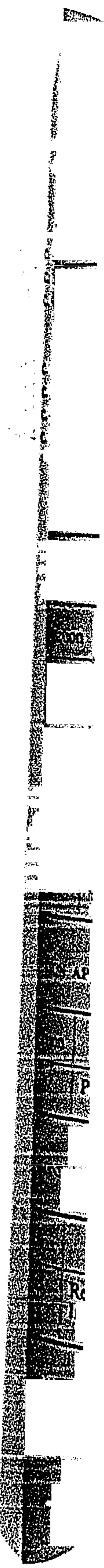
(1) Enactment	(2) Old maximum fine	(3) New maximum fine	
Bradford Corporation Act, 1866 — section 4: (Penalty for selling without licence marketable Articles out of Market Place) ...	£2	£10	1866 c. cccvii.
Bradford Waterworks and Im- provement Act, 1875 section 3: (Prevention of acci- dents on tramways) ...	£1	£5	1875 c. lxxx.
of 1949 section 25: (Interference with refuse bins &c.) ...	£2	£10	
subsection (1) of section 86 Interference with telephone call boxes &c.) ...	£5	£25	
subsection (2) of the said section 86 ...	£5	£25	

Section 120.

SCHEDULE 2

ENACTMENTS MENTIONED IN SECTION 120

Public Health Act, 1875 ...	...	...	...	...
Public Health Acts Amendment Act, 1907	...	...	...	...
Land Drainage Act, 1930	...	...	...	...
The Act of 1936 ...	...	...	...	...
The Act of 1957 ...	...	...	...	...
Land Drainage Act, 1961	...	...	...	...
Public Health Act, 1961 ...	...	...	...	...
Housing Act, 1961	...	...	...	...
Housing Act, 1964	...	...	...	...



SCHEDULE 3

Section 126.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Marginal note

- Interpretation of "provide".
- Notices to be in writing; forms of notices, &c.
- Form of resolutions, &c.
- Penalty for obstructing execution of Act.
- Summary proceedings for offences.
- Continuing offences and penalties.
- Judges and justices not to be disqualified by liability to rates.
- Powers of Act to be cumulative.
- Power to apply provisions of Act to Crown property.

PART II

APPLIED TO PART II AND SECTIONS 95 AND 118 OF THIS ACT

Marginal note

- Power of local authority to execute certain work on behalf of owners or occupiers.
- Power of local authority to sell certain materials.
- Power to require occupier to permit works to be executed by owner.
- Certain expenses recoverable from owners to be a charge on the premises; Power to order payment by instalments.
- Power to make a charge in respect of establishment expenses.
- Limitation of liability of certain owners.
- Power of local authority to grant charging orders.
- Saving for certain provisions of the Land Charges Act, 1925.

PART III

APPLIED TO SECTIONS 37, 38, 40, 42, 45, 58, 59, 90, 91, 92, 94, 96, 97 AND 118 OF THIS ACT

Marginal note

- Power to enter premises.

PART IV

APPLIED TO SECTIONS 11, 13, 15, 48, 94, 116 AND 118 OF THIS ACT

Marginal note

- Recovery of expenses, &c.
- Joinder of several sums in one complaint, &c.