

# Dudley Corporation Act 1969

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ELIZABETH II



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Act to re-enact with amendments and to extend in local enactments in force in the county borough of Dudley; to confer further powers upon the mayor, men and burgesses of that borough; to make other provision in regard to the health, local government, improvement and finances of that borough; and for other purposes.

[22nd October 1969]

REASONS

By virtue of the West Midlands Order 1965 (hereinafter S.I. 1965/2139, referred to as "the Order of 1965"), the county borough of Dudley was altered on the 1st April, 1966, so as to consist of the area defined by a continuous red line on the boundary maps to which article 4 of the Order of 1965 and being—

- with alterations the area of the said borough;
- with alterations the area of the urban district of Brierley Hill in the administrative county of Stafford;
- the greater part of the urban district of Sedgley in the said county;



- (d) parts of the boroughs of Rowley Regis and Trowbridge and the urban districts of Amblecote and Cosley in the county;
- (e) parts of the parishes of Himley and Kinver in the urban district of Seisdon in the said county;
- (f) parts of the borough of Stourbridge in the county of Worcester;

as they existed immediately before the 1st April, 1965.

(2) Numerous local enactments were in force in parts of the said area and by article 51 of the Order of 1965 it was provided that the provisions of any such enactment should apply to those parts of that area and certain amendments were extended to apply to the whole of the county of Dudley as constituted by the Order of 1965 (hereinafter referred to as "the borough"):

(3) It was further provided by the said article 51 that the local enactments should on the 31st December, 1970, have effect:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole of the borough:

(5) It is expedient at the same time to extend and amend in various respects the powers of the mayor, aldermen and councillors of the borough and to make further provision in regard to health, local government, improvement and finances of the borough:

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

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

1933 c. 51.

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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

## PART I PRELIMINARY

Short title.

1. This Act may be cited as the *Dudley Corporation Act 1969*.

This Act is divided into Parts as follows:—

PART I  
—cont.  
Division of  
Act into  
Parts.

- Part I.—Preliminary.
- Part II.—Heating undertaking.
- Part III.—Lands.
- Part IV.—Streets.
- Part V.—Sanitation and buildings.
- Part VI.—Nuisances.
- Part VII.—Food.
- Part VIII.—Parks, cemeteries and other municipal property.
- Part IX.—Control of boxing and wrestling entertainments.
- Part X.—Cultural activities.
- Part XI.—Fire precautions.
- Part XII.—Public order and public safety.
- Part XIII.—Finance and superannuation.
- Part XIV.—Miscellaneous.
- Part XV.—General.

(1) In this Act the several words and expressions to which Interpretation. Acts are assigned by sections 90, 110 and 343 of the Public Health Act 1936 have the same respective meanings unless 1936 c. 49. something in the subject or context repugnant to such action.

In this Act unless otherwise expressly enacted or unless the meaning or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

- “the Act of 1933” means the Local Government Act 1933; 1933 c. 51.
- “the Act of 1936” means the Public Health Act 1936;
- “the Act of 1946” means the Acquisition of Land 1946 c. 49. (Authorisation Procedure) Act 1946;
- “the Act of 1950” means the Public Utilities Street Works 1950 c. 39. Act 1950;
- “the Act of 1957” means the Housing Act 1957; 1957 c. 56.

PART I  
—cont.

1959 c. 25.  
1960 c. 16.  
1962 c. 38.  
1967 c. 9.

1882 c. 56.

- “ the Act of 1959 ” means the Highways Act 1959;
- “ the Act of 1960 ” means the Road Traffic Act 1960;
- “ the Act of 1962 ” means the Town and Country Act 1962;
- “ the Act of 1967 ” means the General Rate Act 1967;
- “ appointed day ” has the meaning assigned to that term by section 157 (The appointed day) of this Act;
- “ the borough ” means the borough of Dudley;
- “ bulk refuse container ” means a container of not less than 1 cubic yard nominal capacity for refuse designed and adapted to be emptied by mechanical means by a refuse vehicle of the Corporation or to be removed by a refuse vehicle of the Corporation for emptying;
- “ contravention ” includes a failure to comply with a requirement which a person is bound to observe, and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough acting by the council;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction therefor;
- “ electric line ” has the same meaning as in the Lighting Act 1882;
- “ the electricity board ” means the Midlands Electricity Board;
- “ enactment ” includes an enactment in this Act, a general or local Act and any order, byelaw or regulation for the time being in force within the borough;
- “ financial year ” means a period of twelve months ending on 31st March;
- “ former ” in relation to a local government area means that area as it existed on 31st March, 1966;
- “ the gas board ” means the West Midlands Gas Board;
- “ the general rate fund ” and “ the general rate fund ” respectively the general rate fund and the general rate fund of the borough;
- “ the generating board ” means the Central Electricity Generating Board;
- “ the heating undertaking ” means the heating undertaking authorised by Part II (Heating undertakings) of this Act.

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

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

1952 c. 55.

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

"operational land" in relation to the Post Office, has the same meaning as in sub-paragraph (4) of paragraph 93 of Schedule 4 to the Post Office Act 1969 and means, in relation to statutory undertakers (other than the Post Office), land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

1969 c. 48.

"the Order of 1965" means the West Midlands Order 1965; S.I. 1965/2139.

"the police authority" means the West Midlands Police Authority established by the West Midlands Police (Amalgamation) Order 1966, or any other police authority of which the Corporation are a constituent council;

S.I. 1966/62.

"the railways board" means the British Railways Board;

"the revenues of the Corporation" includes all such funds, rates, contributions and revenues receivable by the Corporation as are mentioned in section 218 of the Act of 1933;

"statutory undertakers" means persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas or water, and includes the Post Office;

"statutory water undertakers" has the same meaning as in the provisions of the Water Act 1945 other than those contained in Part II of that Act;

1945 c. 42.

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

"the town clerk", "the medical officer", "the treasurer", "the surveyor" and "the public health inspector" mean respectively the town clerk, the medical officer of health, the treasurer, the surveyor and any public health inspector of the borough;

PART I  
—cont.

“ the waterways board ” means the British Waterways Board;

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

## PART II

## HEATING UNDERTAKING

Interpretation  
of Part II of  
Act.

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

“ heat ” means heat however supplied and includes hot water and hot air but does not include gas other than liquefied petroleum gas or other combustible gas;

“ heating fittings ” includes pumps, boiler installations, radiators, air heaters, water heaters, mains, meters, taps, cocks, valves, ferrules and other apparatus used in connection with the heating undertaking;

“ main ” includes mechanical and thermal protection devices, main and apparatus used in connection with the heating undertaking.

Works for  
provision of  
heat.

5.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands belonging to or leased to it erect, lay down, maintain, work and use stations, boilers, mains, pipes and other works for providing, storing, transmitting, distributing and supplying heat and for producing any product, matter or thing arising or used in the process of the provision of heat (including the generation of electricity) together with such buildings, boilers, engines, pumps, machines, hoists, sidings, electric lines, matters and things of any description as may be required by the Corporation for the purpose of enabling them to provide, store, transmit, distribute and supply heat. The Corporation may accordingly on those lands provide, transmit, distribute and supply heat and may use any materials, products, matters and things:

Provided that—

(a) nothing in this section shall be taken to require the Corporation to obtain the consent of any government department or authority in respect of any lands of the Corporation in any case in which such consent would have been required if this Act had not been enacted;

any electrical works or apparatus erected, laid down, maintained, worked and used in pursuance of this section shall be so constructed, maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telegraphic communication by means of any such line; before installing any engines or machinery for the generation of electricity (other than electricity to be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated) the Corporation shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

Any electricity generated by the Corporation as aforesaid

is sold—  
to the generating board; or  
with the approval of the generating board to the electricity board;

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

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

required for or in connection with the heating undertaking;  
or  
supplied to the electricity board with the approval of the generating board;

on terms and conditions as may be agreed between the Corporation and the generating board or, in default of agreement, determined by arbitration, and the arbitrator in determining the conditions shall have regard to the costs which the generating board would incur in producing the equivalent amount of electricity from their own resources.

Before erecting or laying down any works for providing, transmitting, distributing or supplying heat, the Corporation shall give notice of their proposals to the generating board, the electricity board and to such other bodies as the Corporation consider it appropriate to consult, together with such

PART II  
—cont.

information and estimates with regard to their proposals of such boards or bodies may reasonably require, and requested in writing by any of such boards or bodies fourteen days after the date of the receipt by that board or body of such information, the Corporation shall consult that board or that body as to the Corporation's proposals and alternative proposals which may within three months of the date be submitted by that board or that body.

Power to buy  
heat in bulk.

6.—(1) The Corporation may enter into and carry into effect agreements with any person able to give a supply of heat for the purposes of this Part of this Act of such a supply and—

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision of heat to the Corporation or for the joint use by them and any other party to the agreement of any works, materials or things required for the purposes of the agreement; and
- (c) the Corporation may let any land which they may own to any such person to enable that person to supply heat in accordance with the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and supply of surplus heat from any generating station or gasworks, destructor or industrial plant, and any person able to supply heat may enter into such an agreement.

Supply of  
heat.

7.—(1) Subject to the provisions of subsection (2) of this section the Corporation may supply heat to

- (a) such premises in the borough; and
- (b) such premises owned by them outside the borough

as they may think fit, upon and subject to the provisions of this Part of this Act and such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises.

(2) (a) The Corporation shall not supply heat to any premises outside the borough without the consent of the local authority of the county borough or county district (as the case may be) in which the premises are situate, but such consent shall not be unreasonably withheld and shall not be withheld in any case where the council of the county borough or county district (as the case may be) are unable or unwilling to supply heat to the premises on terms and conditions as favourable as the terms and conditions on which the Corporation are able to supply heat to the premises.

(b) Any dispute between the Corporation and the council of a county borough or county district under this subsection shall be determined by arbitration.

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

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

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

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

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

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

- “limits of supply” means the borough;
- “main” includes a pipe or duct for the transmission of heat whether or not that transmission is for the purpose of the supply of heat;
- “service pipe” means a pipe or duct for supplying heat from a main to any premises;
- “supplying water” means supplying heat and “supply of water” shall be construed accordingly; and
- “the undertakers” means the Corporation.

Nothing in the provisions incorporated by this section shall authorise the Corporation to lay down a main outside the borough except for the purpose of—

- (a) supplying or facilitating the supply of heat in accordance with the provisions of this Part of this Act; or
- (b) making a supply of heat from any works or premises outside the borough.



PART II  
—cont.Power to lay  
down or erect  
electric  
lines, etc.

9.—(1) For the purposes of the heating undertaker's connection with the use or sale of electricity under the provisions of subsection (2) of section 5 (Works for purposes of this Act the Corporation may lay down or erect electric apparatus—

- (a) in, under or over any street, subject to the provisions of subsection (3) of this section;
- (b) with the consent of every owner and occupier of any land not forming part of a street in, on or over any land;

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

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld, and if whether such a consent is or is not unreasonably withheld is to be referred to and determined by the Minister of Power.

(2) (a) Where the Corporation in the exercise of the powers conferred by this section lay down or erect any electric line or apparatus in, on or over any land not forming part of a street, they may from time to time inspect, repair, alter, renew or remove any electric line or apparatus laid down or erected in, on or over any such land, and they shall from time to time pay compensation to every person interested in any such land for any damage done to or injurious affection of the land by reason of the laying down, erection, inspection, alteration, renewal or removal of the electric line or apparatus.

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

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down, erection, inspection, repair, alteration, renewal or removal of electric lines and apparatus under this section:

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

(4) For the purpose of such application, the Corporation shall be deemed to be the undertakers and the limits of the Corporation shall be deemed to be the borough.

PART II  
—cont.

(5) Without prejudice to the operation of section 4 of the Electric Lighting Act 1888, those provisions of the Electricity (Supply) Acts 1882 to 1936, as amended by the Electricity Act 1888 c. 12, 1947 and in the schedule to the Electric Lighting (Clauses) Act 1947 c. 54, 1899, which, as applied by the Post Office Act 1969, afford protection to the Post Office and its telegraphic lines, shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected under this section, and references in those provisions to the electricity board or the undertakers shall be construed as references to the Corporation.

(6) The powers of this section shall not be exercised except with the consent of the electricity board which consent shall not be unreasonably withheld and any dispute as to whether such consent is or is not unreasonably withheld shall be determined by the Minister of Power.

(1) In any premises to which the Corporation supply power to supply fittings. propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may install, repair, or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation, repair, renewal or alteration.

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

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

shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be; and

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

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

PART II  
—cont.

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

(5) The Corporation shall so adjust the charges to be made under this section that the income therefrom will, together with any other income, meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes of this section, establishment charges, and any sums carried to a reserve account for the repayment of moneys so borrowed and the cost of repairs and renewals.

(6) (a) If any person wilfully injures or suffers to be injured by any heating fittings belonging to the Corporation, he shall be liable to a fine not exceeding twenty pounds.

(b) Without prejudice to the foregoing provisions of this section, the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses so incurred by them in so doing from the offender either as a simple contract debt in any court of competent jurisdiction, or summarily as a civil debt if the amount does not exceed twenty pounds, summarily as a civil debt.

Heating  
charges.

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

(2) The heating charges payable by any person in respect of any premises shall be recoverable from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt and, where a person fails to pay the heating charges by him in respect of any premises, the Corporation may stop the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing, together with the heating charges:

Provided that if, before the expiration of the period of fourteen days after the date of the giving of notice to them that there is a dispute as to the amount of the heating charges or as to the liability for the same,

the same, the Corporation shall not cut off the supply of heat until the dispute has been settled or, on the application of either party, determined by a court of competent jurisdiction.

(4) Without prejudice to any other method of recovery any heating charges payable by the occupier of any premises of which the tenant of the Corporation and connected as aforesaid may be recovered as rent due from him.

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

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

Discount for prompt payment.

In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(1) Subject to the provisions of this section, any authorised officer of the Corporation shall, on producing if so required some authenticated document showing his authority, have a right of access at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the provisions of this Part of this Act, or any premises in or upon which heating fittings have been installed for the purpose of connection with supplying heat to any premises as aforesaid, for the purpose of

Power to enter premises.

inspecting and examining any heating fittings whether or not belonging to the Corporation or not; ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder; ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act;

PART II  
—cont.

(d) taking any action or executing any work required by this Part of this Act to be taken by the Corporation:

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

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

(a) admission to any premises has been refused or refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that admission for any other purpose would defeat the object of this section and

(b) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

the justice may by warrant under his hand authorise the entry by any authorised officer to enter the premises, if necessary, by force.

(3) An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued under this section may take with him such other persons as may be necessary and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectual against trespassers as he found them.

(4) Every warrant granted under this section shall remain in force until the purpose for which the entry was authorised has been satisfied.

(5) Any person who, in compliance with the provisions of this section or of a warrant issued thereunder, enters any factory, workshop or workplace shall not disclose to any person, except where such disclosure was made in the performance of his duty, any information obtained by him in the course of his entry or workplace with regard to any manufacturing process which is a secret, and if he does so he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by the water board or the electricity board or the gas board or any other board or in connection with the generation or supply of electricity or the manufacture, storage or supply of gas to the public.

PART II  
—cont.

15.—(1) If any person wilfully and without the consent of the Corporation turns on, opens, closes, shuts off or otherwise interferes with any heating fitting belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a fine not exceeding twenty pounds and, whether proceedings be taken against him in respect of his offence or not, the Corporation may recover from him the amount of any damage or loss sustained by them either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

Interference with apparatus, etc.

(2) If any person wrongfully takes, uses or diverts any heat from any apparatus provided for the purposes of this Part of the Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a fine not exceeding ten pounds.

16.—(1) The Corporation may make byelaws for preventing waste, misuse, undue consumption or contamination of, or interference with, the circulation or supply of heat by them under Part of this Act.

Byelaws for protection of heating undertaking.

(2) Byelaws under this section may include provisions—

(a) prescribing the size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, insulation, alteration and repair of the heating fittings to be used; and

(b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—

(i) waste, misuse, undue consumption or contamination of or interference with the circulation of heat; or

(ii) reverberation in pipes; and

(c) requiring the testing of fittings, and the making of charges therefor.

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

17.—If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of

Notice to be given before quitting premises supplied with heat.

PART II  
—cont.

his intention so to do to the Corporation he shall be liable to the Corporation all money accruing due for heat to them to the premises and for meter rent up to the date at which the register of the meter on the premises is maintained or the date from which any subsequent repair to the premises requires the Corporation to supply heat to the premises whichever first occurs.

(2) The notice to be given under this section by the Corporation to the occupier of any premises shall be given in writing to the address specified by the Corporation for the purpose.

(3) There shall be endorsed upon every demand for payment of heating charges payable to the Corporation

(a) the foregoing provisions of this section, or a copy of the effect thereof; and

(b) the address for and manner of service of a notice under this section; and

(c) the length of notice required by the Corporation.

Corporation not to be exempted from proceedings for nuisance.

18. Nothing in this Part of this Act shall exempt the Corporation from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them:

Provided that this section shall not apply to the exercise by the Corporation of the powers of sections 8 (Power to lay down and break open streets) and 9 (Power to lay down water pipes, etc.) of this Act.

Modification of section 26 of Act of 1950.

19.—(1) In any case in which within the meaning of section 26 of the Act of 1950—

(a) the Corporation are the operating undertakers in respect of works of undertakers' works authorised by this Act, or are the owning undertakers in respect of works laid down under the powers of this Part of the Act; and

(b) either the Post Office, the generating board, the gas board or the water undertakers or (as the case may be) the operating or owning undertakers or (as the case may be) both the operating and owning undertakers;

the said section 26 shall be modified as follows

(i) the notice to be given under subsection (2) of section 26 of the Act of 1950 by the operating undertakers to the owning undertakers shall be accompanied by a plan showing the location and particulars of the works;

(ii) subject to the provisions of the next subsection, the said notice shall be given not less than 14 days before the works are commenced:

(iii) on the first occasion on which the Corporation execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the Corporation execute such works extending for a distance of more than one hundred yards, the said notice shall be given not less than twenty-one days before the works are commenced and shall be accompanied by information as to—

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

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

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

In this section—

the expression "the water undertakers" means statutory water undertakers for the time being authorised to supply water in the borough;

and the expressions to which meanings are assigned by the Act of 1950 shall have the same respective meanings.

(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the Minister, may be authorised to purchase land within the borough compulsorily for the purposes of the heating undertaking. Purchase of land for heating undertaking

The Act of 1946 shall apply to the compulsory purchase of land under this section and accordingly shall have effect as if this section were an enactment contained in a public general Act and immediately before the commencement of that Act.

(2) In this section the expression "land" includes easements and rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land.



PART II  
—cont.

(b) In relation to the compulsory acquisition of an easement or right the Act of 1946 and the enactments incorporated therewith shall have effect as if references (in those terms used) to the land comprised in the compulsory order were construed where the context so requires as references to the land in respect whereof the easement or right is granted and references to the obtaining or taking possession of the land so comprised were construed as references to the obtaining of the easement or right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) be entitled to fence off or sever that land from any adjoining land;

(b) the owner or occupier of the land for the time being subject to the easement or right, have the same power to use the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the land unless the Lands Tribunal determine that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity of the house or the house:

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

(6) A notice to treat given under this section for an easement or right shall be endorsed with notice of the effect of subsection (5) of this section.

Attachment of  
brackets, etc.

21.—(1) Subject to the provisions of this section, the Corporation may affix to any buildings in the borough such mains, electric lines and attachments (in this section referred to as "attachments") as may be required for the purpose of the undertaking.

1961 c. 64.

(2) The provisions of subsections (2) to (4) of section 30 of the Public Health Act 1961 shall apply to attachments affixed under subsection (1) of this section as if they were attachments affixed under subsection (1) of that section and the said provisions as so applied shall have effect with the necessary modifications including the substitution of "the Corporation" for "a street lighting authority" and the substitution of a reference to "section 30 of the Town and Country Planning Act 1962" for a reference to "section 30 of the Town and Country Planning Act 1947".

1962 c. 38.

Act, 1962" for "section twenty-nine of the Town and Country Planning Act, 1947" and the omission from subsection (9) of the definition of "street lighting":

PART II  
—cont.  
1947 c. 51.

Provided that nothing in this section shall authorise the Corporation to affix any attachments to—

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

(b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister under section 32 of the Act of 1962, not being a building to which paragraph (a) of this proviso applies, without the consent of the Minister.

PART III

LANDS

2—(1) Notwithstanding anything in any other enactment otherwise to the contrary the Corporation may retain, hold and for such time and for such purpose as they may think fit or sell, lease, exchange or otherwise dispose of in such manner for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of execution of works or of the payment of a gross sum or of annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any enactment for the time being in force in the borough, and may sell, lease or dispose of any rents reserved on the sale, lease, exchange or disposition of such lands or interests therein, and may make, do and execute any deed, act or thing proper for effectuating any such sale, lease, exchange or other disposition and on any such exchange may give or take any money for equality of lands.

Provided that the Corporation shall not, without the consent of the Minister, sell, lease, exchange or otherwise dispose of any lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests, but a purchaser or lessee shall not be bound to inquire whether the consent of the Minister is or has been obtained:

Provided also that nothing in this section shall be taken to require the consent of any government department to

PART III  
—cont.

any sale, lease, appropriation or other disposition of any land by the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any land under this section from any rents, covenants, reservations, terms or conditions made payable by or in any conveyance, lease or other deed or instrument by which any such lands were or may hereafter be conveyed or otherwise acquired by the Corporation or any person or through whom the Corporation may hereafter derive title to the same, but all such rents, covenants, reservations, terms and conditions shall nevertheless be of as full force and effect and may be recovered, enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

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

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

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

Extension of power to acquire land by agreement.

23.—(1) The Corporation may acquire by agreement, whether by way of purchase, lease or exchange, any land in or near the borough, for the purposes of any of the functions of the Corporation or for the benefit, improvement or development of the borough, notwithstanding that the land is not immediately required.

(2) Land acquired under this section may, with the sanction of the Council, be appropriated for any purpose for which the Corporation is authorised apart from this section, to acquire land, be used for the purposes of any of the functions of the Corporation; and until it is so appropriated all expenses incurred by them in respect of the land shall be payable out of the general rate fund.

(3) The Corporation shall not acquire land under this section in contravention of section 158 of the Act of 1933.

PART III  
—cont.

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

Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

(2) Any such agreement may provide for the exchange of land; and for that purpose the Corporation may pay or receive money for equality of exchange.

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

Agreements with adjoining owners.

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

27.—(1) Every undertaking given by or to the Corporation to or for the benefit of the owner of a legal estate in land, and every agreement made between the Corporation and any such owner, being an undertaking or agreement—

Undertakings and agreements binding successive owners.

- (a) given or made under seal either on the passing of plans or otherwise in connection with the land; and
- (b) expressed to be given or made in pursuance of this section;

shall be binding, not only upon the Corporation and any owner or occupier in the undertaking or agreement, but also upon the successors in title of any owner so joining and any person claiming under them.

Such an undertaking or agreement shall be treated as a local charge for the purposes of the Land Charges Act 1925, as amended by the Law of Property (Amendment) Act 1926.

1925 c. 22.  
1926 c. 11.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

PART III  
—cont.Power to  
enforce  
restrictive  
covenants.

28.—(1) Where before the passing of this Act they sold land for building purposes and on such sale they entered into a covenant with the Corporation restricting the user of such land expressed to be for the benefit of land sold or to be sold by the Corporation they shall have power to enforce such covenant against persons deriving title as purchasers notwithstanding that the Corporation have since in possession of or interested in any land for the benefit of the covenant was entered into in the like manner and to the extent as if they were possessed of or interested in such land.

1925 c. 22.  
1926 c. 11.

(2) For the purposes of section 15 of the Land Charges Act 1925, as amended by the Law of Property (Amendment) Act 1926, any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land and shall be enforceable by a local authority under a covenant made with them.

(3) This section shall not apply to a covenant if the covenant was registered as a local land charge within three years from the passing of this Act.

Reservation of  
easements, etc.,  
by  
Corporation.

29. On selling any land the Corporation

(a) may reserve to themselves all or any part of the rights or other rights or easements belonging to the land and may make the sale subject to such reservations accordingly;

(b) may make the sale subject to such other reservations, conditions and restrictions as they think fit, and, without prejudice to the generality of the foregoing provisions of this paragraph, such conditions and restrictions may include any restriction or restriction of the exercise of noxious trades, or the discharge of manure, sewage or other effluents.

Recovery of  
deposits under  
Lands Clauses  
Consolidation  
Act 1845  
or the  
Compulsory  
Purchase  
Act 1965.  
1845 c. 18.  
1965 c. 56.

30. Notwithstanding anything in the Lands Clauses Act 1845, or the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than five years after any sum has been paid by the Corporation to the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the said Act of 1965 or paid by the Corporation into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or Schedule 3 to the said Act of 1965 to order upon application by the Corporation that the money so paid or the fund in which the sum so paid has been invested together with the accumulations thereof shall be retained or transferred to the Corporation:

Provided that upon the application of any person making claim to the money paid as aforesaid or any part thereof or to the lands in respect of which the same shall have been paid or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

PART IV  
STREETS

31.—(1) In this Part of this Act—

“new street byelaws” has the meaning assigned to it by subsection (4) of section 157 of the Act of 1959;

Interpretation of Part IV of Act.

“structure” means a wall, fence, hoarding, or similar erection; but for the purpose of this definition “wall” does not include a wall forming part of a permanent building.

For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the laying of the site or the excavation for the foundations thereof, whichever is the earlier, began.

*New streets*

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

Prohibition of building until street defined.

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

Any person contravenes the provisions of either of the foregoing subsections, he shall be liable to a fine not exceeding one hundred pounds; and the Corporation may—

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

PART IV  
—cont.

(b) in the case of a contravention of subsection (a) of this section, the building or structure;

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

Prohibition of building until street formed and sewered.

33.—(1) Where a plan and sections of a new street are deposited with the Corporation in pursuance of new street byelaws approved by them, they may by notice prohibit the erection of any building on land abutting on the street until the street has been constructed, and the street has been formed and sewered, in accordance with the said byelaws:

Provided that, where the plan shows that the street is more than 100 yards in length, the Corporation shall divide the street for the purpose of the notice into lengths not exceeding 100 yards, and each such length shall for that purpose be treated as a separate street.

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

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

1925 c. 22.  
1926 c. 11.

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

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

Access to new street.

34.—(1) Where a plan and sections of a new street are deposited with the Corporation in pursuance of new street byelaws approved by them, they may, for the purpose of securing convenient means of communication between the new street and any street, whether existing or intended, by notice prohibit the erection or retention of any structure at either end of the new street on land belonging, at the time of the deposit of the plan and sections of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways maintainable at the public expense.

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

(3) If any person contravenes a notice under this section he shall be liable to a fine not exceeding one hundred pounds; and the Corporation may remove the structure and recover the expenses of so doing from that person.

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

5—(1) Where a plan and sections of a new street deposited by the Corporation in pursuance of new street byelaws are approved by them, they may, for the purposes of safety, by notice require that the corners formed at the junction of the street with another street, whether existing or intended, not being a trunk road, shall be rounded or splayed off in a manner as may be specified in the notice.

Rounding or splaying off corners at street junctions.

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

(3) Any person who suffers loss by the exercise of powers conferred by this section may recover from the Corporation compensation for the damage to be determined in case of dispute by the Lands Tribunal and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act 1961 shall apply.

1961 c. 33.

If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under section 5, he shall be liable to a fine not exceeding one hundred pounds; and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of doing so from that person.

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



PART IV  
—cont.

Adjustment of boundaries of estates in connection with streets.

36.—(1) Where a plan and sections of a new street with the Corporation in pursuance of new streets approved by them, they may, for the purpose of the proper laying out or development of any estate, if the street is to run, by notice require that such provision be made—

- (a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near to it, effecting exchanges of land in connection therewith;
- (b) for the removal, modification or imposition of restrictions and conditions attaching to the estate comprised in the estate, or any such other estate; and paragraph shall not apply to any restriction for the protection of or for preventing interference with the operation of or for securing access to operational land of the railways board contained in any deed, agreement or instrument;

as may be necessary or desirable having regard to the lay-out of the new street.

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

(3) The powers conferred by subsection (1) of this section also be exercised on the approval of a plan for the alteration 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 estates, be determined by arbitration.

(5) An agreement or award made under this section shall provide for the payment of money by the Corporation; and no such award shall provide for the payment of money by any other person without his consent.

(6) An award made under this section shall provide for any adjustment or alteration of boundaries or exchanges of land and any removal, modification or imposition of restrictions and conditions attaching to any land; and shall be provided for by the award, and shall be duly carried out accordingly.

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

(8) Any land or money received by any person in respect of an 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; and any such covenants, restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

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

(11) In this section "estate" includes any parcel of land.

*Improvement of streets*

37.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them, or on any land required by them for the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Trees, grass verges and gardens.

- (a) to plant trees, plants or shrubs or place containers in which to grow trees, plants or shrubs;
- (b) to attach containers for plants to posts or standards provided by the Corporation or, with the consent of the owner thereof, to any other posts or standards;
- (c) to lay out grass verges or gardens;
- (d) to provide guards or fences, and otherwise do anything expedient, for the maintenance or protection of such trees, plants, shrubs, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence and to abolish any such grass verge or garden or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;
- (g) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto;

Provided that the notice may exempt from the prohibition persons under such age as may be specified in the notice.

PART IV  
—cont.

(2) Any such notice as is referred to in paragraph (g) of the foregoing subsection shall be posted on, or in proximity to, the grass verge to which it relates.

(3) If any person (except in case of emergency) contravenes a notice so posted in pursuance of the said paragraph (g) he shall be liable to a fine not exceeding twenty pounds.

(4) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance to the owner or occupier of any land or premises adjoining the street.

(5) Section 82 of the Act of 1959 shall cease to apply to any land vested in the Corporation or to any such land as mentioned in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Road Improvement Act 1925 with respect to such highways or land as mentioned in subsection (1) of this section shall be deemed to have been done under this section.

1925 c. 68.

(6) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margin as mentioned in section 67 or section 70 of the Act of 1959.

(7) The Corporation may exercise the powers conferred by this section in a street being a trunk road with the consent of the Minister of Transport notwithstanding that the street is not vested in the Corporation.

(8) Any consent required by the foregoing subsection shall not unreasonably be withheld but may be given subject to such conditions as the Corporation shall at their own expense place on the person applying for it; and the Corporation shall at their own expense place in a street under the powers conferred by this section any signs or notices reasonably required to do so by the Minister of Transport.

(9) (a) Where the Corporation carry out works under this section in pursuance of an enactment relating to private street works, they shall, with the consent of the owners of premises fronting, adjoining or adjacent to the street on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part of the street, and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of a majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the premises owned by the persons dissenting.

(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959 section 33 of the Public Health Act 1925, the Corporation for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building, which, or any part of which, is beyond, or in front of, the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

(a) If, within twenty-eight days of the date of the service of a notice under subsection (1) of this section, the person on whom the notice is served gives counter-notice to the Corporation objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless it is confirmed by the tribunal either without modifications or subject to such modifications as the tribunal may determine.

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

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

(ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or

(iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

in a case within sub-paragraphs (ii) and (iii) of this paragraph, it would not be equitable to modify the notice.

Without prejudice to the provisions of paragraph (b) of 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 any adjoining land in which that person has an interest; and

(ii) that person is able and, in the circumstances of the case, willing to sell the building to the Corporation, with or

PART IV  
—cont.

without adjoining lands, on terms more favourable to the Corporation than those on which the Corporation acquired the building under a compulsory purchase order made under section 214 of the Acquisition of Land Act 1946 (which authorises the acquisition of lands for the purposes of streets) and the Act of 1946.

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

(3) (a) Where a building is demolished, section 2 of the Compensation Act 1961 (which provides for the compensation to which an owner or tenant thereof may recover from the Corporation in respect of damage or loss sustained by him as a consequence of the compliance, and the amount of that 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 2 of the Compensation Act 1961 (which provides rules for the purposes of compulsory acquisition) shall apply to the determination of compensation under this subsection in so far as they relate by reference to the depreciation of the value of the building to 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 where—

(a) he has an interest in land abutting on, or adjacent to, an improvement line as, immediately before the date of the notice under subsection (1) of this section, the land is intersected, or abutted on, the building in question, or in connection therewith; and

(b) the value of his said interest is enhanced by the widening or improvement of the improvement line,

the amount of the enhancement in value shall be taken into account in determining the compensation.

(5) If any person fails to comply with a notice under this section he shall be liable to a fine not exceeding fifty pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the costs of doing from that person.

(6) In this section—

“ building ” includes a structure;

“ the tribunal ” means the Lands Tribunal.

*Protection and repair of streets*

PART IV  
—cont.

9.—(1) No person shall place or erect in the borough any structure at, or within a distance of 10 yards from, the corner of any street unless he has given to the Corporation notice of his intention so to do accompanied by plans and particulars of the structure, and the Corporation have approved the placing or erection thereof under this section: Erection of structures at street corners.

Provided that this subsection shall not apply to any structure or development which, by virtue of the Act of 1962, and any development order for the time being in force thereunder, may be undertaken only with permission granted on an application, or with an advertisement which may be displayed only with consent granted on an application under regulations for the time being in force under section 34 of that Act.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they disapprove the placing or erection of the structure, or that they approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice:

Provided that a notice shall not be given under this subsection except on the ground that the structure would, by obstructing the view of foot-passengers or drivers of vehicles, constitute a danger to the traffic on the street upon, adjoining or near to which is proposed to be placed or erected, or, as the case may be, would constitute such a danger unless placed or erected subject to the conditions or modifications specified in the notice.

(3) The Corporation may at any time within the said five weeks give notice that they approve the placing or erection of the structure in accordance with the plans and particulars submitted to them, and, if within the said five weeks the Corporation have given notice under the last foregoing subsection, they shall be deemed for the purposes of this section to have approved the placing or erection of the structure in accordance with those plans and particulars.

(4) Where the Corporation have approved the placing or erection of the structure, it shall not be placed or erected—

(a) otherwise than in accordance with the plans and particulars submitted as aforesaid; or

(b) if notice has been given under subsection (2) of this section of any conditions or modifications, otherwise than in accordance with those conditions and with the said plans and particulars as modified by the notice.

PART IV  
—cont.

(5) Any person giving notice under subsection (1) of this section who is aggrieved by a notice given under subsection (2) of this section thereof may, within twenty-one days from the date of the notice mentioned in subsection (2) of this section, appeal to the Minister of Housing and Local Government, and he may make such order as he thinks fit and whose decision shall be final.

(6) If any person places or erects any structure in contravention of the foregoing provisions of this section he shall be liable to a fine not exceeding twenty pounds.

(7) The foregoing provisions of this section shall not apply to a temporary structure required to be placed or erected within a distance of 10 yards from, the corner of a building for the purpose of the construction, demolition, alteration or repair or maintenance of any building or works:

Provided that, if any such temporary structure is placed or erected when the construction, demolition, alteration or repair or maintenance of the building or works is completed, the person who placed or erected it shall be liable to a fine not exceeding ten pounds.

(8) Where a person is convicted of an offence under either of the two last foregoing subsections, the court by which he is convicted may order him, within such time as may be specified in the order, to remove the structure in respect of which he is convicted; and if he fails to comply with the order—

(a) he shall be liable to a fine not exceeding ten pounds for each day on which the failure continues; and

(b) the Corporation after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing.

Provided that he shall not be liable to a fine under paragraph (a) of this subsection if he shows that on the day on which the Corporation have given him notice of their intention to remove the structure, he had no knowledge of the existence of the structure.

(9) The provisions of this section shall not apply to a structure of a street with respect to which restrictions are imposed under section 81 of the Act of 1959 or section 10 of the Street Improvement Act 1925.

1925 c. 68.

(10) For the purposes of this section the corner of a building shall be deemed to be the point at which the frontage or boundary line of that building intersects the frontage or boundary line of that street, if necessary continued, or the point at which the frontage or boundary line of that building intersects the frontage or boundary line of that street, if necessary similarly continued.

Application of  
building line  
to walls, etc.

40.—(1) No person shall erect, or bring forward, or alter a building line on land abutting on a street, or erect, or bring forward, or alter a structure of a greater height than 6 feet 6 inches above the level of the ground at the nearest boundary of the street, or

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

(3) The foregoing provisions of this section shall not apply to temporary structure required to be erected for the purpose of construction, demolition, alteration, repair or maintenance of building or works:

provided that, if any such temporary structure is not removed within seven days after the completion of the construction, demolition, alteration, repair or maintenance of the building or works the person who erected the structure shall be liable to a fine not exceeding twenty pounds.

Where any person is convicted of an offence under any of the foregoing provisions of this section, the court by which he is convicted may order him, within such time as may be fixed by the order, to remove the structure, or, if he so elects, to set back or alter it so that it no longer contravenes the provisions of subsection (1) of this section; and if he fails to comply with the order—

- (a) he shall be liable to a fine not exceeding two pounds for each day on which the failure continues; and
- (b) the Corporation, after giving him notice of their intention so to do, may remove the structure and recover from him the expenses incurred by them in so doing:

provided that he shall not be liable to a fine for any day after the day on which the Corporation have given him notice of their intention to remove the structure.

(4) Where, after the expiration of five years from the passing of this Act, there is on any site in the borough a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

- (a) the Corporation may, by notice stating the effect of paragraphs (b) and (c) of this subsection, require the owner or occupier of the site to remove, set back or alter the structure within such time, not being less than seven days, as may be specified in the notice so that it will comply with those provisions;
- (b) if the owner or occupier complies with the said notice, the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;
- (c) if the owner or occupier fails to comply with the said notice, the Corporation at their own expense may remove the structure, but shall if he so requires re-erect it so as not to contravene the said provisions.



PART IV  
—cont.

(6) In this section—

“ building line ” in relation to any land means

(a) any building line prescribed by the Corporation in respect of the land under the provisions of this Act or any enactment; or

(b) if there be no such line, any line beyond which a house or building may not be erected on the land without infringing a condition of a licence granted by the Corporation under section 109 of the Act of 1945; or

(c) if there be neither of such lines, the line beyond which a house or building may not be erected on the land without the consent of the Corporation, be it or not, under the provisions of section 75 of the Act of 1945.

“ structure ” does not include an advertisement or sign, and the regulations made under section 34 of the Act of 1945 do not apply.

(7) The provisions of this section shall not apply to a wall erected on land belonging to any railway, canal or inland navigation undertakers so long as that land is used by the undertakers primarily for the purposes of their railway, canal or inland navigation undertaking.

Retaining  
walls.

41.—(1) In this section “ retaining wall ” means a wall

(a) serves, or is intended to serve, as a support for any other material on one side only; and

(b) does not form part of a permanent building.

and this section applies to any length of a retaining wall of a length—

(i) any cross-section whereof is wholly or partly within 12 feet of a street in the borough; or

(ii) which is at any point of a greater height than 6 inches above the level of the ground on the side of the street nearest that point.

(2) After the commencement of this Act no retaining wall to which this section applies shall be erected or altered in accordance with plans, sections and specifications approved by the Corporation; and if any person erects or alters such a wall in contravention of this subsection he shall be liable to a fine not exceeding twenty pounds.

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

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

(a) is in such disrepair as to be liable to endanger persons using the street; or

(b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section, is so constructed as to be liable as aforesaid;

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

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

(a) on land belonging to any railway, canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway, canal or inland navigation undertaking;

(b) by or under the jurisdiction or control of a river authority so long as that wall is used primarily in connection with the functions of the river authority; or

(c) by the Minister of Transport on a trunk road.

(6) (1) (a) If a person erects, or permits to be erected, over the highway of a street in the borough, being a highway maintainable at the public expense, an awning less than 8 feet above the ground

(i) projects over any part of the footway which is less than 2 feet from the carriageway; or

(ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

he shall be liable to a fine not exceeding twenty pounds.

(2) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(3) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require the owner or occupier of the premises to which the awning is attached to carry out such work as may be necessary to remove the danger or inconvenience.

PART IV  
—cont.

(3) The provisions of section 290 of the Act of 1962 in relation to notices given under the last foregoing section as they apply in relation to the notices mentioned in section 291 of that Act shall apply in relation to the notices mentioned in section 290 of that Act.

(4) In this section—

“awning” includes a blind, shade or other similar structure;

“traffic sign” has the meaning assigned to that expression in section 2 of the Road Traffic Regulation Act 1967.

1967 c. 76.

Decorations  
in streets.

43.—(1) The Corporation may, on the occasion of a public festival or festivity, cause flag-poles and pylons to be erected in the borough for the purpose of displaying decorations and may for that purpose provide sockets or slots in 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 twenty pounds.

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

(b) Such consent required by this subsection shall not be unreasonably withheld but may be given upon such conditions as the Corporation, at their own expense, may think fit. The Corporation may place in a street under the powers conferred by this section any object reasonably required to do so by the said Minister.

Mixing of  
mortar, etc.,  
in streets.

44.—(1) No person shall mix or deposit in any street or in any gully, drain or sewer plaster or any like substance in any street in the borough or in any street made available at the public expense, or in any street made available at the public expense under the powers in that behalf contained in section 290 of the Act of 1959 or the Act of 1962, or an enactment contained in any Act of those Acts, or in any part of a private street in the borough, or in any gully, drain or sewer for the purpose of which the Corporation are responsible, except upon such conditions as the Corporation may think fit, and such receptacle as will protect the street from such substance and will prevent it from flowing into any gully, drain or sewer:

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

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

15. If a person, without lawful authority or excuse, takes down, alters or removes any fence or other guard erected, or extinguishes or removes any light placed, by any statutory undertakers in pursuance of the requirements of section 8 of the Act of 1950 in executing works in the borough, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding one hundred pounds.

PART IV  
—cont.  
Damage to obstruction lights, etc.

PART V

SANITATION AND BUILDINGS

(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided or is to be held, given or provided, or in respect of which rules for the time being in force a licence under section 9 of the Betting, Gaming and Lotteries Act 1963, to provide to the reasonable satisfaction of the Corporation and thereafter to the satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport or during the continuance of the licence in a suitable position such numbers of sanitary conveniences for the use of the public resorting to the premises or place as may be reasonable.

Sanitary conveniences at places of public exhibition, etc.

1963 c. 2.

Any person aggrieved by a requirement made under subsection (1) of this section may appeal to a magistrates' court.

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

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

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

PART V  
—cont.

(4) This section shall not apply to premises where there is in force a licence under the Cinemas Act 1909 and 1952.

1961 c. 64.

(5) The provisions of this section shall apply to premises or place in respect of which bylaws relating to sanitary conditions at pleasure fairs and other events may be made by the Corporation under section 75 of the Health Act 1961.

Laying of  
pipes and  
ducts for  
conveyance of  
house refuse.

47.—(1) For the purpose of collecting and conveying house refuse from any premises belonging to the Corporation may lay on land belonging or leased to the Corporation through and under highways in the borough and other works as they deem necessary and may at any time inspect, repair, alter or renew, and may alter any pipe, duct or other work so laid.

1945 c. 42.

(2) The provisions of Part VI of the Third Schedule to the Water Act 1945 are hereby incorporated with this Act in the construction of the said enactments. In this section "the undertakers" means the Corporation and "main, pipe or other work" shall extend to cover pipes, ducts and other work laid in exercise of the powers in the foregoing subsection.

1899 c. 19.

(3) Section 18 of the schedule to the Electric Lighting Act 1899 shall apply to the Corporation with the powers of Part VI of the said Third Schedule and this Act as though the Corporation were a local authority.

For protection  
of statutory  
water  
undertakers.

48. Where the collecting and conveying of water from any premises by means of pipes, ducts and other works laid and used under section 47 (Laying of pipes and ducts for conveyance of house refuse) of this Act involves the use of a statutory water undertaker there shall be paid by the statutory water undertaker such additional sum for water as may be agreed between the said statutory water undertaker and the occupier of the premises or the Corporation if the water rates in respect of the premises are paid by the Corporation such additional sum as may be agreed between the statutory water undertaker and the Corporation or, in either case such additional sum as may be determined by the Minister.

Extension of  
section 22 of  
Public Health  
Act 1961.

1961 c. 64.

49. In its application to the borough section 22 of the Public Health Act 1961 shall have effect as if after the word "private" there were inserted the words "private sewerage"

PART V  
---cont.

Maintenance of and access to bulk refuse containers.

50.—(1) Where the owner or occupier of any premises within the borough 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 the owner or occupier to provide and maintain to the satisfaction of the Corporation a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Corporation such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Corporation constructed to convey bulk refuse containers to and from refuse vehicles.

(2) A notice under the preceding subsection may require the owner or occupier of the premises to execute such work and 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 apply to notices given under this section as they apply to the notices mentioned in 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 part of the premises in question to execute works for 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 expenses of executing the works required ”;

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) ”.

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

Means of access for removal of refuse, etc.

(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 reject the plans, unless it is shown to them that—

(i) satisfactory means of access can, and will, 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.

PART V  
—cont.

1957 c. 56.

Provided that this subsection shall not apply to buildings erected in accordance with specifications approved by the Minister with housing operations to which the Housing Act 1957 applies.

- (b) Any question arising under this subsection as to whether a local authority and the person by whom, on its behalf, plans are deposited as to whether access or refuse storage accommodation provided can be provided and ought to be provided by 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 storage of dustbins or other refuse containers or intended to contain the refuse arising from the use or occupation of the building.
- (2) (a) It shall be unlawful for any person, except with the consent of the local authority to close or obstruct any means of access by which refuse is removed from a 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) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence is committed after conviction thereof."

## PART VI

## NUISANCES

Tipping of  
spoil and  
refuse.

52.—(1) The Corporation may make byelaws for the tipping of spoil and refuse and for prohibiting the tipping of spoil or refuse tip so as to be a nuisance to the premises in the neighbourhood thereof.

- (2) Byelaws made by virtue of this section shall—
- (a) contain provisions for imposing on persons who offend against the byelaws fines not exceeding ten pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;
- (b) provide that any spoil or refuse tipped in breach of the byelaws shall be a nuisance for the purpose of Part III of the Act.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse—

(a) by railway, canal or inland navigation undertakers for the purpose of constructing, altering or maintaining any railway, canal, inland navigation or wharf works; or

(b) by a river authority for the purpose of land drainage or flood alleviation or in the exercise of its new functions under the Water Resources Act 1963; or

1963 c. 38.

(c) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Acts 1954 and 1969; or

(d) at a tip to which Part I of the Mines and Quarries (Tips) Act 1969 applies; or

1969 c. 10.

(e) by the generating board, the Gas Council or the gas board on their operational land.

(1) A stationary internal combustion engine shall not be used in the borough unless an effectual silencer is provided and on the exhaust of the engine.

Silencers for internal combustion engines.

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be used, the Corporation may give him notice that the engine being or has been so used; and if, after the lapse of such time as the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as afore-mentioned or causes or permits it to be so used, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) An authorised officer of the Corporation shall have the same powers in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as if he were an authorised officer of the Corporation incorporated with this Act to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off and any expenses incurred under this subsection by such an officer may be recovered from the Corporation from the occupier of the premises if there is such an engine on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof.

(4) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act 1954.

1954 c. 70.

(1) If a magistrates' court is satisfied upon a complaint made to it by the Corporation that any smoke, gas or vapour from a chimney, or pipe of a building or structure forming part of, or within

Power to order alteration of domestic chimneys.



PART VI  
—cont.

the curtilage of, a house in the borough is complained of by any of the inhabitants of the borough or a nuisance, the court may make an order requiring the owner of the chimney or pipe, within such time as may be specified in the order—

- (a) to cause it to be raised to a height so specified;
- (b) to cause such other means for remedying the complaint to be adopted as the court may think fit.

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in compliance with the order need not involve an expenditure of more than five pounds.

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

(3) A court shall not make an order under this section in respect of—

- (a) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister of Public Building and Works under any enactments for the time being in force relating to ancient monuments without the consent of the Minister; or
- (b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister under section 32 of the Act of 1953 not being a building to which paragraph (a) of this subsection applies, without the consent of the Minister.

(4) 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.

## PART VII

## FOOD

Slaughter of animals otherwise than for human consumption.  
S.I. 1963/1229.

55.—(1) The following provisions shall have effect in a borough with respect to the slaughter of any of the following animals, namely, horses, cattle, sheep, goats or pigs, if an animal is slaughtered owing to emaciation or disease, if the Meat Inspection Regulations 1963 do not have effect in relation to the slaughtering by reason of its not being intended for human consumption.

(2) The owner of any such animal shall comply with the following provisions:—

- (a) Except in the cases mentioned in paragraph (b) of this subsection, he shall not slaughter or cause to be slaughtered, until he has given notice to the authority in writing of his intention to do so.

officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired:

(b) If, by reason of accidental injury, illness or exposure to infection or other emergency affecting that animal or in order to comply with regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations 1958 S.I. 1958/2166.

it is necessary to slaughter it without complying with paragraph (a) of this subsection, he may, without such compliance, slaughter it, or cause it to be so slaughtered; but—

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcase intact until the expiration of that period, or until its disposal is approved by an authorised officer, whichever first occurs; or

(ii) if the slaughter is without giving such a notice, he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice, or until its disposal is approved by an authorised officer, whichever first occurs:

(c) He shall, on the application of an authorised officer made within two weeks from the date of its slaughter, furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof:

(d) Notwithstanding the requirements imposed by paragraph (b) subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

(a) to send, at any time during that period, to a laboratory a specimen taken from the carcase or the whole carcase;

(b) to take such a specimen, or the whole carcase, into his possession at any time during that period, and to retain it;

where the owner gives such a permission and it is acted upon, he shall give to an authorised officer notice of the action within twenty-four hours from the time when it is taken.

(e) Notwithstanding the requirement imposed by paragraph (b) subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein

PART VII  
—cont.

mentioned, if the slaughter was in a knacker's yard, the animal is moved to a knacker's yard immediately after slaughter, the owner may take, or cause to be taken, from the animal during that period any part or organ which, in the opinion of the authorised officer, is necessary so to take therefrom in order to prevent the animal from being a risk of nuisance or risk of deterioration of the animal, and if he does so the owner shall during that period retain the part or organ so taken on the premises on which it was taken, and in such manner as may be requisite to prevent the animal from being a risk of nuisance or risk of deterioration of the animal, to the reasonable satisfaction of an authorised officer, from the time when it was taken.

(5) If the owner of an animal—

- (a) without reasonable excuse contravenes any of the provisions of section 87 or fails to discharge an obligation thereon imposed on him; or
- (b) furnishes in response to an application under subsection (c) of subsection (2) thereof information which he knows to be false;

he shall be liable to a fine not exceeding fifty pounds.

1950 c. 36.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950, or of any order made thereunder by the Minister of Agriculture, Fisheries and Food, or of any regulation or done thereunder, or having effect by virtue of subsection (2) of section 89 thereof.

(7) In this section—

1955 c. 16.  
(4 & 5 Eliz. 2.)

- “ authorised officer ” means any officer appointed under section 10 of the Food and Drugs Act 1955, or any person appointed for the purpose of the examination and seizure of food under the provisions of Part I of that Act, who is authorised to seize food unfit for human consumption;
- “ knacker's yard ” means any premises used in connection with the business of slaughtering animals the flesh of which is not intended for human consumption.

(8) This section shall not come into operation in any part of the borough as was not comprised in the borough of Dudley until the appointed day.

## PART VIII

## PARKS, CEMETERIES AND OTHER MUNICIPAL LANDS

Interpretation  
of Part VIII of  
Act.

56. In this Part of this Act—

- “ burial ground ” includes a cemetery;
- “ grave ” includes a grave space, niche or vault.

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

57.—(1) The Corporation may purchase or take a lease of Dudley Castle and any interest or right therein for such price or consideration and upon such terms and conditions as may be mutually agreed upon between the Corporation and the owner or owners for the time being or lessees for the time being of Dudley Castle and any interest or right therein and at the date agreed upon for the transfer to take effect the property or interest so transferred shall according to the terms, conditions and intent of the agreement for such transfer by virtue of this Act be transferred and vested in the Corporation together with all the rights, powers, authorities and privileges of the said owner or owners or lessees in relation to the property or interest so transferred.

Purchase or leasing of Dudley Castle by agreement.

If on the exercise by the Corporation of their power under section 57 to purchase Dudley Castle and any interest or right therein the amount or value of the consideration is not ascertained on the date agreed upon for the transfer of the property or interest so transferred to take effect the date of the final ascertainment of the amount or value of the consideration shall for the purpose of section 12 of the Finance Act 1895 (which relates to stamp duty on transfers of property vested by Act of Parliament) be treated as the date of vesting and if the Corporation in exercise of their power under this section take a lease of the said property the Corporation shall produce to the Commissioners of Inland Revenue a Queen's Printer's copy of this Act or a lease embodying the terms and conditions of the lease in either case duly stamped with the ad valorem duty payable upon such a lease of the property and the production to take place within three months after the final ascertainment of the terms and conditions aforesaid.

1895 c. 16.

The Corporation shall have the control and management of Dudley Castle including any other lands from time to time in connection therewith after they shall have purchased or taken a lease of the same together with all buildings now existing and after erected thereon and subject to the terms and conditions of the conveyance or lease they may exercise the following powers (that is to say):—

Management of Dudley Castle.

They may improve and extend the lands and buildings and lay out, form, fence, construct and maintain gardens, roads, footpaths, ways, walks, fences, plantations and ornamental lakes and may plant trees and shrubs for the purpose of shelter or ornament and erect, provide,

PART VIII  
—cont.

- furnish and equip buildings, pavilions, stands, lavatories, kiosks, and purchase or acquire zoological specimens.
- (2) they may make such reasonable charges as they think fit for admission to and for the use of any part of Dudley Castle and other lands acquired and held in connection therewith and for the use of any enclosure and enclosures therein and for the use of any parking cars and other vehicles in any part of Dudley Castle;
- (3) they may let for a period not exceeding five years any rights, exclusive or otherwise, for supplying refreshments to the public, or for using Dudley Castle or any portion thereof or any lands acquired and held in connection therewith which the public have access to, and for the erection for those purposes of such buildings, enclosure and provision of such space, and for the provision as may be requisite or necessary for the proper catering;
- (4) they may set apart and appropriate any part of Dudley Castle and other lands acquired and held in connection therewith for such purposes of instruction or benefit for such period and on such conditions as they may think fit;
- (5) they may exercise over and in respect of Dudley Castle and other lands acquired and held in connection therewith with any powers conferred upon the Corporation by the Public Health Acts (so far as they apply to public walks and pleasure grounds) and by this Act:
- Provided that the Corporation shall not use any premises to which the provisions of this paragraph apply for a cinematograph or for the exhibition of cinematograph films for the amusement of the public or for the purposes of local government or the functions of local government, unless they grant or let the use of any such premises for the purposes of a cinematograph theatre on such terms that can be obtained;
- (6) they may make and construct streets, promenades on any part of Dudley Castle and other lands acquired and held in connection therewith and may if they think fit dedicate any such street or promenade to public use or utilise any such

Castle and such other lands for the widening and improvement of a highway or take and recover reasonable tolls and charges for the use thereof;

(7) they may appoint, pay and remove officers, servants and workmen to perform any services in connection with Dudley Castle and other lands acquired and held in connection therewith;

(8) if the alteration of any telegraphic line belonging to or used by the Post Office shall be involved in any works of the Corporation under this section the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and the Corporation shall be deemed to be undertakers within the meaning of the said Act: 1878 c. 76.

Provided that the Corporation shall not create or permit the continuation or continuance of any nuisance on any lands used by them under the powers of this section for the purposes of botanical gardens.

(1) For the purpose of providing a parking place under section 28 of the Road Traffic Regulation Act 1967, the Corporation may, with the consent of the Minister, utilise any part of a pleasure ground or open space provided by them or under their management and control: Parking places in parks, etc. 1967 c. 76.

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

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

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

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

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

PART VIII  
—cont.  
Golf courses.

60.—(1) The Corporation may within or without the borough provide a golf course, and for that purpose may erect buildings, and execute such works, as they think expedient.

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

(3) The Corporation may either—

- (a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit;
- (b) let it, or any part thereof, for such period as they think fit, on such terms and conditions, as they think fit.

(4) The Corporation may—

- (a) at a golf course provided under this section, sell and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments at a golf course provided under this section;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right to provide refreshments at a golf course provided under this section;
- (d) by themselves, or any person appointed by them for that behalf, apply for, and hold, licences under the Licensing Act, 1902, for the sale of intoxicating liquor at any such golf course.

(5) The Corporation may make byelaws for the regulation of golf courses provided under this section, whether situated inside the borough, and the conduct of persons resorting thereto.

(6) In this section "golf course" includes any grounds.

Further power  
to make  
byelaws.

61. The Corporation may make byelaws for the regulation of the grounds of Himley Hall in the rural district of Himley in the administrative county of Stafford and such byelaws may provide for the removal from those grounds of any person who is in breach of such byelaw by any officer of the Corporation.

Power of  
constables  
to enforce  
byelaws as to  
parks, etc.  
1875 c. 55.

62. From and after the commencement of this Act a constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act, 1875, as if he were a constable appointed under that Act.

any park or place of public resort or recreation ground under the control of the Corporation except Dudley Castle, as is given to the servants of the Corporation by the byelaws from time to time in force under the provisions of the said Act.

63. The Corporation may agree with any person, in consideration of the payment of a sum by him, to maintain, for a period fixed by the agreement, a grave or memorial in a burial ground or crematorium provided by the Corporation.

64.—(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 therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

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

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, 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 a 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 than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where 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.

Agreements to maintain graves and tombstones.

Extension of power to maintain burial grounds.



PART VIII  
—cont.

(4) If notice of objection to a proposal, and of the reasons therefor, is given to the Corporation before the proposal is carried out under paragraph (b) of the last foregoing subsection, the proposal shall not be carried out without the consent of the Corporation, unless the notice is withdrawn.

(5) The Corporation may put to such use as it thinks fit, appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person by whom, or some person acting on his behalf within three months of the date of the earlier of the two publications of the notice referred to by paragraph (a) of subsection (2) of this section, or a notice has been served under paragraph (c) thereof, or the person by whom such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at that or another place, or substitution, a memorial of a value not exceeding £100, or so many pounds.

(7) The Corporation shall cause a record to be made of any 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 plan showing where it has been taken to.

and shall deposit a copy of the record with the Registrar of Burial Grounds.

(8) (a) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to obtain the consent of a faculty or licence of a consistory court.

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

For  
protection of  
Common-  
wealth War  
Graves  
Commission.

65.—(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 United Kingdom, 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 64 (Extension of power to maintain and repair)

This Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 64;

(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 64;

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 64, remove any memorial placed or erected over a Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or any 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;

(c) 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.

(4) If a Commonwealth war burial would be affected by a faculty or licence given by the Minister under subsection (4) of the said section 64, 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 twenty-eight days from the date of reference to the Minister.

PART VIII  
—cont.

As to  
offences in  
burial  
grounds.

66.—(1) A person, other than an officer of the Corporation or a person or the servant of a person employed by the Corporation in or about any work in connection with the Corporation maintainable by the Corporation, shall not, except for the purpose of properly tending any grave, pluck out or break off or remove from any grave in a burial ground any flower, plant, shrub, wreath, ornament or other thing on any grave in a burial ground.

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

Aerodrome  
undertaking.  
1949 c. 67.

67.—(1) In the event of the Corporation, or any person acting in pursuance of sections 19 and 20 of the Civil Aviation Act 1949, being an aerodrome, with or without any ancillary business connected therewith (in this section referred to as "the aerodrome undertaking"), they may either—

(a) themselves manage the aerodrome undertaking and pay such reasonable charges in respect thereof as they think fit; or

(b) subject to the provisions of subsection (2) of section 19, let it, or any part thereof, to any person, on such terms and conditions as they think fit:

Provided that nothing in this subsection shall prevent the Corporation from varying a scale of charges approved or prescribed by the Board of Trade in pursuance of powers conferred on the Corporation under the said Act.

(2) The aerodrome undertaking shall be subject to the control of the Board of Trade and subject to the provisions of section 19 of the Civil Aviation Act 1949 as if this Act were in force on the day on which that Act came into force.

## PART IX

## CONTROL OF BOXING AND WRESTLING ENTERTAINMENT

Interpretation  
of Part IX  
of Act.

68. In this Part of this Act "boxing" and "wrestling entertainment" mean respectively an exhibition or display of boxing or wrestling or any other form of boxing or wrestling within the borough, except any such contest or exhibition which is provided or given—

- (1) at pleasure fairs;
- (2) in premises licensed under the Theatres Act 1968;
- (3) by bona fide associations, clubs, societies or other bodies which are not carried on for profit;
- (4) by members of the Scout Association or any other association constituted by the Scout Association or any other association of their charter; or
- (5) by any school.

1968 c. 54.

69. This Part of this Act shall come into operation on the appointed day.

Commencement of Part IX of Act.

70. A boxing entertainment or a wrestling entertainment shall be given elsewhere than in premises licensed for the purpose in accordance with the provisions of the next succeeding section of this Act.

Boxing, etc., entertainments to be given only in licensed premises.

71.—(1) The Corporation may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing entertainment or a wrestling entertainment or both such forms of entertainment on such terms and conditions subject to such restrictions as they by the licence prescribe.

Boxing, etc., entertainment licences.

(2) A licence granted under this section shall be in force for a period (to be stated in the licence) not exceeding thirteen months as the Corporation on the grant of the licence may determine, unless it shall have been previously revoked as herein provided:

provided that the Corporation may, if they think fit, grant a licence (in this section referred to as an "occasional licence") for the use of any premises for a boxing entertainment or a wrestling entertainment, or both such forms of entertainment on one or more particular occasions only as may be specified in the licence.

72. The Corporation may, on the application of the persons named, transfer any licence granted under this section to any person as they think fit.

73. An applicant for a licence or a transfer or renewal of a licence other than an occasional licence under this section shall give not less than twenty-one days' notice in writing of his intention to make such application to the Corporation.

74. Any person making application under this section for the grant, renewal or transfer of a licence shall, when making the application, pay to the Corporation such fee as the Corporation may fix, not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence for any period not less than one year ...	2	0	0
(b) in respect of the grant or renewal of a licence for any period less than one year, ten shillings for every month for which it is granted or renewed so, however, that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed ...	2	10	0
(c) in respect of the grant of an occasional licence ...	0	10	0
(d) in respect of the transfer of a licence ...	0	5	0

PART IX  
—cont.

and the fees paid on any application for the grant or transfer of a licence may be retained by the Corporation if such licence is or is not granted, renewed or transferred.

(6) Except where the licence is an occasional licence, the licence shall be affixed and kept up in some conspicuous place immediately over the outer side of the main entrance to the premises licensed under this section an inscription so worded as to read in the following terms:—

“ Licensed for . . . entertainments in pursuance of the Dudley Corporation Act 1969 ”.

(7) Any premises used for the purpose of a boxing entertainment or a wrestling entertainment, although licensed under this section, shall not be open for that purpose except during the hours and between the hours stated in the licence.

(8) Any person aggrieved by any condition attached to a licence or any refusal of the Corporation to grant a licence may appeal to a magistrates' court and the costs of such appeal shall be paid in such manner and by such person as to the appeal as the court may direct.

(9) On any such appeal the court may by order vary the refusal or attachment of conditions or may direct the Corporation to grant or refuse a licence subject to such conditions (if any) as the court may direct.

(10) The Secretary of State may make an order in writing in instrument to vary the sum specified by subsection (1) of this section.

(11) An order made under the last foregoing subsection may be revoked or varied by a subsequent order made under that subsection.

(12) Any statutory instrument containing an order made under section (10) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Powers of  
entry and  
inspection.

72.—(1) A police constable or any person appointed for that purpose by the Corporation may at all reasonable times enter any premises licensed under this Part of this Act if he has reasonable cause to believe that a boxing entertainment or a wrestling entertainment is being, or is about to be given, on those premises, and seeing whether the provisions of this Part of this Act are being complied with on such an entertainment and the terms, conditions, and requirements on or subject to which any licence under this Part of this Act has been granted have been complied with.

(2) A police constable or any person appointed for that purpose by the Corporation may, if he shall be authorised in writing by the Corporation, if he shall be authorised in writing by the Corporation,

...a warrant granted by a justice of the peace, enter any premises in respect of which he has reason to suspect that an offence under this Part of this Act is being committed.

(3) Every person who refuses to permit any such constable or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a fine not exceeding twenty pounds.

73.—(1) If the holder of a licence granted, renewed or transferred under this Part of this Act be convicted of any breach or disregard of any of the terms, conditions or restrictions on, or subject to which the licence has been granted, renewed or transferred, the licence may be revoked by the Corporation.

Power to  
revoke  
licences.

(2) Any person aggrieved by the revocation of a licence under this section may appeal to a magistrates' court.

Any person who—

Penalties  
under Part IX  
of Act.

(1) provides a boxing entertainment or a wrestling entertainment or a boxing and wrestling entertainment in any premises without a licence under this Part of this Act; or

(2) being the occupier of any premises uses those premises or allows them to be used for a boxing entertainment or a wrestling entertainment or a boxing and wrestling entertainment without a licence under this Part of this Act; or

(3) being a person to whom a licence has been granted or transferred under this Part of this Act in respect of any premises uses those premises or allows them to be used in contravention of the terms, conditions or restrictions on or subject to which the licence was granted or transferred;

shall be liable—

(a) in respect of an offence under paragraphs (1) or (2) of this section to a fine not exceeding fifty pounds; and

(b) in respect of an offence under paragraph (3) of this section to a fine not exceeding twenty pounds.

PART X

CULTURAL ACTIVITIES

(1) The Corporation may sell, lend, exchange or give or dispose of any specimen, work of art or book vested in the Corporation 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.

Disposal of  
unsuitable  
specimens  
and works  
of art.

PART X  
—cont.

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

(3) Where any object has become vested in the Corporation in 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;

(b) the powers conferred by this section shall, in relation to any object which it became vested in, be exercisable only in any manner inconsistent with any conditions or restrictions attached to the gift or bequest except in so far as they are of the donor or the personal representatives of the donor; and

(c) any sum received by the Corporation in exercise of the powers conferred by this section in respect of any object of the powers of this section shall, unless it exceeds fifty pounds and is required by the terms of which prevent its being used for the purposes of other objects, be paid into the funds of the Corporation.

Acquisition  
of works  
of art  
produced  
to order.

76. The Corporation may enter into and carry out any agreements or arrangements for the production of any picture or sculpture or other work of art and for the completion thereof by the Corporation when completed.

Acquisition  
and repair of  
sculptures, etc.

77. The Corporation may acquire for or for use as a feature in connection with any redevelopment scheme carried out or being carried out by the Corporation any works of sculpture or other objects of artistic interest and may provide for the renovation, repair or recasting of any such works or objects which are in their possession or care.

## PART XI

## FIRE PRECAUTIONS

Interpretation  
of Part XI of  
Act.

78. In this Part of this Act—

“ flammable material ” means—

(a) timber;

(b) (i) firewood;

- (ii) wooden boxes, crates, casks or barrels;
  - (iii) paper or cardboard;
  - (iv) rags;
  - (v) motor tyres or cycle tyres;
  - (vi) natural or synthetic rubber;
- or materials of similar character; or

(c) subject to the provisions of section 84 (As to application of Part XI to certain stacks) of this Act, materials of the type commonly known as plastics;

"height" in relation to any stack means the height measured from the mean level of the ground or floor on or over which it stands to its highest point;

"premises" means any premises in the borough but does not include a railway wagon or container for use on the railway or a mechanically or electrically propelled vehicle or any trailer designed to be attached thereto or container to be carried thereon;

"stack" includes a pile;

"street" has the same meaning as in the Act of 1959;

"timber" includes uncut timber and wood in its natural state;

"unenclosed or partially unenclosed structure" means a shed or similar structure (whether of one or more storeys in height) having unprotected areas in its sides exceeding in the aggregate one-half of the total area of its sides, and for the purpose of calculating such areas any window, door, enclosure, shutter or opening, and any part of an external enclosure, not capable of resisting the action of fire for a period of at least half an hour in accordance with the Building Regulations 1965 shall be regarded as an unprotected area.

S.I. 1965/1373.

(1) (a) The Corporation may give—

- (i) a general consent to the use of any premises for the formation or maintenance of any stack of flammable material; or
- (ii) a particular consent to the formation or maintenance of any such stack on any premises;

Consent to storage of flammable material.

The Corporation shall not refuse to give any consent applied for under this section except where they consider such a refusal necessary for any of the purposes mentioned in paragraph (b) of this subsection.



PART XI  
—cont.

(b) The Corporation may attach to any consent given under this subsection such terms and conditions as it may consider to be the reasonable requirements of the undertaking to be carried on on the premises, they consisting of such measures as are necessary for the purposes of preventing outbreaks of fire and the danger from the spread of fire and facilitating the control of fire including terms and conditions as to the use, handling or storage of flammable material.

(c) Any reference in this Part of this Act to the consent of the Corporation is a reference to a consent (of the kind mentioned in the particular) given under this subsection.

(2) Subject to the provisions of this Part of this Act, no person shall without the consent of the Corporation deposit or store any flammable material on any premises.

(3) (a) Any application for the consent of the Corporation shall be made to the Corporation in writing and the applicant shall supply such plans and particulars in relation to the application as the Corporation may require.

(b) Applications, plans and other documents submitted to the Corporation as aforesaid shall on delivery become the property of the Corporation.

(c) If the Corporation have not notified to the applicant his decision on his application within a period of three months from the date of the receipt thereof and of such plans and particulars as they may have required him to supply (or within such shorter period as may be agreed in writing between the Corporation and the applicant), the provisions of this Part of this Act shall have effect as if the consent of the Corporation had been given on the last day of that period, subject to the conditions being attached thereto except that the terms and conditions as may have been stipulated in such application shall not apply.

(4) (a) The Corporation may from time to time by notice served on any person maintaining a stack of material on any premises as respects which the consent of the Corporation has been given withdraw or vary as from the specified date any consent given under this section or may as from the specified date attach to such consent or may as from the specified date vary such terms and conditions or additional conditions attached thereto as they consider to be reasonably necessary for the purposes mentioned in paragraph (b) of subsection (2) of this section.

(b) In this subsection "the specified date" means any date as may be specified in a notice served under subsection (a) of this section being less than twenty-eight days after the date of the service of the notice.

(6) Where any terms and conditions have been attached to the consent of the Corporation as respects any premises in pursuance of subsection (1) of this section or paragraph (a) of the last foregoing subsection then such terms and conditions shall not be withdrawn, varied or added to in pursuance of the provisions of paragraph (a) of the last foregoing subsection except where there has been—

- (a) a change of occupancy of the premises; or
- (b) some other material change in the circumstances affecting the fire hazards arising at or from the use of the premises;

since the said terms and conditions were so attached.

80.—(1) Any person—

(a) who has applied for the consent of the Corporation and is aggrieved by—

(i) refusal to give such consent; or

(ii) any term or condition attached to the consent;

or

(b) who is aggrieved by the variation of any term or condition attached to any consent of the Corporation or by any terms or conditions or additional terms or conditions attached thereto in pursuance of a notice served under paragraph (a) of subsection (4) of section 79 (Consent to storage of flammable material) of this Act;

within twenty-one days from the date on which such refusal or attachment or variation of such term or condition is notified to him require the Corporation to deliver to him a certificate in writing stating the grounds for such refusal or the attachment or variation of such term or condition and the person may appeal to the Secretary of State within ten days after the receipt of the certificate.

(2) Every appeal to the Secretary of State under this section shall be made in writing asking that the consent may be granted notwithstanding the refusal of the Corporation, or that such term or condition may not be attached or varied or may be modified in such manner, and to such extent as may be set forth in the appeal, and shall be accompanied by the certificate of the Corporation given under the last foregoing subsection.

(a) Where an appeal is brought under this section the Secretary of State may—

(i) confirm or quash the refusal of the Corporation to give their consent;

Appeals under  
Part XI of  
Act.

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—cont.

- (ii) confirm, vary or quash any term or condition or variation of a term or condition which was or might be attached to the consent of the Corporation as mentioned in subsection (1) of section 79 (Consent to storage of flammable material) of this Act; or
- (iii) attach to the consent of the Corporation any term or condition which the Corporation may be required to attach under either subsection (1) or subsection (4) of section 79 (Consent to storage of flammable material) of this Act.

(b) The decision of the Secretary of State on any appeal made to him under the last foregoing subsection shall have effect as if it were the decision of the Corporation on any consent for which application has been made to the Secretary of State or of any term or condition which was or might be attached to the consent of the Corporation as mentioned in subsection (1) or attached (as the case may be) by the Corporation.

(4) Before determining any appeal made to him under subsection (1) of section 79, the Secretary of State may, if he thinks it desirable, cause an inquiry and report upon the appeal to be made to him by such person as he may appoint for the purpose, and shall afford to the appellant and to the Corporation, if they so desire, an opportunity of appearing before and being heard by the person so appointed.

Stack not to contain room, etc.

81. No stack of flammable material formed or maintained on any premises shall contain any room, chimney, or space other than a passage which, if provided, shall be unobstructed.

Offences.

82.—(1) Any person who—

- (a) forms or maintains on any premises a stack of flammable material for which the consent of the Secretary of State is required under section 79 (Consent to storage of flammable material) of this Act without that consent;
- (b) contravenes any term or condition which is attached to a consent given by the Secretary of State under subsection (1) of section 79 (Consent to storage of flammable material) of this Act;
- (c) contravenes the provisions of section 81 (Stacks not to contain room, etc.) of this Act;

shall be guilty of an offence:

Provided that no offence under paragraph (a) of this subsection shall have been committed by any person

- (a) until the end of any period within which an appeal may be made under section 80 (Appeals under Part XI of this Act) may be made by him in respect of that term or condition in question; and

(b) if such an appeal is duly made, until seven days after the appeal has been withdrawn or determined.

(2) Any person guilty of an offence under paragraph (a), (b) or (c) of the foregoing subsection shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence for every day on which such offence continues after conviction to a fine not exceeding ten pounds, and the court by whom any such person is convicted may make such order as it thinks fit for the removal or modification of the stack in respect of which the offence was committed.

(3) Any person who fails to comply with an order of the court made under the last foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which such offence continues.

3. Notwithstanding the provisions of section 79 (Consent to storage of flammable material) of this Act, the consent of the Corporation shall not be required under that section—

Consent not required in certain circumstances.

(a) as respects a stack of flammable material not exceeding 10 feet in height and 400 cubic feet in size, so long as it is separated from any other stack of flammable material on the same premises by an unobstructed space not less than 3 feet in width; or

(b) as respects any other stack not exceeding 30 feet in height and 48,000 cubic feet in size in the case of a stack of timber, 15 feet in height and 24,000 cubic feet in size in the case of a stack which is composed only of one type of plastics material, or 15 feet in height and 16,000 cubic feet in size in the case of a stack of any other flammable material, so long as each of the following provisions is complied with:—

(i) the horizontal sectional area of the stack does not exceed 2,500 square feet and the stack is not more than 60 feet in length;

(ii) an unobstructed space not less than 12 feet in width is left around three of the four sides of the stack, or if the stack is not rectangular in shape around not less than three-quarters of the length of the perimeter of the stack, and in either case the stack is separated from any other stack of flammable material on the same premises by a distance of not less than 12 feet;

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—cont.

- (iii) no part of the stack is nearer than—
- (A) the nearest part of any furnace or building;
  - (B) any substance having a flash-point less than 66 degrees Centigrade when tested by the standard method; or
  - (C) any compressed gas, including gas dissolved under pressure;
- or nearer than 15 feet to the nearest part of any such furnace or building, and
- (iv) unobstructed access from a street or highway to the stack, such access being not less than 12 feet in width and such access being provided and maintained for fire brigades and personnel, and any gateway to such access being not less than 10 feet in width and 12 feet in height.

Provided that where any two or more stacks of flammable material (in any case may be) of plastics or any other flammable material are contained within a rectangular area not exceeding 20 feet in width, 20 feet in height and not more than 60 feet in length, those stacks shall be treated for the purposes of this paragraph as if they were one stack.

As to application of Part XI to certain stacks.

84.—(1) For the purposes of this Part of this Act a stack shall not be deemed to be a stack of flammable material if it is only of the fact that the material or materials in the stack is primarily composed are—

- (a) supported on wooden pallets; or
- (b) contained in sacks or bulk containers.

(2) A stack of material or materials of the type known as plastics shall not be deemed to be a stack of flammable material for the purposes of this Part of this Act if—

- (a) in the case of a stack which contains two or more types of plastics, the stack contains no material with a calorific value of 2,500 calories per gram or more; and
- (b) in the case of a stack which is composed of one type of plastics, either—
  - (i) the plastics material of which the stack is composed has a calorific value of less than 2,500 calories per gram; or
  - (ii) the plastics material of which the stack is composed is self-extinguishing or of very low inflammability or falls within the like or any similar or substituted description which is contained in the British Standard and which is for the purpose of this Act.

prescribed in an order made by the Corporation after consultation with such bodies representing the interests affected as they may think fit;

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any order made under sub-paragraph (ii) of this paragraph may be revoked or varied by a subsequent order so made.

(3) The Secretary of State, after consultation with the Corporation and such bodies representing the interests affected as he may think fit, may direct the Corporation to make an order under sub-paragraph (b) (ii) of the last foregoing subsection in such form as he may think fit, and the Corporation shall comply with any such direction.

(4) In subsection (2) of this section—

“British Standard” means a British Standard published by the British Standards Institution;

“self-extinguishing or of very low flammability” in relation to plastics material means that the material would properly be reported as self-extinguishing or (as the case may be) of very low flammability if subjected to the appropriate test for that purpose prescribed in the last published edition of British Standard 2782: Part V: method 508.

(1) The provisions of this Part of this Act shall not apply to a stack of flammable material in any building, but for this purpose an unenclosed or partially unenclosed structure shall be deemed not to be a building. Savings and transitional provisions.

(2) Until 1st January, 1971, it shall not be necessary for any stack of flammable material on premises in use at the date of the passing of this Act for the piling, stacking or storage of flammable material and situated in the borough to be formed or maintained in accordance with the provisions of this Part of this Act.

(a) Where by reason of the provisions of the last foregoing section a stack of flammable material on any premises is not formed or maintained in accordance with the provisions of this Part of this Act, the owner of those premises may, before 1st September, 1970, apply to the Corporation an application in writing that section 79 (relating to storage of flammable material) of this Act shall not apply to those premises until such date after 1st January, 1971, but not being later than 1st January, 1972, as may be specified in that application, being a date which is in his opinion reasonable having regard to the need to modify, by reason of the passing of this Act, the operations of any undertaking, or business, being carried on on those premises.

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(b) The Corporation may, by notice served on the applicant of any premises who has submitted an application under the foregoing paragraph and within a period of three months from the date of the receipt of that application—

- (i) approve the application and the date specified therein;
- (ii) approve the application subject to such modifications as the date specified therein of such other conditions as the Corporation may consider to be necessary in the circumstances; or
- (iii) refuse to approve the application if such refusal to be reasonable in the circumstances.

and, if the Corporation have not notified the applicant of their decision on his application within the said period, the provisions of this Part of this Act shall have effect as if the approval of the Corporation applied for under this section had been given on the last day of that period.

(c) Any applicant aggrieved by the terms of an approval or refusal on him by the Corporation under paragraph (b) of this section may appeal to the Secretary of State on the ground that the Corporation have unreasonably refused to approve the application in the form in which it was submitted by him and the provisions (Appeals under Part XI of Act) of this Act shall apply with any necessary modifications, apply for the purposes of such section as it applies for the purposes of an appeal under this section to give a consent under subsection (1) of section 86 (Prohibition of storage of flammable material) of this Act.

Firemen's  
switches for  
luminous tube  
signs.

86.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage exceeding 650 volts, or other equipment, and the transformers required to raise the voltage to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

(2) As from the appointed day apparatus to which this section applies shall be provided with a fireman's switch on the low-voltage side of the transformer, and such switches shall be so placed, and coloured or otherwise marked, as to comply with such reasonable requirements as the Corporation may from time to time require to secure that it shall be readily accessible to and operated by, firemen.

(3) Not less than fourteen days before work is begun on apparatus to which this section applies, the person in charge of the apparatus shall give notice to the Corporation showing where the fireman's switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been 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 coloured or otherwise marked;

(b) in the case of apparatus not already provided with such 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 as required by subsection (3) or subsection (4) of this section the proposed, or, the case may be, actual, position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless, within ten days from the date of the service 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 regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

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

(8) The owner or the occupier of premises where apparatus is 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 twenty pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding two pounds.

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



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Building  
plans: access  
for fire  
brigade.

87.—(1) Where plans for the erection of a building 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 a fire in the building to be effectively fought;
- (b) that the building will interfere with the means of access by 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.

(2) Where plans for the extension of a building in accordance with building regulations deposited with the Corporation shall reject the plans if they show—

- (a) that the extension will be such as to interfere with the means of access by the fire brigade to the building and that 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; or
- (b) that the extension will interfere with the means of access by 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.

(3) In this section “access by the fire brigade” means access by members of one or more fire brigades and references to a neighbouring building as to which plans have been passed, references to a neighbouring building as erected, altered or extended in accordance with plans.

(4) If the Corporation reject the plans under this section, the notice given in pursuance of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(5) Any question arising under this section between the Corporation and the person by whom, or on behalf of whom, plans are deposited as to whether the Corporation may, on the application of that person, refer the question to a magistrates' court.

Parts of  
buildings used  
for storage of  
flammable  
substances.

88.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used for the

be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as "the storage part of the building") shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

(a) in the case of any part of a building which is so used immediately before the appointed day, within twenty-one days after the appointed day; and

(b) in the case of any part of a building which after the appointed day is intended to be so used, not less than twenty-one days before such user takes place.

2) The Corporation may, if they are of the opinion that such

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

counter-notice require the occupier of any part of a building in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-notice—

(i) adequate means 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;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

3) (a) An authorised officer of the Corporation may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as incorporated in this Act, purchase and test samples of 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 kind of test of a sample taken by an authorised officer of the Corporation by virtue of this section shall be admissible as evidence in any legal proceedings under this

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section including an appeal under subsection (2) of this section unless the following requirements have been complied with, that is to say, the said officer shall, forthwith after the sample is taken, notify to the occupier of the building in respect of which it is tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a separate 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 the part so retained for test.

(4) The occupier of any building who

- (a) by reason of a restriction affecting the use of the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or
- (b) 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 for the purpose of complying with a requirement of the Corporation under this section and is unable to agree with the owner or that other person as to whether such a contribution should be made or as to the amount thereof;

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 with such requirement or, as the case may be, to require the owner of 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 to be fair and reasonable in the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with a certificate to that effect has been granted by the Corporation in respect of any material extension or material structural alteration of a building to which the certificate relates as aforesaid the Corporation may serve a further counter-notice varying the requirements of subsection (2) of this section in respect of the building.

(b) Upon compliance being made with the requirements of subsection (2) of this section the Corporation shall amend the certificate granted in respect of the building but a further counter-notice to be provided in accordance with a further counter-notice served under this subsection is not provided within such period as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

(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 counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

(b) Any person aggrieved by the refusal of the Corporation to grant 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.

(c) If any person contravenes the provisions of this section or the requirements of the Corporation under this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(d) This section applies to—

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

(ii) (i) any substance which is gaseous at a temperature of 33 degrees Fahrenheit at atmospheric pressure and which is flammable; and

(ii) any other substance which when tested by a method approved by the Secretary of State gives off a flammable vapour at a temperature of less than 150 degrees Fahrenheit;

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

(i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply; or 1928 c. 32.  
 (ii) not more than fifty gallons of any substance which does not when tested by a method approved by the Secretary of State give off a flammable vapour at a temperature

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of less than 80 degrees Fahrenheit and in securely closed metal containers and containing not more than five gallons.

- (iii) any substance which does not when tested is approved by the Secretary of State give inflammable vapour at a temperature of less than 100 degrees Fahrenheit and which is stored in separate earthenware vessels securely stoppered and the amount of all such substances stored in any one building would not, if the whole contents were taken together, exceed twenty-five gallons.

(9) In this section "building" where used in relation to the storage of substances therein includes the cutting of any material.

1961 c. 34.  
1963 c. 41.

(10) Nothing in this section shall apply to premises subject to the Factories Act 1961 or the Offices, Shops and Premises Act 1963, or regulations made under either of those Acts.

Further provision for fire precautions.

89. Section 59 of the Act of 1936 in its application to any borough shall have effect as if in paragraph (a) of that section thereof the words "sale room" were inserted after the words "warehouse" and as if the word "ten" were substituted for the word "twenty":

Provided that nothing in this section shall apply to premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises or to premises in respect of which a licence under the Cinemas Act 1909 and 1952 is for the time being in force.

Provision of means of escape from fire in certain buildings.

90.—(1) Section 60 of the Act of 1936 in its application to any borough shall have effect as if—

- (a) in subsections (1) and (4) of that section the words "eighteen feet" were substituted for the words "ten feet"; and
- (b) in paragraph (b) of subsection (4) of that section the words "boarding school" were inserted after the words "old persons' home" were inserted after the words "children's home"; and
- (c) in paragraph (c) of subsection (4) of that section the words "school" were inserted after the word "house" and the words "for persons employed on the premises" were omitted.

(2) (a) The Corporation may by notice require any person having control of a building to which the said section 60 as amended by subsection (1) of this section applies to

use let in flats) to keep unobstructed such passages and gangways as are specified in the notice and, if he fails to do so, he shall be 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 this subsection;
- (ii) that there has been some informality, defect or error in or in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the borough to which section 59 of the Act of 1936 applies or for the purpose of preventing injury to persons resorting thereto—

- (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) any floor requires strengthening in order to prevent overloading;

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

~~provided that—~~

(i) paragraphs (a) and (b) of this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1968, Part IV of the Public Health Acts 1890 c. 54. Amendment Act 1890, as originally enacted or as amended by this Act or the Cinematograph Acts 1909 and 1952, is for the time being in force;

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

The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section as they apply in relation to the notices mentioned in section (1) of that section.

(1) As from the appointed day any person intending to install or place oil-burning equipment in any building in the borough, whether erected before or after the commencement of this Act, or on any land in the borough shall give not less than seven days' notice to the Corporation of his intention so to do.

Oil-fired  
boilers.

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

(b) Byelaws made under this section may include

(i) prescribing in connection with the installation of oil-burning equipment in any such building or on such land as aforesaid the works, apparatus, and fire-fighting appliances to be provided, the mode of arrangement of any such works, apparatus, 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 which does not comply with the appropriate specification for such equipment contained in the byelaws.

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

(b) If the Corporation do not, within a reasonable time after the submission of plans and specifications of any such equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the plans and specifications, they shall be deemed to have passed.

(4) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any such equipment under any byelaw made under subsection (2) of this section may, within 14 days from the receipt of notification of the refusal, appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal, or may allow the decision of the Corporation against which the appeal is brought to stand.

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

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

if any person contravenes any byelaw made under sub-section (2) of this section he shall be liable to a fine not exceeding ten pounds, and if—

(i) that person after conviction of the contravention; or

(ii) any other person after notice of the conviction has been served on him by the Corporation;

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

(a) In this section—

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

“boiler” means a boiler, furnace, heater, oven or similar plant;

“storage tank” means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler;

“apparatus and fittings” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

References in this section to 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 outside the building.

Nothing in this section or any byelaws made thereunder shall apply to—

(i) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding 1,000 gallons; or

(ii) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

(iii) the installation of any oil-burning equipment by the 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; or



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—cont.

(d) the installation of any oil-burning equipment on the railways 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 for other purposes;

(e) the installation of any oil-burning equipment on the railways 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 for other purposes other than buildings so used which form part of a railway station.

(8) The provisions of any byelaw made under section 10 shall cease to apply in relation to any premises to which the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963 apply on the coming into force in relation to those premises of regulations made under either of those Acts relating to the same subject-matter as this section.

1961 c. 34.  
1963 c. 41.

## PART XII

## PUBLIC ORDER AND PUBLIC SAFETY

Notice of  
street  
processions.

93.—(1) No procession shall pass through the streets of the borough unless written notice stating the nature of the procession, the date and time on and at which, it will pass through the streets of the borough, is deposited at the office of the town clerk, and at the police station in the borough, by midday on the day next preceding the date stated, treating as not an interest-free day Christmas Day, Good Friday, bank holiday or public day or public thanksgiving or mourning.

(2) If a procession passes through the streets of the borough in contravention of the foregoing subsection, any person conducting the procession shall be liable to a fine not exceeding twenty pounds.

(3) In this section "procession" means a religious, ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to a religious or ceremonial procession habitually held.

Police  
telephone call  
boxes and  
shelters.

94—(1) Subject to the provisions of this section, the police authority may provide—

- (a) such police telephone call boxes and installations; and
  - (b) such shelters or boxes for the use of police constables; and
- in such positions in any street, park or public place in the borough as they think fit.

(2) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred on the Post Office by the Post Office Act 1969.

1969 c. 48.

(3) The police authority shall not exercise the powers of this section—

- (a) without the consent of the highway authority in a street being a highway maintainable at the public expense; or
- (b) without the consent of the undertakers concerned—
  - (i) in or upon a bridge carrying a street over a railway, canal or inland navigation, or the approaches thereto, or under a bridge carrying a railway, canal or inland navigation over a street; or
  - (ii) in a street belonging to, and maintainable by, any transport undertakers and forming the approach to a station, wharf or depot of such undertakers; or
  - (iii) so as to obstruct or interfere with the access to, or exit from, a station, wharf or depot of such undertakers; or

(c) without the consent of the owner and occupier of the premises concerned so as to obstruct the existing access to premises abutting on a street.

(4) A consent required by this section shall not be unreasonably withheld, but may be given subject to any reasonable conditions, including a condition that the police authority shall remove a box or shelter either at any time, or at or after the expiration of a period, if reasonably required so to do by the person giving the consent.

(5) Any question whether a consent required by this section has been unreasonably withheld, or has been given subject to unreasonable conditions, or whether the removal of a box or shelter has been unreasonably required, shall—

- (a) in the case of a consent of the Minister of Transport, be referred to, and determined by, arbitration;
- (b) in the case of any other consent, be referred to, and determined by, the Minister of Transport.

In this section "transport undertakers" means railway, canal, inland navigation or passenger road transport undertakers.

PART XII  
—cont.

Offences in  
respect of  
telephone  
boxes, fire  
hydrants, etc.

95.—(1) If any person wilfully, and without the authority of the appropriate authority—

- (a) obstructs the access to a police telephone box in the borough or to a structure provided for police purposes, or to a fire alarm call box provided by the Corporation; or
- (b) interferes with equipment in such a way as to prevent the operation of a fire alarm; or
- (c) removes, alters, defaces or obscures a mark or sign of the appropriate authority for indicating the position of such a call box, structure or fire alarm call box, or a fire hydrant in the borough;

he shall be liable to a fine not exceeding twenty pounds; and the appropriate authority may recover from him the cost of removing the obstruction, or of making good any damage to any equipment or mark.

(2) If any person telephones, or causes to be telephoned

- (a) from a police telephone call box in the borough, a statement which he knows to be false or untrue; or
- (b) from a telephone call box provided in the borough by the Post Office, a statement which he knows to be false or untrue, made for the purpose of instigating a fire or ambulance action;

he shall be liable to a fine not exceeding fifty pounds.

Provided that, if the false statement is an offence under section 47 of the Fire and Ambulance Act 1953, the person shall be liable to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or both.

(3) In this section—

“ appropriate authority ” means, in relation to a police telephone call box or fire hydrant, the Corporation and, in relation to a telephone call box, the police authority;

“ structure ” includes any installation

Disposal of  
dangerous  
containers.

96.—(1) No person shall within the borough deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of any explosive or poisonous substance and is no longer used for that purpose except in a dustbin unless he takes all such steps as may be reasonably necessary to prevent danger to any person or property.

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

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.

1967 c. 69.

(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.

1933 c. 25.

(1) The provisions of the Town Police Clauses Act 1847, and of section 171 of the Public Health Act 1875, shall be deemed to empower the Corporation to make byelaws for declaring to the extent determined by such byelaws those provisions of the byelaws of the Corporation in force with respect to hackney carriages shall apply to any motor vehicle, notwithstanding that it is not a hackney carriage, which is offered or let on hire with the services of a driver and to such drivers:

Provisions as to motor vehicles let for hire.

1847 c. 89.

1875 c. 55.

Provided that this section shall not apply to—

(a) any vehicle which is kept by any person in connection with any business carried on by such person as a funeral director or owner of funeral vehicles available for hire and used wholly or mainly in connection with such business; or

(b) any vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or

(c) a public service vehicle;

to the drivers or conductors of such vehicles.

(2) In this section "public service vehicle" has the meaning assigned to that expression by section 117 of the Act of 1960.

(1) No person shall commence to erect in the borough Safety of and capable of affording seating or standing accommodation stands for twenty or more persons at any one time unless he has given notice to the Corporation of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require, and the Corporation has approved the erection of the stand under this section.

within five weeks from the receipt of such a notice from the Corporation may give him notice that they approve the plan and section of the stand, but only subject to such modifications of the plan, section and particulars as they may require to be submitted to them; and

such modifications of the plan, section and particulars submitted to them; and

PART XII  
—cont.

(b) compliance with such requirements and otherwise;

as may be specified in the notice, being matters which appear to the Corporation to be necessary for securing the stability of the stand and for the safety of persons accommodated thereon.

(3) If a notice given under subsection (2) of this section requires that a stand erected, the Corporation shall have regard to the notice, considering what modifications and requirements may be specified in a notice under subsection (2) of this section, and may by the last-mentioned notice require that the stand be pulled down and removed within such period of that period as may be specified in the notice, and for such further time as the Corporation may allow.

(4) The Corporation may at any time within five weeks give notice that they approve the stand in accordance with the plan, section and particulars given to them; and, if within the said five weeks the Corporation has not given notice under subsection (2) of this section, the stand shall be deemed for the purposes of this section to be approved at the erection of the stand.

(5) Any person aggrieved by a requirement of the Corporation under this section may appeal to the court.

(6) If any person—

- (a) commences to erect in contravention of this section a stand capable of being used for standing accommodation for more than one person at any one time; or
- (b) erects such a stand otherwise than in accordance with a plan, section and particulars given to the Corporation under the said subsection (2) of this section, or in accordance with any modifications and requirements given of any modifications and requirements under this section, otherwise than in accordance with a plan, section and particulars as aforesaid; or
- (c) being the owner or occupier of a stand, allows persons to be on the stand at any time when the stand is not approved as aforesaid; or
- (d) being the owner or occupier of a stand, fails to comply with any requirements of the Corporation under subsection (2) or subsection (3) of this section;

shall be liable to a fine not exceeding one hundred pounds and in the case of any such failure, to a daily fine not exceeding ten pounds.

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) 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.

(8) The provisions of this section shall not apply to a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

(9) In this section "stand" includes a structure, but does not include a building, or extension of a building, to which building byelaws or building regulations are applicable.

(10) This section shall not come into operation in so much as respects the borough as was not comprised in the former borough of Dudley until the appointed day.

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

(a) by a closing order made under section 17, 18, 26 or 35 of the Act of 1957, ordered any house or building, or 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 vacated; and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

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

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

PART XII  
—cont.

(3) In this section—

- “ house ” has the same meaning as in section 100 of that Act;  
 “ owner ” includes any person who is, or who is deemed to be, having control of the house for the purposes of that Act.

Touting,  
hawking, etc.

100.—(1) As from the appointed day no person shall, in any place in the borough to which this section applies—

- (a) importune any person by touting for any business, or for any house or refreshment house, for any garden or place of amusement, or for any carriage or public service vehicle; or  
 (b) without the consent of the Corporation, or of any person given on such terms and conditions as may appear to be fit—

(i) hawk, sell or offer for sale any commodity; or

(ii) take a photograph by way of trade or for any other purpose of any person except as mentioned in subsection (2) of this section.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals on the ground that their consent to such sale or offering has already been given to a reasonably sufficient number of persons.

(3) The prohibition imposed by paragraph (b) of subsection (1) of this section shall not apply to a sale or offering for sale to persons residing at, or at premises in or adjoining a place to which this section applies.

(4) The prohibition imposed by paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of which the photograph is available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the proprietor or publisher of a newspaper or periodical, or if the photograph which consists in, or includes, selling or offering for sale for such publication.

(5) This section applies to any place

- (a) in or on an esplanade, parade, or public walk;  
 (b) in a park, pleasure ground or other open space within the meaning of the Open Spaces Act, 1906, which is managed by the Corporation, or under the management or control;

(c) in any street or part of a street to which this section applies by virtue of bylaws made by the Corporation under this section.

(6) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrates' court.

(7) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is given thereunder, he shall be liable to a fine not exceeding twenty pounds.

(8) —(1) While any child is entering or leaving any school in the borough, or is entering or leaving any yard or playground adjacent to any such school, or is in any such yard or playground, no person shall solicit such child—

(a) to sell to such person any article or thing;

(b) to exchange with such person any article or thing for any other article or thing.

Prohibition on solicitation of school-children to sell or exchange articles, etc., at schools.

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

(9) In this section—

“child” has the same meaning as in section 114 of the Education Act 1944;

1944 c. 31.

“article or thing” includes any animal, fish, bird or other living thing.

Notwithstanding anything contained in section 253 of the Health Act 1875, proceedings in the borough for the recovery of a penalty under section 28 of the Town Police Clauses Act 1847 may be had or taken by the chief constable of the police force for the area comprising the borough or any member of that force authorised by him for the purpose.

Recovery of penalties under section 28 of Town Police Clauses Act 1847.  
1875. c. 55.  
1847 c. 89.

PART XIII

FINANCE AND SUPERANNUATION

In this Part of this Act unless the subject or context requires—

“Act of 1937” means the Local Government Superannuation Act 1937;

Interpretation of Part XIII of Act.  
1937 c. 68.

“Act of 1961” means the Trustee Investments Act 1961; 1961 c. 62.



PART XIII  
--cont.

- “ authorised security ” means any mortgage or other security which the Corporation is being authorised to grant, create or issue by means of which the Corporation is authorised to raise money;
- “ the fund ” means the superannuation fund of the Corporation under Part I of the Act;
- “ gross rate income ” means the gross rate in the determination of the product of a penny in the pound under rules made under section 113 of the Act of 1967;
- “ the narrower-range part ”, “ property ” and “ range part ” in relation to the fund, shall have the meanings as they have for the purposes of the Act.

Existing  
borrowing  
powers  
continued.

1889 c. 63.

104.—(1) (a) All statutory borrowing powers in any enactment repealed by this Act which have been exercised by the Corporation since the commencement of this Act and all contracts entered into by the Corporation granted, issued or created thereunder shall be treated as if they had been exercised, granted, issued or created under the provisions of this Act and the provisions of this Act shall apply thereto as if anything in any Act, order, deed, mortgage or other instrument to the contrary.

(b) Nothing in section 38 of the Interpretation Act 1979 shall affect the said repeal or shall continue in force any provisions of the repealed Acts relating to the said powers.

(2) All statutory borrowing powers in any enactment repealed by this Act which were in force immediately before the commencement of this Act and which had not been exercised before the commencement of this Act shall (notwithstanding the repeal by this Act of such enactments) continue to be in force and to have effect as if they had not been repealed as if this Act had not been passed.

(3) The provisions of Part IX of the Act of 1967 shall apply to money borrowed, or to be borrowed, under any of the statutory borrowing powers referred to in subsection (2) of this section as if it were borrowed under Part IX of that Act and any consent sanctioning authority shall be necessary in relation to such borrowing as if such consent has been given by the sanctioning authority.

(4) All sums borrowed by the Corporation before the commencement of this Act under any statutory borrowing power referred to in subsection (1) of this section and not repaid before the commencement of this Act and all sums borrowed by the Corporation after the commencement of this Act be borrowed by the Corporation under any statutory borrowing power referred to in subsection (1) of this section shall, notwithstanding the repeal of any Act by

which such statutory borrowing power was created or authorised, repaid within the respective periods within which they are required to be repaid by or under that Act.

105.—(1) The Corporation may borrow—

Power to borrow.

(a) such sums as may be necessary for any of the purposes of this Act;

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

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

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

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

(4) In addition to the modes of borrowing prescribed by the Act of 1933, the Corporation may raise money—

Power to Corporation to raise money by issue of bills.

(a) for any purpose for which the Corporation are authorised to borrow;

(b) in anticipation of the receipt of revenues for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called "Dudley Corporation bills" and referred to collectively as "bills" and separately as "a bill") subject to and in accordance with the following provisions:—

(a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill;

(b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable;

(c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Corporation may determine;

(d) Bills shall be issued under the authority of a resolution passed by the council and shall bear the signature of the treasurer or of some other person authorised by the Corporation;

PART XIII  
—cont.

- (e) The Corporation may make regulations—
- (i) the preparation and form, issue, payment and cancellation of bills;
  - (ii) the issue of a new bill in lieu of one which is lost or destroyed;
  - (iii) the prevention, by the use of a special description of paper or other means, of the issue of bills in relation to bills;
  - (iv) the giving of a proper discharge of a bill; and
  - (v) amending or revoking any regulations made or deemed to have been made in any paragraph:

- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised by the bill and the difference between the amount received in respect of a bill and the amount received in respect of the interest thereof shall be deemed to be interest on the money so raised:

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

(i) the sum of one million five hundred pounds; or

(ii) one-fifth of the amount of the rateable value of the borough during the financial year; or

(iii) a sum, not exceeding two hundred thousand pounds, or one-fifth of the aggregate for the financial year of—

(A) the amount of the estimated rateable value of the borough; and

(B) the amount of the net revenue of the Corporation under sub-paragraph (2) of paragraph 1 of Schedule 2 of the West Midlands Police (Amendment) Act 1966; and

(C) the deficiency referred to in Article 37 of the Upper Staffordshire Water Authority Order 1966;

whichever is the greater:

- (h) Subject to the provisions of the last-mentioned paragraph, the Corporation may renew a bill—

S.I. 1966/62

S.I. 1966/304

PART XIII  
---cont.

(i) The Corporation may borrow for the purpose of repaying the principal money raised by bills, but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

(7) In addition to any other method by which the Corporation raise any money which they are authorised to borrow, they with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to raise money by issue of bearer bonds.

(1) Any method by which the Corporation are empowered by any enactment (including the last two foregoing sections) to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include raising of money by that method outside the United Kingdom in any foreign currency.

Power to raise money abroad.

(a) The powers conferred by the foregoing subsection shall be exercised except with the consent of the Treasury and subject to such conditions as the Treasury may impose.

The enactments empowering the Corporation to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if any reference in those enactments to sterling there was substituted a reference to the foreign currency and for any reference to a sum expressed in terms of sterling there was substituted a reference to the sum expressed in terms of the foreign currency (adjusted where necessary to produce an amount which the Corporation consider appropriate having regard to all the circumstances of the transaction).

(1) The Corporation may lend to any local authority, and any local authority may borrow from the Corporation, upon such terms and conditions as may be agreed, such money as the Corporation think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is so borrowed, and any money so lent shall be repaid to the Corporation by the local authority within the period specified by the sanctioning authority or otherwise for the repayment by the local authority of the money they are authorised to borrow.

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

It is provided that the powers of this subsection shall not be exercisable unless—

the local authority borrowing from the Corporation is either—

- (i) an authority of which the Corporation is a constituent member; or

PART XIII  
—cont.

(ii) an authority to which the Corporation is a member or representative; or

(iii) a member authority of which the Corporation is also a member.

(b) the sum lent by the council is paid or borrowed by the Corporation by the issue of a bond, or by a bond issue, foreign loan or issue of securities for the needs and for the needs of any other authority seeking to raise money by the same means.

(2) Any agreement under this section and any resolution passed respectively by the council and the authority.

(3) Any sum borrowed by the Corporation under this section shall be repaid within a period not more than one year after that for which it is borrowed to the local authority.

(4) Where any sum is borrowed by the Corporation under this section it shall be lawfully borrowed for such periods as they may think fit to satisfy the provision required to be made by virtue of any law in force at the time being in force for the repayment of the sum.

(5) The Corporation shall be entitled to charge interest in respect of any particular loan and the rate of interest may be agreed between the Corporation and the local authority.

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

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

(7) In this section the expression "local authority" means the council of a county, county borough or town council, or any other authority being a local authority within the meaning of the Local Loans Act 1875, and includes any authority of which the constituent authorities are such local authorities as aforesaid, and the West Midlands Police Authority.

1875 c. 83.

Establishment  
expenses.

110. Without prejudice to section 292 of the Local Government Act 1925 and to that section as applied by any other enactment the Corporation may, under any enactment the Corporation may, execute or cause to be executed works at the request of, or in default of, any person, or in connection with any premises, and to recover from him the cost of the works, as they think fit, by them in so doing, they may include in the bill for the works the expenses such additional sum, not exceeding the cost of the works, as they think fit, for establishment charges.

PART XIII  
—cont.

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

111.—(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 fund shall include power to invest such property in such manner as 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 residential, commercial or industrial purposes but Part IV of Schedule 1 to the Act of 1961 shall not apply to any investment made under this subsection.

(2) So long as the value of the investments of property for the time being made under the power conferred by the foregoing subsection is equal to or greater than one-quarter of the total value of the wider-range part of the fund, or seven hundred and fifty thousand pounds, whichever is the greater, no further investment may be made thereunder.

(3) For the purposes of the last foregoing subsection, the value of any investment of property belonging to the wider-range part of the fund shall be deemed to be the value of the investment at the time at which it was made.

(4) Subsections (2) to (7) of section 6 of the Act of 1961 shall apply in relation to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the exercise by the Corporation of the powers conferred by section 1 of that Act to invest any property belonging to the wider-range part of the fund in a manner specified in Part III of Schedule 1 to that Act.

112.—(1) Part II of Schedule 1 to the Act of 1961, in its application to the investment by the Corporation of any property belonging to the narrower-range part of the fund, shall have effect subject to the following modifications:—

Modifications of Act of 1961.

(i) for paragraphs 3 and 4 thereof there shall be substituted the following paragraphs:—

“3. In fixed-interest securities issued by any public, municipal or local authority, or any publicly controlled or nationalised industry or undertaking, whether established within or outside the United Kingdom.

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

(ii) for paragraph 6 thereof there shall be substituted the following paragraph:—

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

PART XIII  
—cont.

(iii) in paragraph 9 thereof, the words "United Kingdom", where first occurring, shall be deleted, and the following sub-paragraph shall be added at the end of that paragraph:—

"(g) any public, municipal or other securities established outside the United Kingdom."

(2) Paragraph 1 of Part III of the said Schedule shall apply to the investment by the Corporation of property belonging to the wider-range part of the fund, as if for the words "and not being securities falling within Part II of this Schedule" there were substituted the words "and not being securities issued by a company established in any territory outside the United Kingdom, and not being securities falling within Part II of this Schedule."

(3) The following sub-paragraph shall be substituted for paragraph (a) of paragraph 3 of Part IV of the said Schedule in the application of that paragraph to the investment by the Corporation of property belonging to the fund:

"(a) securities or debentures of a company, the total issued and paid up share capital of which does not exceed one hundred thousand pounds, or (as the case may be) an equivalent sum in any foreign currency, if the share capital is issued at the rate of exchange prevailing at the time when the investment is made."

(4) Paragraph 1 and sub-paragraph (a) of paragraph 3 of Part IV of the said Schedule shall not apply to any investment by the Corporation which is made in pursuance of the provisions of the last three foregoing sections.

(5) Notwithstanding anything in the said Act, the Corporation may invest any property referred to in paragraph 1 of this section in any manner specified in Part III of the said Schedule 1, as amended by this section, and may from time to time vary any such investments:

Provided that no such property as aforesaid shall be invested at any time when the value of all the investments made in the manner specified in Part III of the said Schedule 1, as amended, equals or exceeds three-quarters of the total value of the superannuation fund.

(6) For the purpose of the last foregoing section, the value of any investment shall be deemed to be the value of the property at the time at which it was made.

Section 21 (3)  
of Act of  
1937 not to  
limit  
foregoing  
powers.

113. The provisions of the last two foregoing sections shall have effect notwithstanding anything in subsection (3) of section 21 of the Act of 1937.

PART XIII  
—cont.

Accounts of undertakings.

(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation from which revenue is derived (each of which is in this section separately referred to as "the undertaking"), on the one side all income in respect of the undertaking (including the income from any authorised fund provided in connection with the undertaking), and on the other side all expenditure in respect of the undertaking, such expenditure being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes under any enactment;
- (c) the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) any money expended on any of the purposes mentioned in section 115 (Application of revenue of undertakings) of this Act.

The Corporation shall show in their accounts relating to each undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any credits, payments and liabilities which from time to time may be so apportioned or carried.

(1) If, in respect of any financial year, the revenue and investment income (if any) of any undertaking of the Corporation shall together exceed the moneys expended or applied by the Corporation in respect of that undertaking properly chargeable to revenue, the Corporation may, in respect of that year, apply the general rate fund a sum not exceeding the amount of excess in any of the following ways or to any of the following purposes:—

- (a) the reduction of capital moneys borrowed for the purposes of the undertaking;

Application of revenue of undertakings.



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—cont.

- (b) in providing, renewing, improving, repairing, or maintaining works, buildings, machinery, plant, or other property for the purposes of, or forming part of, the undertaking, in payment of any expenses in respect of which moneys might otherwise have been defrayed out of the moneys;
- (c) in providing working capital for the undertaking;
- (d) in the exercise of the powers of the Corporation under section 117 (Reserve funds) of this Act, in accumulating and maintaining a reserve fund for the purposes of the undertaking.

(2) In this section the expression "moneys" means moneys derived in relation to an undertaking means so much of the moneys derived by the Corporation from the investment of moneys in an authorised fund established in connection with the undertaking as cannot be carried to the credit of the fund because the fund has reached its prescribed maximum amount.

## Closing of registers.

116.—(1) The Corporation may close any transfer book or the registers of transfers of authorised securities at any time during the whole of the period of thirty days or any shorter consecutive period, next before the date on which the authorised securities to which such transfer book or register relates is payable.

(2) The persons who, on the date on which any transfer book or register is closed, are entered therein as holders of authorised securities of the class to which such transfer book or register relates, shall be entitled to the interest next payable thereon.

## Reserve funds.

117.—(1) (a) The Corporation may, if they think fit, set aside a reserve fund in respect of any undertaking in which they are in service of the Corporation from which revenue is derived, by setting aside such an amount as they may think fit, which is reasonable and (unless the amounts so set aside are otherwise disposed of in any other manner authorised by any enactment) shall be carried to and form part of the general reserve fund of the Corporation, and the Corporation may, if they think fit, invest the amounts so set aside in any securities in which trustees are authorised to invest trust funds until the amounts so set aside are carried to the maximum for the time being prescribed for the Corporation.

(b) Any income arising from the investment of moneys in the reserve fund in manner provided by this section shall be carried to and form part of the general reserve fund of the Corporation, and any amount equivalent to such income shall be credited to the reserve fund.

(2) The reserve fund established under this section may in respect of the undertaking, department or service to which it applies be applied—

(a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking, department or service; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking, department or service; or

(c) in or towards the payment of the cost of renewing, improving or extending any works, buildings, machinery, plant or conveniences forming part of the undertaking, department or service or otherwise for the benefit thereof;

so that if the fund be at any time reduced it may thereafter again be restored to the prescribed maximum and so from time to time as often as such reduction happens.

Resort may be had to the reserve fund established under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

If and when the Corporation establish a reserve fund under this section in respect of any such undertaking, department or service as aforesaid any moneys standing to the credit of any fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking, department or service and in existence at the date of the commencement of this Act shall be carried to and form part of the reserve fund established under this section in respect of that undertaking, department or service.

(1) The Corporation may serve notice on the registered holder of an authorised security that they intend to send interest and dividends on the security to him by post if he does not object; unless the registered holder within twenty-one days of the service of the notice notifies the Corporation that he does not wish to be so notified, the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post to the address in the register.

Interest and dividends by post.

If the registered holder of an authorised security notifies the Corporation that he wishes interest or dividends on the security to be sent to another person at an address specified in a notice, the Corporation may from time to time send orders for the payment of interest, or dividend warrants, to that person to the address specified in the notice.

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—CONT.

(3) For the purposes of this section the Corporation shall treat as the registered holder of an authorised security any one of the joint holders of the security who is named in the register, or such other of them as the joint holders may direct.

(4) The posting by the Corporation of an order or warrant of interest, or a dividend warrant, in pursuance of this section shall discharge the Corporation from any liability in relation to the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque; and the Corporation in that relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

1882 c. 61.

Receipt in  
case of  
minors.

119. If any money is payable by the Corporation to an employee (other than wages or salary) or to the holder of any authorised security and the person entitled to the money is a minor, the receipt of the guardian shall be sufficient in relation to the Corporation.

Designation  
of holders of  
authorised  
securities in  
register.

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

(b) The entry in the register of the name and position of the holder of an office or official position shall be deemed to constitute notice, express, implied or constructive, 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 position which appears to them unreasonable or unnecessary, or

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

(3) In this section, "register" means the register of an authorised security kept by or on behalf of the Corporation.

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21. Section 7 of the Local Government (Financial Provisions) Act 1963 and Schedule 1 to that Act in their application to the Corporation shall have effect as if the following provisions were substituted for paragraph 1 in that schedule:—

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

"1.—(a) Subject to the provisions of sub-paragraph (b) of this paragraph bonds issued under this Act shall—

- (i) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;
- (ii) be issued for such period as the local authority may determine being not less than a period of one year;

(b) Notwithstanding anything contained in sub-paragraph (a) of this paragraph—

- (i) bonds issued to and held continuously by trustee savings banks and building societies and persons and bodies of such other classes as the local authority may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;
- (ii) a bond shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may at the discretion of the local authority be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder."

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

Certain  
remuneration  
and service  
excluded for  
super-  
annuation  
purposes.

- (a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or
- (b) as a warden of or other employee performing duties at a youth centre; or
- (c) as a civil defence instructor; or

PART XIII  
—cont.

- (d) in any other capacity for the performance of which the duties are not duties which he may be expected to perform in his ordinary whole-time employment if that employment is by the Corporation; or
- (e) for the temporary performance of duties outside of his post otherwise than during the absence of the holder of that post on the basis for calculation of average salary for the purposes of superannuation allowance or benefits.

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 the holder in any such part-time employment shall not be treated as service for any of the purposes of those Acts.

(2) Where before the passing of this Act any person has made any contribution or contributions to the fund which have been so paid if this section had been in force and if the contribution or contributions were paid the Corporation shall repay to such person a sum equal to the amount of the contribution or contributions together with the interest thereon calculated to the date of repayment at the rate of five pounds per cent. per annum with half-yearly rests.

(3) Subsection (1) of this section shall not apply to any person as is referred to in subsection (2) of this section unless he has given in writing to the Corporation that the said subsection shall apply to him, whereupon that subsection shall apply to him as if this Act had come into force on the date of the giving of such notice by the Corporation of such notice.

Transfer of certain sums from superannuation fund.

123.—(1) If a contributory employee of the Corporation who is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Corporation may transfer from the fund maintained by them to the general rateable land revenue account (as the case may be) an amount equal to the whole or any part of any contributions made by him or paid to his wife or family under subsection (1) of the Act of 1937, or the amount of loss suffered by him in consequence of the contributory employment or misconduct whichever is the less.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund maintained by the Corporation is dismissed or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct

which the employing authority have suffered direct financial loss, the Corporation shall, on demand from the employing authority, pay to them out of such fund an amount equal to so much of the employee's contributions to the fund as the employing authority have not directed to be returned to the employee or to his wife or family, or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct, whichever is the less:

Provided that—

(a) where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1959, the Corporation shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions: 1959 c. 47.

(b) the Corporation shall not be required to pay to the employing authority so much of the employee's contributions as relates to any period of previous service, unless the employing authority have directed that all rights enjoyed by or in respect of him with respect to that period of previous service, being rights under Part I of the Act of 1937 or under the Local Government Superannuation Act 1953, or any regulations made thereunder shall be forfeited. 1953 c. 25.

In this section "contributory employee" and "employing authority" have the same respective meanings as in the Act of 1969.

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

(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing money which shall be available for making good such damages, costs and expenses as may from time to time be incurred in respect of such risks as may from time to time be specified by resolution of the council (in this section referred to as "the insured risks"). Insurance fund.

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

When the insurance fund shall amount to the prescribed limit as hereinafter defined the Corporation shall discontinue

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— cont.

the appropriations to the fund under subsection (4) and may not accept any further payments under this section but if the fund is at any time below the prescribed amount the Corporation shall continue such appropriations, and may accept payments under the said subsection (6), until the fund reaches the prescribed amount and if at any time the Corporation has in the fund more moneys than the sum so prescribed such moneys shall be transferred to the general rate fund and any moneys so transferred to the general rate fund shall be apportioned between the several parts of that fund in such proportions as the Corporation may think equitable.

(4) The Corporation may from time to time appropriate sums to an insurance fund such sums as they think fit to be kept in an account in the general rate fund and shall show the sums so appropriated in separate accounts under the separate heading or division of the general rate fund for each particular undertaking, department or service of the Corporation in which if the specified risks were insured against the Corporation's office would be properly chargeable with the cost of such insurance premium of such insurance:

Provided that any payments by contribution from any revenue account shall not exceed the proportion of the total of the Corporation's yearly payments which in the opinion of the Corporation bears the same relation to the specified risks arising from the business of the Corporation as that account is kept.

(5) (a) Except so far as the insurance fund is used for the purchase or sale of securities in which that fund is invested for the purpose of meeting losses, damages, costs and expenses incurred in respect of the specified risks or any of them all moneys standing to the credit of the insurance fund shall be kept in any other manner authorised by any enactment in force at the time in any securities in which trustees are from time to time authorised to invest trust funds and the interest and dividends received by the Corporation in respect of such securities shall be carried to and form part of the general rate fund.

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

(6) The specified risks may include risks incurred in the operations of any body of which the Corporation is a member by virtue of any enactment, and the Corporation may from time to time make payments into the insurance fund from any such body.

(7) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation, or any body referred to in the foregoing subsection, in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Corporation may, with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or provisions in respect of such undertakings, departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

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

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

(10) In this section—

“insurance office” means—

(a) an insurance company; or

(b) an underwriter being a member of an association of underwriters;

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

(11) In its application to the Corporation, section 1 (3) of the Local Government (Miscellaneous Provisions) Act 1953 shall have effect as if for the words “statutory securities” there were substituted the words “the manner in which the mayor, aldermen and burgesses of the borough of Dudley are empowered to invest the superannuation fund maintained by that borough under section 1 of the Local Government Superannuation Act 1937”.

Modification  
of Local  
Government  
(Miscel-  
laneous  
Provisions)  
Act 1953.

1953 c. 26.

1937 c. 68.



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—cont.

Notice of  
alteration of  
rents without  
notice to  
quit.

1968 c. 42.

1958 c. 42.

127.—(1) Section 12 of the Prices and Payments Act, 1958 (which enables a local authority to increase or reduce the rents of houses let on a weekly or other periodic tenancy whose rents fall to be carried to the local authority's revenue account without the tenancy being terminated)

(a) apply to all houses within the market town of Dudley (Financial Provisions) Act 1958, as if they were within the Corporation; and

(b) as so applied, extend to a reduction as well as an increase of rent.

(2) Accordingly the said section 12 shall, as respects the Corporation as a local authority within the market town of Dudley, have effect as if in subsection (1)

(a) the words "on a weekly or other periodic tenancy" were omitted;

(b) after the word "increased" there were inserted the words "or reduced"; and

(c) after the word "increase" there were inserted the words "or reduction";

and as if in subsection (4) for the definition of "local authority houses" there were substituted the words "local authority houses" are houses belonging to the local authority and the word "increase" there were inserted the words "increase or reduction";

Recovery of  
rates from  
certain  
owners.

128.—(1) (a) Where the owner of any hereditament is in agreement with the occupier thereof that the owner shall pay to the Corporation so much of any rate or rates as may be payable by the occupier as a proportion of rate included in such payment, the Corporation may on proof of such agreement recover the amount payable from the owner in the same manner and on the same conditions under and subject to which the amount payable is recoverable from occupiers of rated hereditaments.

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

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

(3) This section shall not apply to any hereditament in respect of which subsection (1) of section 55 of the Act of 1958 has effect by virtue of a resolution of the council.

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 —cont.  
 Recovery of rates from tenants and lodgers.

29. For the purposes of section 61 of the Act of 1967, the rates due from the person rated for any hereditament within a borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

Partly occupied hereditaments.

30. Where under section 25 of the Act of 1967, the Corporation requested the valuation officer to apportion the rateable value of a hereditament, they may, if they become satisfied that the circumstances giving rise to that request no longer exist, by resolution determine a date from which the value apportioned to the occupied part by the said section 25 shall cease to be treated for rating purposes as if it were the value ascribed to the hereditament in the valuation list.

Insurance of certain voluntary assistants.

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

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

1774 c. 48.

The provisions of the Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed to be for the purposes of the Insurance Companies Act 1958 to be a contract of insurance upon the happening of personal accidents, or sickness.

1958 c. 72.

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, the carrying out of any of the functions of the Corporation.

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

32.—(1) The Corporation may pay to any of their officers who are 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 the nominee of the Corporation;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

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—cont.

the amount of any sum forfeited by him as a result of his neglect or default as Principal Probate Registrar or the amount of any sum which he is liable to make by reason of his neglect or default in the discharge of his duties as an officer of the Corporation in the exercise of his powers as aforesaid.

(2) The Corporation may pay the amount of any sum payable by it under or upon an insurance policy indemnifying it in respect of any of the capacities mentioned in subsection (1) of this section against any act, neglect or default whether or not committed by any other person occurring in the course of the administration.

(3) Any payments which the Corporation may be required to make under the provisions of subsection (1) of this section in respect of any of the risks referred to in subsection (2) of this section shall be made out of the purposes of section 125 (Insurance fund) and shall be treated for the purposes of that section as risks against which the Corporation would be required to insure and that section shall be construed accordingly.

Recovery of  
sums paid to  
officers, etc.

133.—(1) Where the Corporation have paid to any employee the amount of his emoluments and benefits payable to him before the expiration of the period in respect of which such payment is made the Corporation shall not be liable to require the return of such portion thereof not exceeding ten pounds as the Corporation may determine.

(2) In any case where the Corporation exercise the powers conferred by the foregoing subsection they shall transfer to the fund to which the amount which but for the exercise of those powers would have been returned to the employee is paid.

(3) In this section—

“employee” means any officer or servant of the Corporation or any officer or servant whose emoluments and benefits are payable by the Corporation and includes any officer or servant who is in receipt of a pension, allowance or benefit payable out of the Corporation’s funds;

“emoluments” means in relation to any employee his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a pension, allowance or benefit the amount of that pension, allowance or benefit.

As to proof  
of continued  
existence of  
pensioners.

134. Notwithstanding anything in the Superannuation Acts 1937 to 1953, (the Superannuation Acts) required to make any payment by way of pension, allowance or pension under those Acts of any person (Increase) Acts 1920 to 1969, or any other Act.

PART XIII  
—cont.

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

15. Notwithstanding the provisions of any enactment any rates and charges collected by the Corporation on behalf of a water undertaking shall (without prejudice to any other right of remedy by the said undertaking) be recoverable by the Corporation in a magistrates' court in the same manner and subject to the same provisions as the general rate.

Recovery of water rates and charges.

(1) Where, after the coming into force of this Act, the employment of a contributory employee who has attained the age of fifty-five years and completed ten years' service is terminated on the grounds of efficiency before he has attained the age of sixty-five years, he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Benefits in certain cases of premature retirement.

Provided that this subsection shall not apply to a contributory employee if not later than one month after ceasing to hold his employment he notifies the Corporation in writing that he does not wish this subsection to apply to him.

Where, after the coming into force of this Act, a contributory employee who has attained the age of fifty-five years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

(a) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Corporation in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;

(b) unless the Corporation otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age.

PART XIII  
—cont.

(3) Where a person, who has become entitled to a superannuation benefit by virtue of subsection (2) of this section, dies before any payment on account of such benefit has been made to him, as from the date of his death the like benefit shall be payable in respect of him as would have been payable if he had died on the last day of his employment as a contributor.

(4) For the avoidance of doubt it is hereby declared that a person is for the time being entitled to any benefit payable to him by subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of subsection (1) of section 16 of the Local Government Superannuation Act 1953, whether or not any payment has been made to him in respect thereof.

1953 c. 25.

(5) For the purposes of section 16 of the Local Government Superannuation Act 1953 and of any rules made thereunder, a person entitled to a superannuation benefit by subsection (2) of this section shall be deemed to have been employed on the day immediately preceding the day on which that benefit first becomes payable to him, and the benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of said section 16.

(6) In this section "pensionable age" in relation to a contributor means the earliest age at which, if he were to die as a contributor without a break of service, he would, on the day of his employment, become entitled to a superannuation benefit by reason of having, otherwise than under the provisions of section 16 of the Local Government Superannuation Act 1953, completed such period of service as is referred to in that section or the regulations made thereunder.

## PART XIV

## MISCELLANEOUS

Repair of  
walls, etc., of  
yards.

137.—(1) If it appears to the Corporation that any boundary wall of any court, courtyard or yard, or any wall forming part of any house in the borough, or any wall forming part of any such court, courtyard or yard

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

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

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

provided that in the case of any property in respect of which there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act 1957, no works shall be required by notice served under this section in relation to any wall, fence or door comprised in such property other than emergency works (as defined in subsection (5) of section 1 of the said Act) or other works specified in the notice served under the said section 3.

(3) The Corporation shall not serve a notice under this section in respect of—

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

(b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister under section 32 of the Act of 1962, not being a building to which paragraph (a) of this subsection applies, without the consent of the Minister.

38.—(1) Where an occupied house in the borough 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 (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe or the defective state of any fittings, the Corporation may, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

Supply of water to premises where supply cut off.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred.

PART XIV  
—cont.

and the court may make such order as appears to be just in the circumstances of the case with respect to the expenses either the person from whom the expenses are recovered or such an occupier as aforesaid by whom they are to be borne or as to the apportionment of the expenses among persons of their liability to bear the expenses.

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

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

(4) The Corporation may if they think fit pay or reimburse the whole or any part of any expenses recovered under this section.

(5) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the statutory water undertakers concerned (which consent shall not be unreasonably withheld) and in giving their consent the statutory water undertakers—

(a) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an occupied house has been cut off by the statutory water undertakers in exercise of their powers under this section, conditions to secure that the supply of water to that house is not restored under the powers of this section unless the Corporation pay to the statutory water undertakers any sum due to them in respect of the supply of water to that house and any expenses reasonably incurred by them in cutting off the supply; and

(b) may without prejudice to any action of the Corporation which they may take under any other enactment, make arrangements to carry out on behalf of the Corporation any works, including renewal or other works proposed by the statutory water undertakers in which case the expenses reasonably incurred by the statutory water undertakers in so doing shall be paid to them by the Corporation.

(6) Any difference which may arise between any statutory water undertakers and the Corporation under this section (other than a difference as to the meaning or construction of the said subsection) shall be determined by the court.

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

PART XIV  
—cont.

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; 1958 c. 51. and

(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 in pursuance of this section shall be deemed for all purposes to be a copy of that document.

Notwithstanding anything contained in any enactment or rule of law, 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 original 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.

In this section unless the context otherwise requires—

“document” means the whole or part of a register, book, map, plan or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the council or any committee of the council;

“microfilm recording” means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.



PART XIV  
—cont.  
Collection and  
delivery of  
washing.

140.—(1) The Corporation may collect, in a public washhouse provided by them, clothes intended to be washed there, and may carry them to a house, and deliver, clothes and other articles washed there.

(2) The Corporation shall make such charges as are provided by them under this section as to carrying to another, produce a revenue sufficient to meet the cost of providing it.

(3) Nothing in this section shall relieve a person of the necessity of obtaining the appropriate licence under the Act of 1960 in respect of a goods vehicle to which section 109 of that Act applies.

Research  
into matters  
concerning  
social  
conditions,  
etc.

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

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

Service of  
demand notes,  
etc.

142. The provisions of section 109 of the Act of 1960 relating to the sending or service of demand notes shall apply to demand notes relating to any charges made in connection with the taking, department or service of the Corporation, and those provisions shall be in substitution for any provisions relating to the sending or service of such demand notes.

Disposal of  
lost and  
uncollected  
property.

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

(2) If any lost or uncollected property is found coming into the custody of the Corporation and the Corporation has no reasonable satisfaction of the Corporation as to the claimant it shall thereupon vest in the Corporation.

Provided that any lost or uncollected property of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience, or in the opinion of the Corporation it has not vested in the Corporation, may be disposed of at such time and in such manner as the Corporation may think fit and if it is sold the proceeds of sale shall be paid to the Corporation at the expiration of three months from the date on which the property came into their custody.

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

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section—

“lost property” means any property including money coming into the custody of the Corporation after being left on or in any premises occupied by the Corporation to which the public have access; and

“uncollected property” means any property deposited in any cloakroom or parcels’ store provided by the Corporation for the use of the public or any containers deposited in any market store-room provided by the Corporation in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

(1) (a) If representation is made in manner hereinafter provided to the Corporation that the amenities of the neighbourhood are prejudiced by the habitual use of the front garden of any dwelling-house in a street in the borough as a parking place for one or more heavy commercial vehicles or caravans the Corporation on complying with the provisions of this section may make an order precluding the use of the front gardens of the dwelling-houses in that street or any part thereof as a parking place for heavy commercial vehicles or caravans.

Prohibition of parking in front gardens.

A representation under the foregoing paragraph shall be made in writing and signed by not less than ten local government electors residing in private dwelling-houses in the street concerned within 100 yards thereof.

(a) If the Corporation consider that such an order should be made they shall publish a notice thereof in a local newspaper circulating in the borough and stating where the draft order can be inspected and copies purchased, and that objections to the said order may be made in writing within one month after the date of the first publication of the notice.

The Corporation shall consider all such objections and shall afford to the owner or occupier of every dwelling-house fronting or adjoining such street or such part thereof who has made an objection an opportunity of being heard by a committee of the council before the order is made.

PART XIV  
—cont.

(3) (a) After considering any objections to the last foregoing subsection the Corporation may make an order prohibiting the use of the front garden of any premises on the street or part of a street specified in the order as a place for one or more heavy commercial vehicles.

(b) Any such order shall come into operation at the end of the period of one month after the first publication of subsection (4) of this section of the notice of the order if an appeal is lodged, when the appeal is disposed of as failing for want of prosecution and shall have effect for a period not exceeding five years as the Corporation may determine without prejudice to their power to make a further order in the same manner as the original order.

(4) When an order has been made by the Corporation in pursuance of this section they shall give notice thereof and of the provisions of subsection (3) of this section by publication in a local newspaper circulating in the area in which the owner or occupier of a dwelling-house in the area aggrieved by the order may appeal to a magistrates' court.

Provided that in its application to an appeal under subsection 300 of the Act of 1936 shall have effect as if the period within which such an appeal may be brought were the period after the first publication in pursuance of this section of the notice of the order to which the appeal relates.

(5) For the purposes of this section

“ caravan ” means any van or other motor vehicle (with or without wheels or not) constructed or adapted for use as a temporary habitation;

“ dual-purpose vehicle ” means a vehicle (whether or not adapted for the carriage both of passengers and of goods or burden of any description being carried) the unladen weight of which does not exceed 10,000 lb. or either—

(a) satisfies the conditions specified in Schedule 1 to this Act;

(b) is so constructed or adapted that the power of the engine is or by the operation of the controls of the vehicle can be transmitted to the front wheels of the vehicle;

“ heavy commercial vehicle ” means any vehicle (whether or not a dual-purpose vehicle) whether mechanically propelled or not constructed or adapted for the carriage of goods and having an unladen weight exceeding 10,000 lb. or either—

"front garden" means so much of a garden or land belonging to or used in connection with a private dwelling-house as lies in front of—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 147 of the Act of 1957; or

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of section 75 of the Act of 1959;

"private dwelling-house" means a dwelling-house of which no part is used for the purposes of any trade or business and includes a block of flats no part of which is used for the purposes of any trade or business.

For the purposes of this section a vehicle having an unladen weight exceeding thirty hundredweight in which is installed any equipment designed or used for the manufacture of cream or any similar commodity and which but for the installation of that equipment would have an unladen weight of any hundredweight or less shall be deemed not to be a heavy commercial vehicle but the exemption afforded to such a vehicle by this subsection shall only have effect—

(a) if and so long as the equipment is not in operation; or

(b) if the equipment is in operation, if and so long as it is so operated as not to cause a nuisance by reason of the noise of the equipment in operation or the smell emanating from it.

The occupier of any front garden or part thereof or the person having control of a front garden or part thereof who allows the same to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle or caravan in a front garden in contravention thereof shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(1) A person shall not carry on the business of a hair-dresser or barber in the borough unless he is registered by the Corporation under this section and he shall not carry on that business on premises occupied by him unless the premises are so registered.

Hairdressers  
and barbers.

PART XIV  
—cont.

(2) On application in that behalf made by any person for the registration of the premises, and, if the application relates to premises, with particulars of the premises, the Corporation shall issue to the applicant or the premises and issue to the applicant a certificate of registration.

(3) If any person carries on business in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding two pounds.

1961 c. 64.

(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and the particulars made by the Corporation under section 77 of the Local Government Act 1961 displayed in the premises, and, if he fails to do so, he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding two pounds.

(5) This section shall not come into operation in relation to the borough as was not comprised in the former Borough of Dudley until the appointed day.

Information  
centres.  
1948 c. 26.

146. The powers of the Corporation under section 100 of the Local Government Act 1948 shall extend to any premises or works concerning the borough and its neighbourhood.

Power to use  
ladders, etc.,  
for entry for  
inspection.

147.—(1) Any power conferred on an officer of the Corporation by or under any enactment to enter upon any premises or works in course of construction shall be exercisable free of expense, for the purpose of the entry, for the use of ladders, scaffolding and plant in or about the premises or works.

(2) If the builder of, or contractor for, any premises or any person employed by him in or about any premises or works—

(a) refuses to give to such an officer all such facilities as he may require in the exercise of the powers conferred on him by this section; or

(b) otherwise obstructs such an officer in the exercise of his powers;

he shall be liable to a fine not exceeding ten pounds.

Recreational,  
etc., facilities  
for  
employees.

148.—(1) The Corporation may within the borough provide and maintain recreational, social and other facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

(a) erect or maintain buildings.

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

149.—(1) The Corporation may provide services and facilities for the processing of data by computer or by any other equipment of the Corporation which the Corporation may possess for any person and the Corporation may make such charges as may be agreed for the provision of those services and facilities. As to use of computer equipment of Corporation.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

150. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of unsanitary conditions— Byelaws as to stables.

- (a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) within the borough; or
- (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act within the borough.

PART XV  
GENERAL

151. Where, under the provisions of any enactment, the Corporation execute any works of common benefit to two or more buildings belonging to different owners, and those expenses, or any part of them, are recoverable by the Corporation, they shall, if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the incidence of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Corporation, or, in case of dispute, by a magistrates' court. Apportionment of expenses in case of joint owners.

152. When any compensation, costs, damages or expenses is required by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936. Compensation how to be determined.

153. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that, in the case of byelaws made under the Confirming authority for byelaws.

PART XV  
—cont.

sections mentioned in the first column of that table, the confirming authority shall be the authority mentioned in the second column of that table:

Section 16 (Byelaws for protection of heating undertakings)	...	...	...
Section 60 (Golf courses)	...	...	Section 100
Section 92 (Oil-fired boilers)	...	...	Section 100
Section 97 (Provisions as to motor vehicles for hire)	...	...	Section 100
Section 100 (Touting, hawking, etc.)	...	...	Section 100

Local inquiries. 154.—(1) Any Minister of the Crown may cause inquiries to be held as he may consider necessary in connection with any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Local Government Act 1939 shall apply in relation to any such inquiry, and the definition of "department" in subsection (2) shall include any Minister of the Crown acting under this Act as well as the Ministers therein mentioned.

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

1946 c. 31.

For protection of certain statutory undertakers.

155. For the protection of the undertakers the provisions shall, unless otherwise agreed between the Corporation and the undertakers, apply and have effect as follows:

(1) In this section, unless the subject of the clause requires—

" apparatus " means

(a) any electric line or apparatus defined in the Electric Lighting Act, 1909, to or maintained by the gas and electricity board;

(b) mains, pipes or other apparatus to or maintained by the gas and electricity board;

(c) mains, pipes or other apparatus to or maintained by the water undertaker, and includes any works constructed in connection with any of them or therein of apparatus;

" in " in a context referring to a position shall mean under, over, across, along or adjacent to;

" position " includes depth;

1882 c. 56.

“the undertakers” means—

the generating board;  
the electricity board;  
the Gas Council;  
the gas board;  
the water undertakers;

or any of them as the case may be;

“the water undertakers” means the statutory water undertakers for the time being authorised to supply water in the borough:

(2) Nothing in the following sections of this Act shall relieve the Corporation or, in the case of section 94 (Police telephone call boxes and shelters) of this Act, the police authority, or any person acting with the consent of or on the requirement of the Corporation or the police authority as the case may be from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:—

Section 37 (Trees, grass verges and gardens);

Section 43 (Decorations in streets);

Section 94 (Police telephone call boxes and shelters):

(3) For the purposes of section 32 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:

(4) Nothing in the said section 32 or in section 33 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from erecting apparatus (including an electricity sub-station, a feeder pillar, a pressure governor or meter house) or any temporary structure required in connection with the laying or maintenance of apparatus for the purposes of their undertaking on land abutting on any new street before, in the case of the said section 32, such new street is defined or, in the case of the said section 33, such new street is constructed and sewered in accordance with new street byelaws:

(5) (a) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 35 (Rounding or splaying off corners at street junctions) of this Act require the addition to the carriageway of a street of any portion of a footway or grass margin or other land



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—cont.

in which any apparatus is situated, shall give to the undertakers notice in writing to do accompanied by a plan and section of street alteration and the undertakers shall reasonably so required by the Corporation the position of the apparatus to such extent as—

(i) the carriageway or footway is altered;

(ii) the grass margin or other area is altered;

as may be reasonable;

(b) The undertakers shall within twenty days of receipt of a notice from the Corporation under paragraph (a) of this paragraph give to the Corporation not less than fourteen days' notice if they alter the position of any apparatus in contravention of the requirement of the Corporation;

(c) The Corporation or the undertakers, whichever has required the alteration of the position of any apparatus, shall submit to the other a plan and section of such proposed alteration for the approval and if such plan and section is approved by the Corporation or the undertakers, as the case may be, in writing within fourteen days of the date thereof the proposed position of the apparatus thereon shall be deemed to be approved;

(d) The Corporation shall repay to the undertakers reasonable expenses incurred by the undertakers in connection with the alteration of the position of any apparatus under this paragraph and the Corporation shall be liable for and incidental to—

(i) the cutting off of any apparatus from a main or apparatus; and

(ii) any other work or thing done in consequence of any such work.

Provided that subsections (1) and (2) of section 10 of the Act of 1950 (which imposes conditions on the undertakers' rights of payment) shall not apply to any payment to be made by the Corporation under this sub-paragraph as if the works mentioned in this paragraph were the same as the works as are referred to in the said subsections as if in that subsection for the words "the works" there were substituted "the works so necessary in a specification of the Corporation under Part I of the Fourth Schedule to the Act of 1950" and the words "the Corporation" were substituted for the words "the undertakers".

the words "agreed or settled by arbitration under section 155 (For protection of certain statutory undertakers) of the Dudley Corporation Act 1969":

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—cont.

(6) Notwithstanding anything in section 36 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of or exchange any operational land except with their consent which shall not be unreasonably withheld:

(7) Nothing in section 37 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

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 verge which is maintained in an ornamental condition or mown, or any garden:

(8) Nothing in section 38 (Enforcement of improvement line) of this Act shall apply to any building or structure of the undertakers which is used by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity or for the manufacture, distribution or storage of gas or for or in connection with the use by them as a pumping station, treatment works, or reservoir for water, except with the consent of the undertakers which shall not be unreasonably withheld:

(9) Nothing in section 39 (Erection of structures at street corners) of this Act shall apply to the placing or erection by the undertakers of any structure being development which is permitted by any development order made under the Act of 1962 for the time being in force:

(10) The provisions of subsection (5) of section 40 (Application of building line to walls, etc.) of this Act shall not apply to any structure erected on operational land of the undertakers:

(11) Nothing in section 41 (Retaining walls) of this Act shall apply to any retaining wall erected on operational land of the undertakers:

(12) In exercising the powers conferred by subsection (3) of section 53 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used or

PART XV  
— cont.

intended to be used by them for the generation, manufacture, pumping, or distribution of electricity, gas or water an undertaking of the Corporation shall conform to the requirements of the undertakers in the interests of preventing interference with any purpose for which such premises:

- (13) Nothing in section 88 (Parts of buildings used for storage of flammable substances) of this Act shall apply to any building, or part of a building, in which that part of that building is used for the purpose of containing a pressure governor, meter, or other apparatus for or in connection with the supply of gas or water.
- (14) The provisions of section 98 (Statutory powers of entry) of this Act shall not apply to any stand used by the undertakers on operational land for the purpose of the following taking:
- (15) (a) When the Corporation give any notice under subsection (1) of section 99 (Securing access to houses under Act of 1957) of this Act, they shall give the undertakers a copy of such notice.
- (b) Nothing in the said section 99 shall prevent the undertakers from exercising their statutory powers in relation to the premises provided that, without prejudice to any liability arising in respect of any exercise of their statutory powers, the undertakers shall secure that their powers of entry in respect of any premises to which they are secured under the said section 99 shall not result in the premises being left less secure than they were before their entry:
- (16) (a) Any difference which may arise between the Corporation and the undertakers in relation to the exercise of their statutory powers shall be determined by arbitration.
- (b) In settling any difference under this section an arbitrator shall have regard to any duty which the undertakers may be under in relation to the apparatus, and may, if he thinks fit, authorise the Corporation to execute any temporary works on the premises to avoid so far as may be reasonable any interference with any purpose for which the premises are used.

## Arbitration.

156. In arbitrations under a provision of this Act in the first column of the following table the arbitrator shall be a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the court.

person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

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-cont.

Provision of Act	Person appointing arbitrator
Section (3) of section 5 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Section (2) of section 7 (Supply of heat)	The Minister.
Section (2) of section 9 (Power to lay down or erect electric lines, etc.)	The President of the Institution of Civil Engineers.
Section (4) of section 36 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Paragraph (a) of subsection (5) of section 94 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Section (6) of section 138 (Supply of water to premises where supply is off)	The Minister.
Paragraph (a) of subsection (16) of section 155 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

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

The appointed day.

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

The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

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

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

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

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;

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---cont.

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

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

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

(b) had before that day duly applied for the registration required by that provision,

is liable to continue to carry on that business, or to use any premises for that purpose, until he is informed of the decision on his application, and, if the decision is adverse, until such further time as is provided under section 161 of the Act.

Evidence of proceedings, appointments, etc.

158.—(1) In proceedings under any enactment purporting to be certified by the town clerk as a resolution passed, order made, or report received by the council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given to the council or committee on that date.

(3) In this section " officer " includes a secretary.

(4) Section 286 of the Act of 1936, and that section as amended by, or incorporated in, any other enactment, shall apply to the council and its committees.

Liability of directors, etc.

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

(2) The provisions hereinbefore referred to are—  
Section 41 (Retaining walls); and  
Section 86 (Firemen's switches for lamp-glasses).

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

160. The written consent of the Attorney-General shall be a requisite for the taking of proceedings in respect of an offence committed by or under this Act by any person other than a party aggrieved or the Corporation. Restriction on right to prosecute.

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

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

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

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

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

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

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

162. Section 265 of the Public Health Act 1875 shall apply 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. Protection of members and officers of Corporation from personal liability.  
1875 c. 55.

163.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included references to this Act. Application of general provisions of Act of 1936.

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—cont.

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

Part IV (Streets);

Part V (Sanitation and buildings);

Part VI (Nuisances).

(3) The section of the Act of 1936 mentioned in the said schedule shall have effect as if references in that Act included a reference to section 98 of this Act, section 99 (Securing of unoccupied houses), section 137 (Repair of walls, etc., of premises) and section 138 (Hairdressers and barbers) and also to the following sections of this Act, that is to say:—

Part V (Sanitation and buildings) except section 100 (Laying of pipes and ducts for house refuse);

Part VI (Nuisances);

Part VII (Food);

Part XI (Fire precautions) except sections 140 and 141 (plans: access for fire brigade).

## Repeals.

164. The enactments specified in Schedule 3 (in so far as they are not already repealed) shall be repealed to the extent mentioned in that schedule.

Continuance  
of certain  
enactments.

165.—(1) The provisions of any Act of Parliament which immediately before the commencement of this Act applied to any area comprised as from that commencement otherwise than in relation to property held in common shall, notwithstanding sub-paragraphs (a) and (b) of article 51 of the Order of 1965, continue to apply to that area, and any reference therein to any area shall in such application be construed as a reference to that area.

(2) This section applies to—

(a) any local Act, other than an Act confirmed by an order, the Bill for which was not introduced by the authority;

(b) any Act confirming a provisional order or the application of any body other than the authority;

(c) any order made on such application as is mentioned in special Parliamentary procedure.

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--cont.

1879 c. c.  
1909 c. xxviii.  
1939 c. xxxi.

- (d) the Dudley Sewage Act 1879;
- (e) the Dudley Corporation Act 1909;
- (f) the Smethwick Oldbury Rowley Regis and Tipton Transport Act 1939;

for the purposes of this subsection "local authority"

- (i) the council of a county, an urban district or a rural district;
- (ii) the municipal corporation of any borough, acting by the council of the borough;
- (iii) any commissioners, trustees, or other persons invested by any local Act with powers of town government and rating; or
- (iv) any local board constituted in pursuance of the Public Health Act 1848, the Local Government Act 1858, the Local Government (1858) Amendment Act 1861 and the Local Government Amendment Act 1863.

1848 c. 63.  
1858 c. 98.  
1861 c. 61.  
1863 c. 17.

This section shall not extend to any provision repealed by any other Act passed during the same session of Parliament as this Act.

The transitional provisions contained in Schedule 4 to this Act shall have effect in relation to the repeals effected by this Act.

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



## SCHEDULES

Section 144.

## SCHEDULE 1

## CONDITIONS AS TO CONSTRUCTION OF MOTOR VEHICLES

1. The vehicle must be permanently fitted with a steering wheel without a sliding panel.
2. The area of the vehicle to the rear of the front seats
  - (a) be permanently fitted with at least one row of seats (fixed or folding) for two or more passengers; the seats must be properly sprung or cushioned and have upholstered backrests attached either to the seat or the floor of the vehicle; and
  - (b) be lit on each side and at the rear by a window of glass or other transparent material having a clear area of not less than 2 square feet on each side and than 120 square inches at the rear.
3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats or other seats specified in paragraph 2 of this schedule shall be not less than one such row of seats the distance between the rearmost part of the steering wheel and the backrests of the rearmost row of seats the seats are ready for use be not less than 3 feet between the rearmost part of the steering wheel and the backrests of the floor of the vehicle.

Section 163.

## SCHEDULE 2

## SECTIONS OF ACT OF 1936 APPLIED

## PART I

## SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown.

PART II

SCH. 2  
—cont.

SECTIONS APPLIED TO PARTS IV, V AND VI OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses, etc.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
299	Saving for certain provisions of the Land Charges Act 1925. 1925 c. 22.

PART III

SECTIONS APPLIED TO SECTIONS 98, 99, 137 AND 145 AND PARTS V (EXCEPT SECTION 47), VI, VII AND XI (EXCEPT SECTION 87) OF THIS ACT

Section	Marginal note
287	Power to enter premises.

SCHEDULE 3  
ENACTMENTS REPEALED

Section 164.

Enactments repealed	Extent of repeal
Act 31 Geo. III c. lxxix intituled "An Act for better paving cleansing lighting watching and otherwise improving the town of Dudley in the county of Worcester and for better supplying the said town with water"	The whole Act.
Dudley Corporation Act 1928 ... ..	The whole Act. 1928 c. cv.
Worcestershire County Council Act 1937 ... ..	So much as applies to the borough. 1937 c. xlv.
Dudley Corporation Act 1947 ... ..	The whole Act. 1947 c. xxvii.
Dudley Extension Act 1953 ... ..	The whole Act. 1953 c. xxxv.

## Section 166.

## SCHEDULE 4

## TRANSITIONAL PROVISIONS

- (1) Notwithstanding the repeal effected by this Act—
- (a) all existing bonds, mortgages, annuities and securities granted, payable or created under repealed enactments shall continue for all purposes and for and against all parties to such bonds, mortgages, annuities and securities shall be in the like position and entitled to the like rights and remedies as if this Act had not been passed and as if article 51 of the Order of 1965 had not been made;
  - (b) all property vested in the Corporation under any of this Act shall continue vested in the Corporation and all acts, works, matters and things begun or done under this Act done or commenced under any of the repealed enactments or any of them and all proceedings commenced on the commencement of this Act valid and available at the commencement of this Act shall continue valid and available and all existing notices, notices to treat, notices to quit, conveyances, contracts, covenants, conditions, obligations, rights and remedies shall continue valid and available for all purposes and may be continued, enforced and executed as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;
  - (c) all actions, arbitrations, prosecutions and proceedings with or against the Corporation by or against any person or thing done before the commencement of this Act or of or in relation to the repealed enactments may be continued, commenced or taken by or against the Corporation as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;
  - (d) any enactment in the repealed enactments which prescribed the boundaries of the parish, ward, electoral division or any other area or which abolished any such area or which altered the boundaries of any such area shall continue to have effect as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;
  - (e) all existing byelaws, rules, regulations and orders shall continue in force until repealed, amended or replaced by any provisions of this Act or until they are otherwise revoked or enforced in like manner and with like effect as if they were made for like purposes respectively by or under any provisions of this Act;
  - (f) all rates, rents, tolls and other sums payable under any provisions of this Act due or accruing due to the Corporation before the commencement of this Act shall be collected and recovered by the Corporation as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;

(g) all books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect.

Sec. 4  
—cont.

2) The mention of particular matters in this schedule shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

1889 c. 63.



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