

Warley Corporation Act 1969

CHAPTER liv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

- | Section | |
|---------|-----------------------------|
| 1. | Short title. |
| 2. | Division of Act into Parts. |
| 3. | Interpretation. |

PART II

HEATING UNDERTAKING

- | | |
|-----|---|
| 4. | Interpretation of Part II of Act. |
| 5. | Works for provision of heat. |
| 6. | Power to buy heat in bulk. |
| 7. | Supply of heat. |
| 8. | Power to lay mains, etc., and break open streets. |
| 9. | Power to lay down or erect electric lines, etc. |
| 10. | Power to supply fittings. |
| 11. | Heating charges. |
| 12. | Security for payment of accounts. |
| 13. | Discount for prompt payment. |
| 14. | Power to enter premises. |
| 15. | Interference with apparatus, etc. |
| 16. | Byelaws for protection of heating undertaking. |

Section

17. Notice to be given before quitting premises supplied with heat.
18. Corporation not to be exempted from proceeding against nuisance.
19. Modification of section 26 of Act of 1950.
20. Purchase of land for heating undertaking.
21. Attachment of brackets, etc.

PART III

LANDS

22. Retention and disposal of lands.
23. Proceeds of sale of surplus lands.
24. Provision of substituted sites.
25. Power to reinstate owners or occupiers of property.
26. Agreements with adjoining owners.
27. Reservation of easements, etc., by Corporation.
28. Power to enforce restrictive covenants.
29. Undertakings and agreements binding successive owners.
30. Extension of power to acquire land by agreement.
31. Recovery of deposits under Lands Clauses Consolidation Act 1845 or the Compulsory Purchase Act 1965.
32. Suspension of restrictive covenants.

PART IV

STREETS

33. Interpretation of Part IV of Act.

New streets

34. Prohibition of building until street defined.
35. Prohibition of building until street formed and sewered.
36. Rounding or splaying off corners at street junctions.
37. Adjustment of boundaries of estates in connection with streets.

Improvement of streets

38. Trees, grass verges and gardens.
39. Enforcement of improvement line.
40. Access to new street.

Protection and repair of streets

41. Erection of structures at street corners.
42. Application of building line to walls, etc.

- Retaining walls.
- Awnings over footways.
- Mixing of mortar, etc., in streets.

Miscellaneous

- Temporary stoppage of streets.
- Decorations in streets.
- Paving of yards and passages.
- Damage to obstruction lights, etc.

PART V

SANITATION AND BUILDINGS

- Sanitary conveniences at places of public exhibition, etc.
- Provision of bulk refuse containers by Corporation.
- Maintenance of and access to bulk refuse containers.
- Means of access for removal of refuse, etc.
- Power to order alteration of domestic chimneys.
- Extension of section 22 of Public Health Act 1961.

PART VI

NUISANCES

- Tipping of spoil and refuse.
- Silencers for internal combustion engines.

PART VII

FOOD

- Slaughter of animals otherwise than for human consumption.

PART VIII

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

- Interpretation of Part VIII of Act.
- Parking places in parks, etc.
- Power of constables to enforce byelaws as to parks, etc.
- Golf courses.
- Agreements to maintain graves and tombstones.
- Extension of power to maintain burial grounds.

Section

65. For protection of Commonwealth War Graves Commission.
 66. As to offences in burial grounds.
 67. Closing of cemetery.
 68. Aerodrome undertaking.

PART IX

FIRE PRECAUTIONS

69. Interpretation of Part IX of Act.
 70. Consent to storage of flammable material.
 71. Appeals under Part IX of Act.
 72. Stack not to contain room, etc.
 73. Offences.
 74. Consent not required in certain circumstances.
 75. As to application of Part IX to certain stacks.
 76. Savings and transitional provisions.
 77. Firemen's switches for luminous tube signs.
 78. Building plans: access for fire brigade.
 79. Parts of buildings used for storage of flammable substances.
 80. Further provision for fire precautions.
 81. Oil-fired boilers.

PART X

PUBLIC ORDER AND PUBLIC SAFETY

82. Notice of street processions.
 83. Police telephone call boxes and shelters.
 84. Offences in respect of telephone boxes, fire hydrants, etc.
 85. Safety of stands.
 86. Touting, hawking, etc.
 87. Securing of unoccupied houses under Act of 1957.
 88. Provisions as to motor vehicles let for hire.
 89. Inspection and certification of taximeters.
 90. Places used for boxing or wrestling entertainments to be licensed.
 91. As to street traffic.
 92. Recovery of penalties under section 28 of Town Police Clauses Act 1847.

PART XI

CULTURAL ACTIVITIES

93. Acquisition and repair of sculptures, etc.
 94. Acquisition of works of art produced to order.
 95. Disposal of unsuitable specimens and works of art.

PART XII

FINANCE AND SUPERANNUATION

105 Interpretation of Part XII of Act.

106 Existing borrowing powers continued.

Power to borrow.

Power to Corporation to raise money by issue of bills.

Power to raise money by issue of bearer bonds.

Power to raise money abroad.

Amendment of power to issue bonds.

Application of revenue of undertakings.

Accounts of undertakings.

107 Establishment expenses.

108 Closing of registers.

109 Interest and dividends by post.

110 Insurance fund.

111 Reserve funds.

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

112 Modifications of Act of 1961.

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

114 Certain remuneration and service excluded for superannuation purposes.

Transfer of certain sums from superannuation fund.

115 Investment of pension fund.

116 As to proof of continued existence of pensioners.

117 Recovery of rates from tenants and lodgers.

Recovery of rates from certain owners.

118 Insurance of certain voluntary assistants.

119 Officers of Corporation acting as receivers, etc.

120 Art fund.

121 Extension of section 25 of Local Government Superannuation Act 1953.

122 Receipt in case of minors.

123 Service of demand notes, etc.

124 Attestation of mortgages.

125 Modification of mortgages and bonds by memorandum under hand.

126 Recovery of sums paid to officers, etc.

PART XIII

MISCELLANEOUS

128 Power to use ladders, etc., for entry for inspection.

129 Recreational, etc., facilities for employees.

Notice of alteration of rents without notice to quit.

Microfilming of documents.

Section

- 132. Repair of walls, etc., of yards.
- 133. Supply of water to premises where supply cut off.
- 134. Power to publish bulletins, etc.
- 135. Provision of refreshments.
- 136. As to use of computer equipment of Corporation.
- 137. Hairdressers and barbers.
- 138. Information centres.
- 139. Cultivation of land, etc.
- 140. Disposal of lost and uncollected property.
- 141. Prohibition of parking in front gardens.
- 142. Medicated, sauna and other baths.

PART XIV

GENERAL

- 143. Apportionment of expenses in case of joint owners.
- 144. Compensation how to be determined.
- 145. Confirming authority for byelaws.
- 146. Local inquiries.
- 147. For protection of certain statutory undertakers.
- 148. Arbitration.
- 149. The appointed day.
- 150. Evidence of proceedings, appointments, etc.
- 151. Liability of directors, etc.
- 152. Restriction on right to prosecute.
- 153. Appeals.
- 154. Protection of members and officers of Corporation from personal liability.
- 155. Application of general provisions of Act of 1936.
- 156. Repeal.
- 157. Continuance of certain enactments.
- 158. Transitional provisions.
- 159. Costs of Act.

SCHEDULES:

- Schedule 1—Conditions as to construction of dual-purpose vehicles.
- Schedule 2—Sections of Act of 1936 applied -
 - Part I—Sections applied generally.
 - Part II—Sections applied to Parts IV, V and VI of this Act.
 - Part III—Section applied to sections 85, 132 and 137 and Parts V, VI, VII and IX of this Act.
- Schedule 3—Enactments repealed.
- Schedule 4—Transitional provisions.

ELIZABETH II



1969 CHAPTER liv

Act to re-enact with amendments and to extend certain local enactments in force in the county borough of Warley; to confer further powers upon the mayor, aldermen and burgesses of that borough; to make provision in regard to the health, local government, improvement and finances of that borough; and for other purposes. [22nd October 1969]

WHEREAS—

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

(a) with alterations the area of the county borough of Smethwick;

(b) with alterations the areas of the borough of Oldbury in the administrative county of Worcester;

(c) with alterations the area of the borough of Rowley Regis in the administrative county of Stafford;

(d) parts of the county boroughs of Birmingham, Dudley and West Bromwich;

- (e) part of the borough of Halesowen in the administrative county of Worcester;
- (f) part of the borough of Tipton in the administrative county of Stafford;
- (g) part of the urban district of Brierley Hill in the administrative county of Stafford;

as they existed immediately before the 1st April, 1966:

(2) Numerous local enactments were in force in part of said area and by article 51 of the Order of 1965 it was provided that the provisions of any such enactment should continue to apply to those parts of that area and certain specified enactments were extended to apply to the whole of the county borough of Warley 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 said local enactments should on the 31st December, 1970, cease to 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 enlarge in various respects the powers of the mayor, aldermen and burgesses 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 this Act should be enacted:

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

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 c. 51. have been observed:

(9) A plan showing the lands to be used or dealt with in accordance with the provisions of this Act and a book of reference relating thereto were duly deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons, and with the town clerk of the borough, which plan and book of reference are in this Act referred to respectively as the deposited plan and book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by our

by the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

This Act may be cited as the Warley Corporation Act 1969. Short title.

This Act is divided into Parts as follows:—

Division of Act into Parts.

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

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

In this Act unless otherwise expressly enacted or unless the 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 (Authorisation Procedure) Act 1946;
- the Act of 1950 " means the Public Utilities Street Works Act 1950 c. 39.
- the Act of 1957 " means the Housing Act 1957; 1957 c. 56.

PART I
—cont.

1959 c. 25.

1960 c. 16.

1961 c. 62.

1962 c. 38.

1967 c. 9.

- “ the Act of 1959 ” means the Highways Act 1959;
- “ the Act of 1960 ” means the Road Traffic Act 1960;
- “ the Act of 1961 ” means the Trustee Investments Act 1961;
- “ the Act of 1962 ” means the Town and Country Planning Act 1962;
- “ the Act of 1967 ” means the General Rate Act 1967;
- “ appointed day ” has the meaning assigned to that expression by section 149 (The appointed day) of this Act;
- “ the borough ” means the county borough of Warley;
- “ 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 into a refuse vehicle of the Corporation or to be removed by a vehicle of the Corporation for emptying;
- “ contravention ” includes a failure to comply with a requirement which a person is bound to observe;
- “ 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;
- “ enactment ” includes an enactment in this Act or in any other general or local Act and any order, byelaw or regulation made for the time being in force within the borough;
- “ the electricity board ” means the Midlands Electricity Board;
- “ 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 ” mean respectively the general rate fund and the general rate of the borough;
- “ the generating board ” means the Central Electricity Generating Board;
- “ the heating undertaking ” means the heating undertaking authorised by Part II (Heating undertaking) of this Act and includes all lands, stations, boiler-houses, works, buildings, machinery, plant, mains, pipes, apparatus, appliances, easements, rights, powers, privileges for the time being belonging to or held by 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;
- “ the Minister ” means the Minister of Housing and Local Government;

1952 c. 55.

“rational 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, in which interests are held, for the purpose of the carrying on of statutory undertakings;

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

“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;

“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.

“graphic line” has the same meaning as in the Telegraph Act 1878; 1878 c. 76.

“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.

reference in this Act to any enactment shall be construed as reference to that enactment as applied, extended, or varied by or by virtue of any subsequent enactment of this Act.

PART II

HEATING UNDERTAKING

In this Part of this Act the following expressions have the Interpretation of Part II of Act.

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

PART II
—cont.

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

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

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, boiler-houses, mains, pipes and other works for providing, storing, transmitting, distributing and supplying heat and for producing any material 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, machinery, hoists, sidings, electric lines, matters and things of whatever 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, store, transmit, distribute and supply heat and may produce materials, products, matters and things:

Provided that—

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

(b) any electrical works or apparatus erected, laid down, maintained, worked and used in pursuance of this section shall be so constructed, maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telegraphic communication by means of any such line;

(c) before installing any engines or machinery for the generation of electricity (other than electricity generated for or in connection with the supply of heat) the powers of this Part of this Act at the work in which it is generated) the Corporation shall connect the engines or machinery with the generating board and shall not connect them with the generating board except with the agreement of the board.

(2) Any electricity generated by the Corporation as mentioned in this section may be sold—

(a) 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 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;

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

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

any such person may enter into any such agreement accordingly; and

any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and

PART II
—cont.

(c) the Corporation may let any land which they may possess 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 use of surplus heat from any generating station or gasworks, retort 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 withheld unreasonably and shall not be withheld in cases where the council of the county borough or county district (as the case may be) are unable or unwilling to supply heat on terms and conditions as favourable as the terms and conditions on which the Corporation are able to supply heat to those premises.

(b) Any dispute between the Corporation and the council of the 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 occupier 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.

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

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

Part V (Power to lay mains &c.):

Section 22 (Power to break open streets):

Section 25 (Protection for railway companies, nationalised 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).

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 empowers the Corporation to lay down a main outside the borough except for the purpose of—

(a) giving or facilitating the supply of heat in accordance with the provisions of this Part of this Act; or

(b) bringing a supply of heat from any works or premises outside the borough.

(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of section (2) of section 5 (Works for provision of heat) of the Corporation may lay down or erect electric lines and

Power to lay down or erect electric lines, etc.

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

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

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

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

PART II
—cont.

(2) (a) Where the Corporation in the exercise of this section lay down or erect any electric line or apparatus in, on or over any land not forming part of a street or repair, alter, renew or remove any electric line or apparatus down or erected in, on or over any such land, they shall at all times pay compensation to every person interested in the 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.

1945 c. 42.

(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, 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 highways not maintainable at public expense): and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

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

1888 c. 12.

1947 c. 54.

1899 c. 19.

1969 c. 48.

(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 1947, and in the schedule to the Electric Lighting Act 1899, which, as applied by the Post Office Act 1969, shall confer protection to the Post Office and its telegraphic lines, shall as applicable extend and apply to any electric lines or apparatus laid down or erected under this section, and reference 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 consent is or is not unreasonably withheld shall be referred to the Minister of Power.

PART II
—cont.

Power to supply fittings.

(1) In any premises to which the Corporation supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such fittings as may be required for or in connection with the utilisation of the heat so supplied and may install, repair, or alter any heating fittings whether supplied by them or 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 made in default of agreement, as may be reasonable for any fittings supplied or any materials provided or work done in subsection 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—

(a) 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 the same may be; and

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

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

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

The Corporation shall so adjust the charges to be made under this section that the income therefrom will, taking one year as the period, meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes thereof, and any sums carried to a sinking fund for the purpose of repaying any moneys so borrowed and the cost of repairs or

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.

PART II
—cont.

(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 incurred by them in so doing from the offender either as a contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a debt.

Heating
charges.

11.—(1) The Corporation may from time to time prepare a scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking (where premises have been disconnected from the heating undertaking) 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 may be demanded therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt and, where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises, the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

Provided that if, before the expiration of the said seven days notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay 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.

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

Security for
payment of
accounts.

12. The Corporation may require any person desiring to take 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 therewith.

PART II
—cont.

(1) The Corporation may, if they think fit, make an allowance 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 by any person who pays the same within such time of the day thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand in respect of such charges.

Discount for prompt payment.

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

(2) Subject to the provisions of this section, any authorised person of the Corporation shall, on producing if so required some authenticated document showing his authority, have a right to enter 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 any 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.

(a) inspecting and examining any heating fittings whether or not belonging to the Corporation or not;

(b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder;

(c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act;

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

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

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

(a) admission to any premises has been refused or that a refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

PART II
—cont.

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

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

(3) An authorised officer of the Corporation entering premises by virtue of this section or of a warrant issued under 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 effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) Any person who, in compliance with the provisions of this section or of a warrant issued thereunder, is admitted into a 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 factory, workshop or workplace with regard to any manufacturing process or trade 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 generating board or the electricity board or the gas board for the purposes of or in connection with the generation or supply of electricity or the manufacture, storage or supply of gas (as the case may be).

Interference
with
apparatus, etc.

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 the 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.

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

PART II
—cont.

Byelaws for protection of heating undertaking.

(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 this Act.

Byelaws under this section may include provisions—

describing 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

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

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 its right to take proceedings in respect of such contravention, alter, repair or replace heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws, and may recover the expenses incurred by them in so doing from the person in question either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, only as a civil debt.

(2) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of intention so to do to the Corporation he shall be liable to pay to the Corporation all money accruing due for heat supplied by the Corporation to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained for the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises, if first occurs.

Notice to be given before quitting premises supplied with heat.

The notice to be given under this section by an occupier of premises shall be given in writing to the address and in the manner specified by the Corporation for the purpose.

There shall be endorsed upon every demand note in respect of charges payable to the Corporation—

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

PART II
—cont.

- (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 exonerate 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 mains and break open streets) and 9 (Power to lay down electric lines, 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 undertakers' works authorised by this Part of this Act, or are the owning undertakers in respect of apparatus laid down under the powers of this Part of this Act; and
- (b) either the Post Office, the generating board, the electricity board, the gas board or the water undertakers are the owning undertakers or (as the case may be) the operating undertakers;

the said section 26 shall be modified as follows:—

- (i) the notice to be given under subsection (2) of the section by the operating undertakers to the other undertakers shall be accompanied by plans, sections and particulars of the works;
- (ii) subject to the provisions of the next succeeding paragraph of this section the said notice shall be given not less than seven 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 100 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 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 of any

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;

any question which may arise under the said section 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 water undertakers ” means the statutory water undertakers for the time being authorised to supply water in the borough;

expressions to which meanings are assigned by the Act 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, is authorised to purchase land within the borough for the purposes of the heating undertaking.

Purchase of land for heating undertaking.

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

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 interest in the land.

In relation to the compulsory acquisition of any such easement or right the Act of 1946 and the enactments incorporated in that Act shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were references to the land so acquired, and references to the obtaining or taking possession of the land so acquired were construed as references to the exercise of the right.

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

no person shall be required or (except by agreement) be entitled to fence off or sever that land from the adjoining land.

PART II
—cont.

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

(5) If in his particulars of claim the owner of an 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 easement or right unless the Lands Tribunal determines 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 or convenience of the house:

Provided that nothing in this subsection shall apply to a notice to treat 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 brackets, mains, electric lines and attachments (in this section referred to as “attachments”) as may be required for the purposes of the undertaking.

1961 c. 64.

(2) The provisions of subsections (2) to (9) of section 4 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 the said section and the said provisions as so applied shall have effect with any necessary modifications including the substitution of “the Corporation” for “a street lighting authority”, the substitution of a reference to “section 30 of the Town and Country Planning Act 1962” for “section 29 of the Town and Country Planning Act 1947” and the omission from subsection (9) of the definition of “street lighting”:

1962 c. 38.

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

Retention and disposal of lands.

(1) Notwithstanding anything in any other enactment 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 interest therein acquired by them under this Act or any instrument 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 do and execute any deed, act or thing proper for effecting any such sale, lease, exchange or other disposition and any such exchange may give or take any money for equality of value:

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 required or has been obtained:

Provided also that nothing in this section shall be taken to prevent the Corporation with the consent of any government department to sell, lease, appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

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

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

as to be at variance with an express trust subject to which land or a building is held, managed or controlled

PART III
—cont.

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

- (b) as to contravene a covenant or condition which a gift or lease of land or a building accepted by, or granted to, the Corporation, the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Proceeds of sale of surplus lands.

23.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may, if they consider necessary, apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands remaining to be acquired but as to capital moneys so received not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the provisions of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;
- (b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Provision of substituted sites.

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, lessees and occupiers of land that may be acquired under any enactment.

Power to reinstate owners or occupiers of property.

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

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

The Corporation may enter into and carry into effect any agreement with any person being the owner of, or interested in, and abutting on any portion of land that may be acquired by the Corporation with respect to the sale by the Corporation to any person of any land including any part of a street or highway created by the Corporation under this Act.

PART III
-cont.
Agreements with adjoining owners.

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

When selling any land the Corporation—

Reservation of easements, etc., by Corporation.

(a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation 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 words of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

Where before the passing of this Act, the Corporation have sold any land for building purposes and on such sale the purchaser has entered into a covenant with the Corporation restrictive of the use of such land expressed to be for the benefit of other lands to be sold by the Corporation they shall have power to enforce such covenant against persons deriving title under such land notwithstanding that the Corporation have ceased to be in possession of or interested in any land for the benefit of which the covenant was entered into in the like manner and to the extent as if they were possessed of or interested in such land.

Power to enforce restrictive covenants.

For the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 a covenant referred to in this section shall be deemed to be a covenant restricting the user or mode of user of land or buildings if it is created by a local authority under a covenant or agreement entered into with them.

This section shall not apply to a covenant unless such covenant was registered as a local land charge within three months from the passing of this Act.

PART III
—cont.

Undertakings
and
agreements
binding
successive
owners

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

- (a) given or made under seal either on the passing of the instrument 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 person joining in the undertaking or agreement, but also upon the successors in title of any owner so joining and any person claiming through or under them.

1925 c. 22.
1926 c. 11.

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

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

Extension of
power to
acquire land
by agreement.

30.—(1) The Corporation may acquire by agreement, whether by way of purchase, lease or exchange, any land, situate within the borough, for the purposes of any of their powers 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, until it is appropriated for any purpose for which the Corporation are 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 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 within the borough under section 158 of the Act of 1933.

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

1845 c. 18.
1965 c. 56.

31. Notwithstanding anything in the Lands Clauses Consolidation Act 1845, or the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than 12 years after any sum has been paid by the Corporation into 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 Act of 1965 to order upon application by the Corporation—

paid or the fund in which the sum shall have been together with the accumulations thereto shall be repaid transferred to the Corporation:

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

(1) If the Corporation—

Suspension
of restrictive
covenants.

acquire land by agreement; or
enter into an agreement to acquire land; or
have acquired land by agreement before the passing of Act; or

appropriate (whether before or after the passing of this Act) land previously acquired by agreement;

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

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

the Corporation shall—

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

on or before the date of the first publication of the said notice serve a copy of the said notice by registered post the recorded delivery service on every person who appears to them, after diligent enquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

PART III
—cont.

(c) on or before the date of the first publication of notice affix a copy or copies of the said notice to conspicuous object or objects on the land to which resolution relates.

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

(5) If any objection is duly made as aforesaid and is withdrawn the resolution shall be of no effect unless and is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section, or if all objections so made are withdrawn, the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the date of the objection or the date on which the Corporation acquires the land whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution, the restriction shall be suspended on and after such date as the appropriate Minister shall determine, not being earlier than the date on which the Corporation acquires the land.

(7) If in the opinion of the Corporation there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates, whether any such restriction is enforceable, the Corporation may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality a notice describing the land and stating generally the effect of this section and subsections (8) and (9) of this section, specifying the time not being less than three months from the first publication of the notice within which any person claiming to be entitled to enforce a restriction against the land may intimate such claim to the Corporation and produce to the Corporation documents of title in support of his claim;

or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

- (i) serve a copy of that notice by registered post or the recorded delivery service on every person who it appears to them after diligent inquiry may reasonably be expected to claim to be entitled to enforce a restriction against the land; and
- (ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

any person is entitled to enforce a restriction against and but fails to comply with the requirements of such notice, restriction shall, so far as concerns such person and his interest in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any right to compensation under subsection (9) of this section.

Corporation shall pay compensation in accordance with the provisions of section 10 of the Act of 1965 to any person who is entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961. 1961 c. 33.

Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction, or, if the Corporation have disposed of the land to any body for any of the purposes of the Education Acts 1944 to 1964, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid to the Corporation under subsection (9) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that the land is to be used for a particular purpose, the restriction shall, in respect of any subsequent conveyance or disposition of the land to a person other than the Corporation, remain unenforceable only so long as the land is used for that purpose.

When the Corporation dispose of any land affected by the restriction suspended under the powers of this section they shall cause to be published in successive weeks notice thereof in one or more newspapers circulating in the locality in which the land is

PART III
—cont.

- (12) Nothing in this section shall apply to any restriction—
- (a) the protection of or for preventing interference with use of or for securing access to operational apparatus of any statutory undertakers or the railway board contained in any deed, wayleave, agreement or other instrument;
 - (b) the prevention of pollution of water which undertakers are for the time being authorised to

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

(14) Nothing in this section shall apply to any such right may be enjoyed by grant, purchase or prescription to deposit the banks of agricultural drains the mud or silt removed from such drains during the work of deepening, cleaning and maintaining them.

(15) In this section the expression “the appropriate Minister” means the Minister of the Crown having power to authorise compulsory purchase of the land for the purpose for which the Corporation have acquired or agreed to acquire or appropriate that land.

PART IV
STREETS

Interpretation
of Part IV of
Act.

33.—(1) In this Part of this Act—

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

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

(2) 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 clearing of the site or the excavation for the foundations thereof whichever is the earlier, began.

New streets

Prohibition
of building
until street
defined.

34.—(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 on the street until he has defined by posts, or in some other suitable manner, the approved line, width and level of so much of the street as abuts on any land which will be occupied as the site of, or in connection with, the building.

where the approved width of a new street has been defined, no person shall begin to erect a building or structure to the centre of the street than the line of the posts or marks by which the width has been so defined.

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

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

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

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

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

Prohibition of building until street formed and sewered.

provided that, where the plan shows that the street will exceed 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

Such a notice shall be given to the person by whom or 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.

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 works of the street which should have been constructed, and recover the expenses of so doing 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 (Miscellaneous Provisions) Act 1926, with respect to the avoidance of any notice for want of registration as a local land charge.

1925 c. 22.

1926 c. 11.

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.

(1) Where a plan and sections of a new street deposited by the Corporation in pursuance of new street byelaws are by them, they may, for the purposes of safety, require that the corners formed at the junction of the

Rounding or splaying off corners at street junctions.

PART IV
—cont.

new street with another street, whether existing or intended but not being a trunk road, shall be rounded or splatted in such manner as may be specified in the notice.

(2) Such a notice shall be given to the person by whom 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 payable 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 37 of the Land Compensation Act 1961 shall apply.

1961 c. 33.

(4) If any person lays out or constructs a new street other than in compliance with a notice in respect of the street under this section, 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 so doing from that person.

(5) 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 such notice for want of registration as a local land charge.

1925 c. 22.

1926 c. 11.

Adjustment of
boundaries of
estates in
connection
with streets.

37.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws approved by them, they may, for the purpose of securing the proper laying out or development of any estate through which the street is to run, by notice require that such provisions shall be made—

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

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

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

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

provision so to be made and the terms and conditions which it is to be made shall, failing agreement between the Corporation and the persons interested in the respective determined by arbitration.

agreement or award made under this section may require the payment of money by the Corporation; but any award shall provide for the payment of money by any person without his consent.

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

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

Any land or money received by any person in respect of 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.

Any land received by any person as aforesaid shall also be 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.

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 any manner as they think fit.

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

Improvement of streets

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

Trees, grass verges and gardens.

(2) The Corporation may plant trees, plants or shrubs or place containers in which to grow trees, plants or shrubs;

PART IV
—cont.

- (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 any expedient, for the maintenance or protection of trees, plants, shrubs, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove such container, guard or fence and to abolish any grass verge or garden or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering or causing or permitting horses, cattle or vehicles to be driven upon, any grass verge laid out under this section maintained in an ornamental condition 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 prohibition persons under such age as may be specified in the notice.

(2) Any such notice as is referred to in paragraph (g) of the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge or garden 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) any person 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 or injury 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 highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925 with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section.

Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

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

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

(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1925 or section 33 of the Public Health Act 1925, the Corporation for the purpose of avoiding obstruction to the view of the street or other inconvenience or unsightliness from irregularity of the boundary of the street, by notice to the owner of any building, which, or any part of which, is beyond, or in front of, the improvement line at the time the line was prescribed, to demolish, set back or alter the building within such reasonable time as may be specified in the notice, not being less than six months from the date of the notice, so that it shall not project beyond, or in front of, the improvement line. Enforcement of improvement line. 1925 c. 71.

(a) If, within twenty-eight days of the date of the service of a notice under subsection (1) of this section on whom the notice is served gives counter-notice to the Corporation objecting to any of the requirements 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.

(b) 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

PART IV
—cont.

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 they are to be executed is not reasonably sufficient for the purpose;

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

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

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated or 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 without adjoining lands, on terms not less favourable to the Corporation than those on which that person would have acquired the building under a compulsory purchase order made under section 214 of the Acquisition of Land Act 1959 (which authorises the acquisition of land for the improvement 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 as if it were served on the date on which the Corporation serve on the owner of the building to which it relates a copy of the notice as so confirmed.

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

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

(4) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case

(a) he has an interest in land abutting on so much of the improvement line, as immediately before the service of the notice under subsection (1) of this section intersected, or abutted on, the building or land occupied in connection therewith; and

the value of his said interest is enhanced by reason of the widening or improvement of the street;

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

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

In this section—

“building” includes a structure;

“tribunal” means the Lands Tribunal.

(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purpose of securing adequate access to the new street and of communication between the new street and any other street, whether existing or intended, by notice prohibit the erection of any structure at either end of the new street on land belonging, at the time of the deposit, to the owner of the land on which the new street is proposed to be constructed or

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

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

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 incurred in doing so from that person.

PART IV
—cont.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 avoidance of such notice for want of registration as a local land charge.

*Protection and repair of streets*Erection of
structures at
street corners.

41.—(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:

Provided that this subsection shall not apply to any structure being 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 being 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 eight weeks from the receipt of such a notice by any person the Corporation may give him notice that they do not approve the placing or erection of the structure, or that they do 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 its proximity to the view of foot-passengers or drivers of vehicles, constitute a danger to the traffic on the street upon, adjoining or near to which it is proposed to be placed or erected, or, as the case may be, that it would constitute such a danger unless placed or erected in accordance to the conditions or modifications specified in the notice.

(3) The Corporation may at any time within the said eight 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 eight weeks the Corporation have not 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 the 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.

(5) Any person giving notice under subsection (1) of this section who is aggrieved by a notice given under subsection (2) of this section may, within twenty-one days from the service of the last-mentioned notice, appeal to the Minister of Transport, who 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 any temporary structure required to be placed or erected at, or within a distance of 10 yards from, the corner of a street for the purpose of the construction, demolition, alteration, repair or maintenance of any building or works:

provided that, if any such temporary structure is not removed when the construction, demolition, alteration, 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 twenty pounds.

Where a person is convicted of an offence under either of the last foregoing subsections, the court by which he is convicted may order him, within such time as may be fixed by the court, to remove the structure in respect of which he was convicted; 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 to do so 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 which the Corporation have given him notice of their intention to remove the structure.

The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed by section 81 of the Act of 1959 or section 4 of the Roads Management Act 1925.

1925 c. 68

(8) For the purposes of this section the corner of a street shall be deemed to be the point at which the frontage or boundary line of that street, if necessary continued in a straight line, meets the frontage or boundary line of any other street, if such other street is similarly continued.

PART IV
—cont.Application of
building line
to walls, etc.

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

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

(3) The foregoing provisions of this section shall not apply a temporary structure required to be erected for the purpose the construction, demolition, alteration, repair or maintenance any 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 works, the person who erected the structure shall be liable fine not exceeding twenty pounds.

(4) Where any person is convicted of an offence under the foregoing provisions of this section, the court by which he was convicted may order him, within such time as may be specified by the order, to remove the structure, or, if he so elects, to 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 on which the Corporation have given him notice of their intention to remove the structure.

(5) Where, after the expiration of five years from the commencement of this Act, there is on any site in the borough a structure which has 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 reasons therefor, require the owner or occupier of the site to remove the structure within such time, not being less than 14 days, as may be specified in the notice so that he complies 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.

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 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 enforceable by the Corporation under section 169 of the Act of 1959; or

(c) if there be neither of such lines, 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;

“structure” does not include an advertisement to which regulations made under section 34 of the Act of 1962 apply.

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

(1) In this section “retaining wall” means a wall which— Retaining walls.
(a) serves, or is intended to serve, as a support for earth or other material on one side only; and

(b) does not form part of a permanent building;
this section applies to any length of a retaining wall, being

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

(ii) which is at any point of a greater height than 4 feet 6 inches above the level of the ground at the boundary of the street nearest that point.

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

PART IV
—cont.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans, sections and specifications submitted to it 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 section, is so constructed as to be liable as aforesaid;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent the wall from being liable as aforesaid; and the provisions of section 290 of the Public Health Act 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 wall erected—

(a) on land belonging to any railway, canal or inland navigation undertakers so long as that land is used by them primarily for the purposes 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.

Awnings over
footways.

44.—(1) (a) If a person erects, or permits to be erected, over a footway of a street in the borough, being a highway maintained at the public expense, an awning which—

(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.

(b) 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.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require

owner or occupier of the premises to which the awning is
to carry out such work as may be necessary to
remove the danger or inconvenience.

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

(4) In this section —

“awning” includes a blind, shade or other covering;

“traffic sign” has the meaning assigned to it by section 54
of the Road Traffic Regulation Act 1967.

1967 c. 76.

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

Mixing of
mortar, etc.,
in streets.

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

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

Miscellaneous

(1) For the purpose of—

(a) making any new street; or

(b) providing a parking place for vehicles under section 28
of the Road Traffic Regulation Act 1967;

Temporary
stoppage of
streets.

the Corporation may break up and for any reasonable time
erect and interfere with any street in the borough and
prevent persons using it:

Provided that the Corporation shall not exercise the powers of
this section—

(a) in respect of any trunk road, without the consent of the
Minister of Transport; or

(b) in respect of any street, if it is necessary to deprive foot-passengers bona fide going to or
from any building or land in the street of reasonable
access to the building or land; or

PART IV
—cont.

(iii) so as to obstruct, or interfere with, the access to or from, any station, wharf or depot of any canal, inland navigation or passenger road undertakers; or

(iv) so as to prejudice or affect any right of the

(A) to maintain, inspect, repair, renew or re-erect any telegraphic line belonging to or used by any person, or may for the time being be under, in, upon, over, or across that street; or

(B) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break up that street.

(2) When considering the question of exercising their powers under this section the Corporation shall have regard to the existence of alternative routes suitable for the traffic which is affected.

1967 c. 76.

(3) The provisions of Schedule 3 to the Road Traffic Regulation Act 1967, so far as applicable, shall apply in respect of the exercise by the Corporation of the powers of this section as they apply in respect of the making by a highway authority of orders under section 12 of that Act.

Decorations
in streets.

47.—(1) The Corporation may, on the occasion of any public festival or festivity, cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under, the surface of, any such street.

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

(3) The Corporation shall not exercise the powers conferred by this section in a trunk road without the consent of the Minister of Transport or in any street belonging to or repairable by the highway authority or ways board without their consent.

Paving of
yards and
passages.

48. Where any court or yard is appurtenant to or any other premises which gives access to commercial or industrial premises, as defined in section 56 of the Act of 1936 in respect of any such court or yard, or a house or houses, the Corporation may exercise the powers conferred by that section in respect of any such court or yard, or industrial premises as though they were a house.

PART IV
—cont.

Damage to
obstruction
lights, etc.

If a person, without lawful authority or excuse takes
alters or removes any fence or other guard erected, or
diminishes or removes any light placed, by any statutory under-
in pursuance of the requirements of section 8 of the Act
1950 when 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 V

SANITATION AND BUILDINGS

Sanitary
conveniences
at places of
public
exhibition,
etc.

1963 c. 2.

(1) The Corporation may by notice require the owner
occupier of any premises or place in the borough at which any
performance, amusement, game or sport to which
public are or will be admitted is held, given or provided
about to be held, given or provided, or in respect of which
is for the time being in force a licence under section 9 of the
Gaming and Lotteries Act 1963, to provide to the reason-
satisfaction of the Corporation, and thereafter to the like
action 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 such premises
as may be reasonable.

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
is 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 five 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

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 in respect of which there is in force a licence under the Cinematograph Acts and 1952.

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

1961 c. 64.

Provision of
bulk refuse
containers by
Corporation.

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

Maintenance
of and access
to bulk refuse
containers.

52.—(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 provides 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 stand or base for the bulk refuse container and sufficient means of access from a highway to the bulk refuse container, the means of access being sufficient and convenient in construction and length to enable the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Corporation used 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 works as may be necessary to make such provision in regard to the matters aforesaid as may be necessary.

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

“(g) where the notice requires the owner or occupier of any premises to execute works on any 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 the part ought to bear, or contribute towards, the cost of executing the works required”;

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

Means of access for removal of refuse, etc.

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

(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority shall 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:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans and specifications approved by the Minister in connection with housing operations to which section 145 of the Act of 1957 applies.

(b) Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted 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 the storage of dustbins or other refuse containers containing 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 the means of access by which refuse is removed from any building, and the local authority in giving their consent may impose such conditions as they think fit with respect 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 subsection shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding two pounds for each day on which the offence continues after conviction hereof.

(1) If a magistrates' court is satisfied upon a complaint Corporation that any smoke, gas or vapour from a chimney, pipe of a building or structure forming part of, or within Power to order alteration of domestic chimneys.

PART V
—cont.

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

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

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding 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 pounds.

(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 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 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 1962, 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 any order made under this section as if it were an order under section 301 of the Act of 1936.

Extension of section 22 of Public Health Act 1961. 1961 c. 64.

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

PART VI
NUISANCES

Tipping of spoil and refuse.

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

(2) Byelaws made by virtue of this section may—

- (a) contain provisions for imposing on persons who contravene the byelaws fines not exceeding one pound for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

provide that any spoil or refuse tip placed, kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating 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

(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 in the borough unless an effectual silencer is provided and on the exhaust of the engine.

Silencers for internal combustion engines.

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 is or has been so used; and if, after the lapse of such time from the giving of the notice as may be reasonably sufficient for the cause of complaint, he uses the engine as aforesaid, 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 two pounds.

(2) An authorised officer of the Corporation shall have the same powers in respect of any premises which he has entered in pursuance of powers conferred by section 287 of the Act of 1936 as are conferred by this Act to inspect and test any silencer 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 section by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises an engine which is not provided with an effectual silencer on the exhaust thereof.

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 or to an internal combustion engine used by the railways board for the purposes of their undertaking.

PART VII

FOOD

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

58.—(1) The following provisions shall have effect in relation 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, and if the Meat Inspection Regulations 1963 do not have effect in relation to the slaughtering by reason of its not being fit 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 it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired:

S.I. 1958/2166.

(b) if, by reason of accidental injury, illness or emergency affecting that animal, it is necessary to slaughter it without compliance with paragraph (a) of this subsection, he may, without compliance with paragraph (a) of this subsection, 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 carcass intact until the expiration of that period, or until disposal is approved by an authorised officer, whichever first occurs; or

(ii) if the slaughter is without giving such notice, he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcass intact until the expiration of twenty-four hours from the giving of that notice, or until 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 the 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 carcass, and the disposal thereof.

Notwithstanding the requirement imposed by subsection (1) of this section on the owner of an animal to retain the carcass 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 carcass or the whole carcass; or

(b) to take such a specimen, or the whole carcass, 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.

Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcass intact until the expiration of a period therein mentioned, if the slaughter was in a knacker's yard, or the carcass was taken to a knacker's yard immediately after the slaughter, the owner may take, or cause to be taken, from the carcass during that period any part or organ which, in the opinion of the owner, is necessary so to take therefrom in order to prevent or minimise the nuisance or risk of deterioration of the carcass, but if he does so the owner shall during that period retain every part of the carcass so taken on the premises on which it was so taken, in such manner as may be requisite for showing to the satisfaction of an authorised officer from what carcass it was taken.

Any person who, as the owner of an animal—

(a) without reasonable excuse contravenes this section or fails to discharge an obligation thereby imposed on him; or

(b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

shall be liable to a fine not exceeding fifty pounds.

Nothing in this section shall affect the operation of the provisions of the Diseases of Animals Act 1950 or of any order, licence or act of 1950 c. 36. made by the Minister of Agriculture, Fisheries and Food made, granted or varied under, or having effect by virtue of subsection (2) of section 89 thereof.

In this section—

“authorised officer” means any officer who is, by virtue of section 16 of the Food and Drugs Act 1955, an authorised officer 1955 c. 16.

PART VII
—cont.

for the purpose of the examination and seizure under the provisions of Part I of that Act of food unfit for human consumption;

“knacker’s yard” means any premises used with the business of slaughtering, flaying or cutting animals the flesh of which is not intended for consumption.

(8) This section shall not come into operation in the borough as was not comprised in the former Smethwick or Oldbury until the appointed day.

PART VIII

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTIES

Interpretation
of Part VIII of
Act.

59. In this Part of this Act—

“burial ground” includes a cemetery;

“grave” includes a grave space, niche or urn;

“memorial” means any object erected, placed or wall, kerb or railing protecting, enclosing or grave or memorial;

“tombstone” includes a monument or other deceased person.

Parking places
in parks, etc.
1967 c. 76.

60.—(1) For the purpose of providing a parking section 28 of the Road Traffic Regulation Act 1967, the Corporation may, with the consent of the Minister, utilise any park, pleasure ground or open space provided by their management and control:

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

1906 c. 25.

(2) In this section “open space” has the same meaning as in the Open Spaces Act 1906.

(3) No power conferred upon the Corporation 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.

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.

From and after the commencement of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act 1875 relating to park or place of public resort or recreation ground under the control of the Corporation 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.

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

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

Golf courses

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

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; or

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

The Corporation may—

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

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

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

PART VIII
—cont.

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

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

(6) In this section "golf course" includes a driving range.

Agreements to
maintain
graves and
tombstones.

63.—(1) 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 tombstone in a burial ground provided by the Corporation.

(2) The Corporation may accept a capital sum for the purpose of maintaining a particular grave or tombstone in a burial ground or crematorium provided by the Corporation.

(3) Any such capital sum as is mentioned in the last foregoing subsection shall (unless applied in any other manner authorised by any enactment) be invested in accordance with the provisions of this section:

Provided that if at any time the income arising from an investment is insufficient to maintain the particular grave or tombstone the Corporation may apply the capital sum or part thereof for that purpose.

(4) Sections 1, 2, 5, 6, 12 and 13 of the Act of 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such capital sum as is mentioned in subsection (2) of this section and in relation to any investments or other property at the time being representing any such capital sum, as if the Corporation were trustees of that trust fund; and subsection (2) of section 7 of that Act shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection:

Provided that the moneys representing any such capital sum shall not by virtue of this section be invested or held in any manner specified in paragraph 6 of Part II of Schedule 1 to the Act of 1961, or in wider-range investments.

(5) Any income arising from any such capital sum, or from any investments or other property as are mentioned in the last foregoing subsection, shall be applied in maintaining the particular grave or tombstone in respect of which the capital sum was accepted by the Corporation.

(6) In this section "burial ground" includes a crematorium.

PART VIII
—cont.

Extension of
power to
maintain burial
grounds.

(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 be not 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.

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

(5) The Corporation may put to such use as they think fit, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months of the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section.

PART VIII
—cont.

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

(7) The Corporation shall cause a record to be made of a 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 copy showing where it has been taken to;

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

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

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain a faculty or licence; and subsection (5) thereof shall not have 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 an officer or man of the naval, military or air forces of His Majesty 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 Commonwealth war graves relating to the war of 1914 to 1921 or of 1939 to 1947, the Corporation shall

(a) not later than the date upon which such notice is published in a newspaper circulating in the area, 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 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.

The Corporation shall not, in pursuance of the powers of 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.

Where a Commonwealth war burial would be affected by a 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.

(7) A person, other than an officer of the Corporation or the servant of a person employed by the Corporation, in or about any work in connection with the burial grounds maintainable by the Corporation, shall not, except for the purpose of properly tending any grave, pluck out or otherwise interfere with any flower, plant, shrub, wreath, ornament or other thing placed on any grave in a burial ground. As to offences in burial grounds.

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

(8) In this section "burial ground" includes a crematorium.

PART VIII
—cont.Closing of
cemetery.

67.—(1) In this section—

“the cemetery” means the cemetery of the Corporation at Holly Lane in the former county borough of Smethley, as delineated on the deposited plan;

“right of burial” means—

(a) an exclusive right of burial purchased before the passing of this Act; and

(b) a right, acquired by custom of the parish, to a right of burial—

(i) in a grave for the walling of which the owner of the right has, before the passing of this Act, expended money; or

(ii) in a grave in which a relative of the owner of the right has been buried and in which there is no provision for further burial.

(2) As from the coming into operation of this Act, the cemetery shall be wholly discontinued.

(3) Any person who after the coming into operation of this Act—

(a) causes the body of any person to be buried; or

(b) knowingly permits the body of any person to be buried

in the cemetery shall be liable to a penalty not exceeding ten pounds.

(4) (a) Any person who at the date of the passing of this Act is the owner of a right of burial in the cemetery shall be entitled to be paid by the Corporation compensation for the loss of that right by virtue of the provisions of this section.

(b) The amount of any compensation payable under subsection (a) shall in case of dispute be determined by the Arbitration Tribunal.

Aerodrome
undertaking.
1949 c. 67.

68.—(1) In the event of the Corporation establishing an aerodrome, with or without any ancillary business in connection therewith (in this section referred to as “the aerodrome undertaking”), they may either—

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

(b) subject to the provisions of subsection (6) of section 19, let it, or any part thereof, for consideration, and on such terms and conditions as they think fit:

and that nothing in this subsection shall authorise any person of a scale of charges approved or prescribed by the Board of Trade in pursuance of powers conferred on them by the said Act.

PART VIII
— cont.

The aerodrome undertaking shall be in the same relation to the Board of Trade and subject to the like control by them as if this Act had not been passed. 1949 c. 67.

PART IX
FIRE PRECAUTIONS

Interpretation
of Part IX
of Act.

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 75 (As to application of Part IX 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 S.I. 1965/1373, shall be regarded as an unprotected area.

PART IX
—cont.Consent to
storage of
flammable
material.

70.—(1) (a) The Corporation may give —

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

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

(b) The Corporation may attach to any consent given under this subsection such terms and conditions as, having regard to the reasonable requirements of the undertaking, trade or business being carried on on the premises, they consider to be reasonable and necessary for the purposes of preventing outbreaks of fire, lessening the danger from the spread of fire and facilitating the extinguishing of fire including terms and conditions as to the piling, stacking 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 (whether general or 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 given under the foregoing subsection form or maintain any stack of 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 made or 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 two 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 longer 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 applied to the application had been given on the last day of that period without any conditions being attached thereto except any such conditions as may have been stipulated in such application.

The Corporation may from time to time, by notice served on any person maintaining a stack of flammable material as respects which the consent of the Corporation has been given, draw or vary as from the specified date any term or condition attached to such consent or may as from the specified date attach terms and conditions or additional terms and conditions as they consider to be reasonably necessary for any of the purposes mentioned in paragraph (b) of subsection (1) of this

in this subsection "the specified date" means such date as may be specified in a notice served under this subsection (not less than twenty-eight days after the service thereof).

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 a request for that purpose made in writing to the Corporation by the occupier of the premises to which those terms and conditions relate) 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; or
- if the said terms and conditions were so attached.

Any person—
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;

Appeals under
Part IX of Act.

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 70 (Consent to storage of flammable material) of this Act;

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

PART IX
—cont.

(2) Every appeal to the Secretary of State under this section shall be made in writing asking that the consent may notwithstanding the refusal of the Corporation, or that or condition may not be attached or varied or may be 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.

(3) (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;
- (ii) confirm, vary or quash any term or condition or variation of a term or condition which is the subject of the appeal; or
- (iii) attach to the consent of the Corporation any term or condition which the Corporation would be required to attach under either subsection (1) or subsection (2) of section 70 (Consent to storage of flammable material) of this Act.

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

(4) Before determining any appeal made to him under this section, the Secretary of State may, if he thinks it necessary, cause an inquiry and report upon the matter 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 so desired, an opportunity of appearing before and being heard by the person so appointed.

Stack not to contain room, etc.

72. No stack of flammable material formed or stored on any premises shall contain any room, chamber or enclosure other than a passage which, if provided, shall be unobstructed.

Offences.

73.—(1) Any person who—

- (a) forms or maintains on any premises a stack of flammable material for which the consent of the Corporation is required under section 70 (Consent to storage of flammable material) of this Act without having obtained that consent;
- (b) contravenes any term or condition which, in pursuance of subsection (1) or subsection (4) of the said section 70, is for the time being attached to a consent given by the Corporation under subsection (1) of the said section 70.

(c) contravenes the provisions of section 72 (Stack not to contain room, etc.) of this Act;
and shall be guilty of an offence:

Provided that no offence under paragraph (b) of this subsection shall be committed by any person—

(a) until the end of any period within which an appeal under section 71 (Appeals under Part IX of Act) of this Act may be made by him in respect of the 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.

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 to a fine not exceeding ten pounds, and the court from 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.

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.

Notwithstanding the provisions of section 70 (Consent required in certain circumstances) 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

PART IX
—cont.

less than three-quarters of the length of the part of the stack, and in either case the stack is separated from any other stack of flammable material on same premises by a distance of not less than 12 feet

(iii) no part of the stack is nearer than 20 feet

(A) the nearest part of any furnace, incinerator or building;

(B) any substance having a flash point of less than 66 degrees Centigrade when tested by standard method; or

(C) any compressed gas, including a gas or dissolved under pressure;

or nearer than 15 feet to the nearest part of any structure and

(iv) unobstructed access from a street to the stack being not less than 12 feet in width and in height provided and maintained for fire brigade appliances and personnel, and any gateway to such access not less than 10 feet in width and 12 feet in height

Provided that where any two or more stacks of timber or other material (in any case may be) of plastics or any other flammable material contained within a rectangular area not exceeding 2,500 square feet 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 IX to certain stacks.

75.—(1) For the purpose of this Part of this Act a stack of material shall not be deemed to be a stack of flammable material solely on the basis of the fact that the material or materials of which 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 commonly 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 stacks of plastics, the stack contains no material with a calorific value of 2,500 calories per gram or more;
- (b) in the case of a stack which is composed only of plastics, either—

(i) the plastics material of which the stack is composed has a calorific value of less than 4,500 calories per gram; or

(ii) the plastics material of which the stack is composed is self-extinguishing or of very low flammability or falls within the like or any additional or substituted description which is contained in a British Standard and which is for the time being prescribed in an order made by the Corporation after consultation with such bodies representing the interests affected as they may think fit;

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

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 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.

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 any 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.

Until 1st January, 1971, it shall not be necessary for any stack of flammable material on premises in use at the date of the coming into force 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.

(2) (a) Where by reason of the provisions of the last foregoing subsection a stack of flammable material on any premises is not in accordance with the provisions of this Part of this Act, the proprietor of those premises may, before 1st September, 1970, apply to the Corporation an application in writing that (Consent to storage of flammable material) of this section shall not have effect in relation to those premises until such

PART IX
—cont.

date after 1st January, 1971, but not being later than 1st January 1972, as he may specify in that application, being a date which in his opinion reasonable having regard to the need to modify reason of the passing of this Act the operations of any undertaking or trade or business being carried on on those premises.

(b) The Corporation may, by notice served on the occupier of any premises who has submitted an application under the foregoing paragraph and within a period of two 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 the substitution of the date specified therein of such other date as the Corporation may consider to be reasonable in the circumstances; or
- (iii) refuse to approve the application if they consider 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 of two months, the provisions of this Part of this Act shall have effect as if the approval of the Corporation applied for under this subsection had been given on the last day of that period.

(c) Any applicant aggrieved by the terms of a notice served on him by the Corporation under paragraph (b) of this subsection 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 IX of Act) of this Act shall, with any necessary modifications, apply for the purpose of such an appeal as if they applied for the purposes of an appeal against a refusal to give consent under subsection (1) of section 70 (Consent to storage of flammable material) of this Act.

Firemen's
switches for
luminous tube
signs.

77.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage exceeding 650 volts, or other equipment so designed, and the transformers required to raise the voltage so as 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 in the building to which this section applies shall be provided with a cut-out switch on the low-voltage side of the transformer; and the switch shall be so placed, and coloured or otherwise marked, as to comply with such reasonable requirements as the Corporation may determine to secure that it shall be readily accessible to, and recognised by, firemen.

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

(4) Where apparatus to which this section applies 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, in 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 the 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.

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

PART IX
—cont.

Building
plans: access
for fire
brigade.

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

- (a) that the extension will be such as to affect 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 their appliances and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, references to the building as erected, altered or extended in accordance with the plans.

(4) If the Corporation reject the plans under the authority of this section, the notice given in pursuance of subsection (2) 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 whose behalf, plans are deposited as to whether the Corporation ought to pass the plans may, on the application of that person, be determined by a magistrates’ court.

Parts of
buildings used
for storage of
flammable
substances.

79.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to 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 building”) shall not be liable to be convicted of an offence under this section if he shows that the building is used or intended to be used for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the building”) and that the building is used or intended to be used for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the building”) and that the building is used or intended to be used for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the building”).

the storage part of the building”) shall give notice to the Corporation of such use or intention to use, as the case may be, 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) in such manner as to be liable to cause fire or explosion;

counter-notice require the occupier of any part of a building 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 those 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 section including an appeal under subsection (6) of this section if the following requirements have been complied with:—
is to say, the said officer shall, forthwith after taking the

PART IX
—cont.

sample, notify to the occupier of the building his intention to it tested and shall there and then divide the sample into parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall

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

(4) The occupier of any building who

- (a) by reason of a restriction affecting his interest in 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 person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such 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 direct 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 the execution of such works as aforesaid such an amount as appears to the court 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 an order of the county court 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 is made the Corporation may serve a further counter-notice varying any requirement under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a new certificate in respect of the building but if anything required to be provided in accordance with a further counter-notice under this subsection is not provided within such reasonable time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

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 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.

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

Any person 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.

This section applies to—

(a) 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;

(b) (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;

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

(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 of less than 80 degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or

PART IX
—cont.

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

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

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

1961 c. 34.
1963 c. 41.

Further
provision
for fire
precautions.

80. Section 60 of the Act of 1936 in its application to a borough shall have effect as if in paragraph (c) of subsection (1) of that section the words "for persons employed on the premises" were omitted.

Oil-fired
boilers.

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

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

(b) Byelaws made under this section may include provisions

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

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

(3) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and approved by, the Corporation shall, for the purposes only of this section,

be deemed to be approved by the Corporation as complying with appropriate specification for such equipment contained in the laws in respect of all matters shown in the plans and specifications so passed.

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

(d) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any oil-burning equipment in any byelaw made under sub-paragraph (ii) of paragraph (b) subsection (2) of this section may, within 21 days from receipt of notification of the refusal, appeal to the Secretary

Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made. The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaw.

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

any person contravenes any byelaw made under subsection (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 he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(g) 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.

PART IX
—cont.

(b) References in this section to the installation or placing of oil-burning equipment in any building or on any land 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.

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

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

(b) 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;

(c) the installation of any oil-burning equipment generating board or the electricity board for the purposes of their respective undertakings:

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

(i) to houses; or

(ii) to buildings used as offices or showrooms;

(d) the installation of any oil-burning equipment for the purposes of their undertaking;

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

(i) to houses; or

(ii) to buildings used as offices or showrooms;

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

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

(i) to houses; or

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

(8) The provisions of any byelaw made under this section 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 X

PUBLIC ORDER AND PUBLIC SAFETY

(1) No procession shall pass through the streets of the borough, by midday on the day next but one before the stated, treating as not an intervening day a Sunday, as Day, Good Friday, bank holiday or day appointed for giving or mourning.

Notice of street processions.

if a procession passes through the streets of the borough in contravention of the foregoing subsection, or by a route, or at a time other than that stated in the notice delivered with reference thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding ten pounds.

In this section "procession" means any public or ceremonial procession or any circus procession or procession of animals.

That nothing in this section shall apply to a public ceremonial procession habitually held.

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

Police telephone call boxes and shelters.

such police telephone call boxes and installations; and such shelters or boxes for the use of police constables;

in positions in any street, park or public place in the borough which are in the best interests of the public.

Nothing in this section shall authorise the doing of anything which would constitute an infringement of the exclusive privilege with respect to telecommunication conferred on the Post Office by the Post Office Act 1969.

1969 c. 48.

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

(a) without the consent of the highway authority in a street which is 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

PART X
—cont.

(iii) so as to obstruct or interfere with the access or exit from, a station, wharf or depot of such undertakers; or

(c) without the consent of the owner and occupier of 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 call 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 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 call 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.

(6) In this section “transport undertakers” means a person who is a canal, inland navigation or passenger road transport undertaking.

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

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

(a) obstructs the access to a telephone call box in the borough or to a structure provided in the borough for such purposes or to a fire alarm or other alarm installation provided by the Corporation; or

(b) interferes with equipment in such a call box, structure or alarm; or

(c) removes, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, structure, fire alarm or other alarm installation, or of 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 expenses of removing the obstruction, or of making good or replacing the equipment or mark.

(2) If any person telephones, or causes to be telephoned, from a police telephone call box in the borough—

(a) from a police telephone call box in the borough which he knows to be false; or

(b) from a Post Office telephone call box in the borough or from an alarm installation provided by the Corporation, a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action:

liable to a fine not exceeding fifty pounds:

Provided that, if the false statement is an alarm of fire, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or both.

In this section—

“appropriate authority” means, in relation to a fire alarm or fire hydrant, the Corporation, in relation to a Post Office telephone call box, the Post Office and, in any other case, the police authority;

“structure” includes any installation.

(1) No person shall commence to erect in the borough a Safety of Life Stand capable of affording seating or standing accommodation 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 a person the Corporation may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of the plan, section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

which are specified in the notice, being modifications and requirements which appear to the Corporation to be necessary for the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

Where a notice given under subsection (1) of this section states that the stand will remain in place for a period for which it is proposed that the stand will remain in place, the Corporation shall have regard to that statement in determining what modifications and requirements are to be specified in a notice under subsection (2) of this section, but the last-mentioned notice require that the stand shall be taken down and removed within such time from the expiration of that period as may be specified in the notice, or such time as the Corporation may allow.

PART X
—cont.

(4) The Corporation may at any time within the five weeks give notice that they approve the erection of the stand in accordance with the plan, section and particulars submitted 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 have so approved the erection of the stand.

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

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating accommodation for twenty or more persons at any one time; or

(b) erects such a stand otherwise than in accordance with a plan, section and particulars submitted to the Corporation under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the plan, section and particulars as modified by the Corporation; or

(c) being the owner or occupier of such a stand otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or

(d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by the Corporation under subsection (2) or subsection (3) of this section,

he 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 two pounds:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the commencement of this Act.

(7) For the purposes of paragraph (a) of subsection (6) 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, or to a stand erected for the purposes of his business as a travelling amusement fair.

This section “stand” includes a structure, but does not include a building, or extension of a building, to which any byelaws or building regulations are applicable.

(1) This section shall not come into operation in so much of the borough as was not comprised in the former boroughs of Thwickenham or Oldbury until the appointed day.

(1) As from the appointed day no person shall at any time in the borough to which this section applies—

Touting,
hawking, etc.

(a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement, or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the Corporation, which may be given on such terms and conditions as they think fit—

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

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

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

The prohibition imposed by subsection (1) (b) (i) of this section shall not apply to a sale or offering for sale to persons who are engaged in, or employed at, premises in or adjoining a place to which this section applies.

The prohibition imposed by subsection (1) (b) (ii) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or applying for such publication.

(2) This section applies to any place—

(a) in or on an esplanade, parade, promenade or public walk;

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation, or under their management and control;

PART X
—cont.

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

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

(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.

Securing of
unoccupied
houses under
Act of 1957.

87.—(1) Where the Corporation have under section 10 of the Act of 1957 accepted an undertaking that a house will be used for a human habitation or where the Corporation have

(a) by a closing order made under section 17, 18, 26 or 27 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;

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

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

1961 c. 64.

(3) In this section—

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

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

Provisions
as to motor
vehicles let
for hire.
1847 c. 89.
1875 c. 55.

88.—(1) The provisions of the Town Police Clauses Act 1847 and of section 171 of the Public Health Act 1875, shall extend to empower the Corporation to make byelaws for declaring

the extent determined by such byelaws those provisions and the
of the Corporation in force with respect to hackney
shall apply to any motor vehicle, notwithstanding that
not a hackney carriage, which is offered or let for hire with the
of a driver and to such drivers:

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;

the drivers or conductors of such vehicles.

In this section "public service vehicle" has the meaning
given to that expression by section 117 of the Act of 1960.

(1) The Corporation may require any taximeter or
similar apparatus used or intended to be used on any
hackney carriage regularly plying for hire within the borough to
be tested and inspected, and they may also require any taximeter
or other similar apparatus to be re-tested and re-inspected at
reasonable intervals of time as the Corporation may prescribe,
and such taximeter or other similar apparatus shall be used or
continued in use unless the same be certified to register correctly,
and the expenses of such testing and certificate not exceeding
ten shillings in any one year shall be borne by the owner of the
hackney carriage.

Inspection and
certification of
taximeters.

The Corporation shall issue a certificate in respect of
any taximeter found by them to register correctly and such
certificate shall be dated with the date upon which such taximeter
was last tested and inspected.

Any person using a taximeter or other similar apparatus
which is not so certified, or failing to submit the same for testing
and inspection at such reasonable intervals of time as aforesaid,
shall be liable to a penalty not exceeding ten pounds.

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

An order made under the last foregoing subsection may be
annulled or varied by a subsequent order made in like manner.

Any statutory instrument containing an order under
section (4) of this section shall be subject to annulment in
whole or in part by a resolution of either House of Parliament.

PART X
—cont.

Places used
for boxing or
wrestling
entertainments
to be licensed.
1890 c. 59.

90.—(1) The provisions of Part IV of the Public Health Act 1890 shall in its application to the borough extend to any place kept or used for any boxing or wrestling entertainment as though such entertainments were of the like with public dancing and music.

(2) For the purposes of this section "boxing or wrestling entertainment" means any public contest or display of boxing or wrestling except such as may be provided or given—

- (a) by travelling showmen at pleasure fairs;
- (b) in premises licensed under the Theatres Act 1843, so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;
- (c) by bona fide associations, clubs, hospitals or societies which are not carried on for profit;
- (d) by members of the Scout Association or of any organisation formed by the Scout Association in pursuance of its charter; or
- (e) by any school.

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

As to street
traffic.
1847 c. 89.

91. The Corporation may delegate their powers under section 21 of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Corporation, and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Corporation.

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

92. Notwithstanding anything contained in section 253 of the Public Health Act 1875, proceedings 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 authority or any member of the police force of the police authority or by any other person appointed by the authority for the purpose.

PART XI

CULTURAL ACTIVITIES

Acquisition
and repair of
sculptures, etc.

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

The Corporation may enter into and carry into effect arrangements or arrangements for the production to their order of sculpture or sculpture or other work of art and for the purchase by the Corporation when completed.

PART XI
—cont.

Acquisition of works of art produced to order.

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

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

Where any object has become vested in the Corporation by gift or bequest—

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

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

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

PART XII

FINANCE AND SUPERANNUATION

In this Part of this Act, unless the context otherwise requires, the expression "the Act of 1937" means the Local Government Superannuation Act 1937;

Interpretation of Part XII of Act.

1937 c. 68

PART XII
—CONT.

- “ authorised security ” means any mortgage, stock, bond or other security which the Corporation are authorised to grant, create or issue, or by means of which the Corporation are authorised to raise money;
- “ the Corporation undertakings ” means the undertakings of the Corporation from time to time existing from which revenue is derived;
- “ the fund ” means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;
- “ gross rate income ” means the gross rate income as determined by the determination of the product of a rate of one per cent in the pound under rules made pursuant to section 10 of the Act of 1967;
- “ the narrower-range part ”, “ property ” and “ the wider-range part ” in relation to the fund have the meanings as they have for the purposes of the Act of 1961;
- “ statutory security ” means any security in which the Corporation are for the time being authorised by law to invest moneys or in which the Corporation are authorised to invest money forming part of the fund.

Existing
borrowing
powers
continued.

1889 c. 63.

97.—(1) (a) All statutory borrowing powers under any enactment repealed by this Act which have been exercised since the commencement of this Act and all existing securities of the Corporation granted, issued or created thereunder shall be deemed to have been exercised, granted, issued or created under this Act and the provisions of this Act shall apply thereto notwithstanding anything in any Act, order, deed, mortgage or other instrument to the contrary.

(b) Nothing in section 38 of the Interpretation Act 1950 shall affect the said repeal or shall continue in force any of the provisions of the repealed Acts relating to such borrowing powers.

(2) All statutory borrowing powers under 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 enactment) continue to be in force and to have effect as fully and as if this Act had not been passed.

(3) The provisions of Part IX of the Act of 1933 shall apply to money borrowed, or to be borrowed, under any of the statutory borrowing powers referred to in this section as if it were borrowed under Part IX of that Act, but no consent or sanctioning authority shall be necessary if, under the enactment, such consent has been given or is not required.

PART XII
—cont.

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 which may after the commencement of this Act be borrowed by them under any statutory borrowing power referred to in subsection (2) of this section shall, notwithstanding the repeal of any Act by or under which such statutory borrowing power was created or authorised, be repaid within the respective periods within which they are required to be repaid by or under that Act.

(1) The Corporation may borrow—

Power to borrow.

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

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.

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

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.

In addition to any other method by which the Corporation may raise money, the Corporation may raise money—

Power to Corporation to raise money by issue of bills.

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

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

and bills (to be called "Warley 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;

PART XII
—cont.

- (b) A bill shall entitle the holder thereof to payment of the sum expressed in the bill to be paid.
- (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 (and for this purpose "signature" includes a facsimile of a signature or whatever process reproduced):
- (e) The Corporation may make regulations providing—
- (i) the preparation and form and the issue, payment and cancellation of bills;
 - (ii) the issue of a new bill in lieu of one lost or destroyed;
 - (iii) the prevention, by the use of counterfoils or a special description of paper or otherwise, of the issue of counterfeit bills in relation to bills;
 - (iv) the giving of a proper discharge on the payment of a bill; and
 - (v) amending or revoking any regulations previously made or deemed to have been made under this paragraph:
- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised by the issue of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (g) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due) exceed the order to pay off the last-mentioned bills except—
- (i) the sum of one million pounds; or
 - (ii) one-fifth of the amount of the estimated rate income of the borough during the then current financial year;
- whichever is the greater:
- (h) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:
- (i) The Corporation may borrow for the purpose of repaying the principal money raised by bills, but the aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount of principal money raised for capital purposes by the issue of bills.

In addition to any other method by which the Corporation may raise any money which they are authorised to borrow, they may, 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.

PART XII
—cont.

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 be the raising of money by that method outside the United Kingdom or 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 any enactment for the raising of money in a foreign currency as if there were in those enactments a reference to that 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).

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 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;

PART XII
—cont.

- (ii) a bond shall not be deemed to have been issued for a period of less than one year by reason of the fact that it is issued on the condition that it may at the discretion of the local authority be redeemed upon the death of the holder or in any other case for the purpose of relieving hardship of the holder.”.

Application
of revenue of
undertakings.

103.—(1) If, in respect of any financial year, the revenue of the investment income (if any) of any undertaking of the Corporation shall together exceed the moneys expended or applied to revenue, the Corporation may, in respect of that year, out of the general rate fund a sum not exceeding the amount of such 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;
- (b) in providing, renewing, improving or extending works, buildings, machinery, plant or conveniences for the purposes of, or forming part of, the undertaking in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing working capital for the undertaking.

(2) In this section the expression “investment income” in relation to an undertaking means so much of the income received 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.

Accounts of
undertakings.

104.—(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 (each of which is in this section separately referred to as “the undertaking”) on the one side the income in respect of the undertaking (including the income of 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 account the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;

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;

the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

all other expenses (if any) of the undertaking properly chargeable to revenue;

the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain; and

any money expended on any of the purposes mentioned in section 103 (Application of revenue of undertakings) of this Act.

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

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

(1) The Corporation may close any transfer books or registers of transfers of authorised securities (other than stock) registers. Closing of transfer books or registers. The whole of the period of thirty days, or any shorter period, next before the date on which interest on securities to which such transfer book or register is payable.

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

PART XII
—cont.Interest and
dividends
by post.

107.—(1) The Corporation may give notice to the registered holder of an authorised security that they intend to send interest or dividends on the security to him by post if he does not, and, unless the registered holder within fourteen days of the receipt of the notice notifies the Corporation that he does not, 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.

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

(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 first named in the register, or such other of them as the joint holders may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest, or a dividend warrant, in pursuance of this section shall discharge the Corporation from any obligation to the holder of the security to pay 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 its relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

1882 c. 61.

(6) In this section "authorised security" means any mortgage or other security that the Corporation are authorised to grant or issue, but does not include stock of any company.

Insurance
fund.

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

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

(3) When the insurance fund shall amount to the amount as hereinafter defined the Corporation shall make the appropriations to the fund under subsection (1) of this section.

the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriation until the fund be restored to the prescribed amount and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum prescribed such moneys shall be transferred to the general fund and if any sums shall have been appropriated from the revenue account under the next succeeding subsection arising revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several funds of that fund in such proportions as the Corporation consider equitable.

The Corporation may from time to time appropriate to the general rate fund such sums as they think fit from the appropriate revenue account and shall show the same in their accounts under a separate heading or division in respect of the particular risks which if insured were insured against in an insurance office properly chargeable with the payment of the premium.

That any payments by contribution from the housing account shall not exceed the proportion of the total payments which in the opinion of the Corporation properly attributable to the specified risks arising from the purposes for which the account is kept.

Except so far as the insurance fund and the proceeds of investments in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the risks or any of them all moneys for the time being available to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in securities in which trustees are from time to time authorised to invest trust funds and the interest and other annual proceeds of such investments shall be paid to and form part of the general rate fund.

The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the preceding paragraph of this subsection.

The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation 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

PART XII
—cont.

expenses become ascertained and if at any time and from to time the insurance fund shall be insufficient to make good such losses, damages, costs or expenses the Corporation, with the sanction of the Minister borrow at interest under subject to the provisions of Part IX of the Act of 1933 of money as will be necessary to make up the deficiency.

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

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

(8) Any covenant or obligation binding on the Corporation to insure against any risk shall (except in so far as the terms of the 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.

(9) In this section—

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

“ insurance office ” means—

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

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

Reserve funds.

109.—(1) (a) The Corporation may (if they think fit) set aside a reserve fund in respect of any undertaking, department or division of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in the manner authorised by any enactment) investing the same in statutory securities or in securities in which the Corporation

This Act authorised to invest the fund until the fund so provided amounts to the maximum for the time being prescribed by the

(b) Any income arising from the investment of the moneys in reserve fund in manner provided by this subsection shall be added to and form part of the general rate fund and an amount equal 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 providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances 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 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 have been reduced below the prescribed maximum.

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 reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking, department or service 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.

In the event of any undertaking, department or service of the Corporation in respect of which a reserve fund has been established under this section ceasing the said fund shall be applied or toward the extinguishment of any loan raised by the Corporation under any enactment or for any other purpose in which capital money may properly be applied.

PART XII
—cont.

Investment of
superannua-
tion fund in
acquisition,
etc., of land.

110.—(1) Subject to the provisions of this section, the power 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 the Corporation 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 I 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 at any time being made under the powers conferred by the foregoing subsection is equal to or greater than one-sixth of the total value of the wider-range part of the fund, no further investment shall 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.

Modifications
of Act of
1961.

111.—(1) Part II of Schedule 1 to the Act of 1961 shall have no application to the investment by the Corporation of any property belonging to the narrower-range part of the fund, subject to the following modifications:

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

“ 3. In fixed-interest securities issued by any municipal or local authority, or any body wholly 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.

(iii) in paragraph 9 thereof, the words “in the United Kingdom”, where first occurring, shall not apply, and the following sub-paragraph shall be added at the end of that paragraph:—

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

Paragraph 1 of Part III of the said Schedule 1, in its application to the investment by the Corporation of any property belonging to the wider-range part of the fund, shall have effect for the words “and not being securities falling within Part II of this Schedule” there were substituted the words “or in any securities issued by a company established under the law of any country outside the United Kingdom, and not being in either case securities falling within Part II of this Schedule”.

The following sub-paragraph shall be substituted for sub-paragraph (a) of paragraph 3 of Part IV of the said Schedule 1 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 of which the total issued and paid up share capital is less than five hundred thousand pounds, or (as the case may be) an equivalent sum in any foreign currency in which such share capital is issued at the rate of exchange current at the time when the investment is made;”.

Paragraph 1 and sub-paragraph (a) of paragraph 2 of the said Schedule 1 shall not apply in relation to investment by the Corporation which is authorised by virtue of provisions of the last three foregoing subsections.

Notwithstanding anything in the Act of 1961 the Corporation may invest any property belonging to the wider-range part of the fund in any manner specified in Part III of Schedule 1 to the Act of 1961, as amended by this section, and may also from time to time vary any such investments:

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

The provisions of the last two foregoing sections shall not apply notwithstanding anything in subsection (3) of section 21 of the Act of 1937.

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

PART XII
—cont.

Certain remuneration and service excluded for super-annuation purposes.

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

- (a) as an instructor or other employee performing duties or for the purposes of an evening institute or 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
- (d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment where employment is by the Corporation;

shall not be remuneration within the meaning of the Government Superannuation Acts 1937 to 1953, or of any enactment affecting the fund and the service of any such employee in any such part-time employment shall not be reckoned 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 would have been so paid if this section had been in force, the Corporation shall repay to such person a sum equal to the amount of such contribution or contributions together with the compound interest thereon calculated to the date of repayment at the rate of five pounds per cent. per annum with half-yearly rests.

Transfer of certain sums from super-annuation fund.

114.—(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment as a consequence of an offence of a fraudulent character or misconduct the Corporation may transfer from the general rate fund an amount not exceeding the whole or part of any contributions not returned to him or paid to his family under subsection (4) of section 10 of the Act of 1937, less the amount of loss suffered by the Corporation in consequence of the contributory employee's offence or misconduct, if that amount is the less.

(2) In this section "contributory employee" has the meaning as in the Act of 1937.

Investment of pension fund.

115. All costs, charges and expenses incurred by the Corporation in investing moneys forming part of their pension fund, or otherwise in relation thereto shall be paid by the Corporation out of the said fund.

PART XII
—cont.

116. Notwithstanding anything in the Local Government Superannuation Acts 1937 to 1953, the council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1920 to 1969, or any other superannuation, pension, compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is 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.

As to proof of continued existence of pensioners.

117. For the purposes of section 61 of the Act of 1967, the rates due from the person rated for any hereditament within the 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.

Recovery of rates from tenants and lodgers.

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

Recovery of rates from certain owners.

(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" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which section (1) of section 55 of the Act of 1967 applies by virtue of a resolution of the council.

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

Insurance of certain voluntary assistants.

(5) Any sum received by the Corporation under any such contract shall, after deduction of any expenses incurred in the

PART XII
—cont.

recovery thereof, be paid by the Corporation to, or to the persons
representatives of, the voluntary assistant who suffered
accident, disease or sickness in respect of which the
received.

1774 c. 48.

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

1958 c. 72.

(4) In this section "voluntary assistant" means a person
at the request of the Corporation, or an authorised officer
of the Corporation, performs any service or does anything, other
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.

120.—(1) The Corporation may pay to any of their officers
act in any of the following capacities:—

- (a) as the receiver appointed by an order made under
Part VIII of the Mental Health Act 1959;
- (b) as the administrator of the estate of a deceased person
acting by virtue of a grant made to him as the next of kin
of the Corporation;
- (c) as a surety to a bond required by law from any person
acting in accordance with paragraph (a) of this subsection;

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

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

(3) Any payments which the Corporation have power to make
under the provisions of subsection (1) of this section, and
of the risks referred to in subsection (2) of this section, shall be
the purposes of section 108 (Insurance fund) of this Act, and
as risks against which the Corporation would ordinarily insure,
and that section shall be construed accordingly.

Art fund.

121.—(1) The Corporation may if they think it expedient
fund to be called "the art fund" to provide for the purchase
of any pictures, sculptures or other objects of artistic interest.

historic interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection of any building owned or occupied by the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year an amount equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of Part II of the Act of 1964 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

Provided that when the art fund shall amount to the sum of twenty-five thousand pounds the Corporation shall discontinue its annual payments but if the said fund is at any time reduced to less than the sum of twenty-five thousand pounds the Corporation shall recommence and continue the annual payments until the said fund is restored to the sum of twenty-five thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by any instrument) be invested in any security in which trustees are for the time being authorised by law to invest trust moneys.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and subject to the limitation imposed by subsection (1) of this section an amount equivalent to such income shall be credited to the art fund.

(3) (a) This section shall cease to have effect when the council have made a museum or art gallery under section 12 of the Public Libraries and Museums Act 1964.

1964 c. 75.

(b) When the council establish a fund under section 15 of the Public Libraries and Museums Act 1964 the Minister may, by order made on the application of the council, provide for the application of that fund and the fund established under this section.

22. On the death of any person who is in receipt of a pension or to whom there is due any other payment from the Corporation or to the widow or other beneficiary of a deceased employee of the Corporation (in this section referred to as "the beneficiary"), the provisions of section 25 of the Local Government Superannuation Act 1953 shall apply and have effect with respect to any sum due from the Corporation to the beneficiary or to the legal personal representative of the beneficiary as if the provisions would apply if the beneficiary had been an employee of the Corporation.

Extension of section 25 of Local Government Superannuation Act 1953 c. 25.

PART XII
—cont.

Receipt in
case of
minors.

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

Service of
demand
notes, etc.

124. The provisions of section 109 of the Act of 1967 relating to the sending or service of demand notes shall apply to demand notes relating to any charges made in connection with any undertaking, department or service of the Corporation.

Attestation of
mortgages.

125.—(1) A mortgage created by the Corporation under Part IX of the Act of 1933 may be signed by the town clerk or his duly authorised deputy.

(2) For the purposes of this section a mortgage shall be deemed to be signed by the town clerk or his duly authorised deputy if a facsimile of his signature by whatever process reproduced and affixed thereto.

Modification
of mortgages
and bonds by
memorandum
under hand.

126. Notwithstanding anything contained in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and the person for the time being entitled to any mortgage or bond created by the Corporation to extend the time for the repayment of the principal money due by such mortgage or bond or to alter the rate of interest payable by the Corporation on the principal moneys so secured and for the time being not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by a memorandum in writing under the hand of the registrar of that security and of a duly authorised representative endorsed on or annexed to the deed by which such mortgage or bond was originally created and the provisions of any such memorandum shall be deemed to be incorporated in the said deed and shall as from the date so specified in such memorandum operate and take effect accordingly.

Recovery of
sums paid to
officers, etc.

127.—(1) Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee has died before the expiration of the period in respect of which such payment is made the Corporation shall not be required to repay the return of such portion thereof not exceeding twenty pounds as the Corporation may determine.

(2) In any case where the Corporation exercise the powers conferred by the foregoing subsection they shall transfer from the fund to the fund the amount which but for the exercise of those powers would have been returned to the fund.

In this section—

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

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

PART XIII
MISCELLANEOUS

(1) Any power conferred on an officer of the Corporation or under any enactment to enter upon and inspect any building or works in course of construction shall include a power to use, at the expense, for the purpose of the entry or inspection, any ladders, etc., for entry for inspection.
scaffolding and plant in or about the building or works.
If the builder of, or contractor for, any building or works or any person employed by him in or about any building or

(a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section;

(b) otherwise obstructs such an officer in the exercise of those powers;

shall be liable to a fine not exceeding twenty pounds.

(1) The Corporation may within or outside the borough provide and maintain recreational, social and welfare facilities for their employees. Recreational, etc., facilities for employees.

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.

(1) Section 12 of the Prices and Incomes Act 1968 (which gives a local authority to increase the rent payable to the authority for houses let on a weekly or other periodical tenancy without the tenancy being terminated) shall— Notice of alteration of rents without notice to quit. 1968 c. 42.

apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the Corporation; and 1958 c. 42.

PART XIII
—cont.

(b) as so applied, extend to a reduction as well as an increase of rent.

(2) Accordingly the said section 12 shall, as it applies to a Corporation as a local authority within the meaning of that section, have effect as if in subsection (1)

(a) the words "on a weekly or other periodical 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 as if the word "increase" there were inserted the words "or reduction".

Microfilming
of documents.

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

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

Provided that—

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

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

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

(4) Notwithstanding anything contained in any 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 a document would have been receivable in any proceedings in a court in England or Wales if the town clerk certifies that

(a) the document has been destroyed; and

1958 c. 51.

1962 c. 56.

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

(3) 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.

(1) If it appears to the Corporation that any party or boundary wall of any court, courtyard or yard attached to or forming part of any house in the borough or the fence or door of such court, courtyard or yard—

Repair of walls, etc., of yards.

- (i) has collapsed or been pulled down; or
- (ii) is in danger of collapsing; or

(c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

The 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:

Provided that in the case of any property in respect of which a notice is served under this section in pursuance of section 3 of the Coal-Mining (Subsidence) Act 1957, no notice shall be required by notice served under this section in relation to any wall, fence or door comprised in such property if the works are 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.

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.

(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of the house by reason of the absence or defective state of a supply pipe (being a supply pipe which is laid in a highway) or the absence of the supply of water through that pipe or the defective state of any fittings, the Corporation may, without

Supply of water to premises where supply cut off.

PART XIII
—cont.

prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute works and provide or repair such fittings and do such things (including the making of any payment) as they 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.

(2) In any proceedings for the recovery of expenses under 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 and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings, unless the court is satisfied that 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 of health or the public health inspector for the borough.

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

(5) The powers conferred by this section shall not be exercised 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 statutory powers, conditions to secure that the supply 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 or proceedings which they may take under any other enactment elect to carry out on behalf of the Corporation any repair, renewal or other works proposed by the Corporation, in which case the expenses reasonably incurred by the statutory water undertakers in so doing shall be repaid to them by the Corporation.

(c) Any difference which may arise between any statutory undertakers and the Corporation under the last foregoing section (other than a difference as to the meaning or construction of the said subsection) shall be determined by arbitration.

4. In connection with their powers under the Public Libraries Museums Act 1964 and under section 134 of the Local Government Act 1948 the Corporation may publish and sell or disseminate bulletins, journals, periodicals and leaflets and documents of historical or literary interest having a local connection relating to the functions of the Corporation:

Power to publish bulletins, etc.
1964 c. 75.
1948 c. 26.

Provided that nothing in this section shall be deemed to require the Corporation to do any act or thing in relation to any subject-matter in or in relation to which a right may subsist except with the consent of the person in whose sole right to do or authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

(1) The Corporation may make reasonable payments in connection with refreshments for members of the council and persons attending conferences or meetings convened for the purposes of the council.

Provision of refreshments.

Section 1 of the Local Authorities (Expenses) Act 1956 in relation to the Corporation have effect as if in paragraph (b) after the words "representative of or connected with any Government or other public services whether inside or outside the United Kingdom" there were added the words "persons who are members of an association or organisation or connected with any aspect of the public life of the borough".

1956 c. 36.

(1) The Corporation may provide services and facilities for the processing of data by computer or by any other equipment and the Corporation may make such charges as may be for the provision of those services and facilities.

As to use of computer equipment of Corporation.

PART XIII
—cont.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities not without the consent of the person from whom it was obtained be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities in such cases as may be required by law.

Hairdressers
and barbers.

137.—(1) A person shall not carry on the business of a hairdresser or barber in the borough unless he is registered with the Corporation under this section and he shall not carry on business on premises occupied by him unless the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for the registration of the applicant or of any premises and, if the application relates to premises, on his furnishing with particulars of the premises, the Corporation shall register 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 twenty pounds and 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 of any order made by the Corporation under section 77 of the Public Health 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 a daily fine not exceeding one pound.

(5) This section shall not come into operation in so much of the borough as was not comprised in the former boroughs of Smethwick or Oldbury until the appointed day.

Information
centres.
1948 c. 26.

138. The powers of the Corporation under section 77 of the Local Government Act 1948 shall extend to any premises concerning the borough and its neighbourhood.

Cultivation
of land, etc.

139.—(1) The Corporation may undertake the cultivation of any land in the borough in their occupation for agricultural purposes until it is required for the purposes for which it was acquired and may also breed, keep, rear and otherwise dispose of pigs on such land.

(2) For the purposes of this section the Corporation may purchase, lease, erect and maintain buildings in the borough and may provide, purchase, sell and dispose of all stock, material, apparatus, appliances and things and generally do all such acts and things necessary or expedient for the said purposes and incidental thereto as they shall think fit.

Disposal of
lost and
uncollected
property.

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

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

Provided that any lost or uncollected property which is of a valuable nature and any lost property the custody of which involves an unreasonable expense or inconvenience may notwithstanding that it has not vested in the Corporation under this section 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 retained in the Corporation at the expiration of three months from the date on which the property came into their custody.

Where any lost property becomes vested in the Corporation under this section the Corporation may if they think fit pay the value of the property to the person whether an employee of the Corporation who placed the lost property in the custody of the Corporation or any part of such property or of the estimated value thereof in cash.

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.

In this section—
“lost property” means any property including money coming into the custody of the Corporation after being left on or in any land or 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 provided 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 Prohibition of parking in front gardens.

PART XIII
—cont.

place for one or more heavy commercial vehicles, boat caravans the Corporation on complying with the provisions of this section may make an order precluding the use of the front gardens of the private dwelling-houses in that street or any part thereof as a parking place for heavy commercial vehicles or caravans.

(b) 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 or within 100 yards thereof.

(2) (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 may 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.

(b) The Corporation shall consider all such objections and shall afford to the owner or occupier of every dwelling-house abutting or fronting on such street or such part thereof an opportunity of being heard by a committee of the council before the order is made.

(3) (a) After considering any objections made under the last foregoing subsection the Corporation may make an order prohibiting the use of the front garden of any dwelling-house in the street or part of a street specified in the order as a parking place for one or more heavy commercial vehicles, boat caravans.

(b) Any such order shall come into operation at the expiration of the period of one month after the first publication in pursuance of subsection (4) of this section of the notice of the order if no appeal is lodged, when the appeal is disposed of or if the appeal fails 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 under this section they shall give notice thereof and of the right of appeal by publication in a local newspaper circulating in the borough to the owner or occupier of a dwelling-house in the borough who is aggrieved by the order may appeal to a magistrates' court.

Provided that in its application to an appeal under this section 300 of the Act of 1936 shall have effect as if it were contained within which such an appeal may be brought were it contained after the first publication in pursuance of this subsection of notice of the order to which the appeal relates.

For the purposes of this section—

“boat” means any boat or vessel other than—

(a) a boat or vessel which (inclusive of covering material and of any trailer or stand on which it rests or is supported) is in every part of an overall height less than 4 feet 6 inches (measured from the highest to the lowest part of the boat or vessel as it stands or, as the case may be, from the highest part of the boat or vessel as it stands to the lowest part of the trailer or stand on which it rests or is supported) and is less than 15 feet in length; or

(b) a boat or vessel which is not designed or adapted for human habitation and in which the mast (if any) has been dismantled;

“van” means any van or other conveyance (whether on wheels or not) constructed or adapted for use for human habitation;

“dual-purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle of which the unladen weight does not exceed two tons and which either—

(a) satisfies the conditions as to construction specified in Schedule 1 to this Act; or

(b) is so constructed or adapted that the driving power of the engine is or by the appropriate use of the controls of the vehicle can be transmitted to all the wheels of the vehicle;

“heavy commercial vehicle” means any vehicle (not being a dual-purpose vehicle) whether mechanically propelled or not constructed or adapted for the carriage of goods and having an unladen weight exceeding thirty hundredweight;

“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 section 169 of the Act of 1959;

PART XIII
—cont.

(c) if there be neither of such lines then beyond which a house or building may not with the consent of the Corporation be erect brought forward on the land without contravening provisions of section 75 of the Act of 1959;

“ private dwelling-house ” means a dwelling-house no part is used for the purposes of any trade or business and includes a block of flats no part of which is the purposes of any trade or business.

(6) For the purposes of this section a vehicle having an unladen weight exceeding thirty hundredweight in which is installed freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which but for the installation of that equipment would have an unladen weight of thirty hundredweight or less shall be deemed not to be a 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;

(b) if the equipment is in operation, if and so long as it is operated as not to cause a nuisance by reason of the noise of the equipment in operation or the vibration emanating from it.

(7) The occupier of any front garden or part thereof or any person having control of a front garden or part thereof who permits the same to be used in contravention of an order made under this section and any person who parks a heavy commercial vehicle, boat or caravan in a front garden in contravention of such an order shall be liable to a fine not exceeding twenty pounds or to a daily fine not exceeding five pounds.

Medicated,
sauna and
other baths.

142. The Corporation may erect, construct, provide, maintain, furnish, equip, regulate and manage medicated, sauna and other baths (including baths the efficient properties of which are due to agencies other than water but excluding baths for therapeutic purposes) and they may demand and take reasonable charges for the use thereof:

Provided that nothing in this section shall authorise the Corporation to erect, construct or provide baths in the County of Stafford.

PART XIV
GENERAL

Apportionment of
expenses in
case of joint
owners.

143. Where, under the provisions of any enactment, the Corporation execute any works of common benefit on or in more buildings belonging to different owners, and those works or any part of them, are recoverable by the Corporation, they

PART XIV
---cont.

...ision is made in the enactment, or in any other enact-
...plied thereto or incorporated therein, as to the incidence
...penses so recoverable) be paid by the owners of such
...gs in such proportions as shall be determined by the
...tion, or, in case of dispute, by a magistrates' court.

...hen any compensation, costs, damages or expenses is
...this Act directed to be paid and the method for deter-
...ing the amount thereof is not otherwise provided for such
...nt shall in case of dispute be ascertained in the manner
... subsection (2) of section 278 of the Act of 1936.

Compensation
how to be
determined.

...as respects byelaws made under this Act the confirming
...nty for the purpose of section 250 of the Act of 1933 shall
...Minister except that, in the case of byelaws made under the
...mentioned in the first column of the following table, the
...authority shall be the authority respectively mentioned
...ond column of that table:—

Confirming
authority for
byelaws.

...16 (Byelaws for protection of heating ...)	Minister of Power.
... (Golf courses)	Secretary of State.
...1 (Oil-fired boilers)	Secretary of State.
... (Touting, hawking, etc.)	Secretary of State.
...88 (Provisions as to motor vehicles let ...re)	Secretary of State.

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

Local inquiries.

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

...in this section "Minister of the Crown" has the same
...in the Ministers of the Crown (Transfer of Functions)

1946 c. 31.

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

For protection
of certain
statutory
undertakers.

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

... "apparatus" means—
... (a) any electric line or works (as respectively
... defined in the Electric Lighting Act 1882) belonging
... to or maintained by the generating board or the
... electricity board;

1882 c. 56.

PART XIV
--cont

(b) mains, pipes or other apparatus belonging or maintained by the Gas Council or board;

(c) mains, pipes or other apparatus belonging or maintained by the water undertakers; and includes any works constructed for the therein of apparatus;

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

" position " includes depth;

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

(2) Nothing in the following sections of this Act shall require the Corporation or, in the case of section 83 (telephone call boxes and shelters) of this Act, the authority, or any person acting with the consent on the requirement of, the Corporation or authority, as the case may be, from liability for any damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said sections shall be so exercised as not to obstruct or unreasonably inconvenient the access to any public or operational land:—

- Section 38 (Trees, grass verges and gardens)
- Section 46 (Temporary stoppage of streets)
- Section 47 (Decorations in streets)
- Section 83 (Police telephone call boxes and shelters)

(3) For the purposes of section 34 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by the only of the existence of apparatus in such land;

(4) Nothing in the said section 34 or in section 35 of this Act shall prevent the undertakers from erecting any apparatus (including an electricity sub-station pillar, a pressure governor or meter house)

temporary structure required in connection with the laying or maintenance of apparatus for the purposes of their undertaking on the land abutting on any new street before in the case of the said section 34, such new street is defined or, in the case of the said section 35, 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 36 (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 in which any apparatus is situate the Corporation shall give to the undertakers notice of their intention so to do accompanied by a plan and section of the intended street alteration and the undertakers may, and if reasonably so required by the Corporation shall, alter the position of the apparatus to such other position in—

(i) the carriageway or footway; or

(ii) the grass margin or other land (if any) as altered;

as may be reasonable;

The undertakers shall within twenty-eight days from the receipt of a notice from the Corporation under subparagraph (a) of this paragraph give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation);

The Corporation or the undertakers, whichever of them has required the alteration of the position of the apparatus, shall submit to the other of them a plan and section of such proposed alteration for their reasonable approval and if such plan and section is not disapproved by the Corporation or the undertakers, as the case may be, in writing within fourteen days of the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be approved;

The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with the alteration of the position of any apparatus under this paragraph and the reasonable cost of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered necessary in consequence of any such work:

PART XIV
—cont.

Provided that subsections (3) and (4) of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable to any payment to be made by the Corporation this sub-paragraph as if the works hereinbefore in paragraph mentioned were such undertakers who are referred to in the said subsection (3) and a subsection for the words "specified as so necessary specification of the works settled under Part Fourth Schedule to this Act or agreed so to be by promoting authority" there were substituted the "agreed or settled by arbitration under section (For protection of certain statutory undertakers) of Warley Corporation Act 1969":

- (6) Notwithstanding anything in section 37 (Adjustment of boundaries of estates in connection with streets) of the Act, the undertakers shall not, under the proviso to that section, be required to adjust or alter the boundary of, or exchange any operational land except with the consent which shall not be unreasonably withheld:
- (7) Nothing in section 38 (Trees, grass verges and apparatus) of this Act shall affect the rights of the undertakers in respect to any apparatus (including the place 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 vehicles to enter upon any such verge which is maintained in an ornamental condition or mown garden:

- (8) Nothing in section 39 (Enforcement of improvement) of this Act shall apply to any building or structure of undertakers which is used by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity or for the manufacture with the use by them as a pumping station, or works, or reservoir for water, except with the consent of the undertakers which shall not be unreasonably withheld:
- (9) Nothing in section 41 (Erection of structures at corners) of this Act shall apply to the placing of any structure by the undertakers of any structure being developed which is permitted by any development order under the Act of 1962 for the time being in force:

(10) The provisions of subsection (5) of section 42 (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 43 (Retaining walls) of this Act shall apply to any retaining wall erected on operational land of the undertakers:

(12) (a) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 46 (Temporary stoppage of streets) of this Act the undertakers shall be at liberty at all times to execute and do all such works and things in, under and upon any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus and to enter upon such street for those purposes or any of them with any necessary vehicles;

(b) The Corporation shall not exercise the powers of the said section 46 so as to obstruct, or interfere with, the access to or exit from any operational land of the undertakers:

exercising the powers conferred by subsection (3) of section 57 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity, or water an authorised officer of the Corporation shall conform to such reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:

(14) Nothing in section 79 (Parts of buildings used for storage of flammable substances) of this Act shall apply to any building, or part of a building, by reason only that that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas:

The provisions of section 85 (Safety of stands) of this Act shall not apply to any stand used by the undertakers on operational land for the purposes of their undertaking:

(16) (a) When the Corporation give any notice under subsection (1) of section 87 (Securing of unoccupied houses) of this Act they shall give to the undertakers a copy of such notice;

PART XIV
—cont.

(b) Nothing in the said section 87 shall prejudice the exercise of their statutory powers in that behalf.

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising powers of entry in respect of any premises required to be secured under the said section 87 shall ensure the premises are not left less secure by reason of entry:

(17) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration;

(b) In settling any difference under this section, the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the Corporation to execute any temporary or other works so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

Arbitration.

148. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement of the parties, or, in default of agreement, to be appointed by the person mentioned in the second column of that table on application of any party after giving notice in writing to the party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (3) of section 5 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Subsection (2) of section 7 (Supply of heat)	The Minister.
Subsection (2) of section 9 (Power to lay down or erect electric lines, etc.)	The President of the Institution of Electrical Engineers.
Subsection (4) of section 37 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Paragraph (a) of subsection (5) of section 83 (Police telephone call boxes and shelters)	The President of the Institution of Electrical Engineers.
Subsection (6) of section 133 (Supply of water to premises where supply cut off)	The Minister.
Paragraph (a) of subsection (17) of section 147 (For protection of certain statutory undertakers)	The President of the Institution of Electrical Engineers.

PART XIV
—cont.

The appointed day.

(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.

(2) 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 paper 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 copy of any such newspaper containing any such notice; or

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;

as evidence of the publication of the notice and of the date of publication.

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

(a) immediately before that day was carrying on that business, or using any premises for that purpose; and

(b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such period of time as is provided under section 153 (Appeals) of this Act.

(1) In proceedings under any enactment, a document which appears to be certified by the town clerk as a copy of a resolution, order made, or report received, by the council or committee thereof on a specified date shall be evidence that such resolution, order or report was duly passed, made or received by the council or committee on that date.

Evidence of proceedings, appointments, etc.

PART XIV
—cont.

(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, by the council or committee on that date.

(3) In this section " officer " includes a servant and an agent.

(4) Section 286 of the Act of 1936, and that section as applied by, or incorporated in, any other enactment, shall cease to apply to the council and its committees.

Liability of
directors, etc.

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

(2) The provisions hereinbefore referred to are—

- Section 43 (Retaining walls);
- Section 77 (Firemen's switches for luminous tubes);
- Section 85 (Safety of stands); and
- Section 137 (Hairdressers and barbers).

(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 members are appointed by its members, means a member of that body.

Restriction on
right to
prosecute.

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

Appeals.

153.—(1) Section 300 of the Act of 1936 shall apply to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of a 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.

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.

(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.

The sections of the Act of 1936 mentioned in Part II of the Schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act, that is

- Part IV (Streets);
- Part V (Sanitation and buildings);
- Part VI (Nuisances).

The section of the Act of 1936 mentioned in Part III of Schedule 2 shall have effect as if references therein to that Act included a reference to sections 85 (Safety of stands), 132 (Height of walls, etc., of yards) and 137 (Hairdressers and barbers) and also to the following Parts of this Act, that is to say:—

- Part V (Sanitation and buildings);
- Part VI (Nuisances);
- Part VII (Food);
- Part IX (Fire precautions).

The enactments specified in Schedule 3 to this Act are Repealed (as far as they are not already repealed) hereby repealed to the extent mentioned in that Schedule.

PART XIV
—cont.Continuance
of certain
enactments.

157.—(1) The provisions of any Act or order to which section applies which immediately before the 1st April affected any area comprised as from that date in the list otherwise than in relation to property held on a charitable trust shall, notwithstanding sub-paragraphs (a) and (b) of paragraph of article 51 of the Order of 1965, continue to apply to such area and any reference therein to any area of local government in such application be construed as a reference to the borough.

(2) This section applies to—

- (a) any local Act, other than an Act confirming a provisional order, the Bill for which was not promoted by a local authority;
- (b) any Act confirming a provisional order made on the application of any body other than a local authority;
- (c) any order made on such application which was made subject to special Parliamentary procedure;
- (d) the Smethwick Oldbury Rowley Regis and Transport Act 1939;

1939 c. xxxi.

and for the purposes of this subsection "local authority" means—

- (i) the council of a county, an urban district or a rural district;
- (ii) the municipal corporation of any borough, or the council of the borough;
- (iii) any commissioners, trustees or other persons appointed by any local Act with powers of town or district rating; or
- (iv) any local board constituted in pursuance of the Health Act 1848, the Local Government Act 1858, the Local Government (1858) Amendment Act 1861, or the Local Government Amendment Act 1863.

1848 c. 63.
1858 c. 98.
1861 c. 61.
1863 c. 17.

(3) This section shall not extend to any provision repealed by this Act or by any other Act passed during the same session of Parliament as this Act.

Transitional
provisions.

158. The transitional provisions contained in Schedule 4 to this Act shall have effect in relation to the repeals effected by this Act.

Costs of Act.

159. 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

SCHEDULE 1

Section 141.

CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

The vehicle must be permanently fitted with a rigid roof with or without a sliding panel.

The area of the vehicle to the rear of the driver's seat must—

be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle; and

be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear.

The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 2 of this schedule (or if there is more than one such row of seats the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must when the seats are ready for use be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

SCHEDULE 2

Section 155.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Marginal note

- Interpretation of "provide".
 - Notices to be in writing; forms of notices, &c.
 - Penalty for obstructing execution of Act.
 - Summary proceedings for offences.
 - Continuing offences and penalties.
 - Judges and justices not to be disqualified by liability to rates.
 - Powers of Act to be cumulative.
 - Power to apply provisions of Act to Crown property.
-

SCH. 2
—cont.

PART II

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 own premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses, 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.
329	Saving for certain provisions of the Land Charges Act 1925

1925 c. 22.

PART III

SECTION APPLIED TO SECTIONS 85, 132 AND 137 AND PARTS V, VI AND VII AND IX OF THIS ACT

Section	Marginal note
287	Power to enter premises.

SCHEDULE 3

Section 156.

ENACTMENTS REPEALED

Session and chapter	Short title	Extent of repeal
1st c. cccxix	Local Government Board's Provisional Orders Confirmation (Joint Boards) Act 1877	So far as it applies to the borough.
ccxlv	Smethwick Corporation Act 1901	The whole Act except Part III (As to Electricity).
1st c. cv	Local Government Board's Provisional Order Confirmation (No. 6) Act 1906	The whole Act.
18 Geo. 5 c. lxxv	Smethwick Corporation Act 1927	The whole Act except Part III (Gas).
20 Geo. 5 c. lxxi	Oldbury Urban District Council Act 1929	The whole Act.
Geo. 5 c. xcii	Smethwick Corporation Act 1929	The whole Act except section 101 (Provision for securing supply of gas to certain houses).
12 Geo. 6 c. xlix	Smethwick Corporation Act 1948	The whole Act except Part II (Lands) and Part III (Gas).
11 Geo. 6 c. xxxix	Oldbury Corporation Act 1949	The whole Act.

Section 158.

SCHEDULE 4

TRANSITIONAL PROVISIONS

1. Notwithstanding the repeal effected by this Act—
- (a) all existing bonds, mortgages, annuities, stock securities granted, payable or created under any of repealed enactments shall continue valid and available for purposes and for and against all parties and the holders of all such bonds, mortgages, annuities, stock or securities shall be in the like position and entitled to like powers, rights and remedies as if this Act had not passed and as if article 51 of the Order of 1965 had to have effect;
 - (b) all property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation in acts, works, matters and things before the commencement of this Act done or commenced under the powers of repealed enactments or any of them and which were at the commencement of this Act valid and available or in process and all existing notices, notices to treat, agreements, awards, conveyances, contracts, covenants, deeds, instruments, leases, obligations, rights and remedies shall be and continue to be valid and available for all purposes and for and against all parties and may be continued, enforced and completed 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 reason of any matter or thing done before the commencement of this Act or the execution of or in relation to the repealed enactments or any of them may be continued, commenced or prosecuted 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 borough or of any district, parish, ward, electoral division or other area or which abolished any such area or which enacted provisions consequent upon any such alteration 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, orders and licences shall continue in force until repealed, altered or revoked under the provisions of this Act or until their expiration and shall be enforced in like manner and with the same penalties as are made for like purposes respectively under the provisions of this Act;
 - (f) all rates, rents, tolls and other sums at the commencement of this Act due or accruing due to the Corporation may

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;

SCH. 4
—cont.

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.

The mention of particular matters in this Schedule shall not be to prejudice or affect the general application of section 38 of the Statute Law (Repeals) Act 1973.

1889 c. 63.



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