

Liverpool Corporation Act 1969

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ELIZABETH II



1969 CHAPTER IV

Act to confer further powers on the lord mayor, aldermen and citizens of the city of Liverpool in relation to walkways; to make further provision for the improvement, local government and finances of the city: and for other purposes. [22nd October 1969]

WHEREAS--

(1) The city of Liverpool (hereinafter referred to as "the city") is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city acting by the council (hereinafter referred to as "the Corporation"):

(2) It is expedient that provision should be made for the maintenance, regulation and protection of high level and other walkways provided in buildings and other places for the use of the public, and for supplementing the powers of the Corporation to secure the provision of such walkways in connection with the development of property in the city and by other means:

(3) It is expedient that further provision should be made with reference to the local government, improvement and finances of the city, and that the powers of the Corporation in relation thereto should be enlarged and extended:

(4) The objects of this Act cannot be attained without authority of Parliament:

1933 c. 51. (5) In relation to the promotion of the Bill for this Act requirements of Part XIII of the Local Government Act 1933 have been observed:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Liverpool Corporation Act 1969.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—City walkways.

Part III.—Streets and buildings.

Part IV.—Finance and superannuation.

Part V.—Miscellaneous.

Interpretation.

3.—(1) In this Act unless the subject or context otherwise requires—

“city” means the city of Liverpool;

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

“enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force;

“statutory undertakers” means persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas, hydraulic power or water in the city and includes the Post Office;

“town clerk” means the town clerk of the city and includes any person duly appointed to discharge temporarily the duties of that officer.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by virtue of, any subsequent enactment including this Act.

PART II

CITY WALKWAYS

4. In this Part of this Act unless the subject or context otherwise requires

Interpretation for Part II of Act.

“Act of 1962” means the Town and Country Planning Act 1962;

1962 c. 38.

“apparatus” means any electric line or works (as respectively defined in the Electric Lighting Act 1882), mains, pipes or other apparatus belonging to or maintained by statutory undertakers; and includes any building or structure for the lodging therein of apparatus;

1882 c. 56.

“board” means the Mersey Docks and Harbour Board;

“building” includes any structure or erection, and any part thereof, but does not include plant or machinery comprised in a building;

“carriageway” means a way constituting or comprised in a highway, being a way over which the public have a right of way for the passage of vehicles;

“city building surveyor” has the same meaning as in section 5 of the Liverpool Corporation Act 1921;

1921 c. lxxiv.

“city walkway” means a way or place over which, by virtue of a declaration under section 7 (Provision and declaration of city walkways) of this Act, the public have a right of way or of access on foot only in the terms of section 5 (What are city walkways) of this Act;

“city walkway bridge” means a bridge, stair, ramp or other means of access forming part of a city walkway, and includes the abutments and any other part of a bridge as so defined, but does not include the right of way thereover;

“city walkway subway” means a subway forming part of a city walkway, and includes any stair, ramp or other means of access to the subway, but does not include the right of way through the subway;

“development” has the same meaning as in the Act of 1962;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“highway” has the same meaning as in the Highways Act 1959;

1959 c. 25.

“land” means any corporeal hereditament, including a building, and includes any interest in, or right over, land;

PART II
—cont.
1952 c. 55.

“magistrates’ court” has the same meaning as in sub-section (1) of section 124 of the Magistrates’ Courts Act 1952;

“Minister” means the Minister of Housing and Local Government;

“open space” means land laid out as a public garden for the purposes of public recreation, or land which is a disused burial ground;

“operational lands” means, in relation to the statutory undertakers and the board, 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, no being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings or the undertaking of the board as the case may be;

“owner” in relation to land means a person other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent or, where the land is not let at rack rent, would be so entitled if it were so let;

“planning permission” has the same meaning as in the Act of 1962;

1957 c. 31.

and the expressions “occupier” and “visitor” shall be construed in accordance with the provisions of the Occupiers’ Liability Act 1957.

What are
city
walkways.

5.—(1) A city walkway duly declared under section 7 (Provision and declaration of city walkways) of this Act is a way or place on which any person may have access on foot and may pass and repass on foot as of right, but subject nevertheless to any restrictions which may from time to time be imposed in relation thereto in accordance with the provisions of this Part of this Act and to any reasonable needs of the owner or occupier of any building in which the city walkway is situated to use the space occupied by the walkway for the purpose of altering or maintaining the building.

(2) Except as otherwise provided in section 15 (Policing of city walkways) and section 21 (Statutory undertakers’ works) of this Act, a city walkway shall not be, or for the purpose of any enactment or of any rule of law be treated as being, a highway, street, road, footpath or open space.

(3) A city walkway may be at ground level or above or below ground level and may include or comprise any public circulation space or precinct but shall not include or comprise premises

which persons are admitted only as visitors of the occupier of those premises or land which for the time being forms part of a highway, street, road, footpath or open space.

(4) A person on a city walkway in exercise of the public right shall not be treated as a visitor of the occupier of any premises in which the city walkway is situated.

(5) For the avoidance of doubt it is hereby declared that user by the public of a city walkway in exercise of rights of way in accordance with the provisions of this Part of this Act shall not be taken as evidence of dedication as a public highway or as giving rise, either at common law or otherwise, to a presumption or predication of dedication.

6.—(1) Except as provided in subsection (2) of this section, the powers conferred on the Corporation under this Part of this Act for or in relation to—

Exercise of powers of Part II.

(a) the carrying out of works and the provision of facilities for the purpose of laying out or rendering suitable for a city walkway any way or place;

(b) the declaration of a way or place to be a city walkway, or the variation or rescission of any such declaration;

(c) the granting of planning permission subject to all or any of the conditions specified in subsection (2) of section 9 (Planning permission relating to city walkways) of this Act;

shall be exercised in respect of land in any area of the city only in accordance with provision made for a system of city walkways in the development plan, structure plan or local plan (as defined in the Town and Country Planning Acts 1962 to 1968) for the time being in force for that area.

(2) If no provision for a system of city walkways showing the line and level of the walkways is made in the development plan, structure plan or local plan as aforesaid, the Corporation shall, before taking into consideration any proposal which appears to them to involve the exercise of any such powers as are referred to in subsection (1) of this section, publish, or cause to be published, in one or more local newspapers circulating in the area or in the London Gazette, a notice stating the general effect of the proposal and stating the time (not being less than twenty-eight days from the date of the first publication of the notice in the local newspaper nor less than twenty-five days from the date of publication in the London Gazette) within which representations about the proposal may be made to the Corporation and shall take into account any representations so made to them.

(1) Without prejudice to any other powers so enabling the Corporation may carry out all such works and provide

Provision and declaration of city walkways.

PART II
—cont.

all such facilities as they may think fit for the purpose of laying out or rendering suitable for a city walkway any way or place on land held by them, or in pursuance of an agreement with any person on land owned or occupied by him, or above or under any highway.

(2) Where it appears to the Corporation that there is in the city any way or place laid out or otherwise suitable for a city walkway in accordance with the provisions of section 5 (What are city walkways) of this Act, being a way or place which access is available directly from a street or another city walkway, and laid out or rendered suitable for a city walkway

- (a) by the Corporation; or
- (b) by any person in pursuance of an agreement with the Corporation, on land owned or occupied by him; or
- (c) by any person, on any land, in compliance with conditions attached to a planning permission for development of the land, including a condition imposing public rights of way and of access in respect of the way or place; or
- (d) in the circumstances mentioned in paragraphs (a) or (b) of subsection (4) of this section;

the Corporation may by resolution declare the said way or place to be a city walkway as from such date as may be specified in the resolution, not being earlier than the date of the first publication of notice of the resolution under subsection (3) of this section.

(3) Notice of the passing of a resolution declaring a city walkway describing the extent of the walkway shall be published in one or more newspapers circulating within the city and in the London Gazette and shall be displayed for a period of not less than twenty-eight days in a prominent position in the walkway.

(4) (a) Notwithstanding the provisions of section 5 (What are city walkways) of this Act, in the case of certain existing ways or places in the areas in the city specified in Schedule 1 to this Act, which, although intended for use for purposes appropriate to city walkways, may have, before the passing of this Act, been dedicated or presumed to be dedicated as highways, the Corporation may, by resolution under subsection (2) of this section but subject to the provisions of subsection (5) of this section, declare such way or places to be city walkways and, as from the date on which the resolution has effect in relation to any such way or place, all rights in respect of such way or place as a highway shall be extinguished.

(b) In the case of any way or place in the city which is laid out for purposes appropriate to a city walkway in compliance with a planning permission granted or determined before the passing of this Act but which is not, by any such permission, subject

the imposition of public rights of way and of access, the Corporation may, by resolution under subsection (2) of this section but subject to the provisions of subsection (5) of this section, declare such way or place to be a city walkway.

(c) Nothing in this subsection nor anything done in pursuance thereof shall alter rights and obligations under any agreement made by the Corporation before the passing of this Act with respect to the provision or maintenance of any way or place to which this subsection applies, being rights and obligations of the Corporation or of any other party to any such agreement.

(5) (a) A resolution to which either paragraph (a) or paragraph (b) of subsection (4) of this section applies shall not have effect until it is confirmed by the Minister.

(b) Before any such resolution is submitted to the Minister for confirmation the Corporation shall, in addition to publishing and displaying notice of the passing of the resolution under subsection (3) of this section, on or before the date of the publication of such notice serve a copy thereof on the statutory undertakers and on the owner, lessee and occupier (except tenants for a month or any period less than a month) of any lands in which the way or place is situated or fronting on the way or place and the notice published, displayed and served shall specify the time (not less than twenty-eight days from the date of the first publication of the notice) within which representations about the resolution may be made to the Minister.

(c) If no representations are duly made, or if any so made are withdrawn, the Minister may, if he thinks fit, confirm the resolution with or without modifications.

If any representation duly made is not withdrawn the Minister shall, before confirming the resolution, either—

(i) cause a local inquiry to be held; or

(ii) afford to any person by whom any representation has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose;

and after considering the report of the person appointed to hold the inquiry or to hear representations, may confirm the resolution with or without modifications.

The provisions of subsections (2) to (5) of section 290 of the Local Government Act 1933 relating to the giving of evidence and the defraying of costs of inquiries shall apply in relation to any inquiry which the Minister may cause to be held under this section.

PART II
—cont.

(6) (a) Where in accordance with the provisions of this section a resolution of the Corporation under paragraphs (a) or (c) of subsection (4) of this section comes into effect in relation to a way or place, the Corporation shall, subject to the provision in paragraph (c) of subsection (4) of this section and to the provisions of section 18 (Claims for compensation) of this Act, pay to any person interested in the land on which that way or place is situated compensation in accordance with the provisions of subsections (a) to (7) of section 9 (Planning permission relating to city walkways) of this Act as if that way or place had been laid out for purposes appropriate to a city walkway in pursuance of conditions imposed under that section.

(b) In assessing the compensation payable to any person under this subsection, there shall be taken into account any compensation paid or payable to that person by the Corporation under an agreement relating to the laying out of that way or place for purposes appropriate to a city walkway.

Alteration
and closure
of city
walkway

8.—(1) Subject to the provisions of this section any resolution under section 7 (Provision and declaration of city walkways) of this Act declaring a city walkway may be varied or rescinded by resolution of the Corporation specifying any alteration of the city walkway or part thereof or, as the case may be, the closure of the city walkway or part thereof.

(2) (a) Before passing any resolution under subsection (1) of this section, the Corporation shall—

- (i) publish in one or more newspapers circulating within the city a notice of their intention to consider the alteration or closure of the city walkway or part thereof; and
- (ii) cause a copy of the said notice to be displayed in a prominent position at or near each end of the city walkway or part thereof to which the proposal relates, and in any such other positions as the Corporation think requisite for the purpose of securing that adequate information is given to persons using the said city walkway or part thereof; and
- (iii) serve a copy of the said notice on the owner and occupier of any land in which the said city walkway or part thereof is situated; and
- (iv) serve a copy of the said notice on any statutory undertakers whose apparatus is laid in the said city walkway or part thereof.

(b) A notice under this subsection shall—

- (i) describe the extent of the city walkway to which it applies and the alteration or, as the case may be, the closure of the said walkway;

(ii) specify the address at which details of the proposal and any relevant plan may be inspected by any person free of charge during normal office hours during a period of twenty-eight days from the date of publication of the notice: and

(iii) state that, within the said period, any person may by notice in writing to the Corporation make representations in respect of the proposal.

(3) The Corporation shall, before passing any resolution under subsection (1) of this section, consider any representations made under subsection (2) of this section.

9—(1) Where an application for planning permission falls to be dealt with by the Corporation as local planning authority, or is determined by the Minister (whether on appeal or otherwise), or he may, without prejudice to any other powers so enabling them, grant planning permission subject to conditions which may include all or any of the conditions specified in paragraphs (a) to (g) of subsection (2) of this section:

Planning permission relating to city walkways.

Provided that where the application relates to development in, over or under operational lands of the board, or lands which, as a result of the granting of planning permission for that development, would fall to be treated as operational lands of the board, the Corporation, or the Minister, as the case may be, in considering the need to apply all or any of the said conditions shall have regard to the reasonable need of the board to maintain the safety of, and safe and convenient working on, their operational

(2) The conditions referred to in subsection (1) of this section are—

- (a) requiring, in connection with the development authorised by the permission, the provision of accommodation and facilities for a city walkway, or part of a city walkway;
- (b) requiring, in connection with the development authorised by the permission, the provision of accommodation and facilities for a city walkway bridge or city walkway subway, or part of a city walkway bridge or city walkway subway;
- (c) requiring, in connection with the development authorised by the permission, the provision of facilities for the drainage or lighting or cleansing of a city walkway;
- (d) specifying particulars of the city walkway for which such accommodation or facilities are to be provided;
- (e) in a case where the development authorised by the permission involves interruption of a city walkway,

PART II
--cont.

- requiring the provision of accommodation and facilities for the construction and maintenance by the Corporation of a temporary walkway or deviation of the city walkway
- (f) requiring the provision of support for a city walkway in accordance with the provisions of this Part of Act;
- (g) imposing public rights of way and of access in the terms of section 5 (What are city walkways) of this Act.

(3) Nothing in this section shall prejudice or affect the general powers of the local planning authority or the Minister under the Act of 1962 with respect to development in the city.

(4) Where in accordance with the provisions of this section a planning permission is granted for development on any land subject to all or any of the conditions referred to in subsection (2) of this section, the Corporation shall, subject to the provisions of section 18 (Claims for compensation) of this Act, pay to any person interested in the land—

- (a) compensation in respect of additional expenditure which that person has incurred, or will incur, in constructing or providing finance for the construction of, maintaining or insuring any building for the erection of which such a planning permission is granted so as to provide support or other facilities required only for a city walkway;
- (b) compensation in respect of any reduction in the value of his interest in that land due to the imposition of public rights of way and of access in the terms of section 5 (What are city walkways) of this Act.

(5) (a) Subject to the provisions of paragraph (b) of this subsection, compensation payable under paragraph (a) of subsection (4) of this section shall be assessed on the basis that the building in respect of which it is so payable will provide support and other facilities for the city walkway for the term of years, or for such other term as may be agreed between the Corporation and the person to whom compensation is payable.

(b) In any case where—

- (i) compensation has been paid under paragraph (a) of subsection (4) of this section to a person interested in any land; and
- (ii) before the expiration of the term of sixty years, or of other term as may have been agreed between the Corporation and the person to whom that compensation was paid, there is other development of the land necessitating the removal of the building in respect of which that compensation was paid (hereafter in this subsection referred to as "the first building") and the provision

new accommodation and facilities for the city walkway in accordance with conditions attached to the planning permission for that other development;

any compensation payable under paragraph (a) of subsection (4) of this section in respect of the construction of any building for the erection of which such last-mentioned planning permission is granted ("the second building") as assessed in accordance with the provisions of paragraph (a) of this subsection shall be subject to reduction by a sum which bears to the amount of any compensation paid under paragraph (a) of subsection (4) of this section in respect of the first building the same proportion as the period which represents the difference between the term of sixty years (or, where some other term was agreed as being the term for which support and facilities were to be provided by the first building, such other term) and the period during which such support and facilities have been provided by the first building bears to the term of sixty years (or, as the case may be, such other term as was so agreed).

(b) Subject to the provisions of paragraph (b) of this subsection, compensation payable under paragraph (b) of subsection (4) of this section shall be assessed on the basis that the public rights of way and of access in the terms of section 5 (What are city walkways) of this Act are imposed in perpetuity and as if those rights had been acquired under section 19 (Acquisition of land, or rights in land, for city walkways) of this Act in pursuance of a notice to treat served on the date of the grant of the planning permission but conditionally upon the substantial completion of so much of the development as is required for the effective exercise of the rights and as if possession of the rights was taken on the date of substantial completion of so much of the development as aforesaid.

(c) In assessing the compensation payable to any person under paragraph (b) of subsection (4) of this section, regard shall be had—

- (i) to the extent to which the interest of that person in the land or any remaining contiguous land may be benefited by the existence of the city walkway in respect of which compensation is paid;
- (ii) without prejudice to the generality of the foregoing, to any increase in the value of the interest of that person in the land or other land which will accrue to him by reason of the creation of a frontage to the city walkway.

(d) Any compensation payable under this section shall be taken into account in the assessment of any compensation payable under the Town and Country Planning Acts 1962 to 1968 in respect of conditions attached to a planning permission relating to a city walkway.

PART II
—cont.Development
of land, etc.
affecting city
walkways

10.—(1) An application for planning permission for any development of land in which a city walkway, or any part of a city walkway is situated, being development which appears to the Corporation to involve the discontinuance or alteration of, or any substantial interference with, the city walkway, shall, before the grant of permission thereon, be served by the applicant, on or before the date of first publication, on the statutory undertakers, and be advertised by him in one or more newspapers circulating within the city and in the London Gazette and the advertisement shall state the general effect of the proposals and the time (not being less than twenty-eight days from the date of the first publication of the notice in the local newspaper nor less than twenty-five days from the date of the publication in the London Gazette) within which representations about the proposals may be made to the Corporation who shall take into consideration any representation so made to them by any statutory undertaker or any person who is an owner or occupier of other lands through which the city walkway passes, or for which the city walkway provides the principal means for access on foot.

(2) Notwithstanding anything in this Act or any enactment applied by this Act, in the event of the demolition, reconstruction or substantial alteration of any building necessitating the removal of any city walkway forming part of that building the statutory undertakers shall, if so required by the owner of the building, remove at their own expense, with reasonable despatch, any apparatus in that city walkway and shall not be entitled to compensation in respect thereof.

Paving, etc.,
of city
walkways.

11.—(1) Except as may be otherwise agreed in writing between the Corporation and the owner or occupier of land in which a city walkway, or any part of a city walkway, is situated, the Corporation shall be responsible for paving, repairing, draining, cleansing and lighting the city walkway and without prejudice to any remedy available to the owner or occupier of the land in consequence of any act or default of the Corporation shall not be exempt from liability for non-repair of the surface of a city walkway.

(2) The Corporation shall be responsible for—

- (a) constructing and maintaining all city walkway bridges which shall be situated over any street; and
- (b) constructing and maintaining all city walkway structures which shall be situated under any street.

(3) Nothing in this section shall render the Corporation liable in respect of damage resulting from breaking or opening, tunnelling or boring under any such city walkway or part

1950 c. 39.

city walkway as is referred to in section 21 (Statutory undertakers' works) of this Act by way of code-regulated works, being damage resulting from an event which occurred—

(a) before the completion of the reinstatement or making good of the relevant part of the city walkway in pursuance of the obligation imposed on the undertakers by section 7 (2) of the Public Utilities Street Works Act 1950; or

(b) where the relevant part of the city walkway is the subject of an election under Schedule 3 to that Act (which, with minor exceptions, limits the obligation of undertakers to the execution of interim restoration), during the period mentioned in paragraph 3 (a) of that schedule;

and expressions used in this subsection and in the said Act of 1950 have the same meanings as in that Act.

(4) All materials placed by the Corporation on or in any building or land in pursuance of their functions under this section shall, unless otherwise agreed between the Corporation and the owner of the building or land (as the case may be), be and remain the property of the Corporation.

12.—(1) The person who is for the time being the owner of the land in which a city walkway, or any part of a city walkway, is situated (hereafter in this section referred to as "servient land") except as may be otherwise agreed in writing between that person or his predecessor as owner of the land and the Corporation, shall be under a duty to provide and maintain support for the city walkway or such part, as the case may be.

(2) Without prejudice to any remedy available by virtue of any enactment, or of any agreement, in respect of any act or default which may be or become a breach of the duty imposed on the owner by subsection (1) of this section, no criminal proceedings or any action for damages shall lie in respect of any breach of that duty but civil proceedings shall lie at the instance of the Corporation for an injunction to prevent any such breach or to secure compliance with the duty in like manner as if the said duty were a contractual obligation.

(3) Notwithstanding the provisions of subsection (1) of this section, a person who is under a duty to provide and maintain support for a city walkway may take, or cause or permit to be taken, any action which will or is likely to result in the withdrawal or endangering of support for the walkway or any part thereof if he has previously been approved in writing by the Corporation; or

PART II
—cont.

- (b) is taken in pursuance of any planning permission for the development of the servient land and in compliance with any conditions attached to any such planning permission; or
- (c) is taken not less than six months after he has given notice in writing to the Corporation of his intention to take such action and specifying the action proposed.

(4) A person who fails to comply with the requirement subsection (3) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(5) Nothing in this section shall impose on the British Railway Board or statutory undertakers any greater or increased liability for the support of any land or building of which they are not the owners than that to which they would be subject if there were no city walkway in that land or building.

Protection
and
improvement
of city
walkways.

13.—(1) The Corporation may, by notice to the owner of any premises adjoining or comprising any part of a city walkway, require him—

(a) to carry out on those premises, within such reasonable time as may be specified in the notice, such works as may be specified in the notice, being works required to prevent danger or inconvenience to persons on the city walkway not being works to which paragraph (b) of this subsection applies;

(b) to carry out on those premises, within such reasonable time as may be specified in the notice, such works as may be specified in the notice, being works required for the improvement of the city walkway.

(2) (a) A notice under subsection (1) of this section may, at the option of the Corporation, be served on both the owner and the occupier of the premises in question or on the occupier instead of the owner but in the latter case a copy of the notice served on the occupier shall be served on the owner.

(b) A notice under subsection (1) (b) of this section shall have the effect of subsection (7) of this section.

(3) A person served with a notice under subsection (1) of this section may, within twenty-eight days from the date of the service of the notice, appeal to a magistrates' court against the notice on any of the following grounds:—

(a) that the notice is not justified by the terms of this section or that a work specified in the notice is a work for which the Corporation are responsible under subsection (1) of section 11 (Paving, etc., of city walkways) of this Act or

(b) that the Corporation have unreasonably refused to approve the carrying out of alternative works or that the works required by the notice are otherwise unreasonable in character or extent having regard to the nature of the building in which the city walkway is situated, to the width of the walkway as originally specified and to any other relevant circumstances, or that the works are unnecessary; or

(c) that the time specified in the notice for carrying out the works falls short of the time which should reasonably be allowed for the purpose; or

(d) that the notice ought to have been served on the occupier of the premises in question instead of the owner, or on the owner instead of the occupier; or

(e) that the works required affect other premises and that some other person being the owner or occupier of such other premises ought to carry out all or part of the works.

(4) (a) Where the grounds upon which an appeal is made under subsection (3) of this section include a ground specified in paragraphs (d) or (e) of that subsection, the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under subsection (3) of this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.

(b) On the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any work is to be carried out, and the contribution to be made by any other person towards the cost of any work, or as to the proportion in which any expenses which may become recoverable by the Corporation are to be borne by the appellant and such other person.

(c) In exercising its powers under this subsection the court shall have regard, as between an owner and an occupier, to the terms and conditions of the tenancy and to the nature of the works required.

(5) (a) Subject to the right of appeal under subsection (3) of this section, if a person required to carry out works by a notice under subsection (1) of this section fails to carry out those works within the time specified in the notice as aforesaid, the Corporation may themselves carry out the works, and, subject to the provisions of subsection (7) of this section, may recover from that person the expenses reasonably incurred by them in so doing.

(b) In proceedings by the Corporation against a person for the recovery of any such expenses as are referred to in paragraph (a) of this subsection, it shall not be open to him to raise any question which he could have raised on appeal under subsection (3) of this section.

PART II
—cont.

(6) (a) Nothing in this section shall authorise the Corporation, without the consent of the British Railways Board or statutory undertakers, to require the carrying out of any works in premises which are, or form part of, operational lands of the said Board or statutory undertakers and which do not comprise a city walkway.

(b) A consent required for the purposes of this subsection shall not be unreasonably withheld, and if any question arises whether the withholding of a consent is unreasonable either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

(7) Where under subsection (1) (b) of this section, the Corporation require any person to carry out works for the improvement of a city walkway not being works required for compliance with any such agreement or conditions as are referred to in subsection (2) of section 7 (Provision and declaration of city walkways) of this Act, then if, on a claim made in accordance with the provisions of section 18 (Claims for compensation) of this Act, it is shown that that person has incurred any expenditure suffered any loss, damage or disturbance, attributable solely to the carrying out of works to comply with the requirements of the Corporation shall pay to that person compensation in respect of that expenditure, loss, damage or disturbance.

Byelaws
relating
to city
walkways.

14.—(1) The Corporation may make byelaws for regulating the following matters in relation to all city walkways in the city, or in relation to any such city walkway, or any part thereof:

- (a) the use of a city walkway by the public;
- (b) the times at which a city walkway may be closed to the public;
- (c) the conduct of persons using a city walkway;
- (d) the use of invalid chairs, or other wheeled vehicles on a city walkway:

Provided that not less than two months before making byelaws in relation to any city walkway, or any part thereof, under this section, not being byelaws in relation to all city walkways within the city, the Corporation shall display in a conspicuous position on or adjacent to the city walkway a notice of their intention to consider the making of such byelaws, and such notice shall specify the place where a copy of the proposed byelaws may be inspected and the date by which any representations should be made to the Corporation (not being less than six weeks after the date, which the notice was first displayed as aforesaid), and the Corporation shall take into consideration any representation made.

(2) No bylaw made in exercise of the powers conferred by this section shall affect any rights of statutory undertakers with respect to the placing of apparatus in a city walkway or prevent the statutory undertakers from entering upon any city walkway for the purpose of placing, inspecting, repairing, maintaining, renewing or removing apparatus, and where reasonably practicable with any necessary vehicles, plant and machinery, subject to such conditions as the Corporation may reasonably impose regarding the maximum size, weight or axle weight of any such vehicle, whether generally or in respect of any particular city walkway.

(3) The confirming authority for the purpose of section 250 of the Local Government Act 1933 in relation to byelaws made under this section shall be the Minister.

15. For purposes of, or relating to, criminal law, and the Policing of jurisdiction of the justices of the city and of the police, a city walkway shall be deemed to be a public highway.

16.—(1) Nothing in section 5 (What are city walkways) of this Act shall make it unlawful for any person where practicable and with the consent of the Corporation to enter upon a city walkway with any vehicle to which this section applies.

Power to authorise entry of certain vehicles on city walkways.

(2) Any consent given under subsection (1) of this section may be given subject to such conditions as the Corporation may think fit and may be given either generally or in respect of any particular city walkway.

(3) This section applies to—

- (a) any vehicle used for fire fighting;
- (b) any vehicle used for police purposes;
- (c) any ambulance;
- (d) any street cleansing vehicle;
- (e) any vehicle used for the reception of refuse;
- (f) any vehicle used for the purpose of gritting or salting or the clearance of snow;
- (g) any vehicle used for the purpose of cleansing, repairing or maintaining overhead lighting apparatus;
- (h) any vehicle used in connection with the reconstruction, alteration or maintenance of a city walkway or of any premises adjoining or comprising any part of a city walkway;
- (i) any vehicle used for the delivery of goods or the provision of services to or from any premises adjoining or comprising any part of a city walkway;

PART II
—cont.

(j) any other vehicle of a class for the time being approved by the Minister of Transport for the purposes of this section.

(4) Nothing in this section shall enable the Corporation to authorise the entry upon a city walkway—

(a) at or below ground level, not being a city walkway which or so much of a city walkway as, passes through or over any part of a building, of a vehicle any wheel of which when the vehicle is at rest upon a level surface, transmits to such surface a weight exceeding five tons;

(b) in any other case, of a vehicle any wheel of which when the vehicle is at rest upon a level surface, transmits to such surface a weight exceeding fifteen hundredweight.

(5) The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions subject to which a consent has been given.

(6) Nothing in this section shall relieve any person entering a city walkway with a vehicle to which this section applies from liability for damage or loss suffered by reason or in consequence of such entry.

Attachment
of drainage
apparatus to
buildings.

17.—(1) Without prejudice to the power to grant permission subject to a condition requiring the provision of facilities for the drainage of a city walkway, the Corporation may under this section affix to any building such pipes, spouts and apparatus as they may require for the purpose of drainage from a city walkway (all or any of which pipes, spouts and apparatus are hereafter in this section referred to as "drainage apparatus").

(2) The Corporation shall not under this section affix drainage apparatus to a building without the consent of the owner of the building:

Provided that, where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld, they may apply to a magistrates' court, which may either allow or refuse the affixing of the drainage apparatus, subject to such conditions, if any, as to rent or otherwise as the court thinks fit, or disallow the affixing of the drainage apparatus.

(3) Where any drainage apparatus has been affixed to a building under this section and the person who gave his consent under subsection (2) of this section, or who was the owner of the building when the drainage apparatus was allowed by the court, ceases to be the owner of the building, the subsequent owner may give to the Corporation notice requiring them

remove the drainage apparatus; and, subject to the provisions of this subsection, the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that, where in the opinion of the Corporation any such requirement is unreasonable, they may apply to a magistrates' court, who may either annul the notice, subject to such conditions, if any, as to rent or otherwise as the court thinks fit, or confirm the notice subject to such extension, if any, of the said period of three months as it thinks fit.

(4) Where any drainage apparatus has been affixed to a building under this section, the owner of the building may give to the Corporation not less than fourteen days' notice requiring them at their own expense temporarily to remove the drainage apparatus where necessary during any reconstruction or repair of the building.

(5) Where drainage apparatus is affixed to a building under this section, the Corporation shall have the right, as against any person having an interest in the building, to alter or remove it, or to repair or maintain it.

(6) Where the owner of a building suffers loss or damage by, or in consequence of, the affixing under this section to the building of any drainage apparatus within the meaning of this section, or by, or in consequence of, the exercise by the Corporation of the rights conferred by subsection (5) of this section, the Corporation shall, subject to the provisions of subsection (2) of section 18 (Claims for compensation) of this Act, pay to him compensation in respect of that loss or damage.

(7) In this section "owner" in relation to a building, the whole of which is occupied under a tenancy for a term of years whereof five years or more remain unexpired, means the occupier of the building.

(8) Nothing in this section shall authorise the Corporation to affix any drainage apparatus to—

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

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

PART II
-- cont.Claims for
compensation.

18. — (1) A claim for compensation—

- (a) under paragraph (a) of subsection (6) of section (Provision and declaration of city walkways) of this Act shall be made to the Corporation within six months of the coming into effect of the resolution in relation to the way or place to which the claim relates;
- (b) under paragraph (a) of subsection (4) of section (Planning permission relating to city walkways) of this Act shall be made to the Corporation within six months of the completion as certified by the City Building Surveyor of the building, or part thereof, to which the claim relates;
- (c) under paragraph (b) of subsection (4) of section (Planning permission relating to city walkways) of this Act shall be made to the Corporation within six months from the date of the first publication by the Corporation under section 7 (Provision and declaration of city walkways) of this Act of the notice of the passing of the resolution declaring the city walkway;
- (d) under subsection (7) of section 13 (Protection and improvement of city walkways) of this Act shall be made to the Corporation within six months of the expiration of the time specified in the notice given by the Corporation for the completion of the works to which the claim relates, or, where an appeal is made against that notice, within six months of the expiration of any extended time allowed by the court for the completion of such works:

Provided that the Minister may in any particular case, either before or after the date on which the time for claiming otherwise have expired, allow an extended, or further extended, period for making such a claim.

(2) (a) Any dispute arising on a claim for compensation under section 9 (Planning permission relating to city walkways) of this Act, section 13 (Protection and improvement of city walkways) of this Act or section 17 (Attachment of drainage apparatus to buildings) of this Act shall be determined by the Lands Tribunal.

(b) For the purposes of any reference to the Lands Tribunal under this subsection, section 4 of the Land Compensation Act 1961 shall have effect as if for the references therein to the acquiring authority there were substituted references to the Corporation.

1961 c. 33

Acquisition
of land, or
rights in
land, for city
walkways.

19.—(1) The Corporation may acquire by agreement, and may be authorised, by means of an order made by the Corporation and confirmed by the Minister, to acquire compulsorily, land

the city, or any right in, on, over or under land in the city, for the provision of a city walkway, or for the extension or improvement of a city walkway.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act, and the provisions of Part I of the Compulsory Purchase Act 1965 shall have effect in relation to the acquisition of any rights under this section as if they were lands within the meaning of those provisions.

(3) In assessing the compensation payable to any person in respect of the compulsory acquisition of land or any right in, on, over or under land under this section, the Lands Tribunal—

(a) shall have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land or right is to be acquired by the Corporation;

(b) without prejudice to the generality of the foregoing paragraph, shall, in the case of land or any rights in, on, over or under land acquired for providing, extending or improving a city walkway, set off against the value of the land or right to be acquired any increase in the value of the land or of other land belonging to the same person which will accrue to him by reason of the creation of a frontage to the city walkway;

(c) shall take into account and embody in its award any undertaking given by the Corporation as to the use to which the land or the right in, on, over or under the land or any part thereof will be put; and

(d) shall take into account any compensation paid or payable under section 9 (Planning permission relating to city walkways) of this Act;

and the Land Compensation Act 1961 shall have effect subject to 1961 c. 33. the provisions of this section.

(4) (a) Nothing in this section shall authorise the Corporation to acquire compulsorily any land of the board or any right in, on or over any such land, other than—

(i) such land or such right as is necessary for the support of a city walkway constructed over land adjacent to the land of the board; or

(ii) subject to paragraph (b) of this subsection, such land or such right as is necessary for the construction on land of the board of a means of access to a city walkway in, on or over land adjacent thereto.

PART II
—cont.

(b) The Corporation may only acquire compulsorily land of the board or a right in, on or over such land for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection if—

- (i) it is not reasonably practicable to construct a convenient alternative means of access to the city walkway otherwise than on land of the board; and
- (ii) the means of access to be provided on the land of the board is sited in such a position in relation to an existing access to land of the board from adjacent land that its use can be controlled in conjunction with the use of the existing access;

and where such an access to a city walkway is constructed its use shall, subject to the provisions of this Act, be restricted to persons having business on the land of the board.

Regulation
of placing
things in city
walkways.

20.—(1) Any person may, with the consent of the Corporation, place and maintain in or over a city walkway or any part thereof tables, chairs or other things for the use, convenience or entertainment of the public or otherwise for the benefit of the public or for the improvement of amenities or for decorative purposes may use any part of a city walkway temporarily for the purpose of any exhibition or entertainment, whether or not a charge of admission is to be made:

Provided that nothing in this subsection shall—

- (a) relieve any person who is not the occupier or, as the case may be, the owner of the land in which the city walkway is situated from any obligation to obtain the consent of the owner or occupier of such land to the placing or maintaining of anything in or over the city walkway to any such use of the city walkway as aforesaid;
- (b) relieve any person from the necessity for obtaining any other permission, licence or consent which may be required under any other enactment.

(2) Any consent given by the Corporation under this section may be given subject to such conditions as they think fit, including conditions as to—

- (a) the positions in or over the city walkway in which any such things may be placed or the part or parts of the city walkway that may be so used;
- (b) the time during which anything so placed in or over the city walkway shall be allowed to remain there or during which any such use may take place;

(c) the nature of the thing to be placed in or over the city walkway or of the exhibition or entertainment and the steps to be taken to avoid risk of injury or inconvenience to members of the public and to prevent injury to amenity; and

(d) payment, indemnity or other consideration.

(3) The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions subject to which a consent has been given.

(4) If a person contravenes any condition subject to which a consent has been given under this section the Corporation may require him to remove the things or discontinue the use in respect of which that consent was given, and if within twenty-four hours he fails to do so, they may themselves remove such things or take such steps as may be reasonable to discontinue such use and recover summarily as a civil debt the expenses reasonably incurred by them in so doing from the person in default.

(5) Nothing in this section shall relieve the Corporation or any person acting with the consent of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of this section and the said powers shall be so exercised as not to obstruct or render unreasonably inconvenient, so far as is reasonably practicable, the access to any apparatus or operational lands.

21.—(1) (a) Notwithstanding the provisions of subsection (2) of section 5 (What are city walkways) of this Act, any power to execute undertakers' works in a street, within the meaning assigned to those expressions by section 1 (2) and (3) and section 38 (1) of the Public Utilities Street Works Act 1950, 1950 c. 39, shall be exercisable in any city walkway, or any part of a city walkway to which this subsection applies, in the same manner and subject to, and with the benefit of, all and the same obligations and rights as if the walkway, or part thereof, as the case may be, were such a street.

(b) This subsection applies to a city walkway, or part of a city walkway, which, being at or below street level and communicating with a street in accordance with the provisions of paragraph (c) of this subsection, is, in respect of its nature and situation, similar to the generality of streets.

(c) For the purposes of paragraph (b) of this subsection a city walkway, or part of a city walkway, shall be taken as communicating with a street if it, or the walkway of which it forms part, communicates with a street either directly or by means of one or more other city walkways to which this subsection applies.

PART II
—cont.

(2) The provisions of subsection (1) of this section shall have effect in relation to any power exercisable by the British Railway Board under any enactment for the time being applicable to that board to open, break up or interfere with streets and to carry out works therein or thereunder as if such power was a power to execute undertakers' works as aforesaid.

(3) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act shall prejudice or affect any powers exercisable by statutory undertakers, whether by agreement or otherwise, for the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus in, on or over any land or building which does not form part of a street, or any obligations and rights of statutory undertakers in relation to the exercise of any such powers.

Consultation
with statutory
undertakers.

22.—(1) If the Corporation—

- (a) propose to lay out or render suitable any way or place for a city walkway;
- (b) propose to enter into an agreement with any person for that person to lay out or render suitable for a city walkway any land owned or occupied by him; or
- (c) in connection with an application for planning permission submitted to them, consider that any permission granted should be subject to all or any of the conditions specified in paragraphs (a) to (g) of subsection (2) of section (Planning permission relating to city walkways) of this Act;

the Corporation shall, as early as is reasonably practicable, give notice thereof in writing to the statutory undertakers.

(2) Where it appears to the statutory undertakers that a proposed city walkway, or any part thereof, referred to in a notice under subsection (1) of this section is not a city walkway to which subsection (1) of section 21 (Statutory undertakers' works) of this Act applies, they may, within the period of twenty-eight days from the date on which the notice referred to in subsection (1) of this section was served, serve on the Corporation a notice containing particulars of any apparatus and accommodation therefor which the statutory undertakers consider it reasonably necessary to install and provide in the city walkway for the purposes of their undertaking.

(3) In deciding what is reasonably necessary for the purposes of the last foregoing subsection the Corporation and the statutory undertakers shall have regard to all the circumstances of the case and in particular to—

- (a) whether the statutory undertakers could obtain adequate access to individual buildings by means of, and adequate

accommodation for apparatus in, streets or city walkways or parts of city walkways to which subsection (1) of section 21 (Statutory undertakers' works) of this Act applies;

- (b) the extent to which accommodation for statutory undertakers' apparatus could be obtained on reasonable terms on land to which the statutory undertakers would otherwise have no rights of access;
- (c) the size and weight of any apparatus specified by the statutory undertakers in any notice under subsection (2) of this section and the cost of the installation thereof;
- (d) the effect on the public rights of way over and access to any city walkway of the installation, inspection, maintenance, adjustment, repair, alteration, renewal or removal of statutory undertakers' apparatus and the risk to persons or property arising therefrom;
- (e) the likelihood of delay in the completion of the construction of any building by reason of the installation in the city walkway of statutory undertakers' apparatus;
- (f) the extent to which the installation of statutory undertakers' apparatus would be likely to affect injuriously the structure, stability or functional efficiency of the city walkway or any land or building in, on, over or through which the city walkway runs; and
- (g) the extent to which the design or appearance of the city walkway or of any building would require to be altered to accommodate statutory undertakers' apparatus and the cost or effect on amenity of such alterations.

(4)(a) If, within a period of twenty-eight days from the service on the Corporation of the notice referred to in subsection (2) of this section, agreement as to the extent to which it is reasonably necessary for the apparatus and accommodation therefor specified in the notice to be installed and provided in the city walkway has not been reached between the Corporation and the statutory undertakers and (in a case to which paragraph (c) of subsection (1) of this section applies) the applicant for planning permission, any one of those parties may within a further period of twenty-eight days submit the question for determination to a person appointed for that purpose by the Minister.

(b) In determining the question a person appointed by the Minister shall have regard to the matters referred to in the last foregoing subsection.

(5) The Corporation and the statutory undertakers shall take such steps as may be reasonably available and necessary in order to give effect to any agreement reached or determination made under this section.

PART II
—cont.

(6) Any part of the cost of the construction of the city walkway and any increased compensation under paragraph (a) of subsection (4) of section 9 (Planning permission relating to city walkways) of this Act arising out of the installation in the city walkway of, or the provision of accommodation in the city walkway for, statutory undertakers' apparatus shall be recoverable by the Corporation from the statutory undertakers.

Costs incurred in relation to city walkways.
1959 c. 25.

23. All costs incurred by the Corporation in respect of the functions under this Part of this Act shall be payable out of the general rate of the city as if payable in respect of the Corporation's functions under the Highways Act 1959.

Application to city walkways of certain enactments.

24.—(1) The enactments specified in Schedule 2 to this Act shall apply and have effect for the purposes of this Part of this Act as if each of those enactments were in terms re-enacted in Part of this Act, subject to the modifications set out opposite thereto in the said schedule.

(2) For the purposes of section 34 of the Act of 1962 and/or any regulations made thereunder any advertisement visible from a city walkway and displayed on any part of a building being a part fronting or abutting on that city walkway shall be deemed to be displayed on the outside of that building notwithstanding that the city walkway may be wholly within that building:

Provided that for the purposes of regulation 12 of the Town and Country Planning (Control of Advertisements) Regulations 1960, the surface of a city walkway wholly within a building shall be deemed to be at ground level.

(3) For the purposes of the Act of 1962 the carrying out of works for the maintenance, improvement or other alteration of any part of a building being a part visible from and fronting or abutting on a city walkway shall be deemed not to affect only the interior of the building notwithstanding that the city walkway may be wholly within that building.

(4) Section 155 of the Act of 1962, which makes provision for the extinguishment of public rights of way over land held for planning purposes, shall not apply to a city walkway.

Crown rights.

25. Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Part of this Act authorises the Corporation to take, use or in any manner interfere with any land, hereditament, subjects or rights of whatsoever description—

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Es.

Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(b) belonging to Her Majesty in right of Her Crown and under the management (pursuant to any statute or otherwise) of the Minister of Public Building and Works without the consent in writing of that Minister on behalf of Her Majesty first had and obtained for that purpose; or

(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

PART III

STREETS AND BUILDINGS

26.—(1) Where—

(a) under section 16 of the Act of 1957 the Corporation have accepted an undertaking that any house will not be used for human habitation until the Corporation cancel the undertaking; or

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

(c) by a clearance order made under section 44 of the Act of 1957, the Corporation have 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; or

(d) any house or any building in the city is unoccupied for a period exceeding six weeks;

the Corporation may, if the premises are not effectively secured so as to prevent the entry on to 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, except in an emergency when they shall give such notice as is reasonably practicable, themselves do such things in relation to the house or building or part thereof as will so secure the premises against entry.

(2) Section 169 of the Act of 1957 (which makes provision for the service of notices on persons other than local authorities) shall, subject to any necessary modifications, apply in relation to a notice under subsection (1) of this section.

Securing of unoccupied buildings.

PART III
—cont.

(3) Nothing in this section shall prejudice the power of the Corporation to take steps to deal with any dangerous, ruinous or dilapidated house or building under any enactment.

(4) Nothing in this section shall prejudice the rights of statutory undertakers to enter upon the premises in exercise of their statutory powers in that behalf:

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

(5) In this section—

1957 c. 56.

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

“ 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.

PART IV

FINANCE AND SUPERANNUATION

Investment of
superannua-
tion fund.

1961 c. 62.

27.—(1) In this section unless the subject or context otherwise requires “ the Act of 1961 ” means the Trustee Investments Act 1961.

1937 c. 68.

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

(a) the following paragraphs were included in Part II (Wider-Range Investments) of Schedule 1 to the Act of 1961:—

1947 c. 14.

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

5. In the acquisition, development or management of land situate in the United Kingdom or any interest in such land:

Provided that so long as the value of the investments of property for the time being made under the powers conferred by this paragraph is equal to or greater than one-fourth of the total value of the wider-range part of the fund, no further investment may be made thereunder.”;

(b) in Part IV (Supplemental) of the said schedule—

(i) in paragraph 1 there were inserted after the word “schedule” the words “other than those mentioned in paragraphs 4 and 5 of the said Part III”;

(ii) after paragraph 2 there were inserted the following paragraph:—

“2A. The securities mentioned in paragraphs 4 and 5 of Part III of this schedule do not include shares or debenture stock not fully paid up (except shares or debenture stock which, by the terms of issue, are required to be fully paid up within nine months of the date of issue).”

(3) Notwithstanding anything in the Act of 1961, the Corporation may invest any moneys referred to in subsection (2) of this section 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 as so amended equals or exceeds three-quarters of the total value of the said superannuation fund.

(4) The restrictions contained in paragraph 3 of Part IV of Schedule 1 to the Act of 1961 shall not apply to the securities in which the Corporation is authorised to invest in relation to the wider-range trust fund by virtue of paragraph 1 of Part III of the said Schedule 1.

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

29. Notwithstanding anything contained in section 7 (2) of, Amendment of power to issue bonds. 1963 c. 46.

(a) bonds issued by the Corporation under the said Act of 1963 to and held continuously by trustee savings banks and building societies and persons and bodies of such other classes as the Corporation may, with the consent

PART IV
—cont.

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;

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

Amendment of section 561 of Liverpool Corporation Act 1921.
1921 c. lxxiv.
1966 c. xl.

30. Paragraph (6) of section 561 of the Liverpool Corporation Act 1921 (Provisions as to raising money by bills), as amended by section 41 of the Liverpool Corporation (General Powers) Act 1966, is hereby amended by the addition, after the words "authorised by the Council," of the words "Provided that for the purposes of this section a bill shall be deemed to be signed by the treasurer of the city if a facsimile of such signature is printed thereon."

PART V

MISCELLANEOUS

Extension of power to maintain burial grounds.

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

Each of the notices shall—

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 hereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Minister of Housing and Local Government, unless the notice is withdrawn.

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

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

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

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

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

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

Nothing in the foregoing provisions of this section shall have effect to release the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a licence or licence of a consistory court.

PART V
—cont.

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

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

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

1936 c. cxxii. (10) This section shall not apply to the St. James' Cemetery as defined in section 12 of the Liverpool Corporation Act 1936.

For protection
of Common-
wealth War
Graves
Commission.

32.—(1) In this section—

“the Commission” means the Commonwealth War Graves Commission;

“Commonwealth war burial” means a burial of any officer or man of the naval, military or air forces of His Majesty who fell 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 31 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the city, serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 31;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 31;

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

(3) The Corporation shall not in pursuance of the powers of the said section 31 remove any memorial placed or erected over

any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely: --

PART V
—cont.

(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.

If a Commonwealth war burial would be affected by a decision given by the Minister under subsection (4) of the said section 31, 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.

33. All the costs, charges and expenses preliminary to, and incidental to, the preparing, applying for, obtaining and signing of this Act shall be paid by the Corporation. Costs of Act.

SCHEDULES

Section 7 (4) (a)

SCHEDULE 1

AREAS IN THE CITY OF LIVERPOOL.

1. Land on the eastern side of Lime Street bounded by Gloucester Street, Lime Street and Skelhorne Street: comprising the building known as Concourse House and including the high level pedestrian circulation deck.

2. Land beneath Lime Street, between the eastern side of Lime Street near Skelhorne Street and the western side of Lime Street near the building known as St. John's Precinct: including the subway under Lime Street.

3. Land bounded by Lime Street, St. George's Place, Roe Street, Brythen Street, Williamson Square, Houghton Street and Elliot Street comprising the buildings known as St. John's Precinct, the Royal Court Theatre and the Playhouse Theatre and including an unspecified number of unnamed ways at present called "arcades".

4. Land bounded by Strand Street and the northern, eastern and southern sides of Canning Place: comprising the buildings to be known as Foster House, Steers House, Mulberry House, Newton Warehouse and including the way to be known as Canning Place.

5. Land between Brunswick Street, Fenwick Street, James Street and The Strand comprising the buildings known as Wilberforce House, Moor Street Car Park, Moor House and James Street Station, the bridge over James Street and the open area adjoining Wilberforce House and Drury Lane.

6. Land between James Street, The Strand, Redcross Street and Derby Square, comprising the buildings of the Derby Square Redevelopment and the street known as Preesons Row.

Geo. Edw. 1969

SCHEDULE 2

Section 24.

ENACTMENTS APPLIED TO CITY WALKWAYS

PART I

GENERAL ENACTMENTS APPLIED

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
11 Vict.	Towns Improvement Clauses Act 1847	Section 64 (Houses to be numbered and streets named)	For the word " commis- sioners " wherever it occurs there shall be sub- stituted the word " Corporation "; for the words " in all or any of the streets " there shall be substituted the words " adjoining or adjacent to all or any of the city walkways "; for the word " street " wherever it occurs there shall be substituted the words " city walkway ".
		Section 65 (Numbers of houses to be renewed by occupiers)	For the word " streets " there shall be substituted the words " city walkways "; and for the word " commissioners " wherever it occurs there shall be substituted the word " Corporation ".
16 Geo. 5	Public Health Act 1925	Section 17 (Notice to urban authority before street is named)	For the word " street " wherever it occurs there shall be substituted the words " city walkway ".
		Section 18 (Alteration of name of street)	For the word " street " wherever it occurs there shall be substituted the words " city walkway ".
		Section 19 (Indication of name of street)	For the word " street " wherever it occurs there shall be substituted the words " city walkway ".
Geo. 5 & Edw. 8	Public Health Act 1936	Section 58 (Dangerous or dilapidated buildings and structures)	—

SCH. 2.
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
26 Geo. 5 & 1 Edw. 8 c. 49—cont.	Public Health Act 1936	Section 333 (Protection for works of dock undertakers and for railways)	In subsection (4) for the words "streets and bridges" there shall be substituted the words "city walkways and city walkway bridges" and for the words "a local authority" and "the local authority" wherever they occur there shall be substituted the words "the Corporation".
7 & 8 Eliz. 2 c. 25	Highways Act 1959	Subsection (9) of section 108 (Power of Magistrates' Court to authorise the stopping up or diversion of a highway)	For the words "an order made under this section" there shall be substituted the words "a resolution passed by the Corporation under subsection (1) of section 8 of this Act" for the word "highway" in both places where it occurs there shall be substituted the word "city walkway"; for the words "stop up or diverted" there shall be substituted the words "altered or closed"; and for the words "order is made" there shall be substituted the words "passing of a resolution".
		Subsection (2) of section 116 (Pro- tection of public rights)	For the words "council of a county or county borough" there shall be substituted the word "Corporation"; and for the words from "county road" to the end of the subsection there shall be substituted the words "city walkway".
		Subsection (1) of section 118 (Damage to foot- ways of streets by excavations)	For the words "the footway of a street, or a highway maintainable at the public expense, there shall be substituted the words "a city walk- way"; for the words "the street" there shall be substituted the words "the city walkway"; for the words "highway authority for the high- way" there shall be sub- stituted the word "Cor- poration"; and the words "subject to the following subsection," shall be omitted.

SCH. 2.
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
8 Eliz. 2 25—cont.	Highways Act 1959	<p>Section 121 (Penalty for wilful obstruction)</p> <p>Section 122 (Penalty for erecting building, etc., in highway)</p> <p>Section 124 (Power to remove structures from highways)</p> <p>Section 127 (Penalty for depositing things, or pitching booths, etc., on highway)</p> <p>Section 140 (Penalty for causing certain kinds of danger or annoyance)</p> <p>Section 141 (Penalty for placing rope, etc., across highway)</p>	<p>In subsection (1), for the word "highway" there shall be substituted the words "city walkway".</p> <p>For the words "highway which consists of or comprises a carriageway" there shall be substituted the words "city walkway".</p> <p>In subsection (1), for the word "highway" there shall be substituted the words "city walkway"; and for the words "highway authority for the highway" there shall be substituted the word "Corporation"; and in subsections (2) and (3) for the words "a local highway authority" there shall be substituted the words "the Corporation"; and references to the highway authority shall be construed accordingly.</p> <p>Paragraph (a) shall be omitted and in paragraphs (b) and (c) for the word "highway" wherever it occurs there shall be substituted the words "city walkway".</p> <p>For the word "highway" wherever it occurs there shall be substituted the words "city walkway"; and in subsection (2) the words "which consists or comprises a carriageway" shall be omitted.</p> <p>For the word "highway" in both places where it occurs there shall be substituted the words "city walkway".</p>

SCH. 2
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
7 & 8 Eliz. 2 c. 25.—cont.	Highways Act 1959	<p>Section 142 (Prevention of water falling or flowing on to highway)</p> <p>Section 144 (Dangerous land adjoining street)</p> <p>Section 152 (Restriction on placing rails, beams, etc., over highways)</p> <p>Section 156 (Power to instal refuse or storage bins in streets)</p> <p>Section 307 (Saving for works etc. of dock, harbour and canal undertakers)</p>	<p>References to the appropriate authority shall be construed as references to the Corporation; for the word "highway" wherever it occurs there shall be substituted the words "city walkway" and subsection (5) shall be omitted.</p> <p>For the word "street" wherever it occurs there shall be substituted the words "city walkway" and for the words "in local authority in whose area the street is situated" in subsection (1), "a local authority" in subsection (2) and "the local authority by which the notice was served" in subsection (3) there shall be substituted the words "the Corporation".</p> <p>In subsection (1) for the word "highway" there shall be substituted the words "city walkway" for the words "highway authority for the highway" there shall be substituted the word "Corporation" and the proviso to subsection (2) shall be omitted.</p> <p>References to the appropriate authority shall be construed as references to the Corporation; for the word "street" wherever it occurs there shall be substituted the words "city walkway" and subsection (5) shall be omitted.</p> <p>For the words "a highway authority or council" there shall be substituted the words "the Corporation" and references to the highway authority and council shall be construed accordingly.</p>

SCH. 2
—cont.

Short title (2)	Provisions applied (3)	Modifications (4)
Highways Act 1959	Part II of Schedule 12 (Provisions as to orders under section 108 of this Act)	<p>For the word "highway" wherever it occurs there shall be substituted the words "city walkway"; in paragraph 4 for the words "order authorising the highway to be stopped up or, as the case may be, diverted has not been made" there shall be substituted the words "resolution specifying the alteration of the city walkway or, as the case may be, the closure of the city walkway, had not been passed"; in paragraph 5 for the words "stopped up or diverted in pursuance of an order under section 108 of this Act" there shall be substituted the words "altered or closed in pursuance of a resolution passed by the Corporation under subsection (1) of section 8 of this Act"; and for the words "authority on whose application the order was made" there shall be substituted the words "the Corporation"; in paragraph 6 for the words "authority on whose application an order under the said section 108 stopping up or diverting a highway was made" there shall be substituted the words "the Corporation"; in sub-paragraph (a) for the words "stopping up or diversion" there shall be substituted the words "alteration or closure"; and in paragraph 7 for the words "authority concerned" there shall be substituted the word "Corporation".</p>

8 Eliz. 2
—cont.

pter

SCH. 2
—cont.

PART II

LOCAL ENACTMENTS APPLIED

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
11 & 12 Geo. 5 c. lxxiv	Liverpool Corporation Act 1921	Section 279 (Vaults under streets, cellars, &c.)	For the words "any street" there shall be substituted the words "any city walkway" and for the words "a footway of any such street" there shall be substituted the words "the surface of any city walkway".
		Section 280 (Regulation of areas, coal shoots, &c.)	For the words "the footway of any str there shall be substitut the words "a city walkway"; and for the words "such footwa there shall be substitut the words "such cit walkway".
		Section 290 (Advertisement hoardings)	For the word "stree wherever it occurs th shall be substituted the words "city walkway".
		Section 294 (Saving for Dock Board under Part XV of Act)	
		Section 319 (Streets broken up to be reinstated)	For the words "carriage ways and footways" there shall be substitut the words "city walkways"; and for the word "street" wherever it occurs there shall be substituted the words "city walkway".
		Section 320 (Regulation of hoardings)	For the word "street" wherever it occurs there shall be substituted the words "city walkway" and for the words "the pavement or flagging of the street" there sh substituted the words "the condition of the walkway".

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
12 Geo. 5. —cont.	Liverpool Corporation Act 1921	Section 321 (Power to pro- vide kiosks)	For the words " street " and " street or foot-way " there shall be substituted the words " city walkway "; and the words " (including the footway) repairable by the inhabitants at large " shall be omitted.
		Section 324 (Restrictions on placing wires in streets)	For the words " street or road " there shall be substituted the words " city walkway "; and the proviso shall be omitted.
		Section 325 (Saving for Dock Board under Part XVI of Act)	For the word " street " there shall be substituted the words " city walkway ".
		Section 335 (As to drainage of cellars below sewer level) and section 416 (Penalty for certain street offences)	For the word " street " wherever it occurs there shall be substituted the words " city walkway ".
		Section 337 (Saving for Dock Board under Part XVII of Act)	—
		Part XXII— Meetings and Processions	In section 420, the word " street " shall be interpreted as " city walkway "; and in sections 421 and 423, for the words " street " or " streets " wherever they occur there shall be substituted the words " city walkway " or " city walkways " respectively.
		Section 466 (Penalty for not using dust boxes provided by Corporation)	For the words " street or court " there shall be substituted the words " city walkway ".
		Section 627 (Lamps and lamp-irons) (as amended by section 112 of the Liverpool Corporation Act 1936)	For the words " streets " or " street " wherever they occur there shall be substituted the words " city walkways " or " city walkway " respectively.

SCH. 2
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
17 & 18 Geo. 5 c. lxxxviii	Liverpool Corporation Act 1927	Section 149 (Temporary stoppage of streets)	For the word "street" wherever it occurs there shall be substituted the words "city walkway"
1936 c. cxxii.	26 Geo. 5 & 1 Edw. 8 c. cxxii	Liverpool Corporation Act 1936	To apply as if the word "street" were to include a city walkway.
4 Eliz. 2 c. xvi	Liverpool Corporation Act 1955	Section 113 (Compensation for injuring lamps, &c.)	Section 115 (Prohibition of persons, vehicles, &c., on grass margins)
1966 c. xl	Liverpool Corporation (General Powers) Act 1966	Section 9 (Trees, grass verges and gardens)	For the word "street" wherever it occurs there shall be substituted the words "city walkway" and subsections (4), (5) and (6) shall be omitted.
		Section 11 (Excavations near streets)	For the words "street which is a highway maintainable at the public expense" and "streets" wherever they occur there shall be substituted the words "city walkway" and in subsection (2) the words "or by vehicles of any particular class or description (not being vehicles of excessive weight to which section of the Act of 1959 applies)" shall be omitted.
		Section 12 (Exemption for river authorities from last fore- going section)	
		Section 13 (Building operations affecting public safety)	For the word "street" wherever it occurs there shall be substituted the words "city walkway"
		Section 14 (Exemption of owner from liability on conviction of actual offender)	

SCH. 2
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
XI	Liverpool Corporation (General Powers) Act 1966	<p>Section 15 (Liability of directors, etc.)</p> <p>Section 16 (Buildings over streets)</p> <p>Section 26 (Power to lay down or erect electric lines, etc.)</p>	<p>—</p> <p>For the words " any street maintainable at the public expense " there shall be substituted the words " any city walkway "; and the proviso to the section shall be omitted.</p> <p>For the word " street " in paragraph (a) of subsection (1) there shall be substituted the words " city walkway "; paragraph (b) of subsection (1) and the proviso thereto, together with subsection (5) shall be omitted.</p>

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