

Walsall Corporation Act 1969

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ELIZABETH II



1969 CHAPTER Iviii

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

WHEREAS --

(1) By virtue of the West Midlands Order, 1965 (hereinafter referred to as "the Order of 1965"), the county borough of Walsall was altered on the 1st April, 1966, so as to consist of an area shown by a continuous red line on the boundary maps referred to in article 4 of the Order of 1965 and being—

- (a) with alterations the area of the county borough of Walsall;
- (b) with alterations the areas of the urban districts of Darlaston and Willenhall in the administrative county of Stafford;
- (c) parts of the county boroughs of West Bromwich and Wolverhampton;

(d) parts of the boroughs of Bilston and Wednesbury and the urban districts of Aldridge, Coseley and Wednesbury in the said administrative county; and

(e) parts of the parish of Essington in the rural district of Cannock in the said administrative county;

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

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

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

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

(5) It is expedient at the same time to extend and enlarge in various respects the powers of the mayor, aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") and to make further provision in regard to the health, local government, improvement and finances of the borough:

(6) Certain premises in the borough known as 44 Walsingham Street have for many years been under the control of the Corporation, but the Corporation have been unable to ascertain to whom the said premises belong and it is expedient that the said premises should be acquired by the Corporation subject to the provisions of this Act:

(7) It is expedient that the Corporation should be enabled to acquire or appropriate and use for highway purposes a portion of the public walks and pleasure grounds forming part of the Arboretum, a portion of the open space known as Elmore Green and a portion of the burial ground of the church of All Saints, Bloxwich, all in the borough:

(8) It is expedient that burials in the Queen Street Cemetery of the Corporation should be wholly discontinued and that the powers contained in this Act with respect to the use thereof should be enacted:

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

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

(11) Plans showing the lands to be acquired, used or dealt with in accordance with the provisions of this Act and a book of

relating thereto were duly deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office, House of Commons, and with the town clerk of the borough, which plans and book of reference are in this Act referred to respectively as the deposited plans and book of reference:

(2) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, 1933 c. 51, 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:—

PART I
PRELIMINARY

1.—(1) This Act may be cited as the Walsall Corporation Act 1969. Short title and commencement.

(2) The following provisions of this Act shall be deemed to have come into operation on the 30th September, 1969:—

- (a) Part IV (Transport) and Schedule 1;
- (b) so much of section 213 (Repeal) and of Schedule 4 as provides for the repeal of enactments relating to the transport undertaking; and
- (c) so much of any other provision in this Act as relates to matters referred to in paragraphs (a) and (b) of this subsection:

Provided that no proceedings shall be taken in respect of any offences created by or under the said provisions committed before the passing of this Act.

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

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

Division of Act into Parts.

PART I
—cont.
Interpretation.
1936 c. 49.

3.—(1) In this Act the several words and expressions of the meanings assigned by sections 90, 110 and 343 of the Health Act, 1936, have the same respective meanings unless otherwise be something in the subject or context repugnant to this construction.

(2) In this Act unless otherwise expressly enacted or the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:

- 1933 c. 51. "the Act of 1933" means the Local Government Act, 1933;
- "the Act of 1936" means the Public Health Act, 1936;
- 1950 c. 39. "the Act of 1950" means the Public Utilities Street Act, 1950;
- 1957 c. 56. "the Act of 1957" means the Housing Act, 1957;
- 1959 c. 25. "the Act of 1959" means the Highways Act, 1959;
- 1960 c. 16. "the Act of 1960" means the Road Traffic Act, 1960;
- 1962 c. 38. "the Act of 1962" means the Town and Country Planning Act, 1962;
- 1967 c. 76. "the Act of 1967" means the Road Traffic Regulation Act, 1967;
- "appointed day" has the meaning assigned to that expression by section 204 (The appointed day) of this Act;
- "the borough" means the borough of Walsall;
- "contravention" includes a failure to comply with any requirement and "contravene" shall be construed accordingly;
- "the Corporation" means the mayor, aldermen and burgesses of the borough acting by the council;
- "the council" means the council of the borough;
- "daily fine" means a fine for each day on which an offence is continued after conviction therefor;
- 1882 c. 56. "electric line" has the same meaning as in the Electricity Lighting Act, 1882;
- "the electricity board" means the Midlands Electricity Board;
- "enactment" includes an enactment in this Act or in any other general or local Act and any order, byelaw or regulation for the time being in force within the borough;
- "financial year" means a period of twelve months ending on 31st March;
- "former" in relation to a local government area means that area as it existed on 31st March, 1966;
- "the gas board" means the West Midlands Gas Board;
- "the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"the generating board" means the Central Electricity Generating Board;

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

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

1952 c. 55.

"the markets undertaking" means the markets undertaking of the Corporation and includes all lands, properties, buildings, apparatus, appliances, rights, powers, authorities and privileges for the time being belonging to or held or used or enjoyed by the Corporation for or in relation to or in connection with markets, cold air stores, ice making apparatus, slaughterhouses or public slaughterhouses;

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

"operational land" in relation to statutory undertakers means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

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

"the police authority" means the West Midlands Police Authority established by the West Midlands Police (Amalgamation) Order, 1966, or any other police authority of which the Corporation are a constituent council; S.I. 1966/62.

"public service vehicle" has the same meaning as in section 117 of the Act of 1960;

"the railways board" means the British Railways Board;

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

"statutory water undertakers" has the same meaning as in the provisions of the Water Act, 1945, other than those contained in Part II of that Act; 1945 c. 42.

PART I
—cont.
1878 c. 76.

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“ the transport undertaking ” means the public service vehicle undertaking and the trolley vehicle undertaking of the Corporation and includes all public service vehicles and trolley vehicles for the time being belonging to the Corporation and all lands, properties, works, buildings, machinery, plant, apparatus, appliances, rights, powers and privileges for the time being belonging to or held or used or enjoyed by the Corporation or in relation to or in connection with the said public service vehicles and trolley vehicles or for the purpose of connecting or signalling or telephonic communication with or between any street boxes, pillars, depots or between officers and servants of the Corporation in connection with the working of public service vehicles and trolley vehicles;

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

“ the tribunal ” means the Lands Tribunal.

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

Application
of Part I of
Compulsory
Purchase
Act, 1965.
1965 c. 56.

4. —(1) Part I of the Compulsory Purchase Act, 1965 (except section 4, subsection (5) of section 24, section 27 and sub-paragraph (3) of paragraph 3 of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act, 1946, applies and as if this Act were a compulsory purchase order under the said Act of 1946.

1946 c. 49.

(2) In subsection (1) of section 11 of the Compulsory Purchase Act, 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) as so applied, for the words “ fourteen days ” there shall be substituted the words “ three months ”.

1845 c. 18.

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

PART II

HEATING UNDERTAKING

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

Interpretation of Part II of Act.

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

"heating fittings" includes radiators, air heaters, water heaters, mains, pipes, meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the heating undertaking;

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

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

Works for provision of heat.

Provided that—

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

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

(c) before installing any engines or machinery for the generation of electricity (other than electricity to be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated) the Corporation shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

PART II
—cont.

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

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

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

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

- (a) required for or in connection with the heating undertaken
or
- (b) supplied to the electricity board with the approval of
the generating board;

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

(4) Before erecting or laying down any works for providing
storing, transmitting, distributing or supplying heat, the Cor-
poration shall give notice of their proposals to the generating
board, the electricity board and to such other bodies as the
Corporation may consider it appropriate to consult, together
with such information and estimates with regard to their proposals
as any of such boards or bodies may reasonably require
and, if so requested in writing by any of such boards or bodies
within fourteen days after the date of the receipt by that board
or that body of such information, the Corporation shall consult
with that board or that body as to the Corporation's proposals
and any alternative proposals which may within three months
after that date be submitted by that board or that body.

Power to buy
heat in bulk.

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

- (a) any such person may enter into any such agreement
accordingly; and
- (b) any such agreement may provide for the provision by
the Corporation or for the joint user by them and any

other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and

(c) the Corporation may let any land which they may possess to any such person to enable that person to supply heat in accordance with the agreement.

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

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

(a) such premises in the borough; and

(b) such premises owned by them outside the borough;

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

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

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

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

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

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

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

Section 22 (Power to break open streets);

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

PART II
—cont.

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

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

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

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

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

Power to lay down or erect electric lines, etc.

10.—(1) For the purposes of the heating undertaking or connection with the use or sale of electricity under the provisions of subsection (2) of section 6 (Works for provision of heat) of this Act the Corporation may lay down or erect electric lines and apparatus—

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

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

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

(2) (a) Where the Corporation in the exercise of the power of this section lay down or erect any electric line or apparatus

over any land not forming part of a street or inspect, repair, alter, renew or remove any electric line or apparatus laid down or erected in, on or over any such land, they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the laying down, erection, inspection, repair, alteration, renewal or removal of the electric line or apparatus.

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

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

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

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

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

1888 c. 12.
1947 c. 54.
1899 c. 19.
1969 c. 48.

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

(1) In any premises to which the Corporation supply Power or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such fittings.

PART II
—cont.

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

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

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

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

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

1965 c. 66.

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

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

(5) The Corporation shall so adjust the charges to be made under this section that the income therefrom will, taking one year with another, meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes thereof, establishment charges, and any sums carried to a sinking fund for repayment of moneys so borrowed and the cost of repairs or renewals.

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

(b) Without prejudice to the foregoing provisions of this subsection, the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably

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

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

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

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

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

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

14.—(1) The Corporation may, if they think fit, make an allowance by way of discount on all sums of money due to them for the Discount for prompt payment.

PART II
—CONT.

supply of heat or meter rent or for heating fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such time of demand thereof as the Corporation think fit to prescribe in behalf, and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges.

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

Power to
enter premises.

15.—(1) Subject to the provisions of this section, any authorised officer of the Corporation shall, on producing some authentic document showing his authority, have a right to enter at reasonable hours any premises to which the Corporation supplying or have agreed to supply heat under the powers of this Part of this Act, or any premises in or upon which any fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid, for the purpose of—

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

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

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

- (a) admission to any premises has been refused or refusal is apprehended or that the premises are not occupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;
- (b) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

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

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

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

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

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

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

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

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

PART II
—cont.

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

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

Notice to be given before quitting premises supplied with heat.

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

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

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

- (a) the foregoing provisions of this section, or a statement of the effect thereof; and
- (b) the address for and manner of service of a notice under this section; and
- (c) the length of notice required by the Corporation.

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

PART II
— cont.

Corporation not to be exempted from proceedings for nuisance.

Provided that this section shall not apply to the exercise by the Corporation of the powers of sections 9 (Power to lay mains, etc., and break open streets) and 10 (Power to lay down or erect electric lines, etc.) of this Act.

20—(1) In any case in which—

Modification of section 26 of Act of 1950.

(a) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act, or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and

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

the said section 26 shall be modified as follows:—

(i) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans, sections and particulars of the works;

(ii) subject to the provisions of the next succeeding paragraph the said notice shall be given not less than seven days before the works are commenced;

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

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

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

PART II
—cont.

(iv) any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 1 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(2) In this section—

“ the water undertakers ” means the statutory water undertakers for the time being authorised to supply water to the borough;

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

Purchase of
land for
heating
undertaking.

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

1946 c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land under this section and accordingly shall have effect as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

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

(b) In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act, 1946, and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect of which the easement or right is acquired, and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

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

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

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

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given

PART II
cont.

Under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house:

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

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

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

Attachment of brackets, etc.

(2) The provisions of subsections (2) to (9) of section 45 of and Schedule 4 to the Public Health Act, 1961, shall apply to any attachments affixed under subsection (1) of this section as if they were attachments affixed under subsection (1) of the said section 45 and the said provisions as so applied shall have effect with any necessary modifications including the substitution of "the Corporation" for "a street lighting authority" and the omission from subsection (9) of the definition of "street lighting".

1961 c. 64.

(3) Nothing in this section shall authorise the Corporation to affix any attachments to—

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

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

PART III

MARKETS

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

Interpretation of Part III of Act.

"the Act of 1847" means the Markets and Fairs Clauses Act, 1847;

1847 c. 14.

PART III
—cont.

- “ fair ” means a fair of the Corporation;
- “ market ” means a market of the Corporation;
- “ market house ” means market house, market hall, market building or market premises of the Corporation;
- “ market place ” means the market place of the Corporation;
- “ market stand ” means a stand, stall, shed, pen, table, compartment, standing room, station or place in any market house or market place.

Incorporation and application of Act of 1847.

24.—(1) The provisions of sections 2, 3, 14, 16 to 22, 24, 31, 33 to 42 of the Act of 1847 so far as the same are applicable for the purposes and are not inconsistent with the provisions of Part of this Act are hereby incorporated with this Act.

(2) The provisions of the Act of 1847 incorporated with this Act shall apply to the markets undertaking as if that undertaking were authorised by this Act and for the purposes of such application the following provisions shall have effect:—

- (a) in section 3 of the Act of 1847 in the definition of the word “ cart ” there shall be inserted after the word “ waggon ” the words “ and lorry ” and after the word “ carriage ” the words “ whether mechanically propelled or not ”;
- (b) the markets, fairs, market places and market houses existing at the commencement of this Act shall be deemed to have been duly opened for public use and completed and fitted for use of the persons resorting thereto and certified as being so completed and fitted and due notice of such opening shall be deemed to have been given within the meaning and for the purposes of and as prescribed by the Act of 1847;
- (c) with respect to the slaughterhouses of the Corporation existing at the commencement of this Act due notice of the readiness thereof for public use shall be deemed to have been given as prescribed by the Act of 1847;
- (d) the byelaws for the regulation of the markets and the byelaws for the management and regulation of slaughterhouses in operation at the commencement of this Act shall be deemed to be byelaws duly made within the meaning and for the purposes of sections 14 and 42 of the Act of 1847;
- (e) the rents, stallages and charges provided for by section 24 (Power to let stands, etc., in market) of this Act shall be deemed to be the stallages, rents and tolls to be taken by the undertakers within the meaning of the Act of 1847.

Except as determined by this section the provisions of the 1847 shall not apply to the markets undertaking.

PART III
—cont.

25. The markets undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held, used and enjoyed by them:

Markets undertaking to continue vested in Corporation.

Provided that as from the commencement of this Act the Corporation shall cease to be a market authority as defined in subsection (2) of section 49 of the Food and Drugs Act, 1955, in respect of any market in the borough.

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

26.—(1) The Corporation without prejudice to the generality of the provision of the last preceding section shall have the following powers in relation to the markets undertaking, namely:—

Powers of Corporation as to markets and fairs.

(a) they may continue the markets and fairs held at the commencement of this Act and may from time to time alter the places at which the markets respectively are or may be held and may establish and hold new markets and fairs and discontinue the whole or any part of such existing or new markets and fairs;

(b) they may continue and from time to time provide market places and market houses together with all such market stands, buildings, offices, approaches, appliances, car parks, conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters;

(c) they may provide and maintain weighing houses and weighing machines and all proper appliances for weighing vehicles and for weighing or measuring articles and may appoint and pay persons to attend to such weighing or measuring;

(d) they may alter, enlarge, improve, extend, reconstruct and rebuild their existing market houses, and the shops and buildings under or adjoining the same, or they may erect or provide and maintain new buildings therefor and in connection with or as part of such market house or new buildings or any market place or any of their markets or the markets undertaking they may maintain and may erect or provide offices, shops, stores, warehouses, car parks, premises for receipt of rents, stallages and charges and other tenements or buildings;

(e) they may for the aforesaid purposes or any of them or for any purpose of or in connection with any of their markets or the markets undertaking appropriate and use any lands for the time being vested in or belonging to them.

PART III
—cont.1955 c. 16.
(4 & 5 Eliz. 2.)Limits of
markets and
fairs.Public
notice of
removal of
markets, etc.Power to
let stands,
etc., in
market.Power to
take posses-
sion of
stalls, etc.,
for non-
payment of
rent, etc.Power to
let market
premises.Licence for
sale out of
market.

(2) Any cold-air store or refrigerator for the preservation of meat and other articles of food provided paragraphs (b) or (d) of subsection (1) of this section shall be provided subject to, and in accordance with, the provisions of section 80 of the Food and Drugs Act, 1955.

27. The limits of the markets and fairs shall be the limits of the borough.

28.—(1) At least one month before the Corporation publishes notice of any place in which markets are held under the powers of this Act, they shall publish in one or more local newspapers circulating in the borough and by placards affixed to conspicuous places in the borough notice of their intention to alter such market.

(2) Either—

(a) a copy of any such newspaper containing any such notice; or

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

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

29. The Corporation may let for such term as they may think fit or grant a licence to use, any stall, standing, shop, bench, space of ground or other convenience or accommodation in the market or fair in the borough upon such terms and conditions as the Corporation think fit.

30. If any tenant or licensee shall on demand thereof fail to pay the same shall have become due and payable make default in the payment of any rent, stallage or charge for any market stand, the Corporation may enter upon and take possession of such stand and relet the same without prejudice to any other remedy for the recovery of such rent, stallage or charge.

31. The Corporation may from time to time let to any person any market house for any time not exceeding three years at such rent and on such terms (pecuniary or otherwise) and conditions as the Corporation may deem expedient.

32.—(1) The Corporation may from time to time, if they think fit, grant to any person a licence to sell or expose any goods in a place other than a market place or market house or

any commodity or animal in respect of the sale or exposure for sale whereof in any market place or market house or in respect of the user of any market stand or other convenience for the sale or exposure for sale whereof in any market place or market house any rent, stallage or charge is payable to the Corporation.

(2) Every such licence may (subject to the provisions of subsection (3) of this section) be granted on such terms and conditions as the Corporation think fit and so as to endure for a period not exceeding twelve months and to be revocable in such circumstances as the Corporation may prescribe.

(3) The Corporation may demand and take for every such licence a sum not exceeding five pounds per annum.

(4) If any person does any act for which such a licence is required without having obtained such a licence or contravenes any term or condition of the licence granted to him he shall be liable on summary conviction to a fine not exceeding two pounds for every day on which any such offence is committed by him.

33. Every marketable article brought into any market and left therein after the hour of closing (except such as are left in charge of the superintendent of the market) may be taken possession of by the superintendent and if the same, being of a perishable nature, are not claimed within one hour after the closing or, not being of a perishable nature, are not claimed within one month thereafter then and in every such case, the same may be sold by the Corporation who shall return the surplus proceeds of such sale, after deducting any unpaid rent or stallage due in respect thereof and the expenses of detention and sale, to the owner on demand if such demand is made within one month after the sale but if demand is not so made the proceeds of sale shall be forfeited to the Corporation.

Forfeiture of articles left in market.

34. Nothing in this Part of this Act shall interfere with the lawful exercise of their calling by hawkers or pedlars duly licensed or certificated under any Act relating to such calling.

35. The Corporation may permit any market place or any land used for the purpose of any market and any open land adjoining thereto to be used for public meetings, public services, public speaking and public lectures and for entertainment and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto.

As to public meetings, etc.

PART IV

TRANSPORT

Interpretation
of Part IV
of Act.

36. In this Part of this Act—

“ highway authority ” means—

(a) in the case of a trunk road the Minister of Transport or, with his consent, the authority who for the time being acting as his agent under the Act of 1959 with respect to that road;

(b) in the case of any other highway the authority (being either the council of a county, the council of a borough or the council of an urban district) which is responsible for the maintenance of the highway;

“ local authority ” means the council of a county borough or county district;

“ trolley vehicle ” means a mechanically propelled vehicle which is adapted for use without rails upon roads and which is moved by electrical power transmitted therefrom from some external source or in case of emergency or the use of the vehicle on part of any route or during the turning of the vehicle by some other means;

“ trolley vehicle equipment ” means and includes all poles, standards, brackets, cables, conductors, main transformers, feeders, wires and other apparatus equipment for the purpose of working and lighting trolley vehicles.

Transport undertaking to continue vested in Corporation.

37. The transport undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and shall be held, used and enjoyed by them.

Public service vehicles

Power to run public service vehicles.
1930 c. 43.

38. The Corporation shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act, 1930 (which authorises the running of public service vehicles by local authorities).

Trolley vehicles

Power to use trolley vehicles.

39. The Corporation may provide, maintain and use (but shall not manufacture) trolley vehicles and may use the same upon the routes in the borough described in Schedule 1 to this Act.

PART IV
—cont.

Power to provide trolley vehicle connecting routes.

(1) With the consent of the Minister of Transport and (in the case of a street or road outside the borough) of the local authority and the highway authority the Corporation may use trolley vehicles along any street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of connecting any trolley vehicle route with any depot, garage, building or work of the Corporation and for the purposes of this section the Corporation may exercise the powers and shall be subject to the provisions of this Act relative to the provision, maintenance and use of trolley vehicle equipment:

Provided that—

- (a) when applying to the local authority and the highway authority for their consent under this section the Corporation shall submit plans of their proposals to such local authority and highway authority and to the chief constable of the county in which the turning point is to be situate;
- (b) before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for his approval.

(2) Nothing in this section shall empower the Corporation to use trolley vehicles along any street or road for the purpose of connecting trolley vehicle routes or of connecting any trolley vehicle route with any depot, garage, building or work of the Corporation where the distance between the points to be connected exceeds a mile:

Provided that the Corporation shall not under the provisions of this section use trolley vehicles for the said purposes along any street or road outside the borough for a greater distance than half a mile in respect of any route.

(1) (a) If at any time the Corporation desire to provide, equip, maintain and use trolley vehicles upon any road dedicated to the public use, whether within or outside the borough not forming part of any trolley vehicle route for the time being authorised, they may make application to the Minister of Transport and the said Minister is hereby empowered to make an order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the said Minister may

Minister may authorise new trolley vehicle routes.

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—cont.

deem expedient and subject to the terms of the order the provisions of this Act shall apply as if the use of trolley vehicle on such road were authorised by this Act.

(b) No order authorising the use of trolley vehicles on a road in a district outside the borough shall be made without the consent of the local authority of such district and (where the local authority are not the highway authority) without the consent of the highway authority:

Provided that the consent of a highway authority (not being the local authority of the district) shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the said Minister.

1945 c. 18.
(9 & 10 Geo. 6.) (2) An order made under this section shall be subject to special parliamentary procedure and Schedule 1 to the Statutory Orders (Special Procedure) Act, 1945 (which prescribes the notices to be given and other requirements to be complied with before an order is made) shall in its application to any such order have effect as if paragraph 1 of the said Schedule included a provision requiring the Corporation to comply with any directions which may be given by the said Minister as to posting and maintaining notices giving the purport of the application in relation to any road or roads to which it relates in that road or in those roads.

1878 c. 76. (3) The expression "Act of Parliament" in section 7 of the Telegraph Act, 1878 (which makes provision as to works done in pursuance of Acts of Parliament involving any telegraphic lines) shall be construed as including any order made under this section authorising the execution of works.

Use of parking place as trolley vehicle station.

1930 c. 43.

42.—(1) The parking place in St. Paul's Street in the borough known as the "Central Bus Station" which the Corporation have appointed by an order under section 90 of the Road Traffic Act, 1930 (which order has effect by virtue of subsection (2) of section 110 of and paragraph 1 of Schedule 8 to the Act of 1967) as a station for public service vehicles, may be used as a station for trolley vehicles, and the Corporation may use trolley vehicles along each and every loading bay thereof.

(2) Subsection (5) of section 31 of the Act of 1967 (which prohibits persons employed in connection with vehicles used as a parking place plying for hire or accepting passengers for hire) shall not apply to trolley vehicles of the Corporation.

(3) Any regulations made by the Corporation under section 32 of the Act of 1967 and for the time being in force relating to the use of accommodation provided at the station

parking place shall apply with any necessary modifications to such accommodation at the said parking place, notwithstanding that the said parking place is used as a station for trolley vehicles.

(4) Section 33 of the Act of 1967 shall in relation to the said parking place have effect as if after the words "public service vehicles" wherever those words occur, there were inserted the words "and trolley vehicles".

3. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the trolley vehicles:—

Special provisions as to use of electrical power.

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Corporation shall take all reasonable precautions in constructing, placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes, structures or substances or to interfere with the working of any wire, line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic, telephonic or electric signalling communication or the currents in such wire, line or apparatus:

(3) The electrical power shall be used only in accordance with the regulations of the Minister of Transport and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes, structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires, lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire, line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires, lines and apparatus of other parties and the currents therein as may be prescribed by the regulations of the Minister of Transport and in prescribing such means the Minister of Transport shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

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—cont.

(5) If any difference arises between the Corporation and another party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Minister of Transport or at the option of the said Minister by an arbitrator to be appointed by the said Minister.

Mechanical power works to be subject to section 30 of Tramways Act, 1870.
1870 c. 78.

44. All works to be executed by the Corporation in any street or road for working trolley vehicles by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act, 1870, as if they had been therein expressly mentioned.

Passengers' luggage.

45. Every passenger travelling upon the trolley vehicle of the Corporation may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage remains under the personal charge of the passenger and be of a description not to annoy or inconvenience other passengers.

Rates for goods.

46. The Corporation may demand and take in respect of animals, goods and parcels conveyed by them on the trolley vehicles of the Corporation including every expense incidental to the conveyance such rates or charges as the Corporation may from time to time prescribe.

Corporation not bound to carry animals and goods.

47. The Corporation shall not be bound unless they think fit to carry on the trolley vehicles of the Corporation any goods, animals or other things other than passengers and their luggage under and subject to the foregoing provisions of this Act.

As to electrical works.

48.—(1) The Corporation may in, under or over the surface of the streets along or adjoining those along which they are authorised to run the trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station, place, erect and maintain all necessary and proper standards, brackets, conductors, mains, cables, wires, posts, poles and other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power, and may for that purpose subject to the provisions contained in Part II of the Tramways Act, 1870, and in this Act open, break up any such street, and any sewers, drains, water pipes, tubes, wires, telephonic and telegraphic apparatus, the surface or thereunder and may supply electrical energy outside the borough for the purpose of working the trolley vehicles.

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Provided that—

(a) no post or other apparatus shall be erected upon the carriageway of any street, except with the consent of the Minister of Transport;

(b) no advertisements other than notices referring to the running of the trolley vehicles of the Corporation shall, without the consent of the highway authority, be exhibited on any post or other apparatus used for working such vehicles.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936, to which the provisions of section 15 of the Electric Lighting Act, 1882, apply. 1882 c. 56.

49. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided, erected or maintained by them for the purpose of working the trolley vehicles, and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a fine not exceeding twenty pounds. Corporation to have exclusive right of using apparatus for working trolley vehicles.

50. The following provisions of the Tramways Act, 1870, are hereby incorporated with this Act and shall apply to the provision, maintenance and running of trolley vehicles authorised by this Act, and such provisions shall be read and have effect as if the works to be constructed in the footpaths or carriageways of the streets for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways:— Application of certain provisions of Tramways Act, 1870, to trolley vehicles. 1870 c. 78.

Part II (Relating to the construction of tramways), except sections 25, 28 and 29;

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to licence drivers, conductors, &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 53 (Penalty for bringing dangerous goods on the tramway);

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- Section 55 (Promoters or lessees to be responsible for damages);
- Section 56 (Recovery of tolls, penalties, &c.);
- Section 57 (Right of user only);
- Section 60 (Reserving powers of street authorities to and &c., roads); and
- Section 61 (Power for local or police authorities to regulate traffic in roads).

Duties on
licences for
trolley
vehicles.

51. Nothing in this Part of this Act shall in any way affect duties of excise now payable by law on licences to be taken out for the trolley vehicles authorised by this Act as carriages, light locomotives or hackney carriages.

For protection
of Post Office.

1878 c. 76.

1870 c. 78.

52.—(1) Notwithstanding anything in this Act contained in any of the works authorised to be executed by this Act, or is likely to involve any alteration of any telegraphic belonging to or used by the Post Office the provisions of section of the Telegraph Act, 1878, shall apply (instead of the provision of section 30 of the Tramways Act, 1870) to any such alteration.

(2) In the event of the trolley vehicles authorised by Act being worked by electricity the following provisions shall have effect:—

(a) The Corporation shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Post Office and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Post Office and the Corporation as to compliance with this paragraph shall be determined by arbitration:

(b) If any telegraphic line of the Post Office is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of their undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Post Office as may be necessary to remove such injurious affection:

(c) Before any electric line is laid down or any act or work for working the trolley vehicles by electricity is done within 10 yards of any part of a telegraphic line of the Post Office (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Post Office specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Post Office for the purpose of preventing any telegraphic line of the Post Office from being injuriously affected by the said act or work. Any difference which arises between the Post Office and the Corporation as to any requirement so made shall be determined by arbitration:

(d) If any telegraphic line of the Post Office situate within one mile of any portion of the works of the Corporation is injuriously affected and it is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their transport undertaking the appropriate telephone manager or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such telephone manager or such appointed person as aforesaid make any electrical tests required by the Post Office and shall produce for the inspection of the Post Office the records kept by the Corporation pursuant to the regulations of the Minister of Transport:

(e) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the fine is claimed was required to avoid an accident or otherwise

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—cont.

was a work of emergency and that they forthwith served on a postmaster or sub-postmaster or the telephone manager for the area within which the act or work was done a notice of execution thereof stating the reason for doing or executing the same without previous notice.

(3) For the purposes of this section a telegraphic line of the Post Office shall be deemed to be injuriously affected by act or work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such act or work or by any use made of such work.

1878 c. 76.

(4) For the purposes of this section and subject as therein provided sections 2, 10 and 12 of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act.

1868 c. 119.

(5) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Corporation and their agents were a company within the meaning of that Act.

(6) Nothing in this section contained shall be held to deprive the Post Office of any existing right to proceed against the Corporation by indictment, action or otherwise in relation to any of the matters aforesaid.

(7) In this section the expression "the Corporation" includes their lessees and any person owning, working or running carriages on the trolley vehicle routes.

Use of trolley vehicles for carriage of road materials, etc.

53. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and any byelaws for the time being in force with respect to trolley vehicles) use the trolley vehicles authorised by this Act for scavenging or road watering purposes and for the conveyance of scavenging stuffs, road metal and other materials required for the works of the Corporation free of all tolls, rates and charges in respect of such use.

Power to lease and make agreements for provision and working, etc., of trolley vehicles and interchange of traffic.

54.—(1) The Corporation may enter into agreements with any person or persons, company or companies with respect to the following purposes or any of them, that is to say:—

- (a) the provision of electrical equipment, maintenance, management and repair of the trolley vehicles by the Act authorised;
- (b) the use, working and leasing of any such trolley vehicle and the conveyance of traffic thereon;

(c) the supply of electrical energy for working any such trolley vehicles;

(d) the interchange, accommodation, conveyance transmission and delivery of traffic arising from or destined for the respective undertakings of the contracting parties;

(e) the payment, collection and apportionment of tolls, fares, rates and charges, rent or other receipts arising from such respective undertakings:

Provided that for the purpose of calculating the maximum fares, rates and charges payable in respect of passengers and parcels conveyed partly on the trolley vehicles by this Act authorised and partly on the trolley vehicles of the other party contracting with the Corporation such trolley vehicles shall during the continuance of any such lease or agreement be deemed to be one system.

(2) Any agreement under paragraph (b) of subsection (1) of this section shall be subject to the approval of the Minister of Transport and every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term therein specified not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed.

(3) Any electrical energy supplied under this section or any agreement made thereunder shall be so supplied and any works for the purpose of such supply shall be so constructed as to prevent any interference with telegraphic communication by means of any telegraphic line of the Post Office.

55. The trolley vehicles of the Corporation shall not be deemed to be motor cars or light locomotives within the meaning of the Act of 1960 or of the regulations made thereunder.

Trolley vehicles not to be deemed light locomotives or motor cars.

56. Notwithstanding anything contained in any other enactment the Corporation may demand and take for passengers' animals, goods and parcels carried on their trolley vehicles such fares and charges as they may think fit.

Fares and charges on trolley vehicles.

57. Section 147 of the Act of 1960 shall have effect as though the expression "public service vehicles" included trolley vehicles of the Corporation and any regulations for the time being in force under the said section shall with any necessary adaptation and subject to any express provision of the regulations be construed accordingly.

Regulations as to conduct of passengers in trolley vehicles.

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--cont.

Approval of
trolley
vehicles by
Minister of
Transport.

58.—(1) The trolley vehicles and the electrical equipment thereof used by the Corporation under the authority of an enactment shall be of such form, construction, weight and dimensions as the Minister of Transport may approve and no vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

(2) Before applying to the Minister of Transport for approval of the weight of any trolley vehicles to be used upon a road which crosses a bridge belonging to and repairable by railways board the Corporation shall give to that board notice of the weight of the trolley vehicles proposed to be used on them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by that board to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight:

Provided that notice of such objections shall be forwarded to that board to the Corporation at the same time as the same are submitted to the Minister of Transport.

Stopping and
starting
places.

59.—(1) The Corporation may appoint the places from which the trolley vehicles of the Corporation shall start or at which they may stop for the purposes of taking up or setting down passengers.

(2) In the exercise of the powers of this section the Corporation shall not appoint any place the use of which would interfere with the access to or exit from any station or depot of the railways board without the consent of the railways board which consent shall not be unreasonably withheld.

(3) Any question whether a consent required by this section has been unreasonably withheld shall be referred to and determined by the Minister of Transport.

General

Payment of
fares, rates
and charges

60. The fares, rates and charges authorised in respect of the transport undertaking shall be paid to such persons and at such places upon or near to the trolley vehicles or public service vehicles by this Act authorised and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares, rates and charges appoint.

Prepayment
of fares and
sale of
tickets.

61.—(1) (a) The Corporation may provide and maintain on—
(i) any parking place provided by the Corporation under section 28 of the Act of 1967, and appointed under section 33 of that Act as a station for public service vehicles, or under section 42 (Use of parking place as trolley vehicle station) of this Act as a station for trolley vehicles;

(ii) (with the consent of the local authority concerned) any parking place provided by a local authority under section 28 of the Act of 1967, and appointed under section 33 of that Act as a station for public service vehicles; and

(iii) any private land by agreement with the owner thereof; offices, kiosks and other buildings for the purpose of selling tickets entitling persons to travel on any public service vehicle or trolley vehicle operated by the Corporation.

(b) The Corporation may in association with any shelter or other accommodation provided by them in any street forming part of an authorised route of the Corporation, provide and maintain an office, kiosk or other building for the purpose of selling such tickets as aforesaid.

(2) The Corporation shall not exercise the powers of this section in any district outside the borough without the consent of the local authority of such district, and (where the local authority are not the highway authority) the Corporation shall not exercise the powers of paragraph (b) of subsection (1) of this section on any street in such district without the consent of the highway authority:

Provided that—

(a) the consent of the local authority may be given subject to any conditions which may be agreed between the local authority and the Corporation; and

(b) the consent of the highway authority (not being the local authority of the district) shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(3) In this section “ authorised route ” means—

(a) in relation to public service vehicles any route authorised for public service vehicles by any enactment or by the traffic commissioners; and

(b) in relation to trolley vehicles any route authorised for trolley vehicles by any enactment or by the Minister of Transport.

62.—(1) Where any tree overhangs any highway along their trolley vehicle or public service vehicle routes which may in any way interfere with the construction or working of the trolley wires or with the clear and safe passage of trolley vehicles or public service vehicles and the passengers thereon, the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such obstruction or

Trees overhanging highways.

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—cont.

interference, and in default of compliance the Corporation may themselves carry out the requisition of their notice doing unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a magistrates' court with seven days after the service of such notice, provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk, and the court shall have power to make such order as the court may think fit, and to award cost

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

(4) The reasonable expenses incurred by any person in carrying out the requisition of any notice served under subsection (1) of this section shall be repaid to him by the Corporation from the revenue of the transport undertaking.

Penalty for malicious damage.

63. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the trolley vehicles by this Act authorised anything which is calculated to interfere with the maintenance or working of such trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be liable to a fine not exceeding twenty pounds.

Through trolley vehicles and public service vehicles.

64. Notwithstanding any provision to the contrary contained in any enactment relating to the transport undertaking, but subject to the provisions of Part III of the Act of 1960 the Corporation may run through trolley vehicles and public service vehicles along any of the authorised trolley vehicle and public service vehicle routes respectively, or any specified portion thereof and the Corporation may demand and take from all passengers by such through vehicles irrespective of their destination, a fare or charge not exceeding the maximum fare which the Corporation are empowered to charge for and in respect of the whole of such route or the whole of the portion thereof traversed by any such vehicle.

Cloakrooms, etc.

65.—(1) The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles, tricycles and other vehicles at any depot or building used by them in connection with the transport undertaking and at any places on the routes of the trolley vehicle or public service vehicles of the Corporation, and the Corporation may make charges for the use of such cloak-rooms, rooms and sheds and for the deposit of articles and things and bicycles, tricycles and other vehicles therein, but shall not use for the purpose any part of the highway without the consent of the highway authority nor so as to interfere with the access or exit from any station or depot of the railways board.

(2) Any consent required by the foregoing subsection shall not unreasonably be withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything placed in a highway under the powers conferred by this section if reasonably required to do so by the person giving the consent.

(3) Any question whether a consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions shall—

(a) in the case of a consent of the Minister of Transport be referred to and determined by arbitration;

(b) in the case of any other consent be referred to and determined by the Minister of Transport.

66.—(1) Notwithstanding anything contained in any enactment but subject to the provisions of Part III of the Act of 1960, the Corporation may on any occasion—

(a) run and reserve—

(i) trolley vehicles on any of the routes of the trolley vehicles of the Corporation; and

(ii) public service vehicles on any of the routes of the public service vehicles of the Corporation;

or elsewhere whether within or outside the borough for any special purpose which the Corporation may consider necessary or desirable;

(b) run temporary and special services of public service vehicles along any route outside the borough with the consent of the local and highway authorities.

(2) During the running of such special trolley vehicles or public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles or public service vehicles.

(3) (a) Where a trolley vehicle or a public service vehicle has been reserved for any special purpose and a conspicuous notice to that effect has been placed upon the vehicle no person other than a person for whose conveyance the vehicle is reserved shall enter or attempt to enter such vehicle.

(b) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding twenty pounds.

67.—(1) The Corporation may attach to any lamp-post, pole, standard or other similar erection erected on or in the highway on or near to the route of any of their trolley vehicles or public service vehicles signs or directions indicating the position of stopping places for trolley vehicles or public service vehicles:

Provided that in cases where the Corporation are not the owners of such lamp-post, pole, standard or similar erection they shall

Power to reserve vehicles for special purposes.

Attachment of signs indicating stopping places to lamp-posts, etc.

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—cont.

give notice in writing of their intention to attach thereto any sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post, pole, standard or similar erection by such attachment, and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post, pole, standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole, post or standard belonging to the Post Office, except with its consent in writing or belonging to the railway, except with their consent in writing.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Act of 1967, and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

(5) Nothing in this section shall authorise the Corporation to affix any attachments to any lamp-post, pole, standard or similar erection comprised in—

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

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

Power to require intending passengers to wait in lines or queues.

68.—(1) For the better regulation of persons desiring to travel in the trolley vehicles or public service vehicles of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may, with the consent of the road authority, use part of the highway, and the Corporation may make byelaws requiring persons waiting to enter the trolley vehicles or public service vehicles of the Corporation at any stopping place or terminus to wait in lines or queues and to enter such cars, vehicles or public service vehicles in the order in which they stood in such line or queue.

(2) In the exercise of the powers of this section the Corporation shall not erect any barriers or posts so as to interfere with access to or exit from any station or depot of the railway, without the consent of the railways board which consent shall not be unreasonably refused.

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—cont.

Byelaws as to purchase of tickets and use of stations, etc.

(1) The Corporation may make byelaws—

(a) for regulating the conduct of persons waiting to purchase tickets at any office, kiosk or other building provided in accordance with the provisions of section 61 (Prepayment of fares and sale of tickets) of this Act and the priority of obtaining such tickets:

Provided that before making any byelaws under this paragraph which will have effect in any district outside the borough the Corporation shall send a copy of the draft of the byelaws to the local authority of that district and to the chief constable of the county in which such district is situate each of whom shall be entitled to make representations to the Corporation with respect thereto and when submitting any such byelaws to the Minister of Transport for confirmation the Corporation shall send to the said Minister a copy of such representations and a statement showing the effect (if any) given to such representations;

(b) for prohibiting any person from entering any public service vehicle or trolley vehicle operated by the Corporation at any places where the Corporation have provided any office, kiosk or other building in accordance with the provisions of the said section 61 of this Act until such person has purchased a ticket for the journey to be made by such public service vehicle or trolley vehicle;

(c) for regulating the conduct of persons using—

(i) public service vehicle and trolley vehicle stations, shelters and conveniences provided by the Corporation; and

(ii) other premises forming part of the transport undertaking of the Corporation to which the public have access;

(d) for prescribing the manner in which the public service vehicles and trolley vehicles operated by the Corporation are to be entered and left;

(e) for prohibiting the use by any unauthorised person of apparatus or equipment on any public service vehicle or trolley vehicle operated by the Corporation.

(2) Any byelaw made under paragraph (a) of subsection (1) of this section may require queues or lines to be formed and kept by the persons waiting and the Corporation may erect and maintain such fences, barriers and posts as appear to the Corporation to be necessary for the purpose of securing compliance with any such byelaw.

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—cont.

(3) The Corporation shall not erect any fences, barriers posts under the powers of subsection (2) of this section—

(a) in any street outside the borough without the consent of the local authority of the district and (where the local authority are not the highway authority) without consent of the highway authority; or

(b) on any private land without the consent of the owner.

Provided that the consent of the highway authority (not being the local authority of the district) shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

Accounts to be furnished to Minister of Transport.

70. The Corporation shall every year within three months after the close of their financial year, or such longer period as the Minister of Transport may allow, furnish to the Minister of Transport a copy of the annual accounts of the undertaking of the Corporation.

For protection of British Waterways Board.

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

(1) (a) All works by this Part of this Act authorised where the same shall be made upon, across, under or over bridge or the approaches thereto or other work belonging to or maintainable by the board or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge, approaches or other work and according to plans, sections and specifications to be previously submitted to and reasonably approved by the board or in case of difference between them and the Corporation determined by arbitration:

Provided that if the board do not within twenty days after such submission signify their disapproval of such plans, sections and specifications they shall be deemed to have approved thereof;

(b) All such works shall be executed according to the plans, sections and specifications so approved or determined and under the superintendence (if the same be given) and to the reasonable satisfaction of the board;

(c) The Corporation shall so maintain and use the work apparatus and trolley vehicles authorised by this Part of this Act as not to injuriously affect any such bridge, approaches or other work and in the event of injury being occasioned to such bridge, approaches or other work by the construction, maintenance, removal or use

of the works, apparatus and trolley vehicles upon, across, under or over the same the board may make good the injury and may recover from the Corporation the reasonable expenses of so doing:

(2) The Corporation shall not in any manner in the execution, maintenance, repair or user of any of their works, apparatus or trolley vehicles obstruct or interfere with the free, uninterrupted and safe user of any canal or other work belonging to the board or any traffic thereon:

(3) The Corporation shall be responsible for and make good to the board all losses, damages and expenses which may be occasioned to the board or any of their works or property or to the traffic on their canals or to any company or person using the same by or by reason of the execution, failure or user of any of the intended works, apparatus or trolley vehicles or by or by reason of any act, default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the board from all claims and demands upon or against them by reason of such execution, failure or user or of any such act, default or omission:

(4) If the board shall hereafter in the exercise of their existing powers require to widen, lengthen, strengthen, reconstruct, alter or repair any such bridge under, along or over which the works and apparatus are laid or the approaches thereto or to widen or alter any canal thereunder or thereover and if it shall be necessary for such purpose that such works and apparatus be temporarily taken up, diverted or removed and if the board accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up, diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up, diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall at the like expense be restored with all practicable dispatch and the board shall not be liable to pay compensation in respect of such stoppage, delay or taking up, diversion or removal:

PART IV
—cont.

- (5) The Corporation shall from time to time pay to the board any additional expense in connection with the reconstruction, widening, alteration, maintenance or repair of any of the bridges of the board reasonably incurred by the board and necessitated by the existence along or over any such bridge of poles, wire-works authorised by this Act:
- (6) If and when the board shall require to reconstruct, all repair or paint any bridge under, along or over which any electric wire of the Corporation has been placed, the Corporation shall in order to ensure the safety of workmen employed in such reconstruction, alteration, repairing or painting cut off the electric current from the trolley wires under, along or over such bridge at such time as shall be agreed between the Corporation and the engineer of the board or failing agreement as shall be determined by arbitration under this section, unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer:
- (7) The Corporation shall not for the purposes of this Act make attachments to any part of the works or bridges of the board without the consent in writing of the engineer of the board (which consent shall not be unreasonably withheld) such attachments allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed any time when required by him in connection with the maintenance and reconstruction or alteration of the works or bridges:
- (8) Any difference which may arise between the Corporation and the board under this section shall be determined by arbitration.

Saving for
Transport Act
1968.
1968 c. 73.

72. Nothing in this Part of this Act shall prejudice the power of the Minister of Transport under Parts II and III of the Transport Act 1968.

PART V
LANDS

Interpretation
of Part V
of Act.

73. In this Part of this Act unless the context otherwise requires—
“ the bishop ” means the Lord Bishop of Lichfield for the time being and during a vacancy in the see of Lichfield includes the guardian of the spiritualities thereof;
“ the burial ground ” means the portion of the burial ground belonging to All Saints Church, Bloxwich in the borough delineated on the deposited plans and numbered 2.

PART V
—cont.

Appropriation and use of parts of arboretum and Elmore Green.

(1) Notwithstanding anything contained in any other enactment or rule of law (or in respect of the arboretum any restriction contained in the conveyance) the Corporation may appropriate and use the parts of Elmore Green and of the arboretum delineated on the deposited plans and thereon numbered 1 and 6 respectively for highway purposes free from any beneficial interest or other right therein of the public or the inhabitants at large.

(2) In this section—

“the arboretum” means the land known as the Arboretum in the borough and used as public walks or pleasure grounds in accordance with the provisions of the conveyance;

“the conveyance” means the conveyance dated 19th July, 1884, and made between the right honourable Edward Richard Baron Hatherton of the one part and the Corporation of the other part;

“Elmore Green” means the open space in the borough lying between Elmore Green Road and Elmore Row.

15.—(1) Subject to the provisions of this Act the Corporation may enter upon, take and use—

Power to acquire land.

(a) number 44 Walsingham Street for the purposes of the Act of 1957;

(b) the burial ground for highway purposes.

(2) The powers of the Corporation for the compulsory acquisition of lands under this section shall not be exercised after the 31st December, 1972:

Provided that the Minister of Transport may by order from time to time extend the period for the exercise of the powers of the Corporation for the compulsory purchase of the burial ground under this section.

(3) In this section “number 44 Walsingham Street” means the premises in the borough known as number 44 Walsingham Street delineated on the deposited plans and thereon numbered 3.

16.—(1) As from the commencement of this Act burials in the cemetery in the borough known as the Queen Street Cemetery and numbered 5 on the deposited plans shall be wholly discontinued.

Use of certain burial grounds.

(2) The Corporation may exercise in respect of—

(a) the cemetery referred to in subsection (1) of this section; and

PART V
—cont.

1954 c. xliii.

1906 c. 25.

Correction
of errors in
deposited
plans and
book of
reference.

(b) the burial ground in the borough known as the Street Burial Ground and numbered 496 on the plans which were deposited with the town clerk for the purposes of the Walsall Corporation Act, 1954;

all the powers given to local authorities by the Open Spaces Act, 1906, respecting open spaces and burial grounds.

77.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that a misstatement or wrong description arose from mistake, they shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

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

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Power to use
burial ground
for highway
purposes.

78.—(1) Notwithstanding anything contained in any enactment but subject to the provisions of this Act, it shall be lawful at any time after the commencement of this Act to use, deal with or dispose of the burial ground for highway purposes in like manner as if no part thereof had ever been used or set apart for the purpose of burial of human remains.

(2) As from the date on which the Corporation use, deal with or dispose of the burial ground under the powers of this section for highway purposes the burial ground shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which immediately before the commencement of this Act attached to the burial ground under ecclesiastical law or otherwise and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are in the burial ground and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the commencement of this Act attached thereto.

PART V
—cont.

Removal of
human
remains.

(1) Before the burial ground is used for highway purposes the Corporation shall remove or cause to be removed therefrom the remains of all deceased persons interred therein:

Provided that if it appears to the Secretary of State that compliance with any of the requirements of this subsection is in all the circumstances unnecessary in relation to all or any of the remains, he may dispense (on such conditions, if any, as he thinks fit) with compliance with those requirements in relation to those remains.

(2) (a) Before proceeding to remove any such remains the Corporation shall give notice of their intention so to do by publishing a notice in manner provided in paragraph (b) of this subsection in at least two local newspapers circulating in the borough and shall display a like notice in a conspicuous place in the burial ground and such notice shall have embodied in it the substance of subsections (3), (4), (5), (6), (7), (8) and (9) of this section.

(b) The notice referred to in paragraph (a) of this subsection shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(3) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose (but subject as hereinafter mentioned to any regulations made by the Corporation) within two months from the date of such last-mentioned notice to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may lawfully take place but in the case of a churchyard only with the consent of the incumbent of the benefice concerned.

(4) If any person giving such notice as aforesaid fails to satisfy the Corporation that he is such personal representative or relative or if the claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Lichfield who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(5) The expenses of a removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

PART V
—cont.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such a notice has been given the person giving it or, as the case may be, the person specified in any order made under subsection (4) of this section fails to comply with either a provision of this section or a regulation of the bishop, the Corporation may, without any faculty for the purpose, remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as, subject to the consent of the bishop, the Corporation thinks suitable for the purpose, but in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall also be required.

(7) Upon any removal of remains from any part of the burial ground, the Corporation shall deposit with the Registrar General a certificate of removal and reinterment giving the dates of removal and reinterment respectively, identifying the place from which the remains were removed and the place in which they are to be reinterred and showing the particulars of each removal separately.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall, at the expense of the Corporation be removed and re-erected at the place of reinterment of such remains or at such place as the bishop may direct on the application (if any) of such personal representative or relative as aforesaid or, failing such application, on the application of the Corporation, and the Corporation shall cause a record to be made of such monuments and tombstones, showing their situation when re-erected showing the particulars, respecting each monument and tombstone as a separate entry, and such record shall be deposited with the Registrar General.

Provided that in the case of a monument or tombstone in respect of which no application is made by such personal representative or relative as aforesaid, it shall not be necessary to re-erect the monument or tombstone if the Corporation considers that by reason of its ruinous condition it is unsuitable for re-erection, and any such monument or tombstone may be disposed of in such manner as the Corporation may determine.

(9) The removal of the remains of any deceased person under this section shall be carried out in accordance with any conditions which the Secretary of State may impose.

Power to
sell lands
known as
Sand Bank.

80. The Corporation may sell all or any part of the piece of land situate between Wolverhampton Road and Elmore Grove Road in the borough and known as Sand Bank and purchase the land so sold for recreation purposes but not so used and shall apply the proceeds of such sale in or towards the purchase of land for recreation purposes.

PART V
—cont.

81.—(1) The Corporation and the owners of the Bloxwich Church of England Schools may enter into and fulfil agreements for the exchange of land the Corporation conveying to the said owners part of the Bloxwich recreation ground not exceeding 600 square yards and the said owners conveying to the Corporation part of their land adjoining the said recreation ground.

Exchange of land with owners of Bloxwich schools.

(2) Land conveyed by the Corporation in pursuance of this section shall cease to be subject to the covenants contained in the conveyance of that land to them restricting the purposes for which it may be used but it shall be held upon the same trusts and subject to the same conditions and provisions as if it had been included in the deed of grant dated 19th May, 1849, from George Augustus Frederick Henry Earl of Bradford and Orlando George Charles Bridgeman commonly called Lord Viscount Newport to the minister and chapel wardens of the chapelry district of Bloxwich in the parish of Walsall.

(3) Land conveyed to the Corporation in pursuance of this section shall cease to be subject to the trusts, conditions and provisions to which it was subject whilst owned by the owners of Bloxwich Church of England Schools and shall be subject to the same conditions restricting the purpose for which it may be used as the remainder of the Bloxwich Recreation Ground.

82.—(1) The Corporation may from time to time—

Use of Delves Green.

(a) appropriate and use part of Delves Green for the purpose of making or widening streets;

(b) appropriate and use part thereof for the purposes of the Act of 1957;

(c) sell, lease or exchange parts thereof;

Provided that

(i) the total area in respect of which the Corporation may exercise the powers of this subsection shall not exceed 1 acre; and

(ii) whenever the Corporation exercise the powers of this section in reference to a part of Delves Green they shall add to that green a piece of land not being less in area than the part appropriated, used, sold, leased or exchanged and the piece of land so added shall be deemed to be part of Delves Green.

(2) In this section “Delves Green” means the lands in the borough numbered 8 on the plans deposited for the purposes of the Walsall Corporation Act, 1939.

1939 c. lxxxii

PART V
—cont.

Power to
enforce
restrictive
covenants.
1939 c. lxxxii.

83.—(1) Where before the passing of the Walsall Corporation Act, 1939, the Corporation sold land for building purposes and on such sale the purchaser entered into a covenant with the Corporation restrictive of the user of such land expressed to be for the benefit of other lands sold or to be sold by the Corporation they shall have power to enforce such covenant against any person deriving title under such purchaser notwithstanding that the Corporation have ceased to be in possession of or interested in a land for the benefit of which the covenant was entered into in a like manner and to the like extent as if they were possessed of or interested in such land.

1925 c. 22.
1926 c. 11

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

(3) This section shall not apply to a covenant unless the covenant was registered as a local land charge within three months from 28th July, 1939.

Disposal of
land.

84. In respect of land acquired by the Corporation under any enactment for the benefit, improvement or development of the borough section 165 of the Act of 1933 shall have effect with the omission of the words "and which is not required for the purpose for which it was acquired or is being used".

Provision of
substituted
sites.

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

Power to
reinstate
owners or
occupiers of
property.

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

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

Agreements
with adjoining
owners.

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

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

PART V
—cont.

Reservation of easements, etc., by Corporation.

88. On selling any land the Corporation—

- (a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;
- (b) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and, without prejudice to the generality of the foregoing words of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

Undertakings and agreements binding successive owners.

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

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

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

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

1925 c. 22.
1926 c. 11.

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

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

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

Provided that upon the application of any person making claim to the money paid as aforesaid or any part thereof or to the lands in respect of which the same shall have been paid or any part of such lands or any interest in the same the High Court may order that such money as has been repaid or transferred to the Corporation

PART V
—cont.

under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

PART VI
STREETSInterpretation
of Part VI of
Act.

91.—(1) In this Part of this Act—

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

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

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

*New streets*Prohibition
of building
until street
defined.

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

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

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

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

(b) in the case of a contravention of subsection (2), require the person to demolish the building or structure;

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

Prohibition of
building until
street formed
and sewered.

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

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

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

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

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

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

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

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

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

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

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

Access to
new street.

PART VI
—cont.

Rounding or
splaying off
corners at
street
junctions.

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

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

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

1961 c. 33.

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

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

1925 c. 22.

1926 c. 11.

Adjustment of
boundaries of
estates in
connection
with
streets.

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

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto, and for effecting exchanges of land in connection therewith; and

(b) for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate:

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

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

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

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

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

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

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

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

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor; and any such covenants, restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

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

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

PART VI
—cont.Trees, grass
verges and
gardens.*Improvement of streets*

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

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

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

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

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

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

(5) Section 82 of the Act of 1959 shall cease to apply to land vested in the Corporation or to any such land as is referred to in

tion(1) of this section; and anything done by the Corpora-
tion under that section or under section 1 of the Roads Improve-
ment Act, 1925, with respect to such highways or land before the 1925 c. 68.
passing of this Act shall be deemed to have been done under this

(6) Nothing in this section shall affect the duty of the Corpora-
tion to provide a footway or grass or other margins under
section 67 or section 70 of the Act of 1959.

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

(b) Any consent required by this subsection shall not unreason-
ably be withheld but may be given subject to a condition that
the Corporation shall at their own expense remove anything
placed on a street under the powers conferred by this section if
reasonably required to do so by the Minister of Transport.

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

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

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

Enforcement
of improve-
ment line.
1925 c. 71.

(2) (a) If, within twenty-eight days of the date of the service
by the Corporation of a notice under subsection (1) of this section,

PART VI
—cont.

the person on whom the notice is served gives counter-notice (which may at any time be withdrawn) to the Corporation or to any of the requirements specified in the notice and states reasons for his objections, the notice shall not take effect unless it is confirmed by the tribunal either without modification or subject to such modifications as the tribunal may determine, unless the counter-notice is withdrawn.

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

- (i) the notice is not justified by the terms of subsection (1) of this section;
- (ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary or
- (iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

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

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

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

1946 c. 49.

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

the purpose of complying with any notice under subsection (1) of this section, the owner may, notwithstanding any lease or other agreement, enter upon any land or land affected by any requirement of the notice and carry out any work required by the notice.

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

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

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

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

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

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

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

(7) In this section "building" includes a structure.

Protection and repair of streets

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

PART VI
—cont.

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

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

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

(3) The Corporation may at any time within the said five weeks give notice that they approve the placing or erection of the structure in accordance with the plans and particulars submitted to them, and, if within the said five weeks the Corporation has not given notice under the last foregoing subsection, the Corporation shall be deemed for the purposes of this section to have approved the placing or erection of the structure in accordance with those plans and particulars.

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

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

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

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

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

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

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

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

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

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

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

1925 c. 68.

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

(1) No person shall erect, or bring forward, beyond the Application of building line on land abutting on a street in the borough any building line to walls, etc. of a greater height than 6 feet 6 inches above the level of the ground at the nearest boundary of the street.

PART VI
—cont.

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

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

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

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

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

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

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

- (a) the Corporation may, by notice stating the effect of paragraphs (b) and (c) of this subsection, require the owner or occupier of the site to remove, set back or alter the structure within such time, not being less than ten days, as may be specified in the notice so that he complies with those provisions;
- (b) if the owner or occupier complies with the said notice, the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;

if the owner or occupier fails to comply with the said notice, the Corporation at their own expense may remove the structure, but shall if he so requires re-erect it so as not to contravene the said provisions.

this section—

“building line” in relation to any land means—

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

(b) if there be no such line, any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under section 169 of the Act of 1959; or

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

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

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

101.—(1) In this section “retaining wall” means a wall which— Retaining walls.

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

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

and this section applies to any length of a retaining wall, being

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

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

PART VI
—cont.

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

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

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

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

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

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

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

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

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

Awnings over
footways.

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

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

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

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

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

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

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

In this section—

“awning” includes a blind, shade or other covering; and
“traffic sign” has the meaning assigned to it by section 54 of the Act of 1967.

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

Mixing of mortar, etc. in streets.

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

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

Miscellaneous

104.—(1) For the purpose of—
(a) making any new street; or
(b) providing a parking place for vehicles under section 28 of the Act of 1967; or
(c) exercising the powers of section 106 (Power to provide moving footways) of this Act;
the Corporation may break up and for any reasonable time lay up, divert and interfere with any street in the borough and prevent persons using it:

Temporary stoppage of streets.

PART VI
—cont.

Provided that the Corporation shall not exercise the powers conferred by this section—

- (i) as respects any trunk road, without the consent of the Minister of Transport; or
- (ii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of ready access to the building or land; or
- (iii) so as to obstruct, or interfere with, the access to, or from, any station, wharf or depot of any railway, dock, canal, inland navigation or passenger road transport undertaking.

(2) The exercise by the Corporation of the powers conferred by this section to stop up, divert and interfere with any street in the borough shall not prejudice or affect the right of the Street Works Office—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by it which may for the time being be under, in, upon, over, along or across that street; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open any street.

(3) The Corporation, when considering the question of exercising their powers under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected.

(4) The provisions of Schedule 3 to the Act of 1967, as applicable shall apply in respect of the exercise by the Corporation of the powers of this section as they apply in respect of the making by a highway authority of an order under section 105 of that Act.

Decorations
in streets.

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

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

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

(b) Such consent required by this subsection shall not be unreasonably withheld but may be given subject to a condition that the Corporation, at their own expense, shall remove anything

... a street under the powers conferred by this section if
... required to do so by the said Minister or the railways
... as the case may be.

PART VI
—cont.

(1) The Corporation may in connection with any bridge
subway provided by them in the borough install, maintain and
rate moving footways and any necessary or convenient
apparatus, machinery or plant required in connection therewith.

Power to
provide
moving
footways.

(2) In this section a moving footway includes an escalator.

107.—(1) The Corporation may name any street or any part of
street in the borough which is without a name or which bears
names and may from time to time—

Power to
name and
alter names
of streets and
names to be
put up and
houses to be
numbered, etc.

(a) alter the name of any street or of any part of a street;
and

(b) paint, engrave or otherwise describe and place the name
of any street or of any part of a street on a conspicuous
part of any building or other erection at or near each
end corner or entrance thereof and number every
building or other erection therein on the door thereof
or otherwise as they think fit;

any person wilfully or without sufficient reason destroys,
obliterates, defaces, removes or without the consent of the
Corporation alters any such name or number or any part thereof
shall be liable to a fine not exceeding five pounds.

The provisions of this section shall not apply to any
building (not being a house) belonging to the railways board and
used by such board as part of, or in connection with, their under-
taking without the consent of the railways board which consent
shall not be unreasonably refused.

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

Damage to
obstruction
lights, etc.

PART VII

SANITATION AND BUILDINGS

109.—(1) The Corporation may by notice require the owner
occupier of any premises or place in the borough at which any
hibition, performance, amusement, game or sport to which
public are or will be admitted is held, given or provided
is about to be held, given or provided, or in respect of which

Sanitary
conveniences
at places of
public
exhibition,
betting offices,
etc.

PART VII
—cont.
1963 c. 2.

there is for the time being in force a licence under section 10 of the Betting, Gaming and Lotteries Act, 1963, to provide reasonable satisfaction of the Corporation and thereafter like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport or during the continuance of the licence in a suitable position such as to provide of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

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

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

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier of the premises or place, as the case may be, the owner of the premises or place;
- (b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section, if, on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) This section shall not apply to—

- (a) premises in respect of which there is in force a licence under the Cinematograph Acts, 1909 and 1952;
- (b) any premises or place in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller skating rinks may be made by the Corporation under section 75 of the Public Health Act, 1961.

1961 c. 64.

Power to order alteration of domestic chimneys.

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

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

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

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

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

No complaint shall be made to a magistrates' court under this section in respect of—

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

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

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

111.—(1) Any movable dwelling standing upon land in the borough abutting upon a street shall for the purpose of section 75 of the Act of 1959 in its application to the borough be deemed to be a building: Provisions as to movable dwellings.

Provided that in respect of any such movable dwelling the corporation shall not refuse their consent under the said section 75 as so applied unless the movable dwelling obstructs the sight line for traffic.

(2) In this section "movable dwelling" means any caravan, tent, van, shed or similar structure used or intended to be used for human habitation.

112. In its application to the borough section 22 of the Public Health Act, 1961, shall have effect as if after the word "drains" there were inserted the words "private sewers". Extension of section 22 of Public Health Act, 1961. 1961 c. 64.

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

PART VII
—cont.

Maintenance
of and access
to bulk refuse
containers.

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

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

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

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

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

(4) In this section “bulk refuse container” means a container of not less than 1 cubic yard nominal capacity, for refuse designed or adapted to be emptied by mechanical means into a refuse vehicle of the Corporation.

PART VIII

NUISANCES

Tipping of
spoil and
refuse.

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

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

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

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

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

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

(b) by the generating board on operational land of that board:

(c) by the gas board or the Gas Council on operational land of that board or that council; or

(d) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Acts, 1954 and 1969 or at a tip to which Part I of the Mines and Quarries (Tips) Act 1969 applies.

1969 c. 10.

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

Silencers for internal combustion engines.

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

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

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

1954 c. 70.

PART IX

FOOD

Slaughter of animals otherwise than for human consumption.

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

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

(a) except in the cases mentioned in paragraph (b) of this subsection, he shall not slaughter it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired;

(b) if, by reason of accidental injury, illness or exposure to infection or other emergency affecting that animal, it is necessary to slaughter it without complying with paragraph (a) of this subsection he may without such compliance slaughter it, or cause it to be so slaughtered, but—

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

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

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

(3) Notwithstanding the requirement imposed by paragraph (c) of subsection (2) of this section on the owner of an animal

the carcass intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

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

or

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

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

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

(c) If the owner of an animal—

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

or

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

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

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

(e) In this section—

“authorised officer” means any officer who is, by virtue of the Food and Drugs Act, 1955, an authorised officer 1955 c. 16. for the purpose of the examination and seizure of meat (4 & 5 Eliz. 2. under the provisions of Part I of that Act relating to food unfit for human consumption;

PART IX
—cont.

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

(8) References in this section to the Meat Inspection Regulations, 1963, or the Slaughter of Animals (Prevention of Cruelty) Regulations, 1958, or to any provision in those regulations references to those regulations or that provision as amended replaced by subsequent regulations.

(9) The provisions of this section shall not come into operation in so much of the borough as was not comprised in the former boroughs of Bilston and West Bromwich until the appointed day.

PART X

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

Interpretation
of Part X
of Act.

118. In this Part of this Act—

“burial ground” includes a cemetery;

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

Parking places
in parks, etc.

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

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

1906 c. 25.

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

Golf courses.

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

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under the last

subsection, and to anything with which any such golf building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

The Corporation may either—

(a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or

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

The Corporation may—

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

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

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

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

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section, whether within or outside the borough, and the conduct of persons using them resorting thereto.

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

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

(2) In this section "grave" includes a grave space, niche

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

- (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.

PART X
—cont.

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

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

(3) Each of the notices shall—

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

(4) If notice of objection to a proposal, and of the ground thereof, 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 Corporation 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, unless 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.

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

(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.

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

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

(11) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space.

(12) (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 fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

For protection
of Common-
wealth War
Graves
Commission.

(2) In relation to any burial ground to which the provisions of section 122 (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 borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 122;

(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 122;

PART X
—cont.

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 the case may be.

(3) The Corporation shall not in pursuance of the power of the said section 122 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:—

- (a) that no other memorial shall be placed or erected on such grave;
- (b) that any Commonwealth war burial in such grave 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 on the grave the Commission over any such grave such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

(4) If a Commonwealth war burial would be affected by the exercise of the power of the said section 122 the Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Minister 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.

As to
offences in
burial
grounds.

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

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

(3) In this section "burial ground" includes a cemetery.

PART X
—cont.

Aerodrome undertaking.
1949 c. 67.

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

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

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

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

(2) The aerodrome undertaking shall be in the same relation to the Board of Trade, and subject to the like control by them under the Civil Aviation Act, 1949, as if this Act had not been passed.

Admission to arboretum on certain occasions.

(1) Notwithstanding anything contained in any other enactment or any rule of law or any restriction contained in the conveyance, the Corporation may, if they think fit, charge such as they may from time to time determine for each person admission to the arboretum after the hour of six o'clock in evening during any period when the Corporation are providing entertainments in the arboretum.

(2) In this section "the arboretum" and "the conveyance" have the same respective meanings as in subsection (2) of section 74 of the Appropriation and use of parts of arboretum and Elmore Green) this Act.

127. From and after the commencement of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act, 1875, relating to a park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws from time to time in force under the provisions of the said Act.

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

PART XI

PUBLIC ORDER AND PUBLIC SAFETY

128. (1) No procession shall pass through the streets of the Corporation unless written notice stating the route by which, and the date and time on and at which, it will pass has been delivered to the office of the town clerk, and at the principal police station

Notice of street processions.

PART XI
—cont.

in the borough, by midday on the day next but one before the date stated, treating as not an intervening day a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning.

(2) If a procession passes through the streets of the borough in contravention of the foregoing subsection, or by a route at a time, other than that stated in the notice delivered in respect thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding twenty pounds.

(3) In this section “procession” means any public or ceremonial procession or any circus procession or procession of wild animals:

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

Police
telephone call
boxes and
shelters.

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

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

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

1969 c. 48.

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

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

consent required by this section shall not be unreasonably
 (d) but may be given subject to any reasonable conditions,
 a condition that the police authority shall remove a
 hetter either at any time, or at or after the expiration of
 noo, if reasonably required so to do by the person giving the

any question whether a consent required by this section
 en unreasonably withheld, or has been given subject to
 reasonable conditions, or whether the removal of a box or
 hetter has been unreasonably required, shall—

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

in this section "transport undertakers" means railway,
 ck canal, inland navigation or passenger road transport
 idertakers.

130.—(1) If any person wilfully, and without the consent of Offences in
 appropriate authority— respect of
 telephone
 boxes, fire
 hydrants, etc.

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

he shall be liable to a fine not exceeding twenty pounds; and the
 appropriate authority may recover from him the expenses of
 moving the obstruction, or of making good or replacing the
 ment or mark.

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

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

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

PART XI
—cont.

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

(3) In this section—

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

“ structure ” includes any installation.

Firemen's
switches for
luminous tube
signs.

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

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

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

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

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

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

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed colour, position, colouring or marking shall be as the case may be, actual, position, colouring or marking of

which shall be deemed to satisfy the requirements of the Corporation unless, within ten days from the date of the service of the notice, the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

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

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

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

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

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

1947 c. 54

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

Building plans: access for fire brigade.

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

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

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

(a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided

PART XI
—cont.

with such means of access by the fire brigade as may be necessary to enable a fire in the building to be effectively fought; or

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

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

(4) If the Corporation reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

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

Further provision for fire precautions.

133. Section 59 of the Act of 1936 in its application to this borough shall have effect as if in paragraph (b) of subsection (1) thereof the words “sale room” were inserted after the words “restaurant” and as if the word “ten” were substituted for the word “twenty”:

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

Provision of means of escape from fire in certain buildings.

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

- (a) in subsections (1) and (4) of that section the words “eighteen feet” were substituted for the words “twenty feet”; and

- (b) in paragraph (b) of subsection (4) of that section the words “boarding school” were omitted and the words “old persons’ home” were inserted after the words “children’s home”; and

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

(2)(a) The Corporation may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) of this section, applies (other than a house let in flats) to keep unobstructed such passages and gangways as are specified in the notice and, if he fails to do so, he shall be liable to a fine not exceeding twenty pounds.

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

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

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

Further provision for public and other buildings.

(a) the apparatus or fittings for lighting or heating the building require alteration; or

(b) the arrangement of the chairs and seating requires alteration; or

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

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

Provided that—

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

1968 c. 54.
1890 c. 59.

(ii) nothing in this section shall affect the operation of the Factories Act, 1961, or any regulation or order made thereunder.

1961 c. 34.

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

PART XI
—cont.Safety of
stands.

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

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand, but only subject to—

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

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

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

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

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

(6) If any person—

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

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

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

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

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

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

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

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

(9) The provisions of this section shall not come into operation in so much of the borough as was not comprised in the former borough of Walsall or the former urban district of Aldridge until the appointed day.

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

(11) Where -

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

(b) by a closing order made under section 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 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

Securing of unoccupied buildings.

PART XI
—cont.

the Corporation that the building, or the part (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date, when pursuant of the order, the premises are vacated;

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

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

(2) Nothing in this section shall prejudice the power of the Corporation to take steps to deal with any dangerous building under any enactment.

(3) In this section—

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

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

Disposal of
dangerous
containers

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

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

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

1967 c. 69.

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

1933 c. 25

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

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

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

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

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

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

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

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

(5) This section applies to any place—

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

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act, 1906, which is 1906 c. 25. provided by the Corporation, or under their management and control;

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

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

PART XI
—cont.

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

Byelaws as to leading or driving cattle.

140. The Corporation may make byelaws for prohibiting cattle from being led or driven along such streets of the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which cattle may be led or driven along any streets in the borough:

Provided that—

- (1) the route or routes prohibited by any such byelaws not be such as would prevent the passage of a reasonably short and convenient route between market or licensed or registered slaughterhouse and railway station in the borough or any place beyond boundary of the borough when such cattle are passing between such market or slaughterhouse railway station or other place as aforesaid;
- (2) any such byelaw shall not prevent the owner of cattle driving the same to his own premises.

Provisions as to motor vehicles let for hire.

1847 c. 89.
1875 c. 55.

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

- (a) sections 37 to 67 of the Town Police Clauses Act and section 171 of the Public Health Act, 1875, as subsequently amended as they apply with respect to hackney carriages and their proprietors and drivers;
- (b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers to private hire vehicles and their proprietors and drivers.

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

- (a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for long periods of hire;
- (b) a vehicle kept by any person in connection with a business carried on by him as a funeral director, undertaker and used wholly or mainly in connection with that business;

PART XI
—cont.

(a) a public service vehicle; or

(b) any vehicle belonging to or used by the railways board for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises.

Inspection and certification of taximeters.

142—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly the expenses of such testing and certificate not exceeding one pound in any one year shall be borne by the owner of the hackney carriage.

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

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

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

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

- (a) to sell to such person any article or thing;
- (b) to exchange with such person any article or thing for any other article or thing.

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

(3) In this section—

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

1944 c. 31.

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

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

Recovery of penalties under section 28 of Town Police Clauses Act, 1847.

1875 c. 55.
1847 c. 89.

PART XI
—cont.
Protection of
dangerous
ponds and
excavations.

1954 c. 70.

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

Provided that, in the case of any such excavation in respect of which any person may, under section 144 of the Act of 1954 or section 151 of the Mines and Quarries Act, 1954, be required to execute works to obviate the danger, the Corporation shall pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such person to be required to bear the expense, or the whole of the expense (as the case may be) of executing such works.

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

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

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

(3) (a) Where, in a case referred to in paragraph (b) of subsection (2) of this section, the Corporation propose to execute works on any land they shall, before carrying the proposal into effect, serve notice on the owner or occupier of the land specifying the place where they propose to execute the works and the nature of the works proposed and the period within which shall not be less than twenty-eight days, within which notice of objection to the proposal may be sent in writing to the Corporation, and including notice of the right of appeal under paragraphs (b) and (c) of this subsection.

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

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

If in pursuance of subsection (2) of this section, or of an order of a court made under paragraph (c) of subsection (3) of this section, the Corporation themselves execute works of repair, erection or enclosure on any land, they shall, unless otherwise agreed in writing between the Corporation and the owner or occupier of the land and unless otherwise provided in any such order of the court, maintain those works.

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

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

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

- (a) by travelling showmen at pleasure fairs;
- (b) in premises licensed under the Theatres Act, 1968, if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;
- (c) by bona fide associations, clubs, hospitals or societies which are not carried on for profit;
- (d) by members of the Scout Association or of any organisation formed by the Scout Association in pursuance of their charter; or
- (e) by any school.

1968 c. 54.

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

(1) The powers of the justices acting for the borough under section 10 of the Gaming Act, 1845, may and shall be exercised by the Borough Licensing Committee instead of by the body of the justices.

Provisions as to licences for billiards exhibitions, etc.

(2) Licences under the said section and under the Public Health Amendment Act, 1890, may be authenticated in manner provided by section 36 of the Licensing Act, 1964.

1845 c. 109.
1890 c. 59.
1964 c. 26.

PART XII
CULTURAL ACTIVITIES

Acquisition and repair of sculptures, etc.

148. The Corporation may acquire for exhibition in the borough or for use as a feature in connection with any development or redevelopment scheme carried out or being carried out by them works of sculpture or other objects of artistic, scientific or historical interest and may provide for the renovation, renewal, replacement or recasting of any such works or objects so acquired or otherwise in their possession or care.

Acquisition of works of art produced to order.

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

Disposal of unsuitable specimens and works of art.

150.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any specimen, work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation.

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

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

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

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

(c) any sum received by the Corporation in the exercise of the powers of this section shall, unless it exceeds fifty pounds and is subject to any conditions of other objects, be paid into the art fund established by the Corporation under section 15 of the Public Libraries and Museums Act 1964.

PART XIII

FINANCE AND SUPERANNUATION

In this Part of this Act, except where otherwise specifically provided— Interpretation of Part XIII of Act.

“the Act of 1937” means the Local Government Superannuation Act, 1937; 1937 c. 68.

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

“authorised security” means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue, or upon or by means of which the Corporation are for the time being authorised to raise money;

“the fund” means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;

“gross rate income” means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act, 1967; 1967 c. 9.

“the narrower-range part”, “property” and “the wider-range part” in relation to the fund have the same meanings as they have for the purposes of the Act of 1961;

“revenues” has the same meaning as in section 218 of the Act of 1933;

“statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys or in which the Corporation are by this Act authorised to invest money forming part of the fund, but does not include annuities, rentcharges or securities transferable by delivery or any securities of the Corporation.

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

(b) Nothing in section 38 of the Interpretation Act, 1889, shall affect the said repeal or shall continue in force any of the provisions of the repealed Acts relating to such borrowing powers. 1889 c. 63

(2) All statutory borrowing powers under any enactment repealed by this Act which were in force immediately before, but

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—cont.

had not been exercised before the commencement of this Act shall (notwithstanding the repeal by this Act of such enactments) continue to be in force and to have effect as fully and as if this Act had not been passed.

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

(4) All sums borrowed by the Corporation before the commencement of this Act under any statutory borrowing power referred to in subsection (1) of this section and not repaid before the commencement of this Act and all sums which may after commencement of this Act be borrowed by them under statutory borrowing power referred to in subsection (2) of this section shall, notwithstanding the repeal of any Act by or under which such statutory borrowing power was created or authorised, be repaid within the respective periods within which they are required to be repaid by or under that Act.

Power to borrow.

153.—(1) The Corporation may borrow—

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

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

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

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

1946 c. 58.

Power to raise money by issue of bills.

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

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

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

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

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

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

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

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

(e) The Corporation may make regulations providing for—

(i) the preparation and form and the mode of issue, payment and cancellation of bills;

(ii) the issue of a new bill in lieu of one defaced, lost or destroyed;

(iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;

(iv) the giving of a proper discharge on the payment of a bill; and

(v) amending or revoking any regulations previously made or deemed to have been made under this paragraph:

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

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

(i) the sum of one million pounds; or

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—CONT.

(ii) one-fifth of the amount of the estimated gross rate income of the borough during the then current financial year;

whichever is the greater:

(h) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity;

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

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

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

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

(i) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;

(ii) be issued for such period as the local authority may determine being not less than a period of one year;

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

(i) bonds issued to and held continuously by building societies and persons and bodies of such other classes as the local authority may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to require premature repayment under a stress clause;

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

Scheme for
equated
periods.

156.—(1) The Corporation may make a scheme for prescribing one or more uniform periods within which all or any of the loans contracted by them under statutory borrowing powers shall be repaid, and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loan all or any of the provisions of this Act, and the

1933, in regard to the borrowing and repayment of money, with or without modification, and may make provision in regard to all matters incidental to the objects aforesaid.

Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister who may confirm the same, with or without modifications, and when confirmed the scheme shall, notwithstanding any enactment, in contradiction to the contrary, have full force and effect.

Nothing in any scheme made under this section shall prejudice or affect the security, rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds at that time, except with the consent of such mortgagee or holder.

The loans referred to collectively in any scheme under the headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the said Minister separate consolidations may be made of all or any of the loans included under such general headings.

Any scheme confirmed under this section may be altered, amended, amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

(4) In this section "statutory borrowing power" means any power, whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying or for creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment, but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933.

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

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

PART XIII
—cont.Interest and
dividends
by post.

158.—(1) The Corporation may give notice to the registered holder of an authorised security that they intend to send interest or dividends on the security to him by post if he does not object, and, unless the registered holder within twenty-one days of the date of dispatch of the notice notifies the Corporation to the contrary, the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post to the address in the register.

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

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

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

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

(6) In this section “authorised security” means any mortgage or other security that the Corporation are for the time being authorised to grant or issue, but does not include stock or bonds.

1882 c. 61.

Receipt in
case of
minors.

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

Designation
of holders of
authorised
securities in
register.

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

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

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

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

Where the official description in the register is that of a trust, the official description so entered shall not constitute any trust for the purposes of section 209 of the Act of

this section. "register" means the register of an authorised security kept by or on behalf of the Corporation.

161.—(1) (a) The Corporation may (if they think fit) establish a Reserve funds. reserve fund in respect of any undertaking, department or service of the Corporation from which revenue is derived by setting aside an amount as they may from time to time think reasonable (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in suitable securities until the fund so provided amounts to the maximum for the time being prescribed by the Corporation.

Any income arising from the investment of the moneys in a reserve fund in manner provided by this subsection shall be added to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

Any reserve fund established under this section may, in respect of the undertaking, department or service to which it relates, be applied—

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

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

(c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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—cont.

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

(3) Resort may be had to any reserve fund provided under this section although such fund may not at the time have reached the prescribed maximum and may have been reduced below the prescribed maximum.

(4) Any reserve fund which has been established for the purpose of any such undertaking, department or service as aforesaid and which is in existence at the commencement of this Act shall be deemed to have been established under this section.

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

Insurance
fund.

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

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

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

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate

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

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

(5) (a) Except so far as the insurance fund and the proceeds of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

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

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

(b) The amounts of the annual charges in respect of interest and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and if any sums shall have been appropriated from the housing revenue account under subsection (4) of this section the housing revenue account in such proportion as the Corporation consider equitable and shall be charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments

PART XIII
—cont.

or services of the Corporation and in such proportions the Corporation may determine having regard to the risks which such deficiencies arise.

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

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

(9) In this section—

“ insurance office ” means—

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

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

Receipts and
expenses.

163.—(1) Notwithstanding anything contained in any other Act or order all moneys received by the Corporation whether on a revenue or revenue account including (but without prejudice to the generality of this provision)—

- (a) all moneys received on account of the revenue of any of the undertakings of the Corporation from which revenue is derived; and
- (b) interest and other annual proceeds received on investments forming part of any fund accumulated for the redemption of debt or working capital or as a reserve for capital, renewals, repairs, depreciation, consolidated loans, superannuation or other similar fund;

shall be carried to and form part of the general rate fund and payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into effect the powers and provisions of this or any other Act whether local (including interest on moneys borrowed by the Corporation) and all sums required by law to be paid or transferred to any fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

ded that an amount equivalent to the interest and other proceeds as aforesaid shall (subject in the case of any of the funds to any prescribed limit on the amount thereof) be added to the accounts of the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable.

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

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

(b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes under any enactment;

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

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

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

(f) any money expended on any of the purposes mentioned in section 165 (Application of revenue of undertakings) of this Act.

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

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

PART XIII
—cont.

Application
of revenue of
undertakings.

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

- (a) the reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in providing, renewing, improving or extending works, buildings, machinery, plant or convenience for the purposes of, or forming part of, the undertaking in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of other moneys;
- (c) in providing working capital for the undertaking;
- (d) in the exercise of the powers of the Corporation under section 161 (Reserve funds) of this Act of establishing and maintaining a reserve fund in respect of the undertaking.

(2) In this section the expression "investment income" in relation to an undertaking means so much of the income received by the Corporation from the investment of moneys of an authorised fund established in connection with the undertaking as can be carried to the credit of the fund because the fund has reached its prescribed maximum amount.

Establishment
expenses.

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

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

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

as long as the value of the investments of property for the being made under the powers conferred by the foregoing subsection is equal to or greater than one-sixth of the total value of the wider-range part of the fund, no further investment may be made thereunder.

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

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

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

Modifications
of Act of
1961.

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

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

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

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

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

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

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

(2) Paragraph 1 of Part III of the said Schedule 1 in its application to the investment by the Corporation of any property belonging to the wider-range part of the fund, shall have effect as if for the words “ and not being securities falling within Part II of this Schedule ” there were substituted the words “ or

PART XIII
—cont.

in any securities issued by a company established under the law of any territory outside the United Kingdom, and not being either case securities falling within Part II of this Schedule.

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

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

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

(5) Notwithstanding anything in the Act of 1961, the Corporation may invest any property belonging to the wider range part of the fund in any manner specified in Part III of Schedule 1 of the Act of 1961, as amended by this section, and may 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 fund.

(6) For the purposes of the last foregoing subsection the value of any investment shall be deemed to be the value of the investment at the time at which it was made.

Section 21 (3) of Act of 1937 not to limit foregoing powers. Certain remuneration and service excluded for super-annuation purposes.

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

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

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

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

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

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

Transfer of certain sums from superannuation fund.

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

172. Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance, pension, compensation or other payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

As to proof of continued existence of pensioners.

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

Recovery of sums paid to officers, etc.

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

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—cont.

(3) In this section—

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

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

Subscriptions
to associations,
etc.

174. The Corporation may subscribe to any charity, philanthropic association or society or other associations, institutions or societies rendering national or public service, such as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among any of their funds and revenues:

Provided that the total amount subscribed by the Corporation under the provisions of this section shall not in any year be the equivalent of half the product of a penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act, 1967.

1967 c. 9.

PART XIV

MISCELLANEOUS

Information
centres.
1948 c. 26.

175. The powers of the Corporation under section 134 of the Local Government Act, 1948, shall extend to any information concerning the borough and its neighbourhood.

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

176.—(1) Any power conferred on an officer of the Corporation by or under any enactment to enter upon and inspect any building or works in course of construction shall include a power to enter free of expense, for the purpose of the entry or inspection, with ladders, scaffolding and plant in or about the building or works.

(2) If the builder of, or contractor for, any building or works or any person employed by him in or about any building or works—

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

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

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

PART XIV
—cont.

Recreational,
etc., facilities
for
employees.

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

(2) For the purposes aforesaid the Corporation may—

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

178.—(1) A mortgage created by the Corporation under Attestation of the Act of 1933 may be signed by the town clerk or mortgages. duly authorised deputy.

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

Modification
of mortgages
by memoran-
dum under
hand.

Notwithstanding anything contained in any enactment or rule of law or otherwise to the contrary where it is agreed between the Corporation and the person for the time being liable to any mortgage created by the Corporation to extend the time for the repayment of the principal moneys secured by the mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and for the time being repaid or both to extend such time and to alter such rate of interest effect may be given thereto by a memorandum in writing under the hand of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on and annexed to the deed by which such mortgage was originally created and the provisions of any such memorandum shall be deemed to be incorporated in the said deed and shall as from the date specified in such memorandum operate and take effect accordingly.

Recovery of
rates from
certain
owners.

180.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rates charged on the hereditament the owner shall be liable to the Corporation so much of any payment in respect of rates received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the

PART XIV
—cont.

Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

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

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

1967 c. 9.

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

Recovery of rates from tenants and lodgers.

181. For the purposes of section 61 of the General Rate Act 1967, the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in respect thereof has been made for the same.

Recovery of rates from persons removing.

182. If a justice of the peace is satisfied on complaint by an officer of the Corporation duly authorised in that behalf that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment thereof by departing from the said premises the justice may in addition to any summons for non-payment thereof issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the Corporation and to detain them until the complaint is determined upon the return of the summons.

Service of demand notes, etc.

183. The provisions of section 109 of the General Rate Act 1967 relating to the sending or service of demand notes shall apply to the exclusion of any other statutory requirement to the sending of demand notes relating to any charges made in connection with any undertaking, department or service of the Corporation.

Insurance of certain voluntary assistants.

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

Any sum received by the Corporation under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by the Corporation to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received.

(3) The provisions of the Life Assurance Act, 1774, shall not apply to any such contract, but any such contract shall be deemed to be a policy of insurance upon the happening of personal accidents, disease or sickness. 1774 c. 48. 1958 c. 72.

(4) In this section "voluntary assistant" means a person who, at the request of the Corporation, or an authorised officer of the Corporation, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Corporation.

(1) The Corporation may pay to any of their officers who are in any of the following capacities:—

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

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

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

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

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

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

(3) Any payments which the Corporation have power to make under the provisions of subsection (1) of this section, and any of the risks referred to in subsection (2) of this section, may for the purposes of section 162 (Insurance fund) of this Act be treated as risks against which the Corporation would ordinarily insure and this section shall be construed accordingly.

PART XIV
—cont.

Notice of
alteration of
rents without
notice to quit.
1968 c. 42.
1958 c. 42.

186.—(1) Section 12 of the Prices and Incomes Act 1946 (which enables a local authority to increase the rent of the authority for houses let on a weekly or other periodic tenancy whose rents fall to be carried to the authority's house revenue account without the tenancy being terminated) shall—
(a) apply to all houses within the meaning of the House (Financial Provisions) Act 1958 belonging to the Corporation; and
(b) as so applied, extend to a reduction as well as an increase of rent.

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

- (a) the words "on a weekly or other periodical tenancy" were omitted;
- (b) after the word "increased" there were inserted the words "or reduced"; and
- (c) after the word "increase" there were inserted the words "or reduction";

and as if in subsection (4) for the definition of "local authority houses" there were substituted the words "local authority houses" are houses belonging to the local authority" and after the word "increase" there were inserted the words "or reduction".

Authorities
to officers.

187.—(1) Where by virtue of any enactment in force in any borough any power or duty is required or authorised to be conferred or imposed by the Corporation on any officer any resolution of the council or a committee thereof under any such enactment conferring or imposing the power or duty may describe the officer by his name or by the designation of the office held by him.

(2) Where any such resolution whether passed before or after the commencement of this Act describes an officer by the designation of the office held by him the resolution shall unless a contrary intention appears confer the power or impose the duty (as the case may be) on the holder or holders for the time being of the office.

Disposal of
lost and
uncollected
property

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

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

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may notwithstanding that it has not vested in the Corporation under this section be disposed of at such time and in such manner as the Corporation think fit and if it is sold the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.

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

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section—

“lost property” means any property including money coming into the custody of the Corporation after being left on or in any premises occupied by the Corporation to which the public have access; and

“uncollected property” means—

(a) any property deposited in any cloakroom or parcels’ store provided by the Corporation for the use of the public or any containers deposited in any market store-room provided by the Corporation in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section; and

(b) any property held by the Corporation under section 48 of the National Assistance Act, 1948.

1948 c. 29.

189. The Corporation may make reasonable payments for or Refreshments in connection with refreshments for members of the council and at meetings. other persons attending conferences or meetings convened for the purposes of the council.

190. (1) As from the appointed day—

(a) no person shall carry on the business of a hairdresser or barber in the borough unless he is registered by the Corporation under this section; and

Hairdressers
and barbers.

PART XIV
—cont.

(b) no premises in the borough shall be used for the carrying on of the business of a hairdresser or barber unless the premises are registered by the Corporation under this section.

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

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

(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and of the bye-law made by the Corporation under section 77 of the Public Health Act, 1961, displayed in the premises, and, if he fails to do so, he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding one pound.

(5) The provisions of this section shall not come into operation in so much of the borough as was not comprised in the former borough of Walsall until the appointed day.

Tattooists.

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

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

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

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

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

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

1961 c. 64.

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

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act, 1952, for giving notice of appeal to quarter sessions have expired: 1952 c. 55.

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

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

(a) he shall within seven days deliver up to the Corporation the cancelled certificates of registration and if he fails to do so he shall be liable to a fine not exceeding one pound and to a daily fine not exceeding ten shillings; and

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

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

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

192.—(1) The Corporation may provide services and facilities for the processing of data by computer or by any other equipment which the Corporation may possess for any person and the Corporation may make such charges as may be agreed for the provision of those services and facilities. As to use of computer equipment of Corporation.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not be disclosed without the consent of the person from whom it was obtained

PART XIV
—cont.

be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities in such cases as may be required by law.

Repair of walls, etc., of yards.

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

- (a) has collapsed or been pulled down; or
- (b) is in danger of collapsing; or
- (c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or the public;

the Corporation may by notice require the owner or occupier of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary:

1957 c. 59.

Provided that in the case of any property in respect of which there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act, 1957, no works shall be required by notice served under this section in relation to any wall, fence or door comprised in such property other than emergency works (as defined in subsection (5) of section 1 of said Act) or other works specified in the notice served under said section 3.

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

Supply of water to premises where supply cut off.

194.—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of its occupants by reason of the absence or defective state or obstruction of a supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe by the absence or defective state of any fittings, the Corporation may, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe and execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

(2) In any proceedings for the recovery of expenses incurred under this preceding subsection the court may inquire whether the works

part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

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

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

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

(5) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the statutory water undertakers concerned (which consent shall not be unreasonably withheld) and in giving their consent the statutory water undertakers—

(a) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an occupied house has been cut off by the statutory water undertakers in exercise of their statutory powers, conditions to secure that the supply to that house is not restored under the powers of this section unless the Corporation pay to the statutory water undertakers any sum due to them in respect of the supply of water to that house and any expenses reasonably incurred by them in cutting off the supply; and

(b) may without prejudice to any action or proceedings which they may take under any other enactment elect to carry out on behalf of the Corporation any repair, renewal or other works proposed by the Corporation, in which case the expenses reasonably incurred by the statutory water undertakers in so doing shall be repaid to them by the Corporation.

(6) Any difference which may arise between any statutory water undertakers and the Corporation under the last foregoing

PART XIV
—cont.

subsection (other than a difference as to the meaning or construction of the said subsection) shall be referred to and determined by arbitration.

Microfilming
of documents.

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

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

Provided that—

- (a) the Corporation shall not under this section destroy records deposited with them under the Public Records Act, 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act, 1967 and
- (b) the Corporation shall afford a right of access to the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document destroyed.

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

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

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

(5) In this section unless the context otherwise requires—

“ document ” means the whole or part of a register, map, plan or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the council or any committee of the council;

“ microfilm recording ” means a reproduction of a document on film which is a product of photography or a process akin to photography and is in general legible beyond legibility with the naked eye.

1958 c. 51.

1962 c. 56.

(1) The provisions of this Act mentioned in subsection (2) may be amended by an order made by the Secretary of State so as to vary any sum specified by that enactment.

PART XIV
—cont.

Alteration of fees for licences, etc.

(2) The provisions hereinbefore referred to are—
Section 32 (Licence for sale out of market);
Section 142 (Inspection and certification of taximeters).

An order made under this section may be revoked or varied by a subsequent order made in like manner.

(4) The power to make an order under this section shall be exercisable by statutory instrument.

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

PART XV
GENERAL

Where, under the provisions of any enactment, the Corporation execute any works of common benefit to two or more buildings belonging to different owners, and those expenses, or any part of them, are recoverable by the Corporation, they shall, if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the incidence of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Corporation, or, in case of dispute, by a magistrates' court.

198. When any compensation, costs, damages or expenses is required to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

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

Section 17 (Byelaws for protection of heating)	Minister of Power.
Section 69 (Byelaws as to purchase of tickets and use of stations, etc.)	Minister of Transport.
Section 126 (Golf courses)	Secretary of State.
Section 139 (Touting, hawking, etc.)	Secretary of State.
Section 140 (Byelaws as to leading or driving of dogs)	Secretary of State.
Section 141 (Provisions as to motor vehicles let for hire)	Secretary of State.

PART XV
—cont.

For protection
of the British
Railways
Board.

200. For the protection of the railways board the following provisions shall have effect unless otherwise agreed by the Corporation and the railways board:

(1) In this section the word "apparatus" means and includes electric mains, wires, conductors, posts, tube apparatus and any similar appliances to be used for the purposes of the supply of motive power for an vehicles and includes also any brackets for the purposes of such apparatus:

(2) (a) All apparatus where the same shall be laid up across, under or over any bridge or the approaches thereto or other work belonging to or maintainable by the railways board or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans, sections and specifications to be previously submitted to and reasonably approved by the railways board or in case of difference between them and the Corporation by arbitration:

Provided that if the railways board do not within twenty-eight days after such submission signify disapproval of such plans, sections and specifications they shall be deemed to have approved thereof;

(b) All such apparatus shall be executed according to the plans, sections and specifications so approved and under the superintendence (if the same be given) and to the reasonable satisfaction of the railways board;

(c) The Corporation shall so maintain and use the apparatus as not to injuriously affect any such bridge approach or other work and in the event of any injury or damage occasioned to such bridge approaches or other work by the construction, maintenance, user or removal of the apparatus upon, across, under or over the same the railways board may make good the injury and recover from the Corporation the reasonable expenses of so doing:

(3) The Corporation shall on demand pay to the railways board the reasonable expense of lighting and watching the railway and property of the railways board during the execution or repair by the Corporation under the Act of any work or apparatus affecting any bridge or other work belonging to or maintainable by the railways board for preventing all interference, obstruction, danger and accident from any of the operations or the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise:

(4) The Corporation shall not in any manner in the execution, maintenance, user or repair of any of their apparatus obstruct or interfere with the free, uninterrupted and safe user of any railway belonging to the railways board or any traffic thereon:

(5) The Corporation shall be responsible for and make good to the railways board all losses, damages and expenses which may be occasioned to the railways board or to any of their works or property or to the traffic on their railways or to any person using the same by, or by reason of, the execution or failure of any of the apparatus or by reason of any act, default or omission of the Corporation or of any person in their employ or of any contractors for the apparatus or any part thereof with respect to the execution of any such apparatus and the Corporation shall effectually indemnify and hold harmless the railways board from all claims and demands upon or against them by reason of such execution or failure or of any such act, default or omission:

(6) If the railways board under their powers existing at the date of the passing of this Act shall hereafter require to widen, lengthen, strengthen, reconstruct, alter or repair any such bridge under or upon which the apparatus is laid or the approaches thereto or to widen or alter any railway thereunder or thereover and if it shall be necessary for such purpose that such apparatus be temporarily taken up, diverted or removed and if the railways board accordingly give the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up, diversion or removal then the working or user of such part of the apparatus shall be taken up, diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence), but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the railways board shall not be liable to pay compensation in respect of such stoppage, delay or taking up, diversion or removal:

(7) The Corporation shall from time to time pay to the railways board any additional expense which the railways board may reasonably incur in effecting such widening, lengthening, strengthening, reconstructing, altering or repairing as is mentioned in the last preceding paragraph

PART XV
—cont.

- or in the maintenance of any bridge, approach or of work of the railways board by reason of the existence or user of the apparatus:
- (8) If and when the railways board shall require to reconstruct, alter, repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall, in order to ensure the safety of the workmen employed in such reconstruction, alteration, repairing or painting, cut off the electric current from the trolley wires under such bridge at such places as shall be agreed between the Corporation and the engineer of the railways board or failing agreement shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer:
- (9) If having regard to the proposed position of any apparatus when considered in relation to the position of the work of the railways board at any point where any apparatus is or will be constructed over or under the railway or other works of the railways board it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric, telegraphic, telephonic or signal wires or apparatus of the railways board shall be altered the railways board may execute any works reasonably necessary for such alteration and the reasonable expenses of executing such works shall be repaid to the railways board by the Corporation:
- (10) The Corporation shall not for the purposes of this Act make attachments to any part of the said bridges without the consent in writing of the railways board and such attachments if allowed to be in all respects subject to the approval of the railways board and to be temporarily removed at any time when required by the railways board in connection with the maintenance, reconstruction or alteration of the said bridges:
- (11) (a) The board their servants, agents and contractor shall on giving seven days' previous notice in writing to the Corporation be entitled to access over so much of the lands numbered 36 in the borough on the plan deposited for the purposes of the Walsall Corporation Act, 1939, as is within 10 feet of the face of the railways board's retaining wall adjoining such lands to the said retaining wall for the purpose of maintaining, repairing and renewing the same the railways board making good all damage to the property of the Corporation occasioned by the exercise of such right to the satisfaction of the surveyor;

(b) The Corporation shall not erect or remove any buildings or carry out any excavations on that portion of the said lands which is within 10 feet of the face of the railways board's said retaining wall without the previous consent in writing of the railways board's engineer which consent shall not be unreasonably withheld and the Corporation shall not be entitled in respect of any building erected by them on the said lands to any right of support by the adjoining lands or works of the railways board:

(12) If any difference arises under this section between the Corporation and the railways board the same shall unless otherwise agreed be settled by arbitration.

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

For protection of certain statutory undertakers.

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

“ apparatus ” means—

(a) any electric line or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the generating board or the electricity board; 1882 c. 56.

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

(c) mains, pipes or other apparatus belonging to or maintained by the water undertakers;

and includes any works constructed for the lodging therein of apparatus;

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

“ position ” includes depth;

“ the undertakers ” means—

the generating board;

the electricity board;

the Gas Council;

the gas board;

the water undertakers;

or any of them as the case may be;

“ the water undertakers ” means the statutory water undertakers for the time being authorised to supply water in the borough:

(2) Nothing in the following sections of this Act shall relieve the Corporation, or in the case of section 129

PART XV
—cont.

(Police telephone call boxes and shelters) of the police authority, or any person acting with the consent of or on the requirement of the Corporation or the police authority, as the case may be, from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and said powers shall be so exercised as not to render unreasonably inconvenient the access to any residential or operational land:—

Section 65 (Cloakrooms, etc.):

Section 97 (Trees, grass verges and gardens):

Section 104 (Temporary stoppage of street):

Section 105 (Decorations in streets):

Section 106 (Power to provide moving footway):

Section 129 (Police telephone call boxes and shelters):

Section 145 (Protection of dangerous excavations):

- (3) The Corporation shall not under the powers of section 82 (Use of Delves Green) of this Act appropriate any part of Delves Green in which any apparatus situate without the consent of the undertaker, such consent not to be unreasonably withheld) or do anything under the powers of the said section 82 to obstruct or otherwise interfere with the right of the undertaker to maintain, inspect, repair, renew, replace or remove the said apparatus:
- (4) For the purposes of section 92 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (5) Nothing in the said section 92 or in section 93 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from erecting apparatus (including an electricity sub-station, a feeder, a pressure governor or meter house) or any temporary structure required in connection with the laying or maintenance of apparatus for the purposes of an undertaking on land abutting on any new street defined in the case of the said section 92, such new street as is defined or, in the case of the said section 93, such new street as is defined and sewered in accordance with the street byelaws:
- (6) (a) Not less than twenty-eight days before the Corporation exercises the powers of section 95 (Roundabouts)

splaying off corners at street junctions) of this Act require the addition to the carriageway of a street of any portion of a footway or grass margin or other land in which any apparatus is situate the Corporation shall give to the undertakers notice of their intention so to do accompanied by a plan and section of the intended street alteration and the undertakers may, and if reasonably so required by the Corporation shall, alter the position of the apparatus to such other position in—

- (i) the carriageway or footway; or
- (ii) the grass margin or other land (if any) as altered:

as may be reasonable;

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

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

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

- (i) the cutting off of any apparatus from any other apparatus; and
- (ii) any other work or thing rendered necessary in consequence of any such work:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable apply to any payment to be made by the Corporation under this sub-paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be

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—CONS.

- by the promoting authority" there were the words "agreed or settled by arbitration section 201 (For protection of certain statutory takers) of the Walsall Corporation Act 1969."
- (7) Notwithstanding anything in section 96 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of or exchange any operational land except with the consent which shall not be unreasonably withheld.
- (8) Nothing in section 97 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:
 Provided that, in exercising such rights, the undertakers shall not cause or permit, except in the necessary cases, vehicles to enter upon any such verge which is maintained in an ornamental condition or any garden:
- (9) Nothing in section 98 (Enforcement of improvement) of this Act shall apply to any building or structure of the undertakers which is used by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity, for the manufacture, distribution or storage of gas or for or in connection with the use by them as a pumping station, treatment works or reservoir for water except with the consent of the undertakers which shall not be unreasonably withheld:
- (10) Nothing in section 99 (Erection of structures at street corners) of this Act shall apply to the placing or erection by the undertakers of any structure being developed which is permitted by any development order in force under the Act of 1962 for the time being in force:
- (11) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 104 (Temporary stoppage of streets) of this Act the undertakers shall be at liberty at all times to execute and do all such works and things in, under and upon any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus to enter upon such street for those purposes or any of them with any necessary vehicles:
- (12) In exercising the powers conferred by subsection (1) of section 116 (Silencers for internal combustion engines)

of this Act in relation to any premises occupied by or being constructed for the undertakers and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity, gas or water an authorised officer of the Corporation shall conform to such reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:

(13) The provisions of section 136 (Safety of stands) of this Act shall not apply to any stand used by the undertakers on operational land for the purposes of their undertaking:

(14) (a) When the Corporation give any notice under subsection (1) of section 137 (Securing of unoccupied buildings) of this Act they shall at the same time send a copy of such notice to the undertakers;

(b) Nothing in the said section 137 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability, arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 137 shall ensure that the premises are not left less secure by reason of the entry:

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

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

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

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

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—cont.
1946 c. 31.

(3) In this section "Minister of the Crown" has the meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

Arbitration.

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

Provision of Act	Person appointed arbitrator
Subsection (3) of section 6 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Subsection (2) of section 8 (Supply of heat)	The Minister.
Subsection (2) of section 10 (Power to lay down or erect electric lines, etc.)	The President of the Institution of Civil Engineers.
Subsection (3) of section 65 (Cloakrooms, etc.)	The President of the Institution of Civil Engineers.
Section 71 (For protection of British Waterways Board)	The Minister of Transport.
Subsection (4) of section 96 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Paragraph (a) of subsection (5) of section 129 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Subsection (6) of section 194 (Supply of water to premises where supply cut off)	The Minister.
Paragraph (12) of section 200 (For protection of the British Railways Board)	The President of the Institution of Civil Engineers.
Paragraph (15) of section 201 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

The appointed day.

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

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

(3) The Corporation shall cause to be published in any newspaper circulating in the borough notice—

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

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

PART XV
—cont.

(4) Either—

(a) a copy of any such newspaper containing any such notice; or

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

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

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

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 208 (Appeals) of this

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

Evidence of proceedings, appointments, etc.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or authority given to, an officer of the council or a committee on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

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

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

PART XV
—cont.Liability of
directors, etc.

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

(2) The provisions hereinbefore referred to are—

- Section 131 (Firemen's switches for luminous tubes);
- Section 190 (Hairdressers and barbers);
- Section 191 (Tattooists).

(3) In this section "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction on
right to
prosecute.

207. The written consent of the Attorney-General shall be a requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a person aggrieved or the Corporation or (in respect of an offence created by or under any of the provisions mentioned in Schedule 2 to this Act) a constable.

Appeals.

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

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used at that time;

then, until the time for appealing has expired or, if an appeal is lodged, until the appeal is disposed of or withdrawn or fails, there shall be no want of prosecution—

- (i) no proceedings shall be taken in respect of any offence in relation to the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and

person may carry on that business, and use those premises for that purpose.

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--CONT.

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

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

(1) The sections of the Act of 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

Application of general provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the Schedule shall have effect as if references therein to that Act included a reference to section 62 (Trees overhanging highways) and also to the following Parts of this Act, that is to say:—

Part VI (Streets);

Part XI (Public order and public safety).

(3) The section of the Act of 1936 mentioned in Part III of the said Schedule shall have effect as if references therein to that Act included a reference to the following sections of this Act, that is to say:—

Section 98 (Enforcement of improvement line);

Section 109 (Sanitary conveniences at places of public exhibition, betting offices, etc.);

Section 110 (Power to order alteration of domestic chimneys);

Section 114 (Maintenance of and access to bulk refuse containers);

Section 117 (Slaughter of animals otherwise than for human consumption);

Section 131 (Firemen's switches for luminous tube signs);

Section 135 (Further provision for public and other buildings);

Section 136 (Safety of stands);

Section 137 (Securing of unoccupied buildings);

Section 138 (Disposal of dangerous containers);

Section 142 (Inspection and certification of taximeters);

Section 145 (Protection of dangerous ponds and excavations).

PART XV
—cont.

(4) The section of the Act of 1936 mentioned in Part II of the said Schedule shall have effect as if references therein to that Act included a reference to this Act other than Part II (Heat undertaking).

Saving for town and country planning.

211. The provisions of the Town and Country Planning Act 1962 to 1968, and any restrictions or powers thereby conferred or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under that Act.

Saving for trusts.

212. No power conferred upon the Corporation by the following provisions of this Act, namely:—

- Paragraph (e) of subsection (1) of section 26 (Power of Corporation as to markets and fairs);
- Section 84 (Disposal of land);
- Section 119 (Parking places in parks, etc.);
- Section 120 (Golf courses);

shall be exercised in such a manner—

- (1) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court, of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person or
- (2) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Repeal.

213. The enactments specified in Schedule 4 to this Act (in so far as they are not already repealed) hereby repealed to the extent mentioned in that schedule.

Continuance of certain enactments.

214.—(1) The provisions of any Act or order to which this section applies which immediately before the 1st April 1969 affected any area comprised as from that date in the borough otherwise than in relation to property held on a charitable trust shall, notwithstanding sub-paragraphs (a) and (b) of paragraph 1 of article 51 of the Order of 1965, continue to apply to such area and any reference therein to any area of local government shall in such application be construed as a reference to the borough.

This section applies to—

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

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

- (i) the council of a county, an urban district or a rural district;
- (ii) the municipal corporation of any borough, acting by the council of that borough;
- (iii) any commissioners, trustees or other persons invested by any local Act with powers of town government and rating; or

any local board constituted in pursuance of the Public Health Act, 1848, the Local Government Act, 1858, the Local Government (1858) Amendment Act, 1861, and the Local Government Amendment Act, 1863.

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

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

215. The transitional provisions contained in Schedule 5 to this Transitional Act shall have effect in relation to the repeals effected by this Act. provisions.

216. The costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation. Costs of Act.

SCHEDULES

Section 39.

SCHEDULE I

TROLLEY VEHICLE ROUTES

- ROUTE No. 1.—Commencing at the junction of Wismore with Stafford Street, proceeding along Stafford Street, Bloxwich High Street to the junction of High Street and Bell Lane.
- ROUTE No. 2.—Commencing at the junction of Townend Wolverhampton Street, proceeding along Townend Green Lane to the junction of Stafford Street with Wismore.
- ROUTE No. 3.—Commencing at the junction of Green Lane and Townend Street, proceeding along Green Lane, Townend and Wolverhampton Street to the junction of Wolverhampton Street with Townend Street.
- ROUTE No. 4.—Commencing at the junction of St. Paul's Stafford Street, proceeding along St. Paul's Street across to the junction of St. Paul's Street with Darwall Street.
- ROUTE No. 5.—Commencing at the junction of Wismore St. Paul's Street and proceeding along Wismore to its junction with Stafford Street.
- ROUTE No. 6.—Commencing at the junction of Proffitt Stafford Street, proceeding along Proffitt Street, Coalpool Ross Road, Harden Road and Walker Road to the junction of Walker Road with Barracks Lane.
- ROUTE No. 7.—Commencing at the junction of Walker Barracks Lane, proceeding along Walker Road, Green Lane and Livingstone Road, to the junction of Livingstone with Lichfield Road, Little Bloxwich.
- ROUTE No. 8.—Commencing at the junction of Lichfield Bloxwich with Livingstone Road, proceeding along Lichfield Road, Bell Lane and Sneyd Lane to the junction of Sneyd Lane with Cresswell Crescent.
- ROUTE No. 9.—Commencing at the junction of Wolverhampton Road, Bloxwich with High Street, proceeding along Wolverhampton Road to its junction with Bell Lane.
- ROUTE No. 10.—Commencing at the junction of Green Lane and Townend Street, proceeding along Green Lane and Somerfield Road to the junction of Somerfield Road with High Street, Bloxwich.
- ROUTE No. 11.—Commencing at the junction of Stephenson Avenue with Cavendish Road, proceeding along Stephenson Avenue to its junction with Bloxwich Lane.
- ROUTE No. 12.—Commencing at the junction of Bloxwich Lane and Stephenson Avenue, proceeding along Bloxwich Lane, Leam Lane across Bloxwich Road and thence along Harden Road to its junction with Walker Road.
- ROUTE No. 13.—Commencing at the junction of Bloxwich Lane and Stephenson Avenue, proceeding along Bloxwich Lane to its junction with Wolverhampton Road, Bentley.

SCH. 1
—cont.

ROUTE No. 14.—Commencing at the junction of Blakenall Lane with Bloxwich Road, proceeding along Blakenall Lane and along the south-easterly length of Blakenall Heath to the junction of Blakenall Heath with Walker Road and Barracks Lane.

ROUTE No. 15.—Commencing at the junction of Blakenall Heath with Blakenall Lane, proceeding along the westerly length of Blakenall Heath to the junction of Blakenall Heath with Walker Road, near Green Rock Lane.

ROUTE No. 16.—Commencing at the northern junction of Park Road and High Street, proceeding along Park Road to its junction with Lichfield Road.

ROUTE No. 17.—Commencing at the junction of Stephenson Avenue with Green Lane and proceeding along Stephenson Avenue to its junction with Cavendish Road.

ROUTE No. 18.—Commencing at the junction of Cresswell Crescent with Sneyd Lane and proceeding along Cresswell Crescent to its junction with Broad Lane.

ROUTE No. 19.—Commencing at the junction of Ingram Road with Green Rock Lane, proceeding along Ingram Road and Field Road to the junction of Field Road with Lichfield Road, Bloxwich.

ROUTE No. 20.—Commencing at the junction of Leamore Lane with Bloxwich Lane, proceeding along Leamore Lane, Willenhall Lane, Moorland Road, Heather Road, Central Drive and Sneyd Hall Road (including easterly and westerly sides) to the junction of Sneyd Hall Road with Sneyd Lane.

ROUTE No. 21.—Commencing at the junction of Stoney Lane with Lichfield Road, Little Bloxwich, proceeding along Stoney Lane and Buxton Road to a terminal circle at the junction of Buxton Road with Sanstone Road.

SCHEDULE 2

Section 207.

PROVISIONS CREATING OFFENCES IN RESPECT OF WHICH A CONSTABLE MAY PROSECUTE

- Section 97 (Trees, grass verges and gardens);
- Section 102 (Awnings over footways);
- Section 103 (Mixing of mortar, etc., in streets);
- Section 105 (Decorations in streets);
- Section 108 (Damage to obstruction lights, etc.);
- Section 111 (Provisions as to movable dwellings);
- Section 128 (Notice of street processions);
- Section 130 (Offences in respect of telephone boxes, fire hydrants, etc.);
- Section 139 (Touting, hawking, etc.);
- Section 141 (Provisions as to motor vehicles let for hire).

Section 210.

SCHEDULE 3
SECTIONS OF ACT OF 1936 APPLIED
PART I
SECTIONS APPLIED TO THIS ACT

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II
SECTIONS APPLIED TO SECTION 62 AND PARTS VI AND XI OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act, 1925 c. 22.

PART III
SECTION APPLIED TO SECTIONS 98, 109, 110, 114, 117, 131, 135, 136, 138, 142 AND 145 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

PART IV
SECTION APPLIED GENERALLY TO ACT OTHER THAN PART II

Section	Marginal note
293	Recovery of expenses.

SCHEDULE 4

Section 213.

ENACTMENTS REPEALED

Title or short title	Extent of repeal
12 Vict. An Act for more effectually paving, lighting, watching, draining, cleansing and otherwise improving the Town and Neighbourhood of Walsall in the county of Stafford; for improving the Markets; and for better assessing the Poor's Rates, Highway Rates, Church Rates and other local Rates within the Parish of Walsall in the said county	The whole Act.
15 Vict. c. xv. Walsall Improvement and Market Amendment Act 1850	The whole Act.
20 & 21 Vict. c. cix. Walsall Gas Purchase and Borough Extension Act 1876	The whole Act.
40 & 41 Vict. c. ccxli. The Local Government Board's Provisional Orders Confirmation (Artizans and Labourers' Dwellings) Act, 1877	The Order relating to Walsall dated 12th May, 1877.
43 & 44 Vict. c. lxxiii. Tramways Orders Confirmation (No. 2) Act 1880	Walsall and District Tramways Order 1880.
46 Vict. c. lxxv. Local Government Board's Provisional Orders Confirmation (No. 4) Act 1882	Walsall Corporation (Loans) Order 1882.
46 Vict. c. cxi. Tramways Orders Confirmation (No. 3) Act 1882	Walsall and District Tramways Order 1882.
47 & 48 Vict. c. lxxx. Tramways Orders Confirmation (No. 2) Act 1884	Walsall and District Tramways Order 1884.
51 & 54 Vict. c. cxxx. Walsall Corporation Act 1890 ...	The whole Act.
58 & 59 Vict. c. lxxxviii. Local Government Board's Provisional Orders Confirmation (No. 8) Act 1895	Walsall Order 1895.
61 & 64 Vict. c. cclxxxvii. Walsall Corporation Act 1900 ...	The whole Act.
9 Edw. 7. c. cxviii. Local Government Board's Provisional Orders Confirmation (No. 2) Act 1909	Walsall Order 1909.

SCII. 4
—cont.

Session and chapter	Title or short title	Extent of repe
4 & 5 Geo. 5 c. clx.	Walsall Corporation Act 1914 ...	The whole Act
9 & 10 Geo. 5 c. cxviii.	Walsall Corporation Act 1919 ...	The whole Act
—	Walsall Corporation Gas Order 1924	The whole Order
15 & 16 Geo. 5 c. cxxii.	Walsall Corporation Act 1925 ...	The whole Act
19 & 20 Geo. 5 c. xxi.	Ministry of Health Provisional Order Confirmation (No. 5) Act 1929	Walsall Order 1929
20 & 21 Geo. 5 c. cxxv.	Wednesbury Corporation Act 1930	So much as a the borough
20 & 21 Geo. 5 c. clxx.	Walsall Corporation Act 1930 ...	The whole Act section 101
1 Edw. 8 & 1 Geo. 6 c. xliv	Staffordshire County Council Act 1937	So much as app the borough
1 Edw. 8 & 1 Geo. 6 c. lxi.	Walsall Corporation (Trolley Vehicles) Order Confirmation Act 1937	The whole Act
1 & 2 Geo. 6 c. xxv.	Aldridge Urban District Council Act 1938	So much as applies the borough
—	Walsall Corporation Gas Order 1938	The whole Order
2 & 3 Geo. 6 c. lxxxii.	Walsall Corporation Act 1939 ...	The whole Act ex section 36 and far as it rel to electricity section 41
2 & 3 Geo. 6 c. xxiii.	Willenhall Urban District Council Act 1939	So much as app the borough
5 & 6 Geo. 6 c. xv.	Walsall Corporation (Trolley Vehicles) Order Confirmation Act 1951	The whole Act
1 & 2 Eliz. 2 c. xxii.	Walsall Corporation (Trolley Vehicles) Order Confirmation Act 1953	The whole Act
2 & 3 Eliz. 2 c. xlili.	Walsall Corporation Act 1954 ...	The whole Act

SCH. 4
—cont.

Session and chapter	Title or short title	Extent of repeal
	Walsall Corporation (Trolley Vehicles) Order 1961	The whole Order.
	Walsall Corporation (Trolley Vehicles) Order 1962	The whole Order.
	Ministry of Housing and Local Government Provisional Orders Confirmation (Cambridge, Reading and Walsall) Act 1966	Walsall Order 1966.

SCHEDULE 5

Section 215.

TRANSITIONAL PROVISIONS

(1) Notwithstanding the repeals effected by this Act—

(a) all existing bonds, mortgages, annuities, stock or other securities granted payable or created under any of the repealed enactments shall continue valid and available for all purposes and for and against all parties and the holders of all such bonds, mortgages, annuities, stock or other securities shall be in the like position and entitled to the like powers, rights and remedies as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;

(b) all property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts, works, matters and things before the commencement of this Act done or commenced under the powers of the repealed enactments or any of them and which were at the commencement of this Act valid and available or in progress and all existing notices, notices to treat, agreements, awards, conveyances, contracts, covenants, deeds, instruments, leases obligations, rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;

(c) all actions, arbitrations, prosecutions and proceedings by, with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the repealed enactments or any of them may be continued, commenced or prosecuted by or against the Corporation as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;

SCH. 5
—cont.

- (d) any enactment in the repealed enactments which prescribed the boundaries of the borough or of any parish, ward, electoral division or other area or which abolished any such area or which enacted provisions consequent on any such alteration shall continue to have effect as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;
- (e) all existing byelaws, rules, regulations, orders and licences shall continue in force until repealed, altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as are made for like purposes respectively under the provisions of this Act;
- (f) all rates, rents, tolls and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;
- (g) all books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect.

(2) The mention of particular matters in this schedule shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act, 1889.

1889 c. 63.

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