

West Bromwich Corporation Act 1969

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ELIZABETH II



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to re-enact with amendments and to extend certain local enactments in force in the county borough of West Bromwich; 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—

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

- (a) with alterations the area of the county borough of West Bromwich;
- (b) the greater parts of the borough of Tipton and Wednesbury in the administrative county of Stafford;
- (c) part of the county boroughs of Birmingham, Smethwick and Walsall;
- (d) parts of the boroughs of Bilston and Rowley Regis and the urban districts of Aldridge and Coseley in the administrative county of Stafford; and
- (e) parts of the borough of Oldbury in the administrative county of Worcester;

as existed immediately before 1st April, 1966:

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

(3) It was further provided by the said article 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 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 county borough (hereinafter referred to as "the Corporation") and to make further provision in regard to the local government, improvement and finances of the borough:

(6) It is expedient that the Corporation should be enabled to appropriate and use for highway purposes a portion of the Wood Green Cemetery of the Corporation:

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

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

(9) A plan showing the lands which may be appropriated and used under the powers of this Act and a book of reference relating thereto were in April, 1969, 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 plan and book of reference are in this Act referred to respectively as the deposited plan and book of reference:

(10) In relation to the promotion of the Bill for this Act requirements of Part XIII of the Local Government Act, 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, 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 West Bromwich Corporation Act 1969.

Short title
and com-
mencement.

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

PART I
—cont.

(a) Part IV (Transport);

so much of section 167 (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.

This Act is divided into Parts as follows:—

Division of
Act into
Parts.

I.—Preliminary.

II.—Heating undertaking.

III.—Markets.

IV.—Transport.

V.—Lands.

VI.—Streets.

VII.—Sanitation and buildings.

VIII.—Nuisances.

IX.—Food.

X.—Parks, cemeteries and other municipal property.

XI.—Public order and public safety.

XII.—Control of boxing and wrestling entertainments.

XIII.—Finance and superannuation.

XIV.—Miscellaneous.

XV.—General.

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

Interpretation.
1936 c. 49.

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

"the Act of 1933" means the Local Government Act, 1933; 1933 c. 51.

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

"the Act of 1950" means the Public Utilities Street Works Act, 1950; 1950 c. 39.

"the Act of 1957" means the Housing Act, 1957; 1957 c. 56.

"the Act of 1959" means the Highways Act, 1959; 1959 c. 25.

"the Act of 1960" means the Road Traffic Act, 1960; 1960 c. 16.

"the Act of 1962" means the Town and Country Planning Act, 1962; 1962 c. 38.

PART I
—cont.

1882 c. 56.

1952 c. 55.

- “appointed day” has the meaning assigned expression by section 158 (The appointed day) Act;
- “the borough” means the borough of West Bromwich;
- “bulk refuse container” means a container of not less than 1 cubic yard nominal capacity for refuse designed adapted to be emptied by mechanical means by a refuse vehicle of the Corporation or to be removed by a vehicle of the Corporation for emptying;
- “contravention” includes a failure to comply with a requirement and “contravene” shall be construed accordingly;
- “the Corporation” means the mayor, aldermen and burgesses of the borough acting by the council;
- “the council” means the council of the borough;
- “daily fine” means a fine for each day on which an offence is continued after conviction therefor;
- “electric line” has the same meaning as in the Electricity 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 the 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, premises, works, buildings, machinery, plant, mains, apparatus, appliances, easements, rights, powers, privileges for the time being belonging to or held by or enjoyed by the Corporation for or in connection with the provision, storage, transmission, distribution or supply of heat as defined in section 4 (Interpretation) of Part II of Act) of this Act;
- “magistrates’ court” has the same meaning as in the Magistrates’ Courts Act, 1952;
- “the markets undertaking” means the markets undertaking of the Corporation and includes all lands, premises, buildings, apparatus, appliances, rights, powers, authorities and privileges for the time being belonging to or held by or enjoyed by the Corporation for or in connection with the provision, storage, transmission, distribution or supply of heat as defined in section 4 (Interpretation) of Part II of Act) of this Act;

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.

"telegraphic line" has the same meaning as in the Telegraph Act, 1878; 1878 c. 76.

"the transport undertaking" means the public service vehicle undertaking of the Corporation and includes all public service 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 for, in relation to or in connection with the said public service 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;

"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,

PART I
—cont.

the surveyor, the treasurer and any public health officer of the borough.

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

PART II

HEATING UNDERTAKING

Interpretation
of Part II
of Act.

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

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

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

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

Works for
provision
of heat.

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

Provided that—

(a) nothing in this section shall be taken to require the Corporation to obtain the consent of any government department or 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 any 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.

(2) Any electricity generated by the Corporation as aforesaid

(a) to the generating board; or

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

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

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

(a) required for or in connection with the heating undertaking;

(b) supplied to the electricity board with the approval of the generating board;

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

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

(5) The Corporation may enter into and carry into effect agreements with any person able to give a supply of heat for the heat in bulk.

PART II
—cont.

furnishing to the Corporation by such person for the purpose of this Part of this Act of such a supply and—

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision of 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, destructor or industrial plant, and any person able to supply heat may enter into such an agreement.

Supply of
heat.

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

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

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

(2) (a) The Corporation shall not supply heat to any premises outside the borough without the consent of the 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 the county borough or county district under this subsection shall be determined by arbitration.

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

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

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

PART II
---cont.

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

- Section 17 (Power to lay mains &c.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies, navigation authorities, tramway undertakers, &c.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

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

“limits of supply” means the borough;

“main” includes a pipe or duct for the transmission of heat whether or not that transmission is for the purpose of the supply of heat;

“service pipe” means a pipe or duct for supplying heat from a main to any premises;

“supplying water” means supplying heat and “supply of water” shall be construed accordingly; and

“the undertakers” means the Corporation.

Nothing in the provisions incorporated by this section 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) bringing a supply of heat from any works or premises outside the borough.

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

Power to lay down or erect electric lines, etc.

such lines—

(a) 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 they may from time to time inspect, repair, alter or renew or may

remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise:

PART II
- cont.

Provided that a consent required for the purpose 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 powers conferred by this section lay down or erect any electric line or apparatus in, on or over any land not forming part of a street or 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.

1945 c. 42.

(3) The following provisions of the Third Schedule to the Water Act, 1945, shall apply with the necessary modification 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.

1888 c. 12.

1947 c. 54.

1899 c. 19.

1969 c. 48.

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

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

...nt is or is not unreasonably withheld shall be determined
the Minister of Power.

PART II
—cont.

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

Power to
supply
fittings.

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

(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—

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

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 1965 c. 66.
by the Corporation:

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

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

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

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

PART II
—cont.

(b) Without prejudice to the foregoing provisions of this section, the Corporation may do all such work as is necessary to 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

Heating
charges.

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

(2) The heating charges payable by any person may after 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 of heating charges payable by the occupier of any premises of which he is the tenant of the Corporation and connected as aforesaid, the same may be recovered as rent due from him.

Security for
payment of
accounts.

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

PART II
—CONT.

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

Discount for prompt payment.

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

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

Power to enter premises.

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

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

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

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

Provided that, except in cases of emergency arising from any heating fittings, admission to any premises shall be demanded as of right unless twenty-four hours' notice of intended entry has been given to the occupier.

It is shown to the satisfaction of a justice of the peace on information in writing that—

(a) admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and (b) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

PART II
—cont.

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

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

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

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

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

Interference
with
apparatus, etc.

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

(2) If any person wrongfully takes, uses or diverts any 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.

Byelaws for
protection
of heating
undertaking.

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

Byelaws under this section may include provisions—

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

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

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

(ii) reverberation in pipes; and

requiring the testing of fittings, and the making of charges therefor.

If any person contravenes the provisions of any byelaw under this section the Corporation may, without prejudice to its right to take proceedings in respect of such contravention, require any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses 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, primarily as a civil debt.

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

Notice to be given before quitting premises supplied with heat.

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

There shall be endorsed upon every demand note in respect of 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.

PART II
—cont.

Corporation not to be exempted from proceedings for nuisance.

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

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

Modification of section 26 of Act of 1950.

19.—(1) In any case in which—

- (a) the Corporation are the operating undertaker, the meaning of section 26 of the Act of 1950 in relation to 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, the powers of this Part of this Act; and
- (b) either the Post Office, the generating board, the electric board, the gas board or the water undertaker, or any of 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 subsection, 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 such works under this Part of this Act, and on any subsequent occasion on which the Corporation execute such works extending for a distance of more than 100 yards, the said notice shall be given not less than twenty-one days before the works are commenced and shall be accompanied by information as to—

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

(B) the measures (if any) proposed to be taken by the Corporation with respect to the securing of the safety of any apparatus of the Post Office, the generating board or the electricity board, or of the gas board or the water undertakers from damage.

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.

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

(d) In this section—

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

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

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

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 wholly before the commencement of that Act.

(2) In this section “land” includes easements and rights in or over land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights in or over land which they may require without purchasing any other interest in or over land.

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 in the compulsory purchase order were construed in the context so requires as references to the land in respect of which the easement or right is acquired, and references to the land in respect of which possession of the land so comprised were construed as references to the exercise of the easement or right.

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

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

PART II
—cont.

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

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the land unless the Lands Tribunal 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.

Attachment of brackets, etc.

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

1961 c. 64.

(2) The provisions of subsections (2) to (9) of section 10 of the Public Health Act, 1961, shall apply to attachments affixed under subsection (1) of this section as if they were attachments affixed under subsection (1) of the said section and the said provisions as so applied shall have effect with the 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”.

(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 compiled by the Minister of Public Building and Works under any enactments for the time being in force relating to ancient monuments without the consent of the Minister; or

(b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister under section 32 of the Act of 1961, being a building to which paragraph (a) of this subsection applies, without the consent of the Minister.

PART III
MARKETS

~~this~~ Part of this Act unless the subject or context ^{Interpretation}
~~otherwise requires—~~ of Part III
of Act.

~~market~~ house" means market house, market hall or
market building or market premises of the Corporation;

~~market~~ place" and "cattle market" mean respectively
market place and cattle market of the Corporation;

~~market~~ stand" means stand, stall, shed, pen, table, com-
partment, standing room, station or place in any market
house, market place or cattle market.

~~The~~ markets undertaking as it exists at the commencement ^{Markets}
~~shall~~ continue vested in the Corporation and shall be ^{undertaking}
~~and~~ enjoyed by them. ^{to continue}
^{vested in}
^{Corporation.}

~~(1)~~ The Corporation without prejudice to the generality of ^{Powers of}
~~provisions~~ of the last preceding section shall have the following ^{Corporation}
~~in relation~~ to the markets undertaking, namely:— ^{as to markets.}

~~(a)~~ they may continue the markets held at the commence-
ment 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
discontinue the whole or any part of such existing or
new markets;

~~(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
markets;

~~(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;

~~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;

PART III
—cont.

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

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

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

Limits of
markets.

25. The limits of the markets of the Corporation shall be the limits of the borough.

Market days
and hours.

26. The Corporation may appoint the days on which and the hours during which markets are to be held.

Public
notice of
removal of
markets, etc.

27.—(1) At least one month before the Corporation exercises any power of the Corporation under the powers of the 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 notice; or

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

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

Power to let
stands, etc.,
in market.

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

Power to take
possession of
market
stands for
non-payment
of rents, etc.

29. If any person occupying or using any market stand and not after any rent, stallage or charge has become due to the Corporation in respect of the market stand and has subsequently been made therefor pay the same within the days of the demand, the Corporation may enter upon and take possession of that market stand and re-let the same in the same or in any other way as the Corporation may think fit, without prejudice to any other remedy for the recovery of such stallage or charge.

Corporation may permit any market place or any land for the purpose of any market or cattle market and open land belonging to them adjoining thereto to be used for public meetings, public services, public speaking and public dances 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.

PART III
—cont.

As to public meetings, etc.

Nothing in this Part of this Act shall prejudice the rights of the Corporation as owners of the franchise of the market held in the former borough of Wednesbury in pursuance of a Charter granted by Her late Majesty Queen Anne in the year 1709.

Saving for rights of Corporation.

PART IV
TRANSPORT

This Part of this Act—

“highway authority” means—

Interpretation of Part IV of Act.

(a) in the case of a trunk road the Minister of Transport or, with his consent, the authority who are 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;

“motor carriage” has the meaning assigned to it by the Act of 1960.

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

Transport undertaking to continue vested in Corporation.

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

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

(1) The Corporation may provide cloak-rooms and rooms for the storage of bicycles, tricycles and other vehicles at any building used by them in connection with the transport undertaking and at any places on the routes of the public service vehicles of the Corporation, and the Corporation may charge for the use of such cloak-rooms, rooms and buildings for the deposit of articles and things and bicycles, and other vehicles therein, but shall not use for the

Cloakrooms, etc.

PART IV
—cont.

purpose any part of the highway without the consent of the highway authority nor so as to interfere with the access to or exit from any station or depot of the railways board.

(2) Any consent required by the foregoing subsection shall 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 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.

Power to reserve public service vehicles for special purposes.

36.—(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 public service vehicles on any of the routes of the public service vehicles of the Corporation for any special purpose which the Corporation 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 public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of public service vehicles.

(3) (a) Where 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 whose conveyance the vehicle is reserved shall enter or attempt to enter such vehicle.

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

Through stage carriages.

37. Subject to the provisions of Part III of the Act of 1960, the Corporation may run through stage carriages along any of the routes of the stage carriages of the Corporation and in such manner as may be directed by the Corporation. Through stage carriages shall be distinguished from other stage carriages by the Corporation and may demand and take for every passenger carried by such carriages a fare not exceeding the fare authorised for ordinary stage carriages and in respect of such passengers.

whole of such route or the whole of the portion thereof
by any stage carriage:

PART IV
—cont.

Provided that the running of such through stage carriages shall
not curtail the ordinary service.

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

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

Provided that in cases where the Corporation are not the owners
of a lamp-post, pole, standard or similar erection they shall
give notice in writing of their intention to attach thereto any such
sign or direction and shall make compensation to the owner for
loss 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 him or his property by or by reason of such attachment.

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.

The Corporation shall not attach any such sign or direction
to a lamp-post, pole or standard belonging to the Post Office except
with the consent in writing of the Post Office or belonging to the railways board
with their consent in writing.

The exercise of the powers conferred by this section shall
be subject to the provisions of the Road Traffic Regulation Act
1967 c. 76.
and to any regulations made or any general or other
directions given by the Minister of Transport in pursuance of the
provisions.

Nothing in this section shall authorise the Corporation
to make any attachments to any lamp-post, pole, standard or
erection comprised in—

(a) any 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) any 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,
being a building to which paragraph (a) of this
subsection applies, without the consent of the Minister.

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

Saving for
Transport
Act 1968.
1968 c. 73.

PART V

LANDS

Appropriation of part of Wood Green Cemetery for highway purposes.

40. Notwithstanding anything contained in any other enactment but subject to the provisions of this Part of this Act the Corporation may appropriate and use for highway purposes the delineated on the deposited plan (being part of the Wood Green Cemetery of the Corporation) as if no part thereof had ever used or set apart for the purpose of burial of human remains

Discharge of trusts, etc., and removal of human remains.

41.—(1) As from the date on which the Corporation under the powers of this Part of this Act for highway purposes the lands referred to in section 40 (Appropriation of Wood Green Cemetery for highway purposes) of this section referred to as "the cemetery lands" the cemetery lands shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including effects of consecration) which immediately before the commencement of this Act attached to the cemetery lands 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 interred in the cemetery lands and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the commencement of this Act attached thereto.

(2) Before the Corporation use any part of the cemetery for highway purposes they shall remove or cause to be removed the remains of all deceased persons interred in such part

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

(3) Before proceeding to remove any such remains the Corporation shall—

- (a) publish a notice of their intention so to do, on two successive weeks in a newspaper circulating in the borough with an interval between each publication of not less than six days;
- (b) serve, by registered post or the recorded delivery service, on every person who appears to them from their records relating to the cemetery lands to be the personal representative or next of kin of any deceased person interred in the cemetery lands, a copy of such notice; and

display a like notice in a conspicuous position on the cemetery lands;

Every such notice shall have embodied in it the substance of subsections (4) to (7) and (9) and (10) of this section.

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 cemetery lands may give notice in writing to the Corporation of his intention to undertake the removal of such remains and upon he shall be at liberty within two months from the date of such last-mentioned notice without any faculty (but subject to any regulations made by the bishop) to have such remains to be removed to and reinterred in any other burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the benefice concerned or to be removed to and interred in any crematorium.

Any person giving such notice as aforesaid fails to satisfy the Corporation that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the probate 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.

The expenses of a removal and reinterment or cremation exceeding, in respect of remains removed from any one grave with any monument or tombstone relating thereto, the sum of seventy-five pounds shall be defrayed by the Corporation, but to be apportioned, if necessary, equally according to the number of deceased persons whose remains are in the grave.

Within the aforesaid period of two months no such notice shall have been given to the Corporation in respect of any remains in any grave or if after such a notice has been given and no removal made under subsection (5) of this section fails to be made 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 owner thinks suitable for the purpose. In the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall also be required.

Upon the reinterment or cremation of any remains under subsection (5) a certificate of reinterment or cremation shall be made by the Registrar General by the Corporation giving the

PART V
—cont.

date of reinterment or cremation and identifying the place which the remains were removed and the place in which they were reinterred or cremated.

(9) 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 and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and a copy of 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 shall be broken up and may be disposed of in such manner as the Corporation may determine.

(10) 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.

(11) In this section "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.

Correction of errors in deposited plan and book of reference.

42.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or if 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 the misstatement or wrong description arose from mistake, the justices 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

...d plan and the deposited book of reference shall
...ed to be corrected according to the certificate, and it shall
...ful for the Corporation to appropriate the land in
...ance with the certificate.

...person with whom a copy of a certificate is deposited
...this section shall keep it with the other documents to which

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

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

... (1) The Corporation may enter into and carry into effect Power to
...ement or arrangement with the owner or occupier of any reinstate
...quired or to be acquired under any enactment with respect owners or
...reinstatement. occupiers of
...property.

...Any such agreement may provide for the exchange of
...and for that purpose the Corporation may pay or receive
...for equality of exchange.

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

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

...selling any land the Corporation— Reservation of
...may reserve to themselves all or any part of the water by easements, etc.
...hts or other rights or easements belonging thereto Corporation.
...and may make the sale subject to such reservation

...ordingly;
...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
...nagraph, such conditions and restrictions may prohibit
...restrict the exercise of noxious trades or the deposit or
...charge of manure, sewage or other impure matter.

PART V
—cont.

Undertakings
and
agreements
binding
successive
owners.

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

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

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

1925 c. 22.
1926 c. 11.

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

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

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

1845 c. 18.
1965 c. 56.

49. 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 years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the Act of 1845 or section 9 of the said Act of 1965 or paid into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or in pursuance of section 85 of 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 thereon shall be repaid or transferred to the Corporation:

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

PART VI
STREETS

Interpretation
of Part VI
of Act.

50.—(1) In this Part of this Act—
“new street byelaws” has the meaning assigned to that expression in subsection (4) of section 157 of the Act of 1959;

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

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

New streets

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

Prohibition of building until street defined.

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

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), define the approved line, width and level of the new street; and

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

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

(2) 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 by notice prohibit the erection of a building on land abutting on the street until the carriageway has been constructed, and the street has been sewered, in accordance with the said byelaws:

Prohibition of building until street formed and sewered.

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

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

PART VI
—cont.

(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 work sewerage which should have been constructed, and recover expenses of so doing from that person.

1925 c. 22.
1926 c. 11.

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

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

Access to
new street.

53.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws approved by them, they may, for the purpose of securing 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 the other street have become highways maintainable at the public expense.

(2) Such a notice shall be given to the person by whom 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 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 such notice for want of registration as a local land charge.

Rounding or
splaying off
corners at
street
junctions.

54.—(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, by notice require that the corners formed at the junction of the new street with another street, whether existing or intended, but not being a trunk road, shall be rounded or splayed in such manner as may be specified in the notice.

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

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

1961 c. 33.

If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under section 1, he shall be liable to a fine not exceeding one hundred pounds, and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of doing so from that person.

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

Adjustment of boundaries of estates in connection with streets.

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

be made 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 for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate;

if it appears to be necessary or desirable having regard to the line and position of the new street.

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

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

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

PART VI
—cont.

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

(6) An award made under this section shall operate to any adjustment or alteration of boundaries or exchange of land and any removal, modification or imposition of covenant restrictions and conditions attaching to any land, which 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 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 be held subject to the same covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor; and any such covenants, restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

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

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

Improvement of streets

Trees, grass
verges and
gardens.

56.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them, or on land acquired by them for the construction or improvement of a 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 anything expedient, for the maintenance or protection of such trees, shrubs, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence and to abolish any such grass verge or garden or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;
- (g) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto:

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

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

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

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

Section 82 of the Act of 1959 shall cease to apply to highways in the Corporation or to any such land as is referred to in section (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925, with respect to such highways or land before the 1925 c. 68 of this Act shall be deemed to have been done under this section.

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

PART VI
—cont.

(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 unreasonably be withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything placed in 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 an 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 incurred in carrying out the works.

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

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

57.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1925 or section 33 of the Public Health Act, 1925, the Corporation 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, 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 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.

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

(b) The Lands 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

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

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

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

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

(iii) 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.

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

For 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 affected by any requirement of the notice and carry out any work required by the notice.

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

1961 c. 33

PART VI
—cont.

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 where—

(a) he has an interest in land abutting on so much of an 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

(b) 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.

(6) 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 doing from that person.

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

Protection and repair of streets

Erection of
structures at
street corners.

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

Provided that this subsection shall not apply to any structure being development which, by virtue of the Act of 1962, and any development order for the time being in force thereunder, may be undertaken only with permission granted on an application being an advertisement which may be displayed only with 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 from any person the Corporation may give him notice that they do not approve the placing or erection of the structure; or that they do approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice:

Provided that a notice shall not be given under this subsection except on the ground that the structure would, by obstructing the view of foot-passengers or drivers of vehicles, constitute a

anger to the traffic on the street upon, adjoining or near to which is proposed to be placed or erected, or, as the case may be, could constitute such a danger unless placed or erected subject to the conditions or modifications specified in the notice.

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, and, if within the said five weeks the Corporation have given notice under the last foregoing subsection, they shall be deemed for the purposes of this section to have approved the placing or erection of the structure in accordance with those plans and particulars.

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

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

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

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

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 any temporary structure required to be placed or erected at, or within a distance of 10 yards from, the corner of a street for the purpose of the construction, demolition, alteration, repair or maintenance of any building or works:

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

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

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

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—cont.

(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 that 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 of a street with respect to which restrictions have been imposed under section 81 of the Act of 1959 or section 4 of the 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.

Application of
building line
to walls, etc.

59.—(1) No person shall without the consent of the Corporation erect, or bring forward, beyond the building line of a street any structure of a greater height than 6 feet 6 inches above the level of the ground at the nearest boundary of the street.

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

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

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

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

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

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

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 which has not been erected there after the commencement of this Act without contravening the provisions of subsection (1) of this section—

(a) the Corporation may, by notice stating the effect of paragraphs (b) and (c) of this subsection, require the owner or occupier of the site to remove, set back or alter the structure within such time, not being less than seven days, as may be specified in the notice so that it will comply with those provisions;

(b) if the owner or occupier complies with the said notice, the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;

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

In this section—

“building line” in relation to any land means—

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

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

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

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

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

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

PART VI
—cont.

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

- (i) any cross-section whereof is wholly or partly 12 feet of a street in the borough; and
- (ii) which is at any point of a greater height than 6 inches above the level of the ground at the boundary of the street nearest that point.

(2) After the commencement of this Act no length of a retaining wall to which this section applies shall be erected otherwise 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 it in pursuance of the last foregoing subsection may appeal to a magistrates' court.

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

- (a) is in such disrepair as to be liable to endanger persons using the street; or
- (b) having been erected before the passing of this Act, 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 from 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 under the authority so long as such wall is used in connection with the functions of that river; or
- (c) by the Minister of Transport on a trunk road.

Awnings over
footways.

61.—(1) (a) If a person erects, or permits to be erected, or maintains, at the public expense, an awning which—

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

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

shall be liable to a fine not exceeding twenty pounds.

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

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 in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

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 Road Traffic Regulation Act 1967.

1967 c. 76.

(1) After the passing of this Act no part of any building (including the foundations) shall, except with the consent of the Corporation, be constructed so as to extend under the footway or under a footway at a less depth than 6 feet below the surface of such footway.

Restriction on buildings under footways.

Any person who shall contravene the provisions of this section shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding two pounds.

The giving of consent by the Corporation shall not relieve any person to whom the consent is given from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as an office) by any railway, canal or inland navigation authority or statutory undertakers in the exercise of their powers.

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

Mixing of mortar, etc., in streets.

PART VI
—cont.

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

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

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

Miscellaneous

Temporary
stoppage of
streets.

1967 c. 76.

64.—(1) For the purpose of—

(a) making any new street; or

(b) providing a parking place for vehicles under section 1 of the Road Traffic Regulation Act 1967;

the Corporation may break up and for any reason stop up, divert and interfere with any street in the borough divert the traffic therefrom and prevent persons using it:

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 reasonable 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, 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 Corporation to exercise the powers conferred by this section—

(a) to maintain, inspect, repair, renew or alter any telegraphic line belonging to or used by any person for the time being being under, in, upon, over or across that street; or

(b) for the purpose of such maintenance, inspection, renewal or removal to enter upon or break up 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.

PART VI
—cont.

The provisions of Schedule 3 to the Road Traffic Regulation Act 1967, so far as applicable, shall apply in respect of the exercise of the powers of this section as they apply in 1967 c 76. to the making by a highway authority of an order under section 12 of that Act.

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

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

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

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 erected in a street under the powers conferred by this section if so reasonably required to do so by the said Minister or by the highway board, as the case may be.

If a person, without lawful authority or excuse, takes down, alters or removes any fence or other guard erected, or extinguishes or removes any light placed, by any statutory order 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

(1) The Corporation may by notice require a contractor to provide sanitary conveniences for persons employed on construction work in or upon any building operations in the borough or in the construction or reconstruction of any works therein, within such time as may be specified in the notice—

to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and

(b) where the workpeople employed thereon comprise both men and women, to provide as aforesaid for men and women separately;

and so far as is reasonably practicable so to do:

PART VII
—cont.

Provided that this section shall not apply to building operations or works—

1961 c. 34.

(i) to which section 127 of the Factories Act, 1961, applies

1954 c. 70.

(ii) at any mine or quarry within the meaning of the and Quarries Act, 1954.

(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.

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

1963 c. 2.

68.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which an exhibition, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided, or is about to be held, given or provided, or in respect of which there is for the time being in force a licence under section 1 of the Betting, Gaming and Lotteries Act, 1963, to provide to the reasonable satisfaction of the Corporation and thereafter to maintain during the continuance of such exhibition, performance, amusement, game or sport or during the continuance of the licence in a suitable position such number of sanitary conveniences for the use of the public 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 less than one month, after the date of the service of the notice as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport or for effecting betting transactions, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding two pounds:

Provided that—

(a) in any proceedings under this subsection it shall be for the defendant to question the reasonableness of the Corporation's requirements or of their decision to require him to address their notice to him and not to the occupier, as the case may be, the owner of the premises;

(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.

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.

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.

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

Maintenance of and access to bulk refuse containers.

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

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

(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 expenses of executing the works required ”;

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

PART VII
—cont.

Means of
access for
removal of
refuse, etc.

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

- “(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority shall reject the plans, unless it is shown to them that—
- (i) satisfactory means of access can, and will, be provided from the building to a street for the purpose of the removal of refuse; and
 - (ii) the method of storage and collection of refuse together with the related facilities to be provided, are adequate:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans and specifications approved by the Minister in connection with housing operations to which section 14 of the Act of 1957 applies.

- (b) Any question arising under this subsection as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a magistrates' court.
- (c) In this section “refuse storage accommodation” means accommodation for the storage of dustbins or other refuse containers contained or intended to contain the refuse arising from the use or occupation of the building.
- (2) (a) It shall be unlawful for any person except with the consent of the local authority to close or obstruct any means of access by which refuse is removed from a building, and the local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access or the substitution of other means of access.
- (b) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding two pounds each day on which the offence continues after conviction thereof.”

Power to
order
alteration of
domestic
chimneys.

72.—(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 in, the curtilage of, a house in the borough is prejudicial to the health of any person, it may order the person who is the owner of the building or structure to alter or to demolish the chimney, flue or pipe, or to take such other steps as the court may think fit to prevent the recurrence of the offence.

of the inhabitants of the borough or a nuisance, the court make an order requiring the owner of the chimney, flue or within such time as may be specified in the order—

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

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

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

if any person fails to comply with an order made under this section he shall be liable to a fine not exceeding fifty pounds or 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.

PART VIII

NUISANCES

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

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.

PART VII
--cont.

PART VIII
—cont.

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

- (a) by railway, canal or inland navigation undertaker for the purpose of constructing, altering or maintaining railway, canal, inland navigation or wharf;
- (b) by the generating board or operational land board;
- (c) by the gas board or the Gas Council on operation of that board or that council;
- (d) by a river authority for the purpose of land drainage, flood alleviation or in the exercise of their new functions under the Water Resources Act, 1963; or
- (e) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Act, 1954 and 1969 or at a tip to which Part I of the Mines and Quarries (Tips) Act 1969 applies.

1963 c. 38.

1969 c. 10.

Silencers for
internal
combustion
engines.

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

(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 is being or has been so used; and if, after the lapse of such period from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine so said, 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 right in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act to inspect and test any silencer incorporated with this Act to inspect and test any silencer on the exhaust of such an engine found on the premises, and for the purpose to require the silencer to be taken off; and any fine 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.

(4) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act, 1954, or to an internal combustion engine used by the railways board for the purpose of an undertaking.

1954 c. 70.

(1) No person shall use, cause or permit to be used any air-tool or mobile air compressor unless it is equipped with effective means for reducing the noise emitted:

PART VIII
—cont.

Reduction of noise from the use of air-powered tools and compressors.

Provided that in any proceedings brought by virtue of this section it shall be a defence to prove that the best practicable means had been employed to reduce the noise emitted.

Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

In determining in any case whether the best practicable means have been employed regard shall be had, amongst other things, to cost and to local conditions and circumstances and to the state of technical knowledge.

In this section "best practicable means" includes the condition and maintenance of plant and the proper use thereof.

PART IX

FOOD

(1) The following provisions shall have effect in relation to the slaughter of any of the following animals, namely, horses, cattle, sheep, goats or pigs, where the animal is slaughtered owing to emaciation or disease, and the Slaughter of Animals (Prevention of Cruelty) Regulations 1963 do not have effect in relation to slaughtering by reason of its not being for human consumption.

Slaughter of animals otherwise than for human consumption.

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 or in order to comply with regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations, 1958, 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;

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcass

PART IX
—cont.

intact until the expiration of that period, or until disposal is approved by an authorised officer, whichever first occurs; or

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

(3) Notwithstanding the requirement imposed by paragraph of subsection (2) of this section on the owner of an animal, if the carcass is retained 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 laborer a specimen taken from the carcass or the whole carcass or

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

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

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

(5) If the owner of an animal—

(a) without reasonable excuse contravenes this section, or

or

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

will be liable to a fine not exceeding fifty pounds.

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 having effect by virtue of subsection (2) of section 89 thereof.

In this section—

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

“slaughterer’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.

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

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 West Bromwich and Bilston until the appointed day.

PART X

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

In this Part of this Act—

“burial ground” includes a cemetery;

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

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

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.

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

Interpretation
of Part X
of Act.

1906 c. 25.

PART X
—cont.
Golf courses.

79.—(1) The Corporation may within or outside the borough provide a golf course, and for that purpose may provide 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 foregoing subsection, and to anything with which any such course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

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

(4) The Corporation may—

- (a) at a golf course provided under this section, 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 purchase 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 refreshments;
- (d) by themselves, or any person appointed by them for 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 the regulation of the use of golf courses provided under this section, whether within or outside the borough, and the conduct of persons using or resorting thereto.

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

Agreements to
maintain
graves and
tombstones.

80.—(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 memorial in a burial ground or crematorium provided by the Corporation.

(2) In this section "grave" includes a grave space, and "memorial" includes an urn.

Extension of
power to
maintain
burial grounds.

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

- (a) to put and keep in order any memorial thereon.

- (v) to level any grave therein;
- (vi) to remove the whole or any part of a memorial therein;
- (vii) to alter the position of any such memorial.

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

(a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;

(b) display a notice thereof in a conspicuous position in the burial ground; and

(c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

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.

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

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

PART X
—cont.

by paragraph (a) of subsection (2) of this section, or, which has been served under paragraph (c) thereof, after the date 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 substitution, a memorial of a value not exceeding five pounds.

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

- (a) a copy of any inscription on it; and
- (b) if it is intended to preserve the memorial, showing where it has been taken to;

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

(8) (a) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which it is subject apart from those provisions to obtain for an, 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 faculty or licence; and subsection (5) of this section shall not have effect in relation to any memorial for whose removal such faculty or licence was obtained.

(9) In this section "grave" includes a grave space.

For protection
of Common-
wealth War
Graves
Commission.

82.—(1) In this section—

"the Commission" means the Commonwealth War Graves Commission;

"Commonwealth war burial" means a burial of any officer or man of the naval, military or air forces of His Majesty who has fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 81 (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 the war of 1939 to 1947 the Corporation shall

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

serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 81;

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 81;

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

The Corporation shall not in pursuance of the powers conferred by section 81 remove any memorial placed or erected on any Commonwealth war grave unless they have first given the Commission satisfactory assurances in writing in regard to such of the following matters as the Commission consider appropriate, namely:—

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

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

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

(d) if a Commonwealth war burial would be affected by a faculty given by the Minister under subsection (4) of the said section 81 the Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Commission 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.

A person, other than an officer of the Corporation or the servant of a person employed by the Corporation, who commits an offence under this section or about any work in connection with the burial grounds

As to offences in burial grounds.

PART X
—cont.

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.

Aerodrome
undertaking.
1949 c. 67.

84.—(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 therewith (in this section referred to as "the aerodrome undertaking"), they may either—

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

(b) subject to the provisions of subsection (6) of 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 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.

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

85. 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 any 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.

Provision of
gymnastic
apparatus.

86.—(1) The Corporation may in any buildings in which they have provided swimming baths provide and maintain a gymnasium and gymnastic apparatus and they may demand and take such reasonable charges as they may think fit for admission to and for the use of any such gymnasium belonging to them.

The Corporation may employ and pay instructors in connection with any gymnasium provided by them under the provisions of this section.

PART X
—cont.

The Corporation may make byelaws with respect to the management, control and use of such gymnasium as aforesaid and the enforcement of such byelaws by the servants of the Corporation.

PART XI

PUBLIC ORDER AND PUBLIC SAFETY

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

Notice of street processions.

Any person who contravenes the foregoing subsection, or by a route, or at a time, other than that stated in the notice delivered with reference thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding ten pounds.

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

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

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

Police telephone call boxes and shelters.

- (a) such police telephone call boxes and installations; and
 - (b) such shelters or boxes for the use of police constables; and
- in such positions in any street, park or public place in the borough as appear to be most convenient.

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

1969 c. 48.

PART XI
—cont.

(3) The police authority shall not exercise the powers 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 or exit from, a station, dock, wharf or depot of such undertakers; or

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

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

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

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

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

(6) In this section "transport undertakers" means a dock, canal, inland navigation or passenger road undertaker.

Offences in respect of telephone boxes, fire hydrants, etc

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

(a) obstructs the access to a police telephone call box in a 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;

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 equipment or mark.

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;

shall be liable to a fine not exceeding fifty pounds:

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

(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.

(1) This section applies to apparatus consisting of Firemen's luminous tube signs designed to work at a voltage normally switches for exceeding 650 volts, or other equipment so designed, and of the luminous tube transformers required to raise the voltage so as to operate the signs. or equipment, not being apparatus which is inside a building and used 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 reasonable requirements as the Corporation may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

Not less than fourteen days before work is begun to install apparatus to which this section applies, the consumer shall give

PART XI
—cont.

notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

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

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

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

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

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

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

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

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

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

(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.

PART XI
—cont.

Building
plans: access
for fire
brigade.

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

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

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

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

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

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

(3) In this section "access by the fire brigade" means access by members of one or more fire brigades and their appliances and references to a neighbouring building are, in relation to a 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 those

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 rejected.

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 the magistrates' court.

PART XI
—cont.Safety of
stands.

92.—(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 have 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, considering what modifications and requirements are to be specified in a notice under subsection (2) of this section, but may by the last-mentioned notice require that the stand shall 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 have 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 magistrate's 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

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

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;

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

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

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

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

(9) 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 Walsall or West Bromwich 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) As from the appointed day no person shall at any time in the borough to which this section applies—

Touting,
hawking, etc.

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

PART XI
—cont.

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

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

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (1) of this section.

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

(3) The prohibition imposed by subparagraph (i) of paragraph (b) of subsection (1) of this section shall not apply to the sale or offering for sale to persons residing in, or employed in, 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 person taking it 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 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.

(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.

PART XI
—cont.

Securing of unoccupied buildings.

(1) 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 the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated; or
- (d) a house or building in the borough is unoccupied for a period exceeding six weeks;

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

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

(4) 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;

PART XI
—cont.

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—

1968 c. 54.
1890 c. 59.

(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 Act Amendment Act, 1890, as originally enacted or applied by this Act or the Cinematograph Acts, 1909 and 1952, is for the time being in force;

1961 c. 34.

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

(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.

Byelaws as to leading or driving cattle.

96. The Corporation may make byelaws for preventing animals 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 animals may be led or driven along any streets in the borough:

Provided that—

(1) the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughterhouse and any railway station in the borough or any place beyond the boundary of the borough when such animals are moving between such market or slaughterhouse and any railway station or other place as aforesaid;

(2) any such byelaw shall not prevent the owner of any animal driving the same to his own premises.

Provisions as to motor vehicles let for hire.

1847 c. 89.
1875 c. 55.

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

(a) sections 37 to 67 of the Town Police Clauses Act, 1847, 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; and

(b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

the hire vehicles and their proprietors and drivers.

This section "private hire vehicle" means a motor vehicle (within the meaning of the Act of 1960) not being a vehicle under the provisions of the Town Police Clauses Act, 1847 c. 89, with respect to hackney carriages, which is kept for the use of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed 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 longer periods of hire;

a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business; or

a public service vehicle.

(1) The Corporation may as a condition of their licensing of motor hackney carriage require that the construction of such motor hackney carriage as at the date when the licence was granted shall not be altered without the approval of the Corporation while the licence is in force.

Construction of motor hackney carriages to be approved by Corporation.

Any person altering the construction of a motor hackney carriage in contravention of the provisions of this section shall be liable to a fine not exceeding twenty pounds and the court may order the suspension of the licence for such motor carriage.

(1) The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act, 1847, as to hackney carriages, is hereby extended so as to include power to make byelaws for all carriages for the following purposes, that is to say:—

Byelaws

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

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

PART XI
—cont.

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

(2) The provisions of this section shall not apply to a public service vehicle.

Inspection
and
certification
of taximeters.

100.—(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 similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and such taximeter or other similar apparatus shall be used or continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding 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 a taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was tested and inspected.

(3) 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.

101.—(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;

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

PART XI
—cont.

Notwithstanding anything in section 253 of the Public Act, 1875, proceedings in the borough for the recovery of any sum of money lawfully due to the Corporation or any member thereof which has been or may be had or taken by the chief constable of the police force of 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.

Music and dancing licences.

(1) No place in the borough shall be kept or used for the purpose of public dancing, singing, music or any other public entertainment of the like kind (in this section referred to as "entertainment purposes") without a licence from the Corporation granted under this section (in this section referred to as a "licence").

The Corporation may grant licences for any period not exceeding thirteen months to such persons as they think fit to keep any place for entertainment purposes on such terms and conditions and subject to such restrictions as they think fit.

The Corporation may (if they think fit) make byelaws prescribing generally the terms, conditions and restrictions on which licences are to be granted and where any byelaws are in force every licence shall (without prejudice to the power of the Corporation to grant a licence on and subject to any special terms, conditions or restrictions) be deemed to be subject to the byelaws.

The Corporation may transfer any licence to any person whom they think fit.

On the grant of a licence there shall be paid by the person applying therefor such fee not exceeding one pound or, in the case of a licence granted for the sole purpose of a charitable entertainment, not exceeding five shillings as the Corporation may determine and on the transfer of a licence such fee not exceeding five shillings as the Corporation may determine.

Save as hereinafter provided no licence or transfer shall be granted unless the applicant has given twenty-one days' written notice to the town clerk of his intention to apply for the licence or transfer and has for twenty-one days kept a copy of the notice in a conspicuous position on the exterior of the place to which the application relates and on the consideration of the application by the Corporation any person living in the neighbourhood of the place whom the Corporation deem to be concerned is entitled to be heard:

Provided that—
(a) the provisions of this subsection as to notice shall not apply in the case of an application by any person for the grant of a licence in respect of any place by way of

PART XI
—cont.

renewal (on the same terms and conditions) of a licence held at the date of the application by that person in respect of that place; and

- (b) a licence for a period not exceeding fourteen days may be granted notwithstanding that the provisions of this section as to notice to the town clerk have not been complied with and in the case of an application for a licence the time during which the copy is required to be posted shall be seven instead of twenty-one days.

(7) If any place is kept for entertainment purposes without a licence the person so keeping the place and unless he proves to the satisfaction of the court that the place is so kept without the consent or connivance of any person occupying or rated as occupier of the place shall be liable to a fine not exceeding five pounds every day on which the place is so kept.

(8) If the holder of a licence acts in contravention of or fails to comply with any term, condition or restriction on which the licence was granted he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds and the licence of any person so convicted may be revoked by the Corporation.

(9) Any constable authorised in that behalf by a warrant granted by a justice of the peace may enter any place in respect of which he has reason to suspect that an offence under this section is being committed.

(10) 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 West Bromwich until the appointed day.

PART XII

CONTROL OF BOXING AND WRESTLING ENTERTAINMENTS

Interpretation
of Part XII
of Act.

104. In this Part of this Act "boxing entertainment" and "wrestling entertainment" mean respectively any public contest, exhibition or display of boxing or wrestling (as the case may be) within the borough except any such contest, exhibition or display which is provided or given—

1968 c. 54.

- (a) at pleasure fairs;
- (b) in premises licensed under the Theatres Act 1968;
- (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 other organisation constituted by the Scout Association or of any other organisation in pursuance of their charter; or
- (e) by any school.

So much of this Part of this Act as relates to wrestling entertainment shall not come into operation in so much of the area as was not comprised in the former borough of West Bromwich until the appointed day.

PART XII
---cont.

Commencement of Part XII of Act in relation to wrestling entertainments. Boxing, etc., entertainments to be given only in licensed premises. Boxing, etc., entertainment licences.

6. A boxing entertainment or a wrestling entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of the next succeeding section of this Act.

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

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

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

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

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

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

	£	s.	d.
(a) In respect of the grant or renewal of a licence for any period not less than one year ...	5	0	0
(b) In respect of the grant or renewal of a licence for any period less than one year, one pound for every month for which it is granted or renewed so, however, that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed ...	6	0	0

PART XII
—cont.

(c) in respect of the grant of an occasional licence

(d) in respect of the transfer of a licence

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

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

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

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

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

(9) On any such appeal the court may by order either confirm the refusal or attachment of conditions or may modify the conditions, or may direct the Corporation to grant or renew a licence subject to such conditions (if any) as the court may specify.

Powers of
entry and
inspection.

108.—(1) A police constable or any person appointed for that purpose by the Corporation (on producing if so required a duly authenticated document showing his authority) shall have the right at all reasonable hours to enter any premises—

(a) licensed under this Part of this Act in which he has reason to believe that a boxing entertainment or a wrestling entertainment is being or is about to be held, with a view to seeing whether the provisions of this Act applicable to such an entertainment and the terms, conditions or restrictions on or subject to which any licence under this Part of this Act has been granted or renewed have been complied with;

(b) in respect of which he has reason to suspect that an offence under this Part of this Act is being committed.

(2) The provisions of subsections (2), (3), (4) and (5) of section 287 of the Act of 1936 shall apply to entries into premises for the purposes of the foregoing subsection as they apply to entries into premises for the purposes of subsection (1) of that section.

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

PART XII
—cont.

Power to
revoke
licences.

110. Any person who—

Penalties
under
Part XII
of Act.

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

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

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

shall be liable—

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

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

PART XIII

FINANCE AND SUPERANNUATION

111. In this Part of this Act—

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 Corporation undertakings” means the undertakings of the Corporation from time to time existing from which revenue is derived;

PART XIII
—cont.—

1967 c. 9.

“ 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 111 of the General Rate Act 1967;

“ 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 trust is for the time being authorised by law to invest moneys or in which the Corporation are authorised to invest money forming part of the fund but does not include annuities, rentcharges, or securities transferable by delivery or any securities of the Corporation.

Existing
borrowing
powers
continued.

1889 c. 63.

112.—(1) (a) All statutory borrowing powers under any Act 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.

(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.

(2) All statutory borrowing powers under any Act repealed by this Act which were in force immediately before the commencement of this Act and which had not been exercised before the commencement of this Act shall (notwithstanding the repeal by this Act of such Act) continue to be in force and to have effect as fully and effectually 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 the sanctioning authority shall be necessary if, under the relevant enactment, such consent has been given or is not required.

PART XIII
—cont.

sums borrowed by the Corporation before the commencement of this Act under any statutory borrowing power to in subsection (1) of this section and not repaid before commencement of this Act and all sums which may after the commencement of this Act be borrowed by them under any statutory borrowing power referred to in subsection (2) of this section shall, notwithstanding the repeal of any Act by or under which such statutory borrowing power was created or authorised, be repaid within the respective periods within which they are required to be repaid by or under that Act.

113.—(1) The Corporation may borrow—

Power to borrow.

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

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

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

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

1946 c. 58.

114.—In addition to the modes of borrowing prescribed by the Act of 1933 or any other enactment the Corporation may raise money—

Power to raise money by issue of bills.

- (1) for any purpose for which the Corporation are authorised to borrow;
 - (2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;
- by means of bills (to be called " West Bromwich Corporation bills " and in this section referred to collectively as " bills " and separately as " a bill ") subject to and in accordance with the following provisions:—

(a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the

PART XIII
—cont.

- sum named therein in the manner and at the date there-
mentioned, being a date not more than twelve months
from the date of the bill:
- (b) A bill shall entitle the holder thereof to pay
maturity of the sum expressed in the bill to be
- (c) Bills may be offered for purchase (whether by tender
otherwise) in such manner and on such conditions
the Corporation may determine:
- (d) Bills shall be issued under the authority of a resolution
passed by the council and shall bear the signature
the treasurer or of some other person authorised by
Corporation:
- (e) The Corporation may make regulations providing for
(i) the preparation and form and the mode
issue, payment and cancellation of bills;
(ii) the issue of a new bill in lieu of one defaced
or destroyed;
(iii) the prevention, by the use of counterfoils or
a special description of paper or otherwise, of fraud
relation to bills;
(iv) the giving of a proper discharge on the pay-
of a bill; and
(v) amending or revoking any regulations previously
made or deemed to have been made under
paragraph:
- (f) The amount of money received in respect of a bill shall
deemed to be principal money raised by means of
bill and the difference between the amount payable
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
one time shall not (except by the amount payable
bills issued shortly before any other bills fall due
order to pay off the last mentioned bills) exceed
(i) the sum of one million, two hundred and
thousand pounds; or
(ii) one-fifth of the amount of the estimated
rate income of the borough during the then current
financial year;
whichever is the greater:

Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:

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.

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

Power to raise money by issue of bearer bonds.

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

Power to raise money abroad.

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

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

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

Closing of registers.

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 deemed to be entitled to the interest next payable thereon.

PART XIII
—cont.
Interest and
dividends
by post.

118.—(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 fourteen days of the date of receipt of the notice notifies the Corporation that he objects, 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 may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register, or such other of them as the joint holders may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest, or a dividend warrant, in pursuance of this section shall discharge the Corporation from any obligation to 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.

119. If any money is payable by the Corporation to an 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.

General
insurance
fund.

120.—(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 be specified in a resolution of the council (in this section referred to as "the 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.

In each financial year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks; or

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be brought up to the prescribed amount.

The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which if the specified risks were insured against in some insurance office would be properly chargeable with the payment of the premium of such insurance.

(3) Except so far as the insurance fund and the proceeds of investments in which that fund is invested may be necessary to meet losses, damages, costs and expenses in consequence of which the fund is intended to provide, all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in each financial year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds which would be carried to the general rate fund in pursuance of the last preceding subsection.

(4) and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be

PART XIII
—cont.

apportioned in the accounts of the Corporation between the several undertakings, departments or services liable to contribute to the insurance fund in such shares or proportions as the Corporation may determine.

(7) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide 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 on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(8) The fund established by the Corporation under section 121 (General insurance fund) of the West Bromwich Corporation Act, 1949, shall be deemed to have been established under this section.

(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.

Separate
accounts of
undertakings.

121.—(1) The Corporation shall keep separate accounts in respect of each of the Corporation undertakings so as to include 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 and so as to distinguish capital from revenue and as to revenue to show under a separate heading or division on the one side income (including investment income) in respect of the undertaking, and on the other side all expenditure in respect of the

ing, such expenditure being divided so as also to show
accounts expended in respect of each of the following purposes
to say):—

- (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 in connection with the undertaking or used for those purposes under any enactment;
- (c) the annual charges in respect of the repayment of the principal of any moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the establishment and maintenance of a reserve fund in respect of the undertaking.

(1) The Corporation shall apportion between the accounts to be kept by them under this section and any other accounts of the Corporation any receipts, credits, payments and liabilities which from time to time ought to be so apportioned.

(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 cannot be carried to the credit of the fund because the fund has reached the prescribed maximum amount.

112—(1) If in respect of any financial year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the sums expended or applied by the Corporation in respect of the undertaking properly chargeable to revenue the Corporation in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess of the following purposes:—

Application of general rate fund for certain purposes.

- (a) the reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) in the renewal, construction, extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) towards the provision of a reserve fund in respect of the undertaking by setting aside such an amount as the Corporation may from time to time think reasonable and

PART XIII
—cont.

(unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of that undertaking.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which is in existence when the provision of a reserve fund in respect of that undertaking under this section is commenced may be carried to and form part of that reserve fund.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or
- (c) in or towards the payment of the cost of renewing, improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

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

Establishment
expenses.

123. Without prejudice to section 292 of the Act of 1936 or 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 the expenses incurred by them in so doing, they may include 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.

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

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 wider-range part of the fund, no further investment may be made thereunder.

(j) 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.

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

(l) 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.”.

(d) 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 sub-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 in the United Kingdom less than one hundred thousand pounds, or in the case of a company incorporated outside the United Kingdom a sum in any foreign currency in which such share capital is issued at the rate of exchange current at the time when the investment is made equivalent to five hundred thousand pounds;

(4) Paragraph 1 and sub-paragraph (a) of paragraph 3 of Part IV of the said Schedule 1 shall not apply in relation to 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 to the Act of 1961, as amended by this section, and may also from time to time vary any such investments:

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

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

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

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

PART XIII
---cont.

Recovery of sums paid to officers, etc.

(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 amount is made the Corporation shall not be required to demand return of such portion thereof not exceeding twenty-five per cent as the Corporation may determine.

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

(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 former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Corporation; and

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

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

Certain remuneration and service excluded for superannuation purposes.

(a) as a teacher or other employee performing duties at or for the purposes of an evening institute, adult education centre, college, school or evening classes; or

(b) as a warden of or other employee performing duties at a community centre or 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 Government 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 any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

PART XIII
—cont.

(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 five pounds per cent. per annum with half-yearly rests.

Transfer of certain sums from superannuation fund.

130.—(1) If a contributory employee of the Corporation 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.

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

As to proof of continued existence of pensioners.

131. 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 such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Recovery of rates from certain owners.

132.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent 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 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 rent payable in respect thereof.

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

PART XIII
--cont.
1967 c. 9.

(3) For the purposes of section 61 of the General Rate Act 1967 the rates due from the person rated for any hereditament in the borough shall be deemed to be in arrear if such rates have not been paid within one month after lawful demand in writing has been made for the same.

Recovery of rates from tenants and lodgers.

(4) If a justice of the peace is satisfied on complaint by any member 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 issuing a summons for non-payment thereof issue a warrant under his hand compelling the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person named therein to meet the claim of the Corporation and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

PART XIV

MISCELLANEOUS

(1) The Corporation may collect, and carry to any washhouse provided by them clothes and other articles to be washed there, and may carry from any such washhouse and deliver, clothes and other articles which have been washed there.

Collection and delivery of washing.

The Corporation shall make such charges for the service provided by them under this section as will, taking one year with another, produce a revenue sufficient to meet the expenses of providing it.

Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Act in respect of a goods vehicle to which that Act applies.

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

Medicated and other baths.

PART XIV
—cont.

Research into matters concerning social conditions, etc.

137. The Corporation may in connection with the exercise of any of their functions contribute, by grants or otherwise, towards the cost of investigations and research undertaken by other bodies or persons into matters affecting the borough relating to—

- (a) social or economic conditions; or
- (b) health or hygiene.

Information centres.
1948 c. 26.

138. The powers of the Corporation under section 137 of the Local Government Act, 1948, shall extend to any information concerning the borough and its neighbourhood.

Recreational, etc., facilities for employees.

139.—(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 may think fit for the use of the facilities provided under this section;
- (c) make regulations for the management of such premises.

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

140.—(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 use ladders, scaffolding and plant in or about the building or works free of expense, for the purpose of the entry or inspection.

(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 the powers;

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

Notice of alteration of rents without notice to quit.
1968 c. 42.

141.—(1) Section 12 of the Prices and Incomes Act, 1946, (which enables a local authority to increase the rent payable by a tenant of a house let on a weekly or other periodic tenancy whose rents fall to be carried to the authority's revenue account without the tenancy being terminated) shall

1958 c. 42.

- (a) apply to all houses within the meaning of the Housing (Financial Provisions) Act, 1958, belonging to the Corporation; and

as so applied, extend to a reduction as well as to 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 that section, have effect as if in subsection (1)—

(a) the words "on a weekly or other periodical tenancy" were omitted;

(b) after the word "increased" there were inserted the words "or reduced"; and

after the word "increase" there were inserted the words "or reduction";

if in subsection (4) for the definition of "local authority" there were substituted the words "local authority" and after the word "increase" there were inserted the words "or reduction";

The provisions of section 109 of the General Rate Act 1967 relating to the sending or service of demand notes shall to the extent of any other statutory requirement apply to demand notes relating to any charges made in connection with any department or service of the Corporation.

Service of demand notes, etc.
1967 c. 9.

(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.

Disposal of unsuitable specimens and works of art.

(2) The Corporation may make arrangements by way of sale, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the Corporation if 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.

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

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

(b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respects that

PART XIV
—cont.

object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustee of the donor; and

- (c) any sum received by the Corporation in the exercise of any power of this section in respect of any object of the powers of this section unless it exceeds fifty pounds and is subject to any condition the terms of which prevent its being used for the purchase of other objects, be paid into the art fund established by the Corporation under section 15 of the Public Libraries and Museums Act 1964.

1964 c. 75.

Acquisition
and repair of
sculptures,
etc.

144. 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.

145. The Corporation may enter into and carry into effect any agreement 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.

Hairdressers
and barbers.

146.—(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

(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 with particulars of the premises, on his furnishing to the applicant or the premises and issue to the applicant a certificate of registration.

(3) If any person carries on business in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and of the byelaws made by the Corporation under section 77 of the Public Health Act 1961, displayed in the premises, and, if he fails to do so, 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 boroughs of Oldbury, Smethwick, Walsall and West Bromwich on the appointed day.

(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.

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

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

- (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 in regard to both themselves and their clothing.

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

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 the suspension or cancellation of his registration and of the operation of the premises in which the offence was committed and occupied by him.

A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation

PART XIV
—cont.
1952 c. 55.

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:

Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall be suspended until the appeal is finally determined or abandoned:

(7) Where the registration of any person is cancelled by 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 ten pounds 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.

As to use of
computer
equipment of
Corporation.

148.—(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.

(2) The Corporation may by agreement with any other person or authority or any other body or person provide upon such terms as the Corporation may think fit for—

(a) the joint purchase, provision, use or maintenance of any electronic or mechanical accounting or calculating equipment; or

(b) the use by one party to the agreement of any such equipment of the other party;

and any such agreement may provide for the joint use or the use by either party of the services of any persons employed in connection with any such equipment.

(3) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in cases as may be required by law.

(4) In this section "local authority" means the council of a county, county borough or county district.

19. Where under any enactment for the time being in force in a borough the Corporation give their consent to the execution of work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of such terms or conditions shall be deemed as regards liability to penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Breach of conditions of consent of Corporation.

(1) Notwithstanding the repeal of the West Bromwich Corporation Act, 1903, the West Bromwich Charity formed by section 6 (Consideration for such transfer) of that Act shall continue to be administered by a body of trustees to be appointed by the council consisting of ten persons who are residents or carry on business in the borough.

West Bromwich Charity.
1903 c. cciii.

The clear yearly income of the charity shall be applied by the trustees for purposes not being educational purposes for the benefit of the deserving poor or children of the poor within the borough as constituted for the time being:

Provided that the funds of the charity shall in no case be applied wholly or indirectly in relief of the rates.

(2) The appropriation of the benefits of the charity shall be by the trustees from time to time in the exercise of their discretion at meetings of their body and not separately by any individual trustee or trustees.

The trustees shall be bound in appropriating the benefits of the charity to have regard to the wants of the poor of the borough and to satisfy themselves in each case that the beneficiaries are in need of poverty and character deserving of help.

The trustees shall invest moneys belonging to the charity not needed for immediate working purposes in the name of the Official Custodian for Charities unless the Charity Commissioners otherwise direct.

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—cont.

(5) All the proper costs, charges and expenses of and incurred to the administration and management of the charity shall be defrayed by the trustees out of the income thereof.

(6) Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of the trustees.

(7) The Charity Commissioners may from time to time in exercise of their ordinary jurisdiction establish schemes for alteration of any of the provisions of this section and of Schedule 1 to this Act as if those provisions had been made by the founder in the case of any charity having a founder.

Alteration of fees for licences, etc.

151.—(1) The provisions of this Act mentioned in subsection (1) of this section may be amended by an order made by the Secretary of State so as to vary any sum specified by that enactment.

(2) The provisions hereinbefore referred to are—
section 100 (Inspection and certification of taximeter,
section 107 (Boxing, etc., entertainment licences).

(3) 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.

(5) 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

Apportionment of expenses in case of joint owners.

152. 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 buildings, or any part of them, are recoverable by the Corporation, the expenses so recoverable (if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the apportionment of the expenses so recoverable) be paid by the owners of the buildings in such proportions as shall be determined by the Corporation, or, in case of dispute, by a magistrate.

Compensation how to be determined.

153. When any compensation, costs, damages or expenses are by this Act directed to be paid and the method for ascertaining the amount thereof is not otherwise provided for, the amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

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:—

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—cont.

For protection of certain statutory undertakers.

1882 c. 56.

(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;

(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 88 (Police telephone call boxes and shelters) of this Act, the police authority or any person acting with the consent of or on the requirement of the Corporation or the police authority, as the case may be, from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:

Section 35 (Cloakrooms, etc.);

Section 56 (Trees, grass verges and gardens);

Section 64 (Temporary stoppage of streets);

PART XV
—cont.

Section 65 (Decorations in streets);

Section 88 (Police telephone call boxes shelters):

- (3) For the purpose of section 51 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by or only of the existence of apparatus in such land:
- (4) Nothing in the said section 51 or in section 52 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from erecting apparatus (including an electricity sub-station, a feeder pillar, pressure governor, or meter house) or any temporary structure required in connection with the laying or maintenance of apparatus for the purposes of the undertaking on land abutting on any new street before in the case of the said section 51, such new street is defined, or, in the case of the said section 52, such street is constructed and sewered in accordance with street byelaws:
- (5) (a) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 54 (Roundabouts and splaying off corners at street junctions) of this Act requires the addition to the carriageway of a street of any portion of a footway or grass margin or other land in which an 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 receipt of a notice from the Corporation under 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 (other than on the requirement of the Corporation):
- (c) The Corporation or the undertakers, whichever has required the alteration of the position of any apparatus, shall submit to the other 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 by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 155 (For protection of certain statutory undertakers) of the West Bromwich Corporation Act 1969":

(6) Notwithstanding anything in section 55 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of or exchange any operational land except with their consent which shall not be unreasonably withheld:

(7) Nothing in section 56 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

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

(8) Nothing in section 57 (Enforcement of improvement line) of this Act shall apply to any building or structure of the undertakers which is used by them for or in

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—cont.

connection with the generation, transforming, switching, distribution or regulation of electricity, for the manufacture, distribution or storage of gas or for connection with the use by them as a pumping station, treatment works or reservoir for water except with the consent of the undertakers which shall not be unreasonably withheld:

(9) Nothing in section 58 (Erection of structures at corners) of this Act shall apply to the placing or erecting by the undertakers of any structure being developed which is permitted by any development order made under the Act of 1962 for the time being in force.

(10) (a) Before the Corporation determine to give consent pursuant to section 62 (Restriction on works under footways) of this Act they shall give at least twenty-eight days' notice to the undertakers of application therefor and any such consent if given shall contain such conditions as may be required to secure that the person to whom such consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus;

(b) As soon as may be after the Corporation give consent under the said section 62 they shall give notice thereof to the undertakers:

(11) Notwithstanding the temporary stopping up or diversions of any street under the powers of section 64 (Temporary stoppage of streets) of this Act the undertakers shall be at liberty at all times to execute and do all such works and things in, under and upon any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus and to enter upon such street for those purposes or any of them with any necessary vehicles:

(12) In exercising the powers conferred by subsection (3) of section 74 (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 interests of safety for preventing interference with any process carried on in such premises:

(13) The provisions of section 92 (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 94 (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 94 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 94 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.

155. 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 provisions 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:—

Confirming authority for byelaws.

94 (Byelaws for protection of heating undertaking)	Minister of Power.
79 (Golf courses)	Secretary of State.
86 (Provision of gymnastic apparatus)	Secretary of State.
93 (Touting, hawking, etc.)	Secretary of State.
96 (Byelaws as to leading or driving)	Secretary of State.
97 (Provisions as to motor vehicles let for hire)	Secretary of State.
99 (Byelaws as to hackney carriages)	Secretary of State.
103 (Music and dancing licences)	Secretary of State.

PART XV
—cont.
Local inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1946 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.

1946 c. 31.

(3) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

Arbitration.

157. 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 appointing arbitrator
Subsection (3) of section 5 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Subsection (2) of section 7 (Supply of heat)	The Minister.
Subsection (2) of section 9 (Power to lay down or erect electric lines, etc.)	The President of the Institution of Civil Engineers.
Subsection (3) of section 35 (Cloakrooms, etc.)	The President of the Institution of Civil Engineers.
Subsection (4) of section 55 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Paragraph (a) of subsection (5) of section 88 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Section 154 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

The appointed day.

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

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice

(a) of the passing of any such resolution and of the day fixed thereby; and

(v) of the general effect of the provisions of this Act coming into operation as from that day; and the day so fixed shall not be earlier than the expiration of the month from the date of publication of the said notice.

4) Either—

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

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

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

(c) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of 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;

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 162 (Appeals) of this Act.

159.—(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 such 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 thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

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

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

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—cont.

Liability of directors, etc.

160.—(1) Where an offence under the provisions of this 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 75 (Reduction of noise from the use of air-powered tools and compressors);
- Section 90 (Firemen's switches for luminous tube signs);
- Part XII (Control of boxing and wrestling entertainments);
- Section 146 (Hairdressers and barbers);
- Section 147 (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.

161. 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.

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

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use any premises for any purpose for which they were lawfully used at that time;

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

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business, and use those premises for that purpose.

63. 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 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 Schedule shall have effect as if references therein to that Act included a reference to—

(a) the following sections of this Act, that is to say:—

- Section 57 (Enforcement of improvement line);
- Section 90 (Firemen's switches for luminous tube signs);
- Section 92 (Safety of stands);
- Section 94 (Securing of unoccupied buildings);
- Section 95 (Further provision for public and other buildings);
- Section 98 (Construction of motor hackney carriages to be approved by Corporation);
- Section 100 (Inspection and certification of taximeters);
- Section 103 (Music and dancing licences);
- Section 146 (Hairdressers and barbers);
- Section 147 (Tattooists);

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—cont.

(b) the following Parts of this Act, that is to say:—

Part VII (Sanitation and buildings) except section 69
(Provision of bulk refuse containers by Corporation);

Part VIII (Nuisances);

Part IX (Food).

(4) The section of the Act of 1936 mentioned in Part IV of the said Schedule shall have effect as if references therein to that Act included a reference to this Act other than Part II (Heating undertaking).

Saving for town and country planning.

165. The provisions of the Town and Country Planning Act 1962 to 1968 and any restrictions or powers thereby 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 this Act.

Saving for trusts.

166. No power conferred upon the Corporation by the following provisions of this Act, namely:—

Paragraph (e) of subsection (1) of section 24 (Power of Corporation as to markets);

Section 43 (Disposal of land);

Section 78 (Parking places in parks, etc.);

Section 79 (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 or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves for the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person;

(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.

167. 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.

168.—(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

...e than in relation to property held on a charitable trust,
notwithstanding sub-paragraph (ii) of paragraph (4) of
... or sub-paragraphs (a) and (b) of paragraph (1) of
... 51 of the Order of 1965, continue to apply to such area,
ny reference therein to any area of local government shall
such application be construed as a reference to the borough.

(2) This section applies to—

(a) the Smethwick, Oldbury, Rowley Regis and Tipton
Transport Act, 1939;

1939 c. xxxi.

(b) any local Act, other than an Act confirming a provisional
order, the Bill for which was not promoted by a local
authority;

(c) any Act confirming a provisional order made on the
application of any body other than a local authority;

(d) any order made on such application which was subject
to special Parliamentary procedure;

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

(iv) any local board constituted in pursuance of the Public
Health Act, 1848, the Local Government Act, 1858, the
Local Government (1858) Amendment Act, 1861, and
the Local Government Amendment Act, 1863.

1848 c. 63.

1858 c. 98.

1861 c. 61.

1863 c. 17.

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

(3) The transitional provisions contained in Schedule 5 to this Transitional
Act shall have effect in relation to the repeals effected by this Act. provisions.

The costs, charges and expenses preliminary to and of and Costs of Act.
the preparing, applying for, obtaining and passing
this Act shall be paid by the Corporation.

1969
1969

SCHEDULES

SCHEDULE 1

Section 150.

CONSTITUTION AND PROCEEDINGS OF THE TRUSTEES OF THE WEST BROMWICH CHARITY

1. The persons holding office as trustees immediately before the commencement of this Act (in this schedule referred to as "the existing trustees") shall continue to act as trustees subject to the provisions of this schedule.

2. The term of office of a trustee shall be six years.

3. The existing trustees shall go out of office at the end of six years from the date of their respective appointments:

Provided that an existing trustee appointed to fill a casual vacancy shall go out of office when the trustee in whose place he was appointed would regularly have gone out of office.

4. A trustee becoming a bankrupt or compounding with his creditors shall thereupon cease to be a trustee and in such case or if a trustee shall die or desire to be discharged from the trust or refuse or is unable to act therein or is incapable of acting therein or shall cease to be resident or carrying on business in the borough or shall be absent from all meetings of the trustees during a period of one year except in case of illness or for some reason approved by the trustees the council shall as soon as may be appoint some other person being a resident or carrying on business in the borough a trustee in the place of the trustee whose office is so vacated. The person so appointed shall not go out of office until the time when the trustee in whose place he is appointed would regularly have gone out of office and he shall then go out of office.

5. A copy of the resolution of the council appointing a trustee of the trustees of the charity certified by the town clerk to be a true copy may be given and shall be received as evidence in all courts and proceedings of the due and valid appointment of such trustee or trustees.

6. No person who is a trustee or is the husband, wife or child of a trustee shall receive any benefit from the charity.

7. The trustees shall meet once in every quarter at least.

8. The chairman of the existing trustees shall be chairman of the trustees until the first triennial appointment of trustees after the passing of this Act if he so long continues to be a trustee.

9. The trustees shall at the first meeting after every triennial appointment of trustees elect one of their number as chairman and he shall continue to hold such office until the next triennial appointment of trustees if he so long continues to be a trustee. If the chairman of the trustees shall die or refuse to act before the expiration of the term of his office the trustees shall at their next meeting after the occurrence of the vacancy elect another chairman.

10. There shall be a quorum when three trustees are present at any meeting. Pending any vacancy the trustees for the time being shall be a quorum for the purposes of the administration of the charity.

chairman or any two trustees may at any time summon a meeting for any cause that seems to them sufficient.

SCH. I
—cont.

Notice in writing of every meeting whether general, special or adjourned shall be delivered or sent through the post to each trustee or secretary or by some other person acting under the direction of the chairman or in the case of a special meeting by or under the direction of the person or persons summoning the meeting three clear days at least before the date of the meeting so far as in the case of an adjourned meeting the interval between the original and adjourned meetings will be not less than three days. Every notice of meeting shall state the place, day and hour of the meeting and every notice of a special meeting shall further state the business to be discussed thereat.

Every matter shall be determined by the majority of the trustees present and voting on the question. The acting chairman shall have a casting vote whether or not he shall have previously voted on the same question but no trustee shall in any other circumstances give more than one vote.

(c) A minute book and books of account shall be provided and kept by the trustees.

A copy of the accounts of the charity shall annually be transmitted by the trustees to the town clerk and laid before the council and a copy of the accounts shall be transmitted to the Charity Commissioners in accordance with the provisions of the Charities Act, 1960, 1960 c. 58, and in so far as, the charity is excepted by order or regulation.

The trustees may appoint a secretary in matters connected with the administration of the charity and may pay him such reasonable remuneration as they may from time to time determine.

No trustee acting as secretary or in any other capacity in respect of the charity shall receive any salary or remuneration from the funds of the charity.

Within the limits herein prescribed the trustees shall have full powers from time to time to make regulations for the conduct of their business and for the management of the charity and such regulations shall be binding on all persons affected thereby.

SCHEDULE 2

Section 161.

OFFENCES CREATING OFFENCES IN RESPECT OF WHICH A CONSTABLE MAY PROSECUTE

- 6 (Trees, grass verges and gardens);
- 61 (Awnings over footways);
- 63 (Mixing of mortar, etc., in streets);

SCH. 2
—cont.

- Section 65 (Decorations in streets);
- Section 66 (Damage to obstruction lights, etc.);
- Section 87 (Notice of street processions);
- Section 89 (Offences in respect of telephone boxes, fire hydrants etc.);
- Section 93 (Touting, hawking, etc.);
- Section 97 (Provisions as to motor vehicles let for hire).

Section 164.

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 raise.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II

SECTIONS APPLIED TO 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.

1925 c. 22.

PART III

SCH. 3
—cont.

APPLIED TO SECTIONS 57, 90, 92, 94, 95, 98, 100, 103, 146 AND
PARTS VII (EXCEPT SECTION 69), VIII AND IX
OF THIS ACT

Marginal note

Power to enter premises.

PART IV

SECTIONS APPLIED GENERALLY TO ACT OTHER THAN PART II

Marginal note

Recovery of expenses.

SCHEDULE 4

Section 167.

ENACTMENTS REPEALED

Year and chapter	Short title	Extent of repeal
Vict. c. cxliii	West Bromwich Improvement Act, 1854	The whole Act.
Vict. c. cxxxviii	West Bromwich Improvement (Amendment) Act, 1855	The whole Act.
Vict. c. clx	West Bromwich Improvement (Amendment) Act, 1865	The whole Act.
Vict. c. lxxii	Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1882	The Order relating to West Bromwich dated 11th May, 1882.
Vict. c. lxxvi	Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1886	The two Orders relating to West Bromwich dated 21st May, 1886.
Vict. c. xevi	West Bromwich Corporation (Consolidation of Loans) Act, 1889	The whole Act.

SCH. 4
—cont.

Session and chapter	Short title	Extent of repeal
60 & 61 Vict. c. lxxii	Local Government Board's Provisional Orders Confirmation (No. 7) Act, 1897	The Borough of West Bromwich Order, 1897.
62 & 63 Vict. c. cxiii	Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1899	The West Bromwich (No. 1) Order, 1899 and the West Bromwich (No. 2) Order, 1899.
63 & 64 Vict. c. ccxlv	West Bromwich Corporation Act, 1900	The whole Act.
2 Edw. 7 c. lxxxii	Local Government Board's Provisional Orders Confirmation (No. 5) Act, 1902	The West Bromwich Order, 1902.
3 Edw. 7 c. cciii	West Bromwich Corporation Act, 1903	The whole Act.
3 & 4 Geo. 5 c. lxix	West Bromwich Corporation Act, 1913	The whole Act.
8 & 9 Geo. 5 c. xvi	West Bromwich Corporation Act, 1918	The whole Act.
13 & 14 Geo. 5 c. lxxxii	West Bromwich Corporation Act, 1923	The whole Act.
17 & 18 Geo. 5 c. lxxxvi	West Bromwich Corporation Act, 1927	The whole Act.
20 & 21 Geo. 5 c. cxx	West Bromwich Corporation Act, 1930	The whole Act.
20 & 21 Geo. 5 c. cxxv	Wednesbury Corporation Act, 1930	Sections 1 to 10 and 12 to 14.
1 Edw. 8 & 1 Geo. 6 c. xlv	Staffordshire County Council Act, 1937	Section 10.
1 & 2 Geo. 6 c. xxv	Aldridge Urban District Council Act, 1938	Section 10.
12, 13 & 14 Geo. 6 c. lii	West Bromwich Corporation Act, 1949	The whole Act.

Section 169.

SCHEDULE 5

TRANSITIONAL PROVISIONS

(1) Notwithstanding the repeals effected by this Act—

(a) all existing bonds, mortgages, annuities or other securities granted payable or created under any enactment shall continue valid and available for all purposes.

SCH. 5
—cont.

- 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;
- (d) any enactment in the repealed enactments which altered or prescribed the boundaries of the borough or of any district, parish, ward, electoral division or other area or which abolished any such area or which enacted provisions consequent upon any such alteration shall continue to have effect as if this Act had not been passed and as if article 51 of the Order of 1965 had ceased to have effect;
- (e) all existing byelaws, rules, regulations, orders and licences shall continue in force until repealed, altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if 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.
- The mention of particular matters in this schedule shall not be taken to prejudice or affect the general application of section 38 of the Interpretation Act, 1889.

1889 c. 63