

Wolverhampton Corporation Act 1969

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ELIZABETH II



1969 CHAPTER IX

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

(i) By virtue of the West Midlands Order 1965 (hereinafter referred to as "the Order of 1965") the county borough of Wolverhampton was altered on 1st April, 1966, so as to consist of 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 Wolverhampton;
- (b) the greater parts of the borough of Bilston and the urban districts of Tettenhall and Wednesfield in the administrative county of Stafford;
- (c) parts of the urban districts of Coseley, Darlaston, Sedgley and Willenhall in the said administrative county;
- (d) parts of the parishes of Lower Penn, Wombourn and Wrottesley in the rural district of Seisdon in the said administrative county; and
- (e) parts of the parishes of Brewood and Essington in the rural district of Cannock in the said administrative county;

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 1968 it was provided that the provisions of any such enactment should continue to apply to those parts of that area except that certain specific enactments were extended to apply to the whole of the county borough of Wolverhampton as altered by the Order of 1968 (hereinafter referred to as "the borough"):

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

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

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

(6) It is expedient that further powers should be conferred upon the Corporation in respect of their water undertakings:

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

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

(9) A map showing the limits for the supply of water by the Corporation was in November, 1968, deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the borough:

(10) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1966, 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, and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the *Wolverhampton Corporation Act 1969*.

(2) The *Wolverhampton Water Acts and Orders, 1869 to 1968* and so much of this Act as relates to water may be cited together as the *Wolverhampton Water Acts and Orders, 1869 to 1969*.

Short and collective titles and commencement.

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);
- (b) so much of section 202 (Repeal) and of Schedule 6 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 offence committed by or under the said provisions committed before the commencement of this Act.

This Act is divided into Parts as follows:—

Division of
Act into
Parts:

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

In this Act the several words and expressions to which 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 meaning.

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

- “the Act of 1933 ” means the Local Government Act, 1933; 1933 c. 51.
- “the Act of 1936 ” means the Public Health Act, 1936;
- “the Act of 1945 ” means the Water Act, 1945; 1945 c. 42.
- “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.

PART I

—cont.

1960 c. 16.

1962 c. 33.

1967 c. 9.

1882 c. 56.

1952 c. 55.

- “ the Act of 1960 ” means the Road Traffic Act, 1960;
- “ the Act of 1962 ” means the Town and Country Planning Act, 1962;
- “ the Act of 1967 ” means the General Rate Act, 1967;
- “ appointed day ” has the meaning assigned to that expression by section 194 (The appointed day) of this Act;
- “ the borough ” means the borough of Wolverhampton;
- “ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen, 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 Lighting Act, 1882;
- “ the electricity board ” means the Midlands Electricity Board;
- “ enactment ” includes an enactment in this Act or in any 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, 1960;
- “ 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 undertakings) of this Act and includes all lands, stations, boiler-houses, works, buildings, machinery, plant, apparatus, appliances, easements, rights, powers, privileges for the time being belonging to or enjoyed by the Corporation for or in connection with the provision, storage, transmission, distribution or supply of heat and hot water;
- “ 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, buildings, apparatus, appliances, authorities and privileges for the time being held to or held or used or enjoyed by the Corporation.

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 S.I. 1966 62 of which the Corporation are a constituent council;

"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;

"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, the surveyor, the treasurer and any public health inspector of the borough;

"the water undertaking" means the water undertaking of the Corporation as for the time being authorised.

PART I
— cont.

(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 including this Act.

PART II

HEATING UNDERTAKING

Interpretation
of Part II of
Act.

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

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

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

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

Works for
provision
of heat.

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

Provided that—

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

(b) any electrical works or apparatus erected or maintained, worked and used in pursuance of this section shall be so constructed, maintained and used as to prevent interference with any telegraphic communication by any telegraphic line belonging to or used by the Corporation or by any telegraphic Office of the Corporation or of any other person.

(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.

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 shall 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 the electricity board) elsewhere.

The generating board shall, subject to the terms of any agreement made under paragraph (c) of the proviso to sub-paragraph (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; or
 - (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.

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

PART II
—cont.Power to buy
heat in bulk.

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

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

PART II
—cont.

shall give notice of their intention so to do to the owner of premises and, in the event of the supply of heat to such premises being discontinued, notice of such discontinuance shall be given by the Corporation to the owner of such premises.

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

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

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) taking a supply of heat from any works or premises outside the borough.

(2) 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 Act the Corporation may lay down or erect electric lines and

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

Power to lay
mains, etc.,
and break
open streets.

Power to lay
down or erect
electric
lines, etc.

PART II
—cont.

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

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

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

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

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

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

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

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

(5) Without prejudice to the operation of section 4 of the Electric Lighting Act, 1888, those provisions of the Electric Lighting (Supply) Acts, 1882 to 1936, as amended by the Electric Lighting Act, 1947, and in the Schedule to the Electric Lighting Act, 1947, which, as applied by the Post Office Act, 1969, shall confer protection to the Post Office and its telegraphic works,

1888 c. 12.

1947 c. 54.

1899 c. 19.

1969 c. 48.

As applicable extend and apply to any electric lines or apparatus
erected under this section, and references in those
provisions to the electricity board or the undertakers shall be
construed as references to the Corporation.

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

(10) (1) In any premises to which the Corporation supply
power they may 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
supply or utilisation of the heat so supplied and may install, repair,
renew or alter any heating fittings whether supplied by them or
by another 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
made or, in default of agreement, as may be reasonable for any
heating fittings supplied or any materials provided or work done
under this section at the request of the owner or occupier of the
premises supplied.

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

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

(b) shall, notwithstanding that they be fixed or fastened to
any part of the premises in which they may be situate
or to the soil under any such premises, at all times
continue to be the property of and (subject to the
provisions of the Hire-Purchase Act, 1965) removable
by the Corporation: 1965 c. 66.

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

(4) 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.

(5) The Corporation shall so adjust the charges to be made
under this section that the income therefrom will, taking one year
with another, meet any expenditure by them thereunder, including

PART II
—cont.

interest upon any moneys borrowed for the purposes thereof, establishment charges, and any sums required for repayment of moneys so borrowed and the cost of repairs or renewals.

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

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

Heating
charges.

11.—(1) The Corporation may from time to time prescribe 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 at any time on 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 recovering the heating charges payable by the occupier of any premises, if he is the tenant of the Corporation and connected with the premises, the same may be recovered as rent due from him.

Security for
payment of
accounts.

12. The Corporation may require any person who is to be supplied with a supply of heat or to be supplied with heating materials under this Part of this Act to deposit with the Corporation such sum as the Corporation may reasonably require for the fitting of fittings and for the recovery of the same.

liability 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.

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

Discount for prompt payment.

(2) 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.

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

Power to enter premises

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

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

If it is shown to the satisfaction of a justice of the peace from 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

PART II
—cont.

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;

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 thereunder may take with him such other persons as may be necessary and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectually secured against trespassers as he found them.

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

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

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by the general 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 the offence or not, the Corporation may recover from him an amount of any damage or loss sustained by them either in respect of simple contract debt in any court of competent jurisdiction or as a civil debt if the amount does not exceed twenty pounds, summarily.

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

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

(2) Byelaws under this section may include provisions—

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

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

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

(ii) reverberation in pipes; and

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

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

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

Modification
of section 26
of Act of
1950.

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

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

19.—(1) In any case in which—

- (a) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of the Act, or are the owning undertakers within the meaning of that section in respect of apparatus laid down and the powers of this Part of this Act; and
- (b) either the Post Office, the generating board, the electricity board or the gas board are the owning undertakers; (as the case may be) the operating undertakers;

the said section 26 shall be modified as follows:—

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

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

(iii) on the first occasion on which the Corporation execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the Corporation execute such works extending for a distance of more than 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;

(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 the gas board from damage or injury arising directly or indirectly from such works and with respect to the insulation of such works so as to prevent the escape of heat therefrom;

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

In this section any expressions to which meanings are assigned by the Act of 1950 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, shall be authorised to purchase land within the borough compulsorily for the purposes of the heating undertaking.

Purchase of land for 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 immediately before the commencement of that Act.

1946 c. 39.

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

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 so comprised 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 exercise of the easement or right were construed as references to the exercise of the easement or right.

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

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

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

In his particulars of claim the owner of any land in which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land,

PART II
—cont.

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

Provided that nothing in this subsection shall apply to any 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 called "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 and Schedule 4 to 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 published by the Minister of Public Building and Works under enactments for the time being in force with respect to ancient monuments without the consent of that Minister;
- (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

Interpretation of Part III of Act.

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

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

"market place" means market place of the Corporation;

"market stand" means stand, stall, shed, pen, table, compartment, standing room, station or place in any market house, market place or cattle market.

The markets undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and shall be managed and enjoyed by them:

Markets undertaking to continue vested in Corporation.

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

1955 c. 16.

(4 & 5 Eliz. 2.)

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

Powers of Corporation as to markets.

(a) they may continue the markets held at the commencement of this Act and may from time to time alter the places at which the markets respectively are or may be held and may establish and hold new markets and 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 for the sale of any commodities or animals together with all such market stands, buildings, offices, approaches, appliances, car parks, conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters;

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

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

(e) they may for the aforesaid purposes or any of them or for any purpose of or in connection with any of their

PART III
—cont.

1955 c. 16.
(4 & 5 Eliz. 2.)
Limits of
markets.

Market days
and hours.

Public
notice of
removal of
markets, etc.

Power to let
stands, etc.,
in market.

Recovery of
rent, etc.

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) and (d) of subsection (1) of this section shall be provided subject to, and in accordance with, the provisions of section 80 of the Food and Drugs Act, 1955.

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

26. The Corporation may, with the approval of the Mayor, appoint the days on which and the hours during which markets are to be held.

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

(2) Either—

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

(b) a photostatic or other reproduction certified by a town clerk to be a true reproduction of a page 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.

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 a market in the borough upon such terms and conditions as the Corporation think fit.

29.—(1) If a person liable to pay any rent, stallage or charge authorised to be taken under this Part of this Act does not pay when lawfully demanded the Corporation may by any authorised officer levy it by distress of all or any of the animals or chattels in respect of which the rent, stallage or charge is payable or any other animals, poultry or articles in the market belonging to or in charge of the person liable.

(2) Any such rent, stallage or charge may be recovered summarily as a civil debt or a simple contract debt in any court of competent jurisdiction.

PART III
-cont-

As to provision and use of cattle market.

Licence for sale out of market.

Articles to be weighed at request of buyer.

The Corporation may on such terms and conditions as they think fit enter into and carry into effect contracts, arrangements and agreements with any person for granting the right to use (whether in common with other persons or not) the market in the borough.

(1) The Corporation may from time to time, if they think fit, grant to any person a licence to sell or expose for sale in a place other than a market place, cattle market or market house or door to door any commodity or animal in respect of the exposure for sale whereof in any market place or market house or in respect of the user of any stall or other convenience for sale or exposure for sale whereof in any market place or market house any rent, stallage or charge is leviable by or payable to the Corporation.

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

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

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

Nothing in this section shall extend to any person while engaged in

selling or exposing for sale any article in his own dwelling place or rated place of business not constituting a market;

selling or exposing or carrying about for sale the produce of his own industry (proof whereof shall lie on the person accused).

Any person selling or exposing for sale, any marketable articles in the market shall if required so to do by the buyer be weighed or measured by the scales or weights provided by the Corporation and if he refuses to do so shall be liable to a fine not exceeding two pounds.

PART III

—cont.

Forfeiture
of articles
left in
market.

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

PART IV

TRANSPORT

Interpretation
of Part IV
of Act.

34. In this Part of this Act—

“highway authority” means—

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

Transport
undertaking
to continue
vested in
Corporation.

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

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

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

Power to
provide
plant, etc.

37. The Corporation may provide such plant, appliances and conveniences as may be requisite or expedient for the establishment, running and equipment of public service vehicles.

PART IV
---cont.

Cloakrooms,
etc.

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

Any consent required by the foregoing subsection shall not be unreasonably withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything deposited in a highway under the powers conferred by this section and shall be liable to be removed by the person giving the consent.

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.

(1) Notwithstanding anything contained in any other Act but subject to the provisions of Part III of the Act of 1963 the Corporation may on any occasion—

Power to
reserve public
service
vehicles for
special
purposes.

(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 may consider necessary or desirable;

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

During the running of such special public service vehicles the Corporation shall maintain a reasonably sufficient ordinary public service vehicles.

(2) 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 for whom the vehicle is reserved shall enter or attempt to enter the vehicle.

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

PART IV
—cont.

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

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

Provided that in cases where the Corporation are not the owner of such lamp-post, pole, standard or similar erection they shall give notice in writing of their intention to attach thereto any sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post, pole, standard or similar erection by such attachment, and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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

(3) The Corporation shall not attach any such sign or direction to any pole, post or standard belonging to the Post Office, except with its consent in writing, or to any lamp-post, pole, standard or similar erection belonging to the railways board without its consent.

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

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

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

(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 1967, being a building to which paragraph (a) of this section applies, without the consent of the Minister.

41. Nothing in this Part of this Act shall prejudice the exercise of the powers conferred by section 32 of the Road Traffic Regulation Act 1968.

Saving for
Transport
Act 1968.

1968 c. 73.

PART V

WATER

In this Part of this Act—

Interpretation of Part V of Act.

the map of water limits” means the map showing the limits for the supply of water by the Corporation which was deposited as mentioned in the preamble to this Act in November, 1968;

the Third Schedule” means the Third Schedule to the Act of 1945;

expressions to which meanings are assigned by the Third Schedule have the same respective meanings.

(1) The water undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and shall be used and enjoyed by them, and they may—
Water undertaking of Corporation.

(a) maintain, renew, alter and improve the water undertaking or any part thereof in the manner which was authorised by the Wolverhampton Water Acts and Orders, 1869 to 1965, notwithstanding the repeal by this Act of any of the provisions of the Wolverhampton Water Acts and Orders, 1869 to 1965;

(b) subject to the provisions of Part IV of the Water Resources Act, 1963, take and intercept any water which can or may be intercepted by any of their existing works and which they were entitled to take or intercept immediately before the commencement of this Act. 1963 c. 38.

The sources from which the Corporation are at the commencement of this Act entitled to take and intercept water are those referred to in Schedule 1 to this Act.

The limits within which the Corporation are authorised to take water are those shown on the map of water limits and supply, and the areas described in Schedule 2 to this Act. Limits of supply.

(1) Section 280 of the Act of 1933 (which relates to the plans and other documents with the clerks of local authorities) shall apply to the map of water limits which as mentioned in the preamble to this Act was deposited with the town clerk in respect thereof as if it had been deposited with him pursuant to the standing orders of either House of Parliament. As to map of limits of supply.

Copies of the map deposited with the town clerk certified to be true shall be received in all courts of justice and shall be evidence of the contents of the map.

PART V
—cont.

Incorporation
of provisions
of Third
Schedule.

46. The provisions of the Third Schedule (except section subsection (2) of section 5, section 7, subsection (1) of section and Part XV) shall apply to the water undertaking and hereby incorporated with this Part of this Act:

Provided that—

- (1) the provisions of the Third Schedule specified in column (1) of Schedule 3 to this Act as so applied and incorporated by this section shall have effect, subject to the modifications specified in column (2) of the said Schedule 3;
- (2) for the purposes of the application of the provisions of the Third Schedule as so applied and incorporated by this section the whole of any service pipe provided for the purpose of affording a supply to any premises for extinguishing fires therein or provided for the purpose of affording a standby supply shall be deemed to be a service pipe and no part thereof shall be deemed to constitute a communication pipe so nevertheless for the purposes of section 35 of the Third Schedule as so applied and incorporated any part of a service pipe which but for this proviso would have been deemed to constitute a communication pipe shall be deemed to be a service pipe of the undertakers; and
- (3) any wire, posts, conductors or other apparatus laid down or erected by the Corporation under the Wolverhampton Water Acts and Orders, 1869 to 1965, shall be deemed to have been laid or erected and shall be maintained in accordance with the provisions of section 5 of the Third Schedule.

Water rates
and charges.

47.—(1) The Corporation may, in respect of water supplied to any premises for domestic purposes, charge a water rate of an amount not exceeding three shillings in the pound calculated

- (a) in the case of a house not being premises of a kind mentioned in paragraph (b) or paragraph (c) of subsection, on the net annual value thereof;
- (b) in the case of premises in residential use otherwise than as a private dwelling-house (whether or not such premises contain a private dwelling ancillary to their purpose, including hotels, boarding houses, hospitals, nursing homes, boarding schools, residential institutions or other communal residential establishments, or such proportion of the net annual value thereof as the Corporation may from time to time determine);
- (c) in the case of premises used in part as a private dwelling-house and in part for any professional, business,

of manufacturing purpose or for the exercise of functions by any public authority (not being premises referred to in paragraph (b) of this subsection), on the net annual value thereof if that value does not exceed eighty pounds or, where the net annual value of such premises exceeds eighty pounds on the first eighty pounds of that value and on such proportion (not exceeding 66 $\frac{2}{3}$ per cent.) of the remainder as the Corporation may from time to time determine;

(2) in the case of any other premises on such proportion (not exceeding 66 $\frac{2}{3}$ per cent.) of the net annual value thereof as the Corporation may from time to time determine:

provided that the Corporation may in any case make, in respect of the supply, a minimum charge of such amount not being less than three pounds per annum as the Corporation may from time to time determine.

For the purposes of subsection (1) of section 48 of the Third Act as applied by this Act the prescribed sum shall be five shillings.

The prescribed maximum charge for a supply of water by the Corporation shall be six shillings per thousand gallons.

Notwithstanding anything contained in this Part of this Act during the periods specified in column (1) of the following table the rates to be charged by the Corporation for a supply of water for domestic purposes (otherwise than by meter) in the area defined in subsection (2) of section 10 of the Bilston Commissioners (Water) Act, 1893, as amended by section 12 of the 1893 c. clxxi. and section 12 of the 1896 c. ccxxxix. shall be less than the rates for 1896 c. ccxxxix. being charged for a supply for those purposes within the limits of supply by the percentages specified in column (2) of that table: -

Period (1)	Percentage (2)
beginning the 1st April, 1970 ...	25
beginning the 1st April, 1971 ...	20
beginning the 1st April, 1972 ...	15
beginning the 1st April, 1973 ...	10
beginning the 1st April, 1974 ...	5

PART V
—cont.

Recovery of
cost of
damage to
meters.

Liabilities of
occupier in
relation to
discontinued
metered
supplies.

49. Without prejudice to the provisions of subsection 1 of section 35 of the Act of 1945, the Corporation may recover from the consumer the expenses reasonably incurred by them in making good any loss of or damage to a meter (not being a meter placed in a street) arising from any cause other than fair wear and tear or exposure to frost.

50.—(1) If the occupier of any premises supplied with water by meter by the Corporation quits the premises, he shall be liable to pay to the Corporation all charges accruing due in respect of such supply up to—

(a) the date on which notice of intended disconnection given under section 69 of the Third Schedule or a notice of discontinuance given under section 79 of the Schedule expires; or

(b) the date from which any subsequent occupier of the premises requires the Corporation to supply water thereto; or

(c) the date on which a reading of the index of the meter is taken showing that no water has been supplied through it since the date of the last previous reading; or

(d) the date when the meter is removed by the Corporation;

whichever is the earlier.

(2) An occupier of premises supplied with water by meter by the Corporation who, on quitting the premises, does not give notice that he requires the meter to be disconnected shall be liable to repay to the Corporation the expenses which he would have been liable to repay to them under section 69 of the Third Schedule as applied to the water undertaking if he had given such a notice as aforesaid, and the Corporation may recover such expenses from him accordingly.

Application
of certain
provisions of
Part V of
Act.

51. The last two foregoing sections of this Part of this Act shall apply to all supplies of water by meter given by the Corporation, except so far as the said provisions are inconsistent with other provisions from time to time in force of any agreement between the Corporation and a consumer and except where it is provided by any such agreement that the said provisions shall not apply to a particular supply.

Guarantees
in respect of
supplies for
new buildings.

52.—(1) Section 37 of the Act of 1945 shall, in its application to the Corporation, have effect as if—

(a) in subsection (1) after the words "any necessary reservoirs" there were inserted the words "to provide"

and install any necessary pumping plant or to carry out any necessary modification of any existing pumping plant";

(b) in paragraph (a) of the proviso to subsection (1) after the words "service reservoirs" there were inserted the words "providing and installing any necessary pumping plant or carrying out any necessary modification of existing pumping plant";

(c) in paragraph (b) of the said proviso, after the words "service reservoirs" there were inserted the words "and providing and installing or modifying the pumping plant".

Where in pursuance of section 37 of the Act of 1945 the Corporation requires the Corporation to construct any works for the purpose of affording a supply to any new buildings he proposes to erect, the Corporation, instead of requiring the owner to give an undertaking to pay in respect of each year a sum as is provided in paragraph (a) of the proviso to subsection (1) of the said section 37, may agree with him for the purpose of his liability to the Corporation of a sum in composition of an undertaking were given.

(1) Any water rate or charge payable to the Corporation in respect of a supply of water to any premises may be collected and recovered together with the general rate, and the books may be used for the said rate and the general rate.

Notwithstanding the provisions of any other enactment, any water rate or charge recoverable by the Corporation in a court may (without prejudice to any other right of the Corporation) be recoverable in the same manner as if it were subject to the same provisions in respect of such recovery as the general rate.

Any summons relating to a sum due to the Corporation in respect of any water rate or charge may be served and any proceedings relating to a sum due to the Corporation in respect of any water rate or charge may be directed to the same persons as if it related to the general rate.

(1) The Corporation and any rating authority may enter into effect agreements whereby the rating authority and recovery of water rate by rating authorities, the water rates and charges, or any class of

PART V
---cont.

the water rates and charges, which the Corporation are authorised to levy and make for and in connection with the supply of water in the area of that rating authority.

(2) Any such rates and charges may be demanded and collected by such rating authority together with the general rate of the area, and the same books and forms of demand for rates and charges may be used for such general rate and such water rate charges.

(3) Subsections (2) and (3) of section 53 (Collection and recovery of water rates and charges) of this Act shall, with necessary modifications apply to any such water rates and charges.

Dwelling-houses for persons in Corporation's employment.

55.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of the water undertaking and may fit up, maintain and let any such buildings upon any lands at any time being belonging to the Corporation for the purposes of the water undertaking or purchased for the purpose of erecting buildings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

PART VI

LANDS

Disposal of land.

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

Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

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

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

PART VI
-cont.

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

Agreements with adjoining owners.

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

In selling any land the Corporation —

Reservation of easements, etc., by Corporation.

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

(b) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and, without prejudice to the generality of the foregoing words of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

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

Undertakings and agreements binding successive owners.

(a) given or made under seal either on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

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

Such an undertaking or agreement shall be treated as a charge for the purposes of the Land Charges Act, 1925 c. 22, and amended by the Law of Property (Amendment) Act, 1926 c. 11.

Any person upon whom such an undertaking or agreement shall be entitled to require from the Corporation a certificate.

PART VI
—cont.

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

62. 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 two years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the said Act of 1965 or paid by the Corporation into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or Schedule 3 to the 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 or transferred to the Corporation:

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

PART VII

STREETS

Interpretation
of Part VII
of Act.

63.—(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 other erection; but for the purpose of this definition it does not include a wall forming part of a permanent building.

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

New streets

Prohibition
of building
until street
defined.

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

Where the approved width of a new street has been defined as aforesaid, no person shall begin to erect a building or structure on the land abutting on 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 as aforesaid 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.

(1) Where a plan and sections of a new street deposited 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 of the street has been constructed, and the street has been sewered, in accordance with the said byelaws:

Prohibition of building until street formed and sewered.

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

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

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

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

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

PART VII
—cont.Access to
new street.

66.—(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 street, whether existing or intended, by notice prohibit the erection or retention of any structure at either end of the new street land belonging, at the time of the deposit, to the owner of land upon which the new street is proposed to be constructed laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and 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 the expenses of so doing from that person.

1925 c. 22.
1926 c. 11.

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

Rounding or
splaying off
corners at
street
junctions.

67.—(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 a 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.

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

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

1961 c. 33.

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

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.

(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

Adjustment of boundaries of estates in connection with streets.

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

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

if it may be necessary or desirable having regard to the line and width 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 an existing street or for the widening or adaptation of a road, or a 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.

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

Such award made under this section shall operate to effect the payment or alteration of boundaries or exchange of land,

PART VII
— cont.

and any removal, modification or imposition of restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall, unless and except in so far as the award 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 and 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.

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

- (a) to plant trees or shrubs or place containers in which trees or shrubs may grow;
- (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 trees, shrubs, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove any container, guard or fence and to abolish any such 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 prohibition persons under such age as may be specified in the notice.

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

If 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 subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925, with respect to such highways or land before the commencement 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.

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 a highway in the Corporation.

The consent required by this subsection shall not unreasonably be withheld but may be given subject to a condition that the person to whom it is given shall at their own expense remove anything placed on the highway under the powers conferred by this section if reasonably required to do so by the Minister of Transport.

PART VII
—cont.

(8) (a) Where the Corporation carry out works under an enactment relating to private street works, they may, with 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 expense incurred in so doing shall be deemed part of the expense of carrying out the works.

(b) The reference in this subsection to the consent of 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.

70.—(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, by notice require the owner of any building, which, or any part of which, is situated 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, stating the reasons for his objection, the notice shall not have effect unless it is confirmed by the Lands Tribunal either with 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 carry out the execution of works alternative to those required by the notice, or the works so required are unreasonable in character or extent or are unnecessary or

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

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

Without prejudice to the provisions of paragraph (b) of subsection (1) of this section where it appears to them

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

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 anything in any lease or other agreement, enter upon any land affected by any requirement of the notice and carry out the work required by the notice.

Where a building is demolished, set back or altered in accordance 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 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.

PART VII
—cont.

(5) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a place 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 thereof from that person.

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

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

71.—(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 of the structure, and the Corporation have approved the 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, an order made under that Act, is development order for the time being in force thereunder, and to any structure being an advertisement which may be displayed only in pursuance of an application 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 by any person the Corporation may give him notice that they do not approve the placing or erection of the structure, or that they do not approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice:

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

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

PART VII
—cont.

The Corporation may at any time within the said five weeks 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.

Any person giving notice under subsection (1) of this section who is aggrieved by a notice given under subsection (2) 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 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 before 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

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—cont.

convicted may order him, within such time as may be fixed by the order to remove the structure in respect of which he is convicted; and if he fails to comply with the order—

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

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

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

72.—(1) No person shall erect, or bring forward, beyond the building line on land abutting on a street in the borough a 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 twenty 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 erected within seven days after the completion of the construction, demolition, alteration, repair or maintenance of the building or works the person who erected the structure shall be liable to a fine not exceeding twenty pounds.

(4) Where any person is convicted of an offence under the foregoing provisions of this section, the court by which he was convicted may order him, within such time as may be fixed by the order, to remove the structure, or, if he so elects,

or alter it so that it no longer contravenes the provisions of subsection (1) of this section; and if he fails to comply with the order—

PART VII
—cont.

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

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

Where, after the expiration of five years from the commencement of this Act, there is on any site in the borough a structure which existed on that site at the commencement of this Act and could not have been erected there after the commencement 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

PART VII
—cont.

consent of the Corporation be erected or brought forward on the land without contravening the provisions of section 75 of the Act of 1959;

“ structure ” does not include an advertisement to which regulations made under section 34 of the Act of 1959 apply.

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

Retaining
walls.

73.—(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

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

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

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

(ii) which is at any point of a greater height than 4 feet 6 inches above the level of the ground at the bottom 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 than in accordance with plans, sections and specifications approved by the Corporation; and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a fine not exceeding twenty pounds.

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

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

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

(b) having been erected before the 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 its

as aforesaid; and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

PART VII
—cont.

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 their railway, dock, canal or inland navigation undertaking; or

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

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

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

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

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

An awning that can be folded up or rolled up without being dismantled 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) 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, the powers in that behalf contained in the Act of 1957, the

Mixing of mortar, etc., in streets.

PART VII
—cont.

Act of 1959 or the Act of 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part of which drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

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

(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.

76.—(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 reasonable time stop up, divert and interfere with any street in the borough and divert the traffic therefrom and prevent persons using it:

Provided that the Corporation shall not exercise the power 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 egress from, any station, wharf or depot of any railway, dock, canal, inland navigation or passenger road transport undertakers.

(2) 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.

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

The exercise by the Corporation of the powers conferred by this section in relation to any street shall not prejudice or affect the operation of the Post Office—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by it under, in, upon, over, along or across that street;

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street;

and to its obligations to make good any street broken open as aforesaid.

(1) The Corporation may, on the occasion of any public Decorations, cause flag-poles and pylons to be erected in any street in streets thorough 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.

(2) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport or in any street belonging to or maintainable by the Corporation or their 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 required to do so by the said Minister or the railways as the case may be.

Section 155 of the Act of 1959 in its application to the Amendment shall have effect as if—

(a) in subsection (6) for the word "estimate" there were substituted the word "quotation" in both places where that word occurs ;

(b) in subsection (7) paragraphs (a) and (b) were omitted.

If a person, without lawful authority or excuse, takes down or removes any fence or other guard erected, or any light placed, by any statutory authority in pursuance of the requirements of section 8 of the Act of 1959 in executing works in the borough, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding one hundred pounds.

PART VIII

SANITATION AND BUILDINGS

Interpretation
of Part VIII
of Act.

80. In this Part of this Act—

“ 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 into refuse vehicle of the Corporation or to be removed by vehicle of the Corporation for emptying;

“ effluent ” means any water, liquid or sewage matter discharged from the outfall sewers or sewerage works of the Corporation or passing over or through sewage lands and flowing into the Pendeford Brook or any of its tributaries;

“ sewage lands ” means the lands of the Corporation from time being used for the purification or treatment of sewage.

Discharge of
effluent
subject to
conditions

81.—(1) Notwithstanding anything contained in any other enactment the Corporation may subject to the conditions hereafter in this section mentioned discharge or permit to flow into the Pendeford Brook and the tributaries thereof the effluent from their sewerage works and sewage lands:

(a) the Corporation shall not discharge or permit to flow any effluent unless and so long only as they shall be using the best or only practicable and available means under the circumstances of the case for rendering the effluent harmless;

(b) (i) a certificate by an inspector appointed by the Minister to the effect that the means used by the Corporation for rendering harmless any such effluent are the best or only practicable and available means under the circumstances of the case (and in considering the said means regard shall be had to the quantity of land for the time being used for the utilisation of the sewerage) shall in all cases and in all proceedings be conclusive evidence of fact;

(ii) such certificate shall continue in force for a period named therein not exceeding two years and on the expiration of that period may from time to time be renewed but so that each renewal does not exceed two years;

(c) any person aggrieved by the granting or the refusal of a certificate under this section may appeal to the Minister against the decision of the inspector and the Minister may either confirm, reverse or modify the decision.

decision and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the Minister may appear just;

(d) the Corporation shall pay compensation to any riparian owner or other person injuriously affected by the exercise of the powers conferred by this section.

Nothing in this section contained shall—

(a) be construed to prejudice or affect the rights and powers of the Corporation to use any sewer for the purpose of conveying into the Pendeford Brook and the tributaries thereof by means of storm overflow water produced by unusual rainfall;

(b) prejudice or affect the injunction granted by the High Court (Queen's Bench Division) against the Corporation at the suit of Walter Thomas Courtenay Giffard and others or the writ of sequestration ordered to be issued for enforcing the same.

The reference to section 5 of the Wolverhampton Corporation Act, 1891, in Part II of the First Schedule to the Order dated 1891 c. cxv May, 1957, made by the High Court of Justice (Chancery) in proceedings against the Corporation by Reginald Percy Monckton (1956 M. No. 1425) shall be deemed a reference to this section.

Nothing in this section shall exempt the Corporation from provisions of the Rivers (Prevention of Pollution) Acts, 1951

Notwithstanding anything contained in the indenture of the 27th May 1868, between the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation of the one part and the Local Board of Health of the Borough and District of Wolverhampton of the other part (which indenture was set out in Schedule 4 to the Wolverhampton Improvement Act, 1869) the Corporation may use the conduit therein that indenture in perpetuity for conveying sewage into the lands and works of the Corporation and the Corporation may at any time and from time to time hereafter enlarge, alter, reconstruct or renew such conduit (any extension, enlargement of such conduit only to be either by the same or by raising the side walls thereof), and the provisions of the said indenture shall so far as applicable and with necessary modifications apply and have effect with reference to such extension, enlargement, alteration, reconstruction or renewal in the same manner as the same apply with reference to the conduit.

PART VIII
—cont.

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

1963 c. 2.

83.—(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 to be held, given or provided, or in respect of which there is at the time being in force a licence under section 9 of the Gaming and Lotteries Act, 1963, or a permit for the provision thereof of amusements with prizes under Schedule 6 to that Act, to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport during the continuance of the licence in a suitable position a sufficient number of sanitary conveniences for the use of persons resorting to such premises or place as may be reasonable.

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

(3) If any person fails to comply with a notice served on him under this section within such reasonable period, not being 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 or for participating in amusement for prizes, he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds:

Provided that—

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

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

(4) This section shall not apply to—

(a) premises in respect of which there is in force a licence under the Cinematograph Acts, 1909 and 1952;

(b) any premises or place in respect of which byelaws for preserving sanitary conditions at pleasure fairs or roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act, 1961.

1961 c. 64.

(1) If a magistrates' court is satisfied upon a complaint that any smoke, gas or vapour from a chimney, flue or structure forming part of, or within the premises in the borough is prejudicial to the health of the inhabitants of the borough or a nuisance, the court may make an order requiring the owner of the chimney, flue or structure to cause it to be raised to a height so specified; or to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

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

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.

This section shall not apply to premises subject to the provisions of the Alkali &c., Works Act, 1961, or controlled under the Alkali &c., Works Act, 1906.

1961 c. 34.
1906 c. 14.

(2) Any movable dwelling standing upon land in the borough and abutting upon a street shall for the purpose of section 75 of the Act of 1959, in its application to the borough, be deemed to be a building:

Provisions as to movable dwellings.

and that in respect of any such movable dwelling the provisions of section 75 of the Act of 1959 shall not apply unless the movable dwelling obstructs the sight of the street.

PART VIII
—cont.

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

Extension of section 22 of Public Health Act, 1961.

1961 c. 64.

Provision of bulk refuse containers by Corporation.

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

87. The Corporation may at the request of the owner or occupier of any premises within the borough provide and maintain at such premises a bulk refuse container on such terms and conditions (including conditions as to payment) as may be agreed between such owner or occupier and the Corporation.

Maintenance of and access to bulk refuse containers.

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

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

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

"(g) where the notice requires the owner or occupier of any part of the premises in question to execute such work or make such provision for the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that part ought to bear, or contribute towards, the expense of executing the works required";

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

PART VIII

—cont.

Means of
access for
removal of
refuse, etc.

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

(a) Where plans for the erection or extension of a
building are, in accordance with building regulations,
deposited with a local authority, the local authority
shall reject the plans, unless it is shown to them that—

(i) satisfactory means of access can, and will, be
provided from the building to a street for the purpose
of the removal of refuse; and

(ii) the method of storage and collection of refuse,
together with the related facilities to be provided, are
adequate:

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

Any question arising under this subsection between a
local authority and the person by whom, or on whose
behalf, plans are deposited as to whether any means of
access or refuse storage accommodation proposed to be
provided can be provided and ought to be accepted by
the authority as satisfactory may on the application of
that person be determined by a magistrates' court.

In this section 'refuse storage accommodation', in
relation to a building, means accommodation for the
storage of dustbins or other refuse containers containing
or intended to contain the refuse arising from the use
or occupation of the building.

(a) It shall be unlawful for any person except with the
consent of the local authority to close or obstruct the
means of access by which refuse is removed from any
building, and the local authority in giving their consent
may impose such conditions as they think fit with respect
to the improvement of any alternative means of access,
or the substitution of other means of access.

Any person who contravenes the provisions of this sub-
section shall be liable to a fine not exceeding ten pounds
and to a further fine not exceeding two pounds for
each day on which the offence continues after conviction
thereof.

PART IX

NUISANCES

Tipping of
spoil and
refuse.

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

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

- (a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;
- (b) provide that any spoil or refuse tip placed, kept or in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

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

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

1963 c. 38.

1969 c. 10.

Silencers for
internal
combustion
engines.

91.—(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 as aforesaid, or causes or permits it to be so used, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding two pounds.

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 of 1936 as incorporated in this Act, to inspect and test any silencer on the exhaust of such engine found on the premises, and for that purpose to require such silencer to be taken off, and any expenses incurred under this section by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises an engine which is not provided with an effectual silencer on the exhaust thereof.

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

1954 c. 70.

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 Regulations, 1963, do not have effect in relation to the 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;

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

PART X
—cont.

(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 occurs;

(c) he shall, on the application of an authorised officer made within two weeks from the date of its slaughter, furnish such information within his knowledge as the 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 (2) of this section on the owner of an animal to retain the carcass intact until the expiration of a period 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;

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

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

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

(5) If the owner of an animal—

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

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

PART X
cont.

shall be liable to a fine not exceeding fifty pounds.

Nothing in this section shall affect the operation of the Animals Act, 1950, or of any order, licence or act of 1950 c. 36. Minister of Agriculture, Fisheries and Food made, granted thereunder, 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.))

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

In this section references to the Meat Inspection Regulations, 1958, or to any provision in those regulations are references to the regulations or that provision as amended or replaced by subsequent regulations.

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

PART XI

CEMETERIES AND OTHER MUNICIPAL PROPERTY

In this Part of this Act—

Interpretation
of Part XI
of Act.

“burial ground” includes a cemetery;

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

PART XI

—cont.

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

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

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

1906 c. 25.

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

Golf courses.

95.—(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 its use, and for 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 provision and sale of refreshments as aforesaid;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;
- (d) by themselves, or any person appointed by them, that behalf, apply for, and hold, licences for the sale of intoxicating liquor at any such golf course.

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

PART XI
--cont.

In this section "golf course" includes a driving range.

(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.

Agreements to maintain graves and tombstones.

In this section "grave" includes a grave space, niche or

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

Extension of power to maintain burial grounds.

- (a) to put and keep in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

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

PART XI
—cont.

ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service, whichever is the latest; and

(c) state the effect of the next following subsection.

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

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has not been served under paragraph (c) thereof, after the date of such service, whichever is the later.

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

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

- (a) a copy of any inscription on it; and
- (b) if it is intended to preserve the memorial, a statement 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 they are subject apart from those provisions to obtain for any work any 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 a faculty or licence; and subsection (5) of this section shall not have effect in relation to any memorial for whose removal a faculty or licence was obtained.

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

For protection
of Common-
wealth War
Graves
Commission.

98.—(1) In this section—

"the Commission" means the Commonwealth War Graves Commission;

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

PART XI
cont.

In relation to any burial ground to which the provisions of section 97 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947 the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 97;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 97;

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

The Corporation shall not in pursuance of the powers conferred by the said section 97 remove any memorial placed or erected over 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 Corporation over any such grave such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

If a Commonwealth war burial would be affected by a notice given by the Minister under subsection (4) of the said

PART XI
—cont.As to offences
in burial
grounds.

section 97 the Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Commission in writing of such reference and the Minister shall consider representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Minister.

Aerodrome
undertaking.
1949 c. 67.

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

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

100.—(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 on such reasonable charges in respect thereof as they may think fit; or
- (b) subject to the provisions of subsection (1) of section 19, let it, or any part thereof, for such consideration, and on such terms and conditions, as they may think fit:

Provided that nothing in this subsection shall authorise the Corporation to vary 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 manner to the Board of Trade and subject to the like control and supervision 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.

101. From and after the commencement of this Act every 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 under the control of the Corporation as is given to the servants of the Corporation by the byelaws from time to time made in pursuance of the provisions of the said Act.

PART XII

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 so 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.

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

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

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

(1) 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 may erect any such installations, boxes or shelters in any street, park or public place in the borough if the authority think fit.

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.

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

(a) without the consent of the highway authority in a street which is a highway maintainable at the public expense; or

(b) without the consent of the undertakers concerned—

(i) in or upon a bridge carrying a street over a railway, canal or inland navigation, or the approaches thereto, or under a bridge carrying a railway, canal or inland navigation over a street; or

(ii) in a street belonging to, and maintainable by, any transport undertakers and forming the approach to a station, dock, wharf or depot of such undertakers;

PART XII
—cont.

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

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

(4) A consent required by this section shall not be unreasonably withheld, but may be given subject to any reasonable conditions including a condition that the police authority shall remove a 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 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 rail, dock, canal, inland navigation or passenger road transport undertakers.

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

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

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

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

(c) removes, alters, defaces or obscures any mark or sign provided by the appropriate authority for indicating the position of such a call box, structure or fire alarm, or of a fire hydrant in the borough;

he shall be liable to a fine not exceeding twenty pounds, and the appropriate authority may recover from him the cost of removing the obstruction, or of making good any damage to any equipment or mark and the amount of such cost, and any dispute respecting the same may be settled and determined by a court before whom he is convicted.

(2) If any person telephones, or causes to be telephoned, from a police telephone call box in the borough any statement which he knows to be false,

(a) from a police telephone call box in the borough, or

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.

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) As from the appointed day no person shall connect in the borough a stand capable of affording sitting or standing accommodation for twenty or more persons at 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 plan of the stand under this section.

Within five weeks from the receipt of such a notice from a person the Corporation may give him notice that they approve or reject the stand, but only subject to—

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

(b) compliance with such requirements as to maintenance and otherwise;

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

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

PART XII
—cont.

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

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

(6) If any person—

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

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

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

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

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

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

(7) For the purposes of paragraph (a) of subsection (6) of this section the provisions of section 287 of the Act of 1936, as applied by this Act, shall be provisions which it is the duty of the Corporation to enforce.

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

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

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

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

Touting,
hawking, etc.

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

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

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

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

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

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

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;

1906 c. 25.

(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.

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

PART XII
—cont.

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

Securing of
unoccupied
buildings.

107.—(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 27 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 of the order, or pursuant of the order, the premises are vacated; or
- (d) a house or building in the borough is unoccupied for a period exceeding six weeks;

they may, if the premises are not effectively secured, do all such things as may be necessary to prevent the entry into the premises, when unoccupied, by any person other than a person authorised by the owner or the Corporation, after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do all such things in relation to the house or building, or part thereof, as may be necessary to 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 in the control of the house for the purposes of Part II of that Act.

Disposal of
dangerous
containers.

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

PART XII
cont.

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

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

1967 c. 69.

In this section "poisonous substance" means a substance included in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act, 1933.

1933 c. 25.

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

Provisions as to motor vehicles let for hire.

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

1847 c. 89.
1875 c. 55.

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

and to motor hire vehicles and their proprietors and drivers.

In this section "private hire vehicle" means a motor vehicle (within the meaning of the Act of 1960) not being a vehicle included under the provisions of the Town Police Clauses Act, 1847, with respect to hackney carriages, which is kept for the purpose of being let out for hire with a driver for the carrying of persons 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;

(b) 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

(c) a public service vehicle.

(1) The Corporation may from time to time by resolution determine the standing places of hackney carriages within the borough:

Hackney carriage stands.

PART XII
—cont.

Provided that nothing in this section contained shall empower the Corporation to fix the site of the stand of any hackney carriage in any railway station or in any yard adjoining thereto connected therewith except with the consent of the railway board.

(2) Before appointing any stand for hackney carriages exercise of the powers of this section, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

Inspection
and
certification
of taximeters.

111.—(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 continued in use unless the same be certified to register correct and the expenses of such testing and certification not exceed one pound in any one year shall be borne by the owner of the hackney carriage.

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

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

1875 c. 55.
1847 c. 89.

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

PART XIII

FIRE PRECAUTIONS

Interpretation
of Part XIII
of Act.

113. In this Part of this Act
“flammable material” means
(a) timber;

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

(c) subject to the provisions of section 120 (As to application of Part XIII to certain stacks) of this Act, materials of the type commonly known as plastics;

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

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

"stack" includes a pile;

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

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

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

(1) (a) The Corporation may give—

Consent to storage of flammable material.

general consent to the use of any premises for the formation or maintenance of any stack of flammable material; or

a particular consent to the formation or maintenance of any such stack on any premises;

The Corporation shall not refuse to give any consent applied for under this section except where they consider such a refusal necessary for any of the purposes mentioned in paragraph (b) of section 120.

PART XIII
— cont.

(b) The Corporation may attach to any consent given under this subsection such terms and conditions as, having regard to the reasonable requirements of the undertaking, trade or business being carried on on the premises, they consider to be reasonable and necessary for the purposes of preventing outbreaks of fire, lessening the danger from the spread of fire and facilitating the extinguishing of fire including terms and conditions as to the piling, stacking or storage of flammable material.

(c) Any reference in this Part of this Act to the consent of the Corporation is a reference to a consent (whether general or particular, as the case may be) given under this subsection.

(2) Subject to the provisions of this Part of this Act no person shall without the consent of the Corporation given in writing under the foregoing subsection form or maintain a stack of flammable material on any premises.

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

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

(c) If the Corporation have not notified to the applicant in writing their decision on his application within a period of two months from the date of the receipt thereof and of such plans and particulars as they may have required him to supply (or within such longer period as may be agreed in writing between the Corporation and the applicant), the provisions of this Part of this Act shall have effect as if the consent of the Corporation applied for had been given on the last day of that period without any terms or conditions being attached thereto except any such terms or conditions as may have been stipulated in such application.

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

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

Where any terms and conditions have been attached to the consent of the Corporation as respects any premises in pursuance of subsection (1) or subsection (4) of this section then such terms and conditions shall not (except in pursuance of a request for that made in writing to the Corporation by the occupier of premises to which those terms and conditions relate) be withdrawn, varied or added to in pursuance of the provisions of the foregoing subsection except where there has been—

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

if said terms and conditions were so attached.

(1) Any person—

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

- (i) refusal to give such consent; or
- (ii) any term or condition attached to the consent;

(b) who is aggrieved by the variation of any term or condition attached to any consent of the Corporation or by any terms or conditions or additional terms or conditions attached thereto in pursuance of a notice served under paragraph (a) of subsection (4) of section 114 (Consent to storage of flammable material) of this Act;

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

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

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

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

Appeals under
Part XIII of
Act.

PART XIII
—cont.

- (ii) confirm, vary or quash any term or condition or a variation of a term or condition which is the subject of the appeal; or
- (iii) attach to the consent of the Corporation any term or condition which the Corporation would be entitled to attach under either subsection (1) or subsection (4) of section 114 (Consent to storage of flammable material) of this Act.

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

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

Stack not to contain room, etc.

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

Power of entry for inspection, etc.

117.—(1) Any person authorised in that behalf by the Corporation may (on producing if so required some duly authenticated document showing his authority) at all reasonable times enter upon, inspect and examine any premises on or in which a stack of flammable material is maintained, and may do all such things (including the taking of samples for analysis from any stack formed on the premises) as are reasonably necessary to ascertain whether the provisions of this Part of this Act, or any terms or conditions attached to any consent given thereunder, are being complied with.

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

Offences.

118.—(1) Any person who—

- (a) forms or maintains on any premises a stack of flammable material for which the consent of the Corporation

required under section 114 (Consent to storage of flammable material) of this Act without first obtaining that consent;

(b) contravenes any term or condition which, in pursuance of subsection (1) or subsection (4) of the said section 114, is for the time being attached to a consent given by the Corporation under subsection (1) of the said section 114;

(c) contravenes the provisions of section 116 (Stack not to contain room, etc.) of this Act;

(d) wilfully obstructs any person acting in the exercise of his powers under section 117 (Power of entry for inspection, etc.) of this Act;

guilty of an offence:

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

(i) until the end of any period within which an appeal under section 115 (Appeals under Part XIII of Act) of this Act may be made by him in respect of the term or condition in question; and

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

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

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

Notwithstanding the provisions of section 114 (Consent to storage of flammable material) of this Act, the consent of the Corporation shall not be required under that section—

Consent not required in certain circumstances.

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

(b) as respects any other stack not exceeding 30 feet in height and 48,000 cubic feet in size in the case of a

PART XIII
—cont.

stack of timber, 15 feet in height and 24,000 cubic feet in size in the case of a stack which is composed of one type of plastics material, or 15 feet in height 16,000 cubic feet in size in the case of a stack of other flammable material, so long as each of the following provisions is complied with—

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

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

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

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

(ii) any substance having a flash point lower than 66 degrees centigrade when tested by any standard method; or

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

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

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

Provided that where any two or more stacks of timber or (as the case may be) of plastics or any other flammable material are contained within a rectangular area not exceeding 2,500 square feet and not more than 60 feet in length, those stacks shall be treated for purposes of this paragraph as if they were one stack.

(3) as respects a stack of flammable material at a site which forms part of the premises occupied by a railway board for the purposes of their undertaking but which is not habitually used for the stacking of flammable material such stack being of a temporary nature and required for the purposes of or in connection with work of construction, maintenance or repair of the undertaking.

As to application of Part XIII to certain stacks.

10.—(1) For the purposes of this Part of this Act a stack shall not be deemed to be a stack of flammable material by reason of the fact that the material or materials of which the stack is primarily composed are—

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

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

- (a) in the case of a stack which contains two or more types of plastics, the stack contains no material with a calorific value of 2,500 calories per gram or more; and
- (b) in the case of a stack which is composed only of one type of plastics, either—

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

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

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

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

In subsection (2) of this section—

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

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

PART XIII
—cont.
Savings and
transitional
provisions.

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

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

(3) (a) Where by reason of the provisions of the last foregoing subsection a stack of flammable material on any premises until 1st January, 1971, required to be formed or maintained in accordance with the provisions of this Part of this Act, the occupier of those premises may, before 1st September, 1971, submit to the Corporation an application in writing under section 114 (Consent to storage of flammable material) of this Act which shall not have effect in relation to those premises until a date after 1st January, 1971, but not being later than 1st January, 1972, as he may specify in that application, being a date which in his opinion is reasonable having regard to the need to modify by reason of the passing of this Act, the operations of any undertaking, trade or business being carried on on those premises.

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

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

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

(c) Any applicant aggrieved by the terms of a notice served on him by the Corporation under paragraph (b) of this subsection may appeal to the Secretary of State on the ground that the Corporation has unreasonably refused to approve the application in the form in which it was submitted by him and section 220 (Appeals under Part XIII of Act) of this Act shall, with such necessary modifications, apply for the purposes of such

as it applies for the purposes of an appeal against a refusal of a consent under subsection (1) of section 114 (Consent to use of flammable material) of this Act.

PART XIII
-- cont.

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

Firemen's switches for luminous tube signs.

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

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

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

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

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

(1) This section applies to any electrically operated Firemen's ventilation system installed on or after the appointed day other than a local ventilation system for a particular process or room in premises with an area exceeding 10,000 square feet.

Firemen's switches for ventilation systems.

As from the appointed day any ventilation system in the borough to which this section applies shall be provided with a switch and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Corporation may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

PART XIII
—cont.Provisions
applicable to
last two
foregoing
sections.

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

124.—(1) Where notice has been given to the Corporation required by subsection (3) of either of the last two foregoing sections or by subsection (4) of section 122 (Firemen's switches for luminous tube signs), the proposed or, 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.

(2) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of either of the last two foregoing sections be deemed to satisfy the requirements of the Corporation.

(3) A person aggrieved by a counter-notice served by the Corporation under subsection (1) 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.

(4) The owner or the occupier of premises where—

- (a) apparatus is installed which does not comply with subsection (2) of section 122 (Firemen's switches for luminous tube signs) of this Act; or
- (b) any ventilation system is installed which does not conform with subsection (2) of section 123 (Firemen's switches for ventilation systems) of this Act;

shall be guilty of an offence.

(5) A person who fails to give notice as required by subsection (3) of either of the last two foregoing sections or subsection (4) of the said section 122 shall be guilty of an offence.

(6) 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 (4) of this section, to a daily fine not exceeding two pounds.

(7) 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 10 of the Electricity Act, 1947.

PART XIII
--cont.

(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—

Building
plans: access
for fire
brigade.

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

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

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.

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

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, on the application of that person, be determined by the High Court.

(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any inflammable substance to which this section applies (in this section referred to as "flammable substance") shall not be used for the storage of such substance.

Parts of
buildings used
for storage of
flammable
substances.

PART XIII
— cont.

to as "the storage part of the building") shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

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

(2) The Corporation may, if they are of the opinion that the storage—

- (a) is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or
- (b) is in such manner as to be liable to cause an explosion;

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

- (i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;
- (ii) means of ready escape in case of fire from the storage part of the building and any other part of the building which is being a part comprising a habitable room or a place where any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(3) (a) An authorised officer of the Corporation may, in pursuance of the powers conferred by section 287 of the Act of 1936 as incorporated with this Act, purchase and test samples of any substance on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any kind of test of a sample taken under subsection (a) of this section by virtue of this section shall not be admissible as evidence in any legal proceedings under this section including an appeal under subsection (1) of this section unless the following requirements have been complied with—

to say, the said officer shall, forthwith after taking the sample, notify to the occupier of the building his intention to have the sample taken and shall there and then divide the sample into three parts and shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

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

The occupier of any building who—

(a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or

(b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or, as the case may be, to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the county court on such application make an order in respect of either or both of the matters aforesaid accordingly.

(2) If after the requirements of the Corporation under subsection (1) of this section have been complied with and a certificate to that effect has been granted by the Corporation in respect of a building to which the certificate relates is made the Corporation may serve a further counter-notice varying any requirement made by subsection (1) of this section in respect of that building.

Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a further certificate in respect of the building but if anything required by subsection (2) is not provided in accordance with a further counter-notice served under this subsection is not provided within such reasonable time as is specified in the further counter-notice the Corporation may revoke the certificate granted under this subsection in respect of that building.

PART XIII
—cont.

(6) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified in the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

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

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

(8) This section applies to—

- (a) any building in the borough which is used, or intended to be used, partly for the storage for the purposes of a trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (b) (i) any substance which is gaseous at a temperature of 33 degrees Fahrenheit at atmospheric pressure and which is flammable; and
- (ii) any other substance which when tested by a method approved by the Secretary of State gives off a flammable vapour at a temperature of less than 50 degrees Fahrenheit:

Provided that this section shall not apply to any substance which no substance to which this section applies is stored in a building in a condition in which it is liable to be stored or

- (A) one or more of the substances to which sections 11 and 12 of the Petroleum (Consolidation) Act, 1928 apply;
- (B) not more than fifty gallons of any substance which does not when tested by a method approved by the Secretary of State give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in securely closed metal containers in good condition containing not more than five gallons each.

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

In this section "building" where used in relation to the use of substances therein includes the curtilage of the building.

Nothing in this section shall affect the operation of the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963, or any regulations or order made thereunder.

1961 c. 34.
1963 c. 41.

(1) If it appears to the Corporation that for the purpose of preventing fire in any such building in the borough as is referred to in section (5) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting to the building—

Preventing fire in public or other buildings.

the apparatus or fittings for lighting or heating the building require alteration; or

the arrangement of the chairs and seating requires alteration; or

any floor requires strengthening in order to prevent overloading; or

any of the materials from which any fireplaces, flues, chimney vents or other like parts of such building are constructed are unsuitable;

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

Provided that—

for the purposes of this subsection any fireplace, flue, chimney vent or other like part of such building which complies with building regulations shall not be deemed to have been constructed of unsuitable materials;

(2) This subsection shall not apply to premises in respect of which a licence under Part IV of the Public Health Act, 1909 and 1952, or the Cinematograph Acts, 1909 and 1952, or the Theatres Act, 1968, is for the time being in force;

1890 c. 59.
1968 c. 54.

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

PART XIII
—cont.Oil-fired
boilers.

(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.

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

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

(b) Byelaws made under this section may include provisions

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

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

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

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

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

Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given in accordance with the byelaw.

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

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

- (a) that person after conviction of the contravention; or
- (b) any other person after notice of the conviction has been served on him by the Corporation;

he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(d) In this section—

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

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

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

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

References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

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

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding 20 gallons; or

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

PART XIII
—cont.

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

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

(i) to houses; or

(ii) to buildings used as offices or showrooms;

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

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

(i) to houses; or

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

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

1961 c. 34.

1963 c. 41.

PART XIV

CONTROL OF BOXING AND WRESTLING ENTERTAINMENTS

Interpretation
of Part XIV
of Act.

129. 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—

(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 organisation constituted by the Scout Association in pursuance of their charter; or

(e) by any school.

1968 c. 54.

Commencement of
Part XIV of
Act in
relation to
wrestling
entertainments.

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

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

131. 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.

PART XIV
— cont.

Boxing, etc.,
entertainment
licences.

(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 any such forms of entertainment on such terms and conditions as they think fit, 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 herein provided:

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

The Corporation may, on the application of the persons named, 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 grant, 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
(c) in respect of the grant of an occasional licence ...	1	0	0
(d) in respect of the transfer of a licence ...	1	0	0

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

Except where the licence is an occasional licence there shall be displayed and kept up in some conspicuous place on or immediately adjacent to 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 Wolverhampton Corporation Act 1969."

PART XIV
—cont.

(7) Any premises used for the purpose of a boxing entertainment or a wrestling entertainment, although licensed under section 287, 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 to the appeal, 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.

133.—(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 are being complied with, or to see whether any terms, conditions or restrictions on or subject to any licence under this Part of this Act has been granted, or whether any such terms, conditions or restrictions 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 entry into premises for the purposes of the foregoing subsection as they apply to entry into premises for the purposes of subsection (1) of that section.

Power to
revoke
licences.

134. If the holder of a licence granted, renewed or transferred under this Part of this Act be convicted of any breach or default 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.

Penalties
under
Part XIV
of Act.

135. Any person who—

(a) provides a boxing entertainment or a wrestling entertainment or a boxing and wrestling entertainment on any premises without a licence under this Part of this Act, or

(b) being the occupier of any premises uses those premises or allows them to be used for a boxing entertainment,

wrestling entertainment or a boxing and wrestling entertainment without a licence under this Part of this Act; or

(c) 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;

be liable—

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

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

PART XV

CULTURAL ACTIVITIES

The Corporation may acquire for exhibition in the museum or for use as a feature in connection with any development or redevelopment scheme carried out or being carried out in the Corporation's works of sculpture or other objects of artistic, scientific or historical interest and may provide for the renovation, renewal, repair or recasting of any such works or objects so acquired while they are in their possession or care.

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

(4) The Corporation may sell, lend, exchange or give or dispose of any specimen, work of art or book vested in the Corporation which in the opinion of the Corporation is not required for use in any museum, art gallery, library or other building of the Corporation.

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 work of art or book vested in the Corporation if in the opinion of the Corporation is more suitable for use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

PART XV
—cont.

(3) Where any object has become vested in the Corporation virtue of a gift or bequest—

- (a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representative, trustees of the donor before exercising the power conferred by 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 the object in any manner inconsistent with any conditions attached to the gift or bequest except with the consent of the donor or the personal representatives of the donor; and
- (c) any sum received by the Corporation in the exercise of any object of the powers of this section unless it exceeds fifty pounds and is subject to a trust or other 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.

PART XVI

FINANCE AND SUPERANNUATION

Interpretation
of Part XVI
of Act.

1937 c. 68.

1961 c. 62.

139. In this Part of this Act—

- “ the Act of 1937 ” means the Local Government Superannuation Act, 1937;
- “ the Act of 1961 ” means the Trustee Investment Act, 1961;
- “ authorised security ” means any mortgage, stock, bond or other security which the Corporation are authorised to grant, create or issue, or by means of which the Corporation are authorised to raise money;
- “ the Corporation undertakings ” means the undertakings of the Corporation from time to time existing from which revenue is derived;
- “ the fund ” means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;
- “ the narrower-range part ”, “ property ” and “ the wider-range part ” in relation to the fund have the meanings as they have for the purposes of the Act of 1961;
- “ revenues ” has the same meaning as in section 21 of the Act of 1933;

PART XVI
cont.

"statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys or in which the Corporation are by this Act authorised to invest money forming part of the fund but does not include annuities, rentcharges or securities transferable by delivery or any securities of the Corporation.

Existing borrowing powers continued.

(1) (a) All statutory borrowing powers under any enactment repealed by this Act which have been exercised before 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.

1889 c. 63

Nothing in section 38 of the Interpretation Act, 1889, shall be taken to repeal or shall continue in force any of the provisions of the repealed Acts relating to such borrowing powers.

All statutory borrowing powers under any enactment which were in force immediately before, but have not been exercised before the commencement of this Act, shall notwithstanding the repeal by this Act of such enactment continue to be in force and to have effect as fully and effectually as if this Act had not been passed.

The provisions of Part IX of the Act of 1933 shall extend to money borrowed, or to be borrowed, in the exercise of statutory borrowing powers referred to in this section as if such money were borrowed under Part IX of that Act, but no consent of a local authority shall be necessary if, under the repealed Act, such consent has been given or is not required.

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

Power to borrow.

(1) The Corporation may borrow—
(a) such sums as may be necessary for any of the purposes of this Act;

PART XVI
—cont.

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

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

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from 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 c. 58.

Power to
raise money
by issue
of bills.

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

- (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 "Wolverhampton Corporation bills" and in this section referred to collectively as "bills" and separately as "a bill") subject to and in accordance with following provisions:—

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

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

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

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

(e) The Corporation may make regulations providing—

- (i) the preparation and form and the mode of 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 of a special description of paper or otherwise, of fraud in relation to bills;

(iv) the giving of a proper discharge on the payment of a bill; and

(v) amending or revoking any regulations previously made or deemed to have been made under this paragraph:

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

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

(i) the sum of one million seven hundred and fifty thousand pounds; or

(ii) one-fifth of the amount estimated to be produced by the levying of rates in 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.

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

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

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

(i) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;

(ii) be issued for such period as the local authority may determine being not less than a period of one year;

PART XVI
—cont.

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

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

Power to raise money by issue of bearer bonds.

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

Power to raise money abroad.

145.—(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, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) (a) The powers conferred by the foregoing subsections shall not be exercised except with the consent of the Treasury, 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 this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there were substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there were 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).

Closing of registers.

146.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities other than shares during the whole of the period of thirty days ending on any day

...period, next before the date on which interest on authorised securities to which such transfer book or register is payable.

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

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

Interest and dividends by post.

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

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

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 an order or warrant to the holder of the security.

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 Cheques Act, 1882.

1882 c. 61.

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.

If any money is payable by the Corporation to any person (other than wages or salary) or creditor or the holder of an authorised security and the person entitled to such payment is a patient as defined in section 147 of the Mental Health Act, 1959, the receipt of the guardian shall be a sufficient receipt to the Corporation.

Receipt in case of minors, etc.

1959 c. 72.

PART XVI
—cont.

Designation
of holders of
authorised
securities in
register.

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

(2) Notwithstanding anything in subsection (1) of this section the Corporation shall not be required—

(a) to enter in the register any designation or description which appears to them unreasonably long or elaborate or

(b) to enter in the register both the name of a holder of authorised security and any such official description which could under subsection (1) of this section be so entered in lieu of his name.

(3) Where the official description in the register is that of a trustee, the official description so entered shall not constitute notice of any trust for the purposes of section 209 of the Act of 1933.

(4) In this section “register” means the register of authorised securities kept by or on behalf of the Corporation.

Reserve funds.

150.—(1) (a) The Corporation may (if they think it expedient) set aside a reserve fund in respect of any undertaking, department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund so provided reaches a maximum for the time being prescribed by the Corporation.

(b) Any income arising from the investment of the money of the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

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

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

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

(c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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

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

(4) Any reserve fund which has been established for the purpose of any such undertaking, department or service as aforesaid and which is in existence at the commencement of this Act shall be deemed to have been established under this section.

(5) (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 damages, costs and expenses as may from time to time be incurred in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as "the specified risks").

Insurance fund.

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

(3) When the insurance fund shall amount to the prescribed amount the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund is restored to the prescribed amount and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed such moneys as are in excess of the prescribed amount shall be transferred to the general rate fund and if any sums shall have been appropriated from the housing revenue account under the preceding subsection to the housing revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

PART XVI
—cont.

(4) The Corporation may from time to time appropriate to insurance fund such sums as they think fit from the appropriate account or accounts in the general rate fund and if they fit from the housing revenue account 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 an insurance office would be properly chargeable with the payment of the premium of such insurance:

Provided that any appropriation from the housing revenue account shall not exceed the proportion of the total payments which in the opinion of the Corporation properly referable to the specified risks arising from the purposes for which the account is kept.

(5) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

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

(6) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to meet such losses, damages, costs or expenses the Corporation may with the sanction of the Minister borrow at interest under such conditions as may be determined by the Minister 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 the preceding paragraph of this subsection and the amount of any such deficiencies as aforesaid not made up by sums so borrowed shall be paid out of the general rate fund and if any sums shall have been appropriated from the housing revenue account in pursuance of subsection (4) of this section the housing revenue account shall be charged in the accounts of the Corporation 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 an insurance office would be properly chargeable with the payment of the premium of such insurance:

ings 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.

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

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

(3) 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.

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

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

(b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes under any enactment;

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

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

(e) any money expended on any of the purposes mentioned in section 153 (Application of revenue of undertakings) of this Act.

PART XVI
—cont.

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

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

Application
of revenue of
undertakings.

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

- (a) the reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in providing, renewing, improving or extending works, buildings, machinery, plant or conveniences for the purposes of, or forming part of, the undertaking in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing working capital for the undertaking;
- (d) in the case of the water undertaking in making good any deficiency in the revenue of that undertaking in any financial year ending after the 31st day of March 1919, and in repaying to the general rate fund a sum of money provided from that fund for the purpose of meeting any such deficiency;
- (e) in exercise of the powers of the Corporation under section 150 (Reserve funds) of this Act of establishing and maintaining a reserve fund in respect of the undertaking;

Provided that—

- (i) paragraphs (a) and (b) of this subsection shall not apply in respect of the water undertaking;
- (ii) if in any financial year the moneys received by the Corporation on account of the revenue of that undertaking exceed the moneys expended by the Corporation in respect of that undertaking in respect of the matters mentioned in paragraphs (a), (b), (c) and (d) of this section (1) of the last preceding section

and in pursuance of this section by more than one thousand pounds then the price of water to consumers shall be reduced by the Corporation in such manner as the Corporation may think fit to an extent as nearly as may be equivalent to the amount of such excess over one thousand pounds.

(9) 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.

(10) Without prejudice to section 292 of the Act of 1936 or any other enactment where under the provisions as applied by any other enactment the Corporation are empowered to do any works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover from, the expenses such additional sum, not exceeding 10 per cent. of the cost of the works, as they think fit in respect of establishment charges.

(11) Subject to the provisions of this section, the powers exercisable by the Corporation under the Act of 1961 to invest 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 the Act of 1961 shall not apply to any investment made under this subsection.

(12) So long as the value of the investments of property for the time being made under the powers conferred by the foregoing subsection is equal to or greater than one-sixth of the total value of the wider-range part of the fund, no further investment may be made thereunder.

For the purposes of the last foregoing subsection, the value of an investment of property belonging to the wider-range part of the fund shall be deemed to be the value of the investment at the date at which it was made.

Sections (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

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

PART XVI
— cont.Modifications
of Act of
1961.

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 I of Schedule 1 to that Act.

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

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

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

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

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

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

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

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

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

(3) The following sub-paragraph shall be substituted for paragraph (a) of paragraph 3 of Part IV of the said Schedule 1 in the application of that paragraph to the investment by the Corporation of property belonging to the fund:—

“ (a) securities or debentures of a company of which the total issued and paid-up share capital is less than five hundred thousand pounds, or (as the case may be) an equivalent sum in any foreign currency in which the share capital is issued at the rate of exchange prevailing at the time when the investment is made.”

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

(5) Notwithstanding anything in the Act of 1961, the Corporation may invest any property belonging to the wider-range part of the fund in any manner specified in Part III of Schedule 1 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 does or exceeds three-quarters of the total value of the fund.

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.

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

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

(1) The salary, wages, fees and other payments paid or payable 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 an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or

(b) as a warden of or other employee performing duties at a youth centre; or

(c) as a civil defence instructor; or

(d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment where employment is by the Corporation;

shall not be remuneration within the meaning of the Local 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 such part-time employment shall not be reckoned as service for the purposes of those Acts.

Where before the commencement of this Act any person has made any contribution or contributions to the fund which would have been so paid if this section had been in force when such contribution or contributions were paid the Corporation shall

PART XVI
—cont.

Transfer of certain sums from superannuation fund.

Extension and modification of Act of 1937.
1950 c. Iviii.

As to proof of continued existence of pensioners.

Recovery of sums paid to officers, etc.

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.

159.—(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 misconduct the Corporation may transfer from 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 child 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 greater.

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

160. Notwithstanding the repeal of section 86 (extension and modification of Act of 1937) of the Wolverhampton Corporation Act, 1950, that section shall continue to apply to the Corporation in relation to whom it applied immediately before the commencement of this Act and shall have effect as amended by the Wolverhampton Corporation (Superannuation) Scheme, 1955, subject to the modifications set out in the Schedule to the Wolverhampton Corporation (Superannuation) Scheme Approval Instrument (No. 2), 1955.

161. Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance, pension, compensation or gratuity 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.

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

(2) In any case where the Corporation exercise the powers conferred by the foregoing subsection they shall transfer from the general rate fund 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 were payable by the Corporation.

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 fund; and

PART XVI
— cont.

“ 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.

13. The Corporation may subscribe to any charity, philanthropic association or society or other associations, institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues:

Subscriptions to associations, etc.

Provided that the total amount subscribed by the Corporation under the provisions of this section shall not in any year exceed an amount equivalent of half the product of a penny rate as ascertained or estimated for the purpose of Part II of the Act of 1967.

PART XVII

MISCELLANEOUS

14. The powers of the Corporation under section 134 of the Government Act, 1948, shall extend to any information concerning the borough and its neighbourhood.

Information centres.
1948 c. 26.

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

Power to use ladders, etc., for entry for 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

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

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

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

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

Recreational, etc., facilities for employees.

For the purposes aforesaid the Corporation may—

(a) erect or maintain buildings;

PART XVII
— cont.

Notice of alteration of rents without notice to quit.

1968 c. 42.

1958 c. 42.

- (b) make such charges as they think fit for the u facilities provided under this section;
- (c) make regulations for the management of such pren.

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

- (a) apply to all houses within the meaning of the Housing (Financial Provisions) Act, 1958, belonging to the Corporation; and
- (b) as so applied, extend to a reduction as well as an increase of rent.

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

- (a) the words "on a weekly or other periodical tenancy" were omitted;
- (b) after the word "increased" there were inserted the words "or reduced"; and
- (c) after the word "increase" there were inserted the words "or reduction";

and as if in subsection (4) for the definition of "local authority houses" there were substituted the words "local authority houses" are houses belonging to the local authority; and the word "increase" there were inserted the words "or reduction".

Recovery of rates from certain owners.

168.—(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 a proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered from 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 any hereditament means the person who is entitled to receive the rates payable in respect thereof.

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

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

Recovery of rates from tenants and lodgers.

20. If a justice of the peace is satisfied on complaint by any person of the Corporation duly authorised in that behalf that a person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which is 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 authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the Corporation and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

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

Service of demand notes, etc.

(1) As from the appointed day—

Hairdressers and barbers.

(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 those premises are registered by the Corporation under this section.

22. On application in that behalf made to the Corporation by a person for the 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.

23. Any person who carries on business in contravention of section (1) of this section, he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding two pounds.

PART XVII
—cont.

1961 c. 64.

(4) The occupier of premises registered under this section keep a copy of the certificate of registration and of the bye made by the Corporation under section 77 of the Public Health Act, 1961, displayed in the premises, and, if he fails to do so, he shall be liable to a fine not exceeding two pounds and a daily fine not exceeding ten shillings.

(5) The provisions of this section shall not come into operation in so much of the borough as was not comprised in the former borough of Wolverhampton until the appointed day.

Tattooists.

173.—(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 if such premises are so registered.

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

(3) The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under this section and of the instruments, towels, materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises regard to both themselves and their clothing.

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

(5) If any person contravenes any byelaws made under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine, suspend or cancel the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection 2 of section 84 of the Magistrates' Courts Act, 1952, for the giving of notice of appeal to quarter sessions have expired.

1952 c. 55.

provided that if notice of appeal is given within the said fifteen 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 order of a court under subsection (5) of this section—

(a) he shall within seven days deliver up to the Corporation the cancelled certificates of registration and if he fails to do so he shall be liable to a fine not exceeding one pound and to a daily fine not exceeding ten shillings; and

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

(8) The occupier of premises registered under this section shall have 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 one pound and to a daily fine not exceeding ten shillings.

(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.

(10) The Corporation may let on hire plants, flowers and other decorations and may make such charges therefor as they think fit. Hire of floral decorations.

(11) The cost of maintaining and renewing dustbins in the borough for the deposit or collection of refuse from dwelling-dustbins shall be paid out of the general rate fund as part of the charges of the general rate. As to dustbins.

(12) All dustbins at any time in use in the borough for the deposit or collection of refuse from any dwelling-house shall be or become the property of the Corporation.

(13) Notwithstanding anything contained in Schedule 3 of the Act of 1933 the summons to members of the council may be served on members of the council at the usual place of abode or business of every member of the council or sent by post by prepaid letter at the ordinary rate and shall be deemed to be duly sent transmitted or received if sent by post as aforesaid addressed to such member at his usual place of abode or business. Service of summons on members of council.

PART XVII
—cont.Breach of
conditions
of consent of
Corporation.

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

Repair of
walls, etc., of
yards.

178.—(1) If it appears to the Corporation that any part of a boundary wall of any yard attached to or forming part of a house in the borough or the fence or door of any such yard—

- (a) has collapsed or been pulled down; or
- (b) is in danger of collapsing; or
- (c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

the Corporation may by notice require the owner or occupier of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary:

1957 c. 59.

Provided that in the case of any property in respect of which there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act, 1957, works shall be required by notice served under this section in relation to any wall, fence or door comprised in such property other than emergency works (as defined in subsection (5) of section 1 of the said Act) or other works specified in the notice served under the said section 3.

(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.

Attestation
of mortgages.

179.—(1) Notwithstanding anything in section 205 of the Act of 1933, or in any regulations made thereunder, a mortgage created by the Corporation under Part IX of the Act of 1933 shall be executed under the hand of the town clerk or any authorised officer in lieu of under the common seal of the Corporation.

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

As to grants
of burial,
licences and
certificates of
registration.

180.—(1) Notwithstanding anything in any enactment—

- (a) a grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation; and

(b) any licence granted by the Corporation;
shall be given under the hand of the town clerk or his duly authorised deputy instead of under the common seal of the Corporation.

For the purposes of—

- (a) subsection (1) of this section; and
- (b) any certificate of registration issued by the Corporation;

any licence or certificate of registration shall be deemed to be given under the hand of the town clerk or his duly authorised deputy if a facsimile of his signature by whatever process produced is affixed to such grant, licence or certificate.

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

Any sum received by the Corporation under any such contract shall, after deduction of any expenses incurred in the performance thereof, be paid by the Corporation to, or to the personal representatives of, the voluntary assistant who suffered the disease or sickness in respect of which the sum is received.

The provisions of the Life Assurance Act, 1774, shall not apply to any such contract, but any such contract shall be deemed to be a contract of insurance upon the happening of personal accidents, disease or sickness.

In this section "voluntary assistant" means a person who, at the request of the Corporation, or an authorised officer of the Corporation, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Corporation.

(1) The Corporation may pay to any of their officers who are acting in any of the following capacities:—
(a) as the receiver appointed by an order made under Part VIII of the Mental Health Act, 1959;
(b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;

Officers of Corporation acting as receivers, etc.
1959 c. 72.

PART XVII
—cont.

(c) as a surety to a bond required by law from any person acting in accordance with paragraph (a) of subsection 1;

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

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

(3) Any payments which the Corporation have power to make under the provisions of subsection (1) of this section, and any of the risks referred to in subsection (2) of this section, may, for the purposes of section 151 (Insurance fund) of this Act be treated as risks against which the council would ordinarily insure and that section shall be construed accordingly.

Disposal of
lost and
uncollected
property.

183.—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined and may deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may, notwithstanding that it has not vested in the Corporation, be disposed of at such time and in such manner as the Corporation may think fit and if it is sold the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section—

“lost property” means any property including money coming into the custody of the Corporation after being left on or in any premises occupied by the Corporation to which the public have access; and

“uncollected property” means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public or any containers deposited in any market store-room provided by the Corporation in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

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

As to use of computer equipment of Corporation.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not be disclosed 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.

(3) The Corporation may make and retain microfilm recordings of documents of the Corporation.

Microfilming of documents.

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

provided that—

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

1958 c. 51.
1962 c. 56

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

PART XVII
—cont.

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

(4) Notwithstanding anything contained in any enactment or any rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be receivable in evidence for any purpose for which a document would have been receivable in any proceedings in court in England or Wales if the town clerk certifies that—

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

(5) In this section unless the context otherwise requires—

“ document ” means the whole or part of a register, map, plan or other document and includes a notice, licence, certificate, scheme or order made, granted by the council or any committee of the council

“ microfilm recording ” means a reproduction of a document on film which is a product of photography or a process akin to photography and is in general legible to the naked eye.

Approval of plan to be void after certain interval.

186.—(1) The approval by the Corporation of any plan or section of any street or building submitted in accordance with building regulations or new street byelaws as defined in section (4) of section 157 of the Act of 1959 and the intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within two years from the date of such approval, and at the expiration of that period fresh notice shall be given and deposit and approval shall unless the Corporation otherwise determine be requisite:

Provided that in the case of any plan or section relating to any such street or building situated in so much of the borough as was not comprised in the former borough of Wolverhampton approved by the Corporation or their predecessors before the commencement of this Act, but the laying out of which street or building erection of which building shall not have been commenced within the said period of two years shall be reckoned from the commencement of this Act.

(2) The Corporation shall give notice of the provisions of this section to every person intending to lay out a new street or erect a building in so much of the borough as was not comprised in the former borough of Wolverhampton the plans for which all have been approved before the commencement of this Act or the laying out of which street or erection of which building all not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the commencement of this Act.

137.—(1) The provisions of this Act mentioned in subsection (2) 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. Alteration of fees for licences, etc.

(2) The provisions hereinbefore referred to are—
 section 31 (Licence for sale out of market);
 section 111 (Inspection and certification of taximeters);
 section 132 (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 XVIII

GENERAL

138. Where, under the provisions of any enactment, the Corporation execute any works of common benefit to two or more buildings belonging to different owners, and those expenses, or any part of them, are recoverable by the Corporation, they shall (if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the incidence of expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Corporation, or, in case of dispute, by a magistrates' court. Apportionment of expenses in case of joint owners.

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

PART XVIII
—cont.For protection
of certain
statutory
undertakers.

1882 c. 56.

190. 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:—

(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;

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

(c) mains, pipes or other apparatus belonging or maintained by the South Staffordshire Waterworks Company;

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 South Staffordshire Waterworks Company;

or any of them, as the case may be;

(2) Nothing in the following sections of this Act shall relieve the Corporation, or in the case of section 103 (Police telephone call boxes and shelters) of this Act the police authority, or any person acting with the consent 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 unreasonable the access to any apparatus or open land:—

Section 38 (Cloakrooms, etc.);

Section 69 (Trees, grass verges and garden);

Section 76 (Temporary stoppage of streets);

Section 77 (Decorations in streets);

Section 103 (Police telephone call boxes and shelters);

3) For the purposes of section 64 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:

Nothing in the said section 64 or in section 65 (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 their undertaking on land abutting on any new street before, in the case of the said section 64, such new street is defined, or, in the case of the said section 65, such new street is constructed and sewered in accordance with new street byelaws:

(a) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 67 (Rounding or splaying off corners at street junctions) of this Act require the addition to the carriageway of a street of any portion of a footway or grass margin or other land in which any apparatus is situate the Corporation shall give to the undertakers notice of their intention so to do accompanied by a plan and section of the intended street alteration and the undertakers may, and if reasonably so required by the Corporation shall, alter the position of the apparatus to such other position in—

(i) the carriageway or footway; or

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

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

The Corporation or the undertakers, whichever of them has required the alteration of the position of the apparatus, shall submit to the other of them a plan and section of such proposed alteration for their reasonable approval and if such plan and section 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;

The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in

PART XVIII

—cont.

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 190 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 in pursuance of this sub-paragraph as if the works hereinbefore mentioned were such undertakers' works and as if that subsection for the words "specified as so necessary in a specification of the works settled under Part IV of the Fourth Schedule to this Act or agreed with the promoting authority" there were substituted the words "agreed or settled by arbitration under section 190 (For protection of certain statutory undertakers) of the Wolverhampton Corporation Act 1969".

(6) Notwithstanding anything in section 68 (Adjustment of boundaries of estates in connection with streets) of the Act, the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundary of, or exchange any operational land except with the consent which shall not be unreasonably withheld.

(7) Nothing in section 69 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers in respect to any apparatus (including the place of any 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 grass verge which is maintained in an ornamental condition or any garden.

(8) Nothing in section 70 (Enforcement of improvement line) of this Act shall apply to any building or structure of the undertakers which is used by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity for the production, distribution or storage of gas or for or in connection with the use by them as a pumping station or treatment works or reservoir for water except with the consent of the undertakers which shall not be unreasonably withheld.

(9) Nothing in section 71 (Erection of structures at street corners) of this Act shall apply to the placing or erection by the undertakers of any structure being development which is permitted by any development order made under the Act of 1962 for the time being in force:

(10) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 76 (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:

(11) In exercising the powers conferred by subsection (3) of section 91 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity, gas or water an authorised officer of the Corporation shall conform to such reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:

(12) The provisions of section 105 (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:

(13) (a) When the Corporation give any notice under subsection (1) of section 107 (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 107 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 107 shall ensure that the premises are not left less secure by reason of the entry:

(14) Nothing in section 126 (Parts of buildings used for storage of flammable substances) of this Act shall apply to any building, or part of a building, by reason only

PART XVIII
—cont.

that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas:

- (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.

Confirming authority for byelaws.

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

Section 16 (Byelaws for protection of heating undertaking)	Minister of Power.
Section 95 (Golf courses)	Secretary of State.
Section 106 (Touting, hawking, etc.)	Secretary of State.
Section 109 (Provisions as to motor vehicles let for hire)	Secretary of State.
Section 128 (Oil-fired boilers)	Secretary of State.

Local inquiries.

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

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

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

1946 c. 31.

Arbitration.

193. 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

ities, 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 or parties:--

Provision of Act	Person appointing arbitrator
Section 5 (Works for provision of water)	The President of the Institution of Electrical Engineers.
Section 7 (Supply of heat)	The Minister.
Section 9 (Power to lay down and erect electric lines, etc.)	The President of the Institution of Civil Engineers.
Section 38 (Cloakrooms, etc.)	The President of the Institution of Civil Engineers.
Section 68 (Adjustment of values of estates in connection with the exercise of powers)	The Minister.
Section 103 (Provision of telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Section 190 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

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

Different days may be fixed under this section for the different provisions of this Act.

The Corporation shall cause to be published in a local newspaper circulating in the borough notice--

- (a) of the passing of any such resolution and of the day fixed thereby; and
 - (b) of the general effect of the provisions of this Act coming into operation as from that day;
- and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

Either--

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

PART XVIII
—cont.

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

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

- (a) immediately before that day was carrying on business, or using any premises for that purpose;
- (b) had before that day duly applied for the licence or registration required by that provision:

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 198 (Appeals) of this Act.

Evidence of proceedings, appointments, etc.

195.—(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 that resolution, order or report was duly passed, made or received by the council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

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

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

Liability of directors, etc.

196.—(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 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.

The provisions hereinbefore referred to are—

PART XVIII
—cont.

- Section 124 (Provisions applicable to last two foregoing sections);
- Section 126 (Parts of buildings used for storage of flammable substances);
- Section 128 (Oil-fired boilers);
- Part XIV (Control of boxing and wrestling entertainments);
- Section 172 (Hairdressers and barbers);
- Section 173 (Tattooists).

In this section "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on or under national ownership any industry or part of an industry (including a body corporate whose affairs are managed by its members), means a member of that body.

The written consent of the Attorney-General shall be required for the taking of proceedings in respect of an offence committed by or under this Act by any person other than a party to the proceedings or the Corporation or (in respect of an offence created under any of the provisions mentioned in Schedule 4 to this Act) a constable. Restriction on right to prosecute.

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

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

(a) involves the execution of any work or the taking of any action; or

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

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

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

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

PART XVIII

—cont.

Protection of
members and
officers of
Corporation
from personal
liability.

1875 c. 55.

Application
of general
provisions of
Act of 1936.

199. Section 265 of the Public Health Act, 1875, shall to the Corporation as if any reference in that section to said Act of 1875 included a reference to this Act and as if reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

200.—(1) The sections of the Act of 1936 mentioned in of Schedule 5 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) The sections of the Act of 1936 mentioned in Part II said 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 VII (Streets);

Part VIII (Sanitation and buildings);

Part XII (Public order and public safety).

(3) The section of the Act of 1936 mentioned in Part II the said 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 70 (Enforcement of improvement line);

Section 83 (Sanitary conveniences at places of public exhibition, betting offices, etc.);

Section 84 (Power to order alteration of chimneys);

Section 88 (Maintenance of and access to public containers);

Section 105 (Safety of stands);

Section 107 (Securing of unoccupied buildings);

Section 108 (Disposal of dangerous containers);

Section 111 (Inspection and certification of taximeters);

Section 126 (Parts of buildings used for storage of flammable substances);

Section 172 (Hairdressers and barbers);

Section 173 (Tattooists);

Section 178 (Repair of walls, etc., of yards); and

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

Part IX (Nuisances);

Part X (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 (Health undertaking).

201. No power conferred upon the Corporation by the following provisions of this Act, namely:— PART XVIII
—cont.

Paragraph (e) of subsection (1) of section 24 (Powers of Corporation as to markets); Saving for trusts.

Section 56 (Disposal of land);

Section 94 (Parking places in parks, etc.);

Section 95 (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 to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person;

or

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

202. (1) The enactments specified in Schedule 6 to this Act (in so far as they are not already repealed) hereby repealed to the extent mentioned in that schedule.

(2) The unrepealed provisions of the Wolverhampton Water Acts and Orders, 1869 to 1965, shall have effect as set out in Schedule 7 to this Act and any reference in any licence granted by the Corporation under Part IV of the Water Resources Act, 1963 to any of those enactments shall be construed as a reference to that enactment as so set out: 1963 c. 38.

(3) Provided that the agreement set out in the Second Schedule to the Bilston Commissioners (Water) Act, 1893, shall have effect as if the Corporation were referred to therein instead of the Township Commissioners and Local Board of Health. 1893 c. clxxi.

(4) (1) The provisions of any Act or order to which this section applies which immediately before the 1st April, 1966, applied to any area comprised as from that date in the borough, other than in relation to property held on a charitable trust, shall notwithstanding sub-paragraphs (a) and (b) of paragraph (1) of Schedule 51 of the Order of 1965, continue to apply to such area, and any reference therein to any area of local government shall be construed as a reference to the borough. Continuance of certain enactments.

PART XVIII

—cont.

(2) This section applies to—

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

and for the purposes of this subsection "local means—

- (i) the council of a county, an urban district or a district;
- (ii) the municipal corporation of any borough, acting as a council of that borough;
- (iii) any commissioners, trustees or other persons acting in or by any local Act with powers of town government and rating;
- (iv) any local board constituted in pursuance of the Health Act, 1848, the Local Government Act, the Local Government (1858) Amendment Act and the Local Government Amendment Act, 186

1848 c. 63.

1858 c. 98.

1861 c. 61.

1863 c. 17.

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

Transitional provisions.

204. The transitional provisions contained in Schedule 1 of this Act shall have effect in relation to the repeals effected by this Act.

Costs of Act.

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

SCHEDULES

SCHEDULE 1

Section 43.

SOURCES FROM WHICH THE CORPORATION ARE ENTITLED TO TAKE AND INTERCEPT WATER

1. The Tom Hill Pumping Station in the parish of Bobington in the rural district of Seisdon in the county of Stafford.

2. The Cosford Pumping Station in the parishes of Donington, Albrighton and Shifnal in the rural district of Shifnal in the county of Salop.

3. The Hilton Pumping Station in the parish of Wortfield in the rural district of Bridgnorth in the county of Salop.

4. The Stableford Pumping Station in the parish of Worfield in the rural district of Bridgnorth in the county of Salop.

5. The Copley Pumping Station in the parish of Pattingham in the rural district of Seisdon in the county of Stafford.

6. The Neachley Pumping Station in the parish of Tong in the rural district of Shifnal in the county of Salop.

7. The Rindleford Pumping Station in the parish of Worfield in the rural district of Bridgnorth in the county of Salop.

8. The Hell Bank Pumping Station in the parish of Donington in the rural district of Shifnal in the county of Salop.

9. The River Worfe at Cosford in the parishes of Donington, Albrighton and Shifnal in the rural district of Shifnal in the county of Salop.

10. The Tettenhall Pumping Station in the borough.

11. The Dimmingsdale Pumping Station in the parish of Lower Penn in the rural district of Seisdon in the county of Stafford.

12. The Bratch Pumping Station in the parish of Wombourne in the rural district of Seisdon in the county of Stafford.

SCHEDULE 2

Section 44.

LIMITS OF SUPPLY

1. The borough (except the part lying south of the relevant portion of an imaginary line described in the Sixth Schedule to the Wolverhampton Improvement Act, 1869, as commencing at a point on 1869 c. cxxxi. Staffordshire and Worcestershire Canal at the centre of the Bridge continuing thence in an eastwardly direction along the

Sec. 2
—cont.

centre of the road leading to Sedgley as far as Woodhouse Mill thence in a north-eastwardly direction along the course of the brook supplying that mill as far as a point in that brook west of Sedgley Beacon thence continuing in an eastwardly direction in a straight line through the centre of the beacon tower to a point where such line meets the Stone Valley branch of the London and North Western Railway thence continuing in a south-eastwardly direction along the centre of the line of that railway for the distance of about two furlongs and a half to a bridge over the said railway on the road leading from Fuller Fullwoods) End to Coseley thence continuing in a north-eastwardly direction through Coseley to the Rotten Bruntsturn of the Birmingham Canal thence continuing on the line of that canal by the Bradley L. to the Bull Lane Bridge on the Walsall level of the Birmingham Canal Navigation " hereinafter referred to as the " 1869 Act line ")

2. In the county borough of Dudley the parts lying north of the 1869 Act line.

3. In the county borough of Walsall

(a) The part lying west of the 1869 Act line;

(b) The part which, on the passing of the Wolverhampton Improvement Act, 1869, was within the ancient ecclesiastical parish of Wolverhampton including the parts which were added to the said county borough from the parish of E. by the Order of 1965.

1869 c. cxxxii.

4. In the county borough of West Bromwich the part lying north of the 1869 Act line.

5. In the county of Salop —

(a) In the rural district of Bridgnorth —

(i) The rural borough of Bridgnorth;

(ii) The parishes of Claverley, Rudge and Worfield.

(b) In the rural district of Shifnal, the parishes of Albrighton, Boningale and Donington.

6. In the county of Stafford —

(a) In the rural district of Cannock

(i) The part of the parish of Blymley comprising the area forming the south-easterly part of the parish containing 252 acres or thereabouts bounded on the north and east by the boundaries of the parish of Lapley and the parish of Brewood on the south by the boundary of the parish of Tong and on the west partly by the boundary of the parish of Western-under-Lizard and partly by an irregular line running northwards to the said boundary of the parish of Lapley the whole of the said area being sealed with the official seal of the Minister of Local Government and Planning and marked " map referred to in the Wolverhampton Water Order, 1951 " of which on

is deposited in the offices of the Minister, one in the offices of the Corporation and one in the offices of the rural district council of Cannock;

SCH. 2
—cont.

(ii) The parish of Brewood (except the part that lies to the east of the site of the lines of pipes Work No. 2 and Work No. 4 as shown on the plans deposited with the clerk of the peace for the county of Stafford in respect of the Bill for the South Staffordshire Waterworks Act, 1915, 1915 c. lxx. between the bridge over the river Penk known as Somerford Bridge and the point where the boundary of the parish of Featherstone crosses the highway leading from Slade Heath to Featherstone (but including within the limits the whole of the highways in which the said lines of pipes between the points aforesaid may be laid) and to the east of that part of the river Penk which extends from Somerford Bridge to the point where the northern boundary of the parish of Brewood is crossed by the bridge carrying Watling Street over the said river);

(iii) The parish of Essington (except the part which was added to the parish by the Order of 1965);

(iv) The parish of Featherstone;

(v) The parish of Hilton;

(vi) The parish of Lapley (except the part which was added to the parish by the Staffordshire Review Order, 1934);

(vii) The parts of the parish of Penkridge which were added to the parish from the parish of Lapley by the Staffordshire Review Order, 1934;

(viii) The parish of Shareshill (except the parts which were added to the parish by the Staffordshire Review Order, 1934, and the part which prior to the coming into operation of the said order was a detached part of the parish);

(ix) The parish of Stretton.

(b) In the rural district of Seisdon—

(i) The parish of Codsall;

(ii) The parish of Himley (except the part which was added to the parish by the Order of 1965);

(iii) The parish of Lower Penn;

(iv) The parish of Patshull;

(v) The parish of Pattingham;

(vi) The parish of Swindon;

(vii) The parish of Trysull and Seisdon;

(viii) The parish of Wombourne;

(ix) The parish of Wrottesley including the detached part of that parish.

Section 46.

SCHEDULE 3

MODIFICATIONS OF PROVISIONS OF THIRD SCHEDULE APPLICABLE

(1) Provision	(2) Modification
<p>Section 19 (Power to lay mains)</p>	<p>In subsection (1), for paragraph (b) there shall be substituted the following paragraph:— “(b) in, on or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land with the consent of— (i) the local authority of the district in which any part of that land is situated; and (ii) the highway authority concerned, if a main will be laid within two hundred and twenty feet of any highway; and (iii) the electricity board or gas board concerned, if the main will be laid on or over any land of that board being operational land within the meaning of the Town and Country Planning Act, 1962”.</p>
<p>Section 41 (Laying of communication pipes, &c.)</p>	<p>(1) For the proviso to subsection (1) there shall be substituted the following proviso:— “Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe.”</p> <p>(2) For subsection (3) there shall be substituted the following subsection:— “(3) The undertakers may make reasonable charges for executing the work which they are required or authorised by this section to execute and such charges shall be paid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt. Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe, they shall not make any charge in respect of the additional cost incurred in laying a main instead of that part of service pipe.”</p>
<p>Section 54 (Water rates on certain houses may be demanded from the owners)</p>	<p>(3) In subsection (4), for the word “expenses” in both places where that word occurs there shall be substituted the word “charges”.</p> <p>(1) In subsection (1), for the words “thirty pounds” there shall be substituted the words “fifty-six pounds or such other value as may be determined by the authority in that behalf directed, to be the limit of the value for the time being in force for the purposes of the provisions of section 55 (1) of the General Rate Act, 1967 and the proviso shall be omitted.”</p>

1962 c. 38.

1967 c. 9.

(1) Provision	(2) Modification
Section 56 (Effect on water rates of alteration in valuation list)	<p>(2) In subsection (2) for the word "five" there shall be substituted the word "ten" and at the end there shall be added the words "or such other allowance as may from time to time be authorised by the General Rate Act, 1967, in respect of the payment of the general rate by the owners of hereditaments rated instead of the occupiers".</p> <p>For subsection (1) there shall be substituted the following subsection:—</p> <p>"(1) An alteration made in the valuation list in the circumstances referred to in section 79 of the General Rate Act, 1967, shall, for the purpose of calculating the amount due in respect of water rates, take effect from the same date as it takes effect for the purpose of that Act and any necessary adjustments shall be made in the then current instalment of the water rate and any subsequent instalments thereof".</p>
Section 57 (Discount for prompt payment of water rates and charges)	<p>In subsection (1) for the word "five" there shall be substituted the words "two and a half" and at the end there shall be added the words "or such other amount as may from time to time be authorised by the General Rate Act, 1967, as the maximum discount which may be allowed in respect of the payment of the general rate by such date as the rating authority shall prescribe".</p>
Section 59 (Register of meter to be made)	<p>The following subsection shall be added:—</p> <p>"(4) Where for the purpose of being tested at the request of a consumer, a meter is removed and the meter is not found to register incorrectly to a degree exceeding 5 per cent. the expenses incurred by the undertakers in removing and testing the meter and fixing another meter in its place may be recovered by them from the consumer".</p>
Section 60 (Power to require provision of terms in certain cases)	<p>(1) For subsection (1) there shall be substituted the following subsection:—</p> <p>"(1) Where it is reasonable in all the circumstances for the purpose of enabling the undertakers to fulfil an obligation to afford a constant supply of water to any premises the erection of which was not commenced before the coming into operation of the Wolverhampton Corporation Act 1969, they may require that the said premises shall be provided to the satisfaction of the undertakers with a cistern having a ball and stopcock fitted on the pipe conveying water to it.";</p> <p>(2) In subsection (2) for the words "his building" there shall be substituted the words "his house or building", and for the words "the building" there shall be substituted the words "the house or building".</p>

Sch. 3
—cont.

(1) Provision	(2) Modification
Section 63 (Power to repair supply pipes)	In subsection (1), after the word "property" there shall be inserted the words "or, in a case where two or more houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe, that some injury or defect in a part of the supply pipe in one or more houses or buildings or any land occupied therewith is causing, or is likely to cause, an interruption in the supply of water to any other house or building supplied by such common supply pipe".
Section 64 (Penalty for waste, &c., of water by non-repair of water fittings)	For this section there shall be substituted the provision set out in the Schedule to the Local Government (Miscellaneous Provisions) Act 1953.
Section 82 (Power to enter premises)	After paragraph (d) of subsection (1) there shall be inserted the following paragraphs: "(e) for the purpose of cutting off the supply of water to any premises in any case in which the undertakers are authorised to cut off such supply; (f) for the purpose of repairing water fittings belonging to the undertakers which have been wilfully or negligently injured or suffered to be injured by the owner or occupier of the premises".

1953 c. 26.

Section 197.

SCHEDULE 4

PROVISIONS CREATING OFFENCES IN RESPECT OF WHICH A MAY PROSECUTE

Section 69	(Trees, grass verges and gardens);
Section 74	(Awnings over footways);
Section 75	(Mixing of mortar, etc., in streets);
Section 77	(Decorations in streets);
Section 79	(Damage to obstruction lights, etc.);
Section 85	(Provisions as to movable dwellings);
Section 102	(Notice of street processions).
Section 104	(Offences in respect of telephone boxes, fire hydrants, etc.);
Section 106	(Touting, hawking, etc.);
Section 109	(Provisions as to motor vehicles let for hire);
Section 133	(Powers of entry and inspection).

SCHEDULE 5

Section 200.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED TO THIS ACT

Marginal note

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

PART II

SECTIONS APPLIED TO PARTS VII, VIII AND XII OF THIS ACT

Marginal note

- Power of local authority to execute certain work on behalf of owners or occupiers.
- Power of local authority to sell certain materials.
- Power of councils to require information as to ownership of premises.
- Power to require occupier to permit works to be executed by owner.
- Limitation of liability of certain owners.
- Power of local authority to grant charging orders.
- Inclusion of several sums in one complaint, &c.
- Saving for certain provisions of the Land Charges Act, 1925. 1925 c. 22.

PART III

SECTIONS APPLIED TO SECTIONS 70, 83, 84, 88, 105, 107, 108, 111, 126, 172, 173 AND 178 AND PARTS IX AND X OF THIS ACT

Marginal note

- Power to enter premises.

PART IV

SECTION APPLIED GENERALLY TO ACT OTHER THAN PART II

Marginal note

- Recovery of expenses.

Section 202 (1).

SCHEDULE 6

ENACTMENTS REPEALED

Session and chapter	Short title	Extent of repeal
32 & 33 Vict. c. cxxxii	The Wolverhampton Improvement Act, 1869	The whole Act.
40 & 41 Vict. c. ccxli	The Local Government Board's Provisional Orders Confirmation (Artizans and Labourers' Dwellings) Act, 1877	The Order relating to Wolverhampton dated 5th June 1877.
45 & 46 Vict. c. ccxli	The Wolverhampton Corporation Loans Act, 1882	The whole Act.
50 & 51 Vict. c. clxxiv	The Wolverhampton Corporation Act, 1887	The whole Act.
51 & 52 Vict. c. clxxvii	The Local Government Board's Provisional Order Confirmation (No. 13) Act, 1888	The whole Act.
53 & 54 Vict. c. clxxxvi	The Electric Lighting Orders Confirmation Act, 1890	The Wolverhampton Electric Lighting Order, 1890.
54 & 55 Vict. c. cxcv	The Wolverhampton Corporation Act, 1891	The whole Act.
56 & 57 Vict. c. clxxi	The Bilston Commissioners (Water) Act, 1893	The whole Act except sections 9 and 11 and the Second Schedule.
56 & 57 Vict. c. clxxxix	The Local Government Board's Provisional Orders Confirmation (No. 15) Act, 1893	The Order relating to Wolverhampton dated 16th May 1893.
59 & 60 Vict. c. cxi	The Local Government Board's Provisional Orders Confirmation (No. 19) Act, 1896	The Wolverhampton Order, 1896.
59 & 60 Vict. c. clxx	The Local Government Board's Provisional Order Confirmation (No. 21) Act, 1896	The whole Act.
59 & 60 Vict. c. cxxxix	The Bilston Improvement Act, 1896	The whole Act.
62 & 63 Vict. c. cxvi	The Local Government Board's Provisional Orders Confirmation (Poor Law) Act, 1899	The Wolverhampton Union Order, 1899.
62 & 63 Vict. c. cclix	The Wolverhampton Corporation Act, 1899	The whole Act.
63 & 64 Vict. c. cxcvi	The Local Government Board's Provisional Orders Confirmation (No. 15) Act, 1900	The Wolverhampton Order, 1900.

SCH. 6
—cont.

	Short title	Extent of repeal
11	The Local Government Board's Provisional Orders Confirmation (No. 2) Act, 1901	The Bilston Order, 1901.
	The Tramways Orders Confirmation (No. 2) Act, 1902	The Wolverhampton Corporation Tramways Order, 1902.
	The Staffordshire and Worcestershire Canal Act, 1903	Sections 8, 9 and 10.
	The Local Government Board's Provisional Order Confirmation (No. 18) Act, 1903	The whole Act.
	The Wolverhampton Corporation Act, 1904	The whole Act.
	The Wolverhampton Corporation Act, 1908	The whole Act.
5	The Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1911	The Wolverhampton Order, 1911.
5	The Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1913	The Wolverhampton Order, 1913.
5	The Electric Lighting Orders Confirmation (No. 4) Act, 1913	The Wolverhampton Electric Lighting (Extension) Order, 1913.
5	The Wolverhampton Corporation Water Act, 1915	The whole Act.
5	The Wolverhampton Corporation Act, 1920	The whole Act.
	The Wolverhampton and Cannock (Bulk Supply) Special Order, 1921	The whole Order.
5	The Ministry of Health Provisional Orders Confirmation (No. 10) Act, 1922	The Wolverhampton (Rates) Order, 1922.
5	The Ministry of Health Provisional Orders Confirmation (No. 4) Act, 1924	The Wolverhampton Order, 1924.
5	The Wolverhampton Corporation Act, 1925	The whole Act.

Sci. 6
—cont.

Session and chapter	Short title	Extent of repeal
—	The Wolverhampton Electricity (Extension) Special Order, 1925	The whole Order.
16 & 17 Geo. 5 c. cvi	The Wolverhampton Corporation Act, 1926	The whole Act.
18 & 19 Geo. 5 c. cix	The Wolverhampton Corporation Act, 1928	The whole Act.
20 & 21 Geo. 5 c. cxxxviii	The Wolverhampton Corporation (Trolley Vehicles) Order Confirmation Act, 1930	The whole Act.
22 & 23 Geo. 5 c. xc	The Wolverhampton Corporation Act, 1932	The whole Act.
26 Geo. 5 & 1 Edw. 8 c. cxi	The Wolverhampton Corporation Act, 1936	The whole Act except section 26, subsections (1) to (5) and (7) to (11) of section 27 and section 49.
1 Edw. 8 & 1 Geo. 6 c. xliv	The Staffordshire County Council Act, 1937	So much as applies to the borough.
2 & 3 Geo. 6 c. xxiii	The Willenhall Urban District Council Act, 1939	So much as applies to the borough.
5 & 6 Geo. 6 c. xv	The Bilston Corporation Act, 1942	The whole Act.
—	The Wolverhampton Water Order, 1948	The whole Order.
14 Geo. 6 c. lviii	The Wolverhampton Corporation Act, 1950	The whole Act.
—	The Wolverhampton Water Order, 1951	The whole Order.
—	The Bilston Corporation Water Order, 1954	The whole Order except sections 6 to 10, 12 and 13 and Part I of Schedule 1.
—	The Wolverhampton Water (Stableford Pumping Station) Order, 1954	The whole Order except sections 6 and 10.
2 & 3 Eliz. 2 c. xxxviii	The Wolverhampton Corporation (Trolley Vehicles) Order Confirmation Act, 1954	The whole Act.

SCH. 6
—cont.

Section and
chapter

Short title

Extent of repeal

	The Bilston Corporation Water Order, 1957	The whole Order.
	The Wolverhampton Water Order, 1958	The whole Order.
	The Wolverhampton Water (Copley Pumping Station) Order, 1959	The whole Order except section 8.
	The Wolverhampton Water (Neachley Pumping Station) Order, 1959	The whole Order except sections 8 and 9.
	The Wolverhampton Water (Tom Hill Pumping Station) Order, 1959	The whole Order.
	The Wolverhampton Water Order, 1960	The whole Order.
	The Wolverhampton Water (Tom Hill Pumping Station) Order, 1962	The whole Order except section 3.
	The Wolverhampton Water (Tom Hill Pumping Station Additional Boreholes) Order, 1965	The whole Order.

SCHEDULE 7

Section 202 (2).

PROVISIONS OF THE WOLVERHAMPTON WATER ACTS AND ORDERS, 1869 TO 1965

Bilston Commissioners (Water) Act, 1893

1893 c. clxxi.

Nothing in this Act shall be construed to authorise the Corporation to abstract water from or to injuriously affect the Staffordshire and Worcestershire Canal. Provided always that in case water shall be abstracted from the canal by reason of the works authorised by this Act the Corporation shall at their option either deliver into the canal water of like quality and quantity as the water so abstracted or shall pay to the Waterways Board a sum or sums not exceeding in the whole ten pounds in respect of the cost from time to time incurred by the Board in puddling the canal near to the Corporation's works or stations.

For the protection of the Staffordshire and Worcestershire Canal.

The agreement between the Corporation of the one part and the Waterways Board of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the Corporation and the Board.

Confirming agreement with Harriet Bradney-Marsh.

Sec. 7
—cont.

THE SECOND SCHEDULE

AN AGREEMENT made the eleventh day of May one thousand eight hundred and ninety-three between the Bilston Township Commissioners and Local Board of Health (hereinafter called the Commissioners) of the one part and Harriet Bradney-Marsh of Lloyd House in the parish of Penn spinster of the other part.

Whereas the Commissioners are promoting a Bill in Parliament for the purpose of obtaining power to construct waterworks for the supply of water to their district including a trunk main or line of pipes (herein-after called the said main) part of which is intended to be laid along a private road belonging or reputed to belong to the said Harriet Bradney-Marsh leading from the public road at Meehall to Goldthorn Hill:

And whereas the said Harriet Bradney-Marsh has petitioned against the Bill but has agreed to withdraw from all further opposition to the Bill for the consideration herein-after appearing:

Now it is hereby agreed between the parties hereto as follows (that is to say):—

1. If the supply of water now obtained by Harriet Bradney-Marsh her tenants or occupiers from the wells and pumps specified in the schedule hereto or her estates mentioned in such schedule shall be wholly or in part abstracted or diminished by reason of any of the works authorised by this Act the said Harriet Bradney-Marsh her heirs and assigns and the respective tenants and occupiers of her or their said estates mentioned in the said schedule for the time being (all of whom are respectively included in the expression "the said owners and occupiers" where hereinafter used) shall be furnished by the Commissioners by means of pipes to be connected with the said main such pipes to be laid down by and at the expense of the said owners or occupiers requiring the same with such a supply of water to be delivered into or at the said wells or pumps respectively free of charge as shall be requisite for making good any such abstraction or diminution.

2. If any injury to or interference with the property of the said owners and occupiers respectively other than by the laying of the main referred to in the next clause shall arise from or in any way be owing to any of the acts operations or works authorised by this Act or by the bursting leakage or failure of any main culvert pipe or works in underground or near to any property of the said owners and occupiers respectively adjoining or near such private road the Commissioners shall make compensation to them respectively in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration under the Arbitration Act, 1889.

1889 c. 49.

3. And the Commissioners in laying down the trunk main along the said private road from the public road at Meehall to Goldthorn Hill shall do no more damage thereto than necessary and shall after such laying down well and truly restore the said private road so as to render it fit for use for the accustomed purposes and shall do the same on the request of the said Harriet Bradney-Marsh or her heirs or assigns.

Sec. 7
—cont.

and owners and occupiers respectively from time to time make good damage to such private road caused by reason of the works of the Commissioners authorised by this Act:

It is provided that no compensation shall be claimed by the said owners and occupiers against the Commissioners nor shall be paid by them to any person for executing the powers given by this Act for laying down proposed trunk main along such private road.

This agreement is made subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration in this agreement it shall be competent to any party hereto to withdraw the same.

In witness whereof the said Commissioners have affixed their seal and Harriet Bradney-Marsh has set her hand the day and year first so written.

The SCHEDULE before referred to

Estates	Number of wells or pumps
The House and premises including the Home Farm	4
The Wood Farm	5
The Holly-Bush Inn	1
The Grand Inn	1
The House Farm	5
occupied by Mrs. Beddard	2
occupied by Mr. York	3
The Hall Farm occupied by John Beddard	5
to which premises are in the parish of Penn	

Witness the Common Seal of the Bilston Township Commissioners and Local Board of Health in the presence of

JOHN D. WASSILL,
Their Clerk and Solicitor. (L.S.)
HARRIET BRADNLEY-MARSH.

In witness whereof I have signed this instrument to the signing by the said Harriet Bradney-Marsh in the

FRAS. HENRY WHITEHOUSE,
Articled Clerk to Messrs. T. M. J. and A. Whitehouse
Solicitors Wolverhampton

SCH. 7

—cont.

For protection
of Corporation's
wells.

1936 c. cxi.

Wolverhampton Corporation Act, 1936.

26.—(1) (a) It shall not be lawful for the owner or occupier of an land which is situate within a radius of two miles from the centre of the Hilton Pumping Station (Work No. 1 authorised by the Part of the Act) to construct on any part of such land any new well or other work (or to enlarge any existing well or other work) for the purpose of intercepting underground water except with the consent in writing of the Corporation unless the water to be abstracted from such well or other work required by such owner or occupier solely for domestic or agricultural purposes on lands and premises belonging to or occupied by him or for the purpose of supplying solely for domestic purposes or for the purposes which are referred to in paragraph (ii) of the definition of "agricultural purposes" which is contained in subsection (3) of this section the lands and premises of any neighbouring owner or occupier to whom a supply is being afforded for those purposes by such first mentioned owner or occupier at the date of this Act nor except with like consent to abstract or permit the abstraction for any purpose other than domestic or agricultural purposes of any water obtainable from any such new well or other work or from the enlargement of any such existing well or other work. In giving any such consent the Corporation may attach thereto such conditions as they may think fit.

(b) Any such owner or occupier who is aggrieved by any refusal of the Corporation to give such consent as aforesaid or by any conditions attached by the Corporation to any such consent may within fourteen days after the refusal of such consent or the notification of such conditions (as the case may be) appeal to the Minister and on any such appeal the Minister may by order after considering any representation made by the Corporation either confirm the refusal to give such consent or the attachment of conditions thereto or may direct the Corporation to give such consent subject to such conditions (if any) as the Minister may specify and the Corporation shall comply with such direction.

(2) Any such owner or occupier to whom such consent shall have been refused (or to whom a consent shall have been given but subject to conditions which he is unwilling to accept) may by notice in writing require the Corporation to supply to him such quantity of water (if any) as he may require for use on such lands for purposes other than domestic or agricultural purposes and subject to the provisions of this subsection the Corporation shall supply such owner or occupier with such quantity of water and shall construct any works necessary for conveying the water from the said Work No. 1 to the land of such owner or occupier:

Provided that—

(a) The Corporation shall not be obliged to commence or continue to give such supply to any owner or occupier if such supply at the rate at which the same is taken or required to be given would be likely to interfere with the supply of water for domestic purposes by the Corporation of water for domestic purposes within the water limits but before permanently cutting off any such supply on the ground that it would be likely to interfere with the supply by the Corporation of water for domestic purposes.

within the water limits the Corporation shall give to the owner or occupier to whom the supply is being afforded not less than six weeks' notice of their intention so to do and shall repay to such owner or occupier

SEC. 7
—cont.

(i) any sum deposited with the Corporation by way of security in pursuance of proviso (c) to this subsection less any sum which may be owing by such owner or occupier to the Corporation;

(ii) such portion (if any) of any sum recovered by the Corporation in pursuance of proviso (d) to this subsection as may be agreed between the Corporation and such owner or occupier or (failing agreement) determined by arbitration as hereinafter provided to be fair under all the circumstances;

(b) the Corporation shall not be obliged to commence to give such supply to any owner or occupier if the said supply or the rate at which the same is required to be given would be likely to interfere with any supply of water for other than domestic purposes which was being given by the Corporation at the date of the notice in writing given by such owner or occupier;

(c) the Corporation shall not be obliged to give such supply to any owner or occupier if the quantity of water required to be supplied would either alone or if added to the quantity of water required by other owners and occupiers under the provisions of this section exceed the available yield of the said Work No. 1 so far as then constructed by the Corporation after deducting therefrom any quantity for the time being supplied by the Corporation to the owners of wells under the provisions of the section of this Act of which the marginal notes are "For protection of certain existing sources of supply";

(d) the cost incurred by the Corporation in and in connection with the construction of any works necessary for conveying water from the said Work No. 1 to the land of any owner or occupier other than Works Nos. 2, 3 and 4 by this Act authorised shall

(i) (if the internal diameter of the main or pipe does not exceed three inches) be borne by the Corporation; and

(ii) (if such internal diameter exceeds three inches) be repaid to the Corporation by such owner or occupier and before commencing the construction of any such works the Corporation may require such owner or occupier to give to the Corporation security for the payment to them of the amount of such cost;

(e) any owner or occupier supplied with water by the Corporation under the provisions of this section shall pay such price for any thousand gallons so required which the Corporation is under an obligation to supply and whether or not the same be actually taken by such owner or occupier and shall be subject to such terms and conditions in regard to such supply

Sec. 7
—cont.

including terms as to the security to be given to the Corporation for the payment to them of all money which may become due and as to the period during which such owner or occupier shall be bound to take or pay for the supply, failing agreement may be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration;

(f) The price to be determined as aforesaid shall not be less than sufficient to provide in each year of the supply a sum which will so far as can be estimated meet such proportion of the annual loan charges on the money expended or being expended by the Corporation in and in connection with the construction of the Works Nos. 1 2 3 and 4 by this Act authorised and of the working expenses (including rates and taxes and overhead costs of the Corporation in connection with the said works) the quantity required to be supplied bears to the available yield of the said Work No. 1 so far as then constructed the Corporation;

(g) For the purpose of giving any supply under the provisions of this section the Corporation may exercise the powers conferred upon local authorities by section 54 of the Public Health Act 1875;

1875 c. 55.

(h) Any question arising under this section between the Corporation and any owner or occupier shall be determined by an arbitrator to be appointed failing agreement in accordance with the provisions of proviso (e) to this section.

(i) The Corporation shall not be under any liability for failure to supply water under the provisions of this section which shall be due to frost drought or any other natural cause or accident;

(j) If the said Work No. 1 has not been constructed by the third first day of December nineteen hundred and twenty-three the provisions of this section shall cease to have effect.

(3) For the purposes of this section--

(a) "domestic purposes" includes all purposes incidental to the occupation of a dwelling-house and any garden or grounds occupied in connection therewith; and

(b) "agricultural purposes" includes--

(i) all purposes for which water is used by an owner or occupier of lands in the district for agricultural dairying and market gardening purposes on such lands; and

(ii) industrial or manufacturing purposes for the produce of lands which are situated in the district referred to in subsection (1) of this section.

Sch. 7
—cont.

For protection
of certain
existing
sources of
supply.

21.—(1) In this section—

(a) the expression “existing source of supply” means any well borehole or spring or any stream (or part thereof) pond or pool which is fed by any spring which well borehole spring stream (or part thereof) pond or pool (as the case may be) is situate within a radius of two miles from the centre of the Hilton Pumping Station and is used at the date of the passing of this Act as an effective source of supply;

(b) the expression “the owner” means the owner of any existing source of supply and shall include any lessee or occupier thereof.

(2) If at any time after the completion of the well and pumping station to which this section applies it shall be proved by the owner of an existing source of supply that the pumping by the Corporation at that well and pumping station has caused a material diminution or lessening of the supply of water obtainable from such existing source of supply as the same exists at the date of the passing of this Act the Corporation shall upon the written request of the owner (but subject to the provisions of this section) afford to him a supply of water equal to the amount of such diminution (as proved) at such cost or rate (if any) that the total cost to the owner of obtaining his full supply shall not be more after than before the construction of the said well and pumping station and upon such other terms as may be agreed or failing agreement shall be settled by arbitration as hereinafter provided:

(3) Provided that—

(a) the Corporation shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any existing source of supply the water from which is so polluted as to be or to be likely to be injurious or dangerous to health;

(b) the Corporation shall not be under any obligation to give a supply of water under this section in respect of any existing source of supply (being a spring stream pond or pool which is fed by a spring) greater than is together with the supply obtainable from such existing source of supply required for domestic or agricultural purposes and for the purposes of this section agricultural purposes shall not be deemed to include the irrigation of land or the growing and cultivation of watercress;

(c) the Corporation shall not be liable in respect of any claim made by the owner under this section if the owner shall have failed to afford to the Corporation and their officers servants and other representatives at all reasonable times after the passing of this Act and free of cost access to the existing source of supply in respect of which the claim is made and such information as the Corporation may reasonably require in regard to the cost to the owner of operating the existing source of supply and facilities for ascertaining particulars thereof and the level and quantity of the water therein;

Sec. 7
—cont.

(d) the Corporation shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(4) All mains pipes meters and fittings required for the purpose of supplying water to the owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the owner shall afford to the Corporation all reasonable or necessary facilities for those purposes but all such fittings which shall be placed or fixed up the land or premises of the owner shall be repaired or maintained (when necessary) renewed and made good by the owner to the satisfaction of the Corporation.

(5) For the purpose of affording a supply of water under this section the Corporation may supply water beyond the water limits and carry out all such works within or beyond such limits as may be necessary for that purpose.

(7) The Corporation may if they think fit in lieu of affording a supply of water equal to the diminution of the supply of the supply which shall have ceased as aforesaid in any such well borehole pond pool as constitutes an existing source of supply deepen such borehole pond or pool or make such borings or alterations therein headings therefrom as will increase the supply so as to make good said diminution or cesser and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings alterations or headings.

(8) The Corporation may if they think fit in lieu of affording a supply equal to the diminution or cesser of the supply make compensation in money to the owner for any diminution or cesser of the supply and they shall also make compensation for any injury caused to the owner by the powers conferred by the preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(9) Any question which may arise between the Corporation and the owner as to the quantity time place or manner of the supply afforded by the Corporation in pursuance of this section or any other question dispute or difference which may arise between the Corporation and the owner or any other person under the foregoing provisions of this section shall be referred to the arbitration of a person appointed unless otherwise agreed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1934 shall apply to any such arbitration.

(10) The Corporation and the owner may enter into any agreement with reference to the supply of water by the Corporation to the owner or with reference to any matter referred to in the foregoing provisions of this section so far as they relate to such owner.

(11) This section shall apply to the Hilton Hotel and to any works authorised by this Act and to any works carried out by the Corporation.

Sec. 7
cont.

in the case of that pumping station under the powers of subsection (3) of the section of this Act of which the marginal note is "Period for completion of waterworks."

The Bilston Corporation Water Order, 1954

2. In this order the expressions to which meanings are assigned by Part III of Schedule 1 to the Water Act, 1945, shall unless the context otherwise requires have the same respective meanings and

Interpretation,
1945 c. 42.

"the boreholes" means the boreholes authorised to be maintained and used by the Bilston Water Order, 1942, made under regulations 50 and 50A of the Defence (General) Regulations, 1939, on the lands described in the first schedule to this order, and the two boreholes authorised by section 3 (1) (a) of the Wolverhampton Water (Tom Hill Pumping Station Additional Boreholes) Order, 1965;

"day" means a period of twenty-four hours ending at midnight;

"the quarry borehole" means the borehole of Blackhills (Swindon) Sand and Gravel Company Limited at Blackhill Quarry in the parish of Seisdon in the rural district of Seisdon.

6—(1) The Corporation shall instal and maintain recording apparatus to record the quantity of water pumped at the boreholes and shall instal and keep daily records of the quantity so pumped.

Recording
apparatus

(2) The Corporation shall permit the engineer for the time being of the South Staffordshire Waterworks Company or any officer or agent of the said Company duly authorised by him in writing for the purpose at all reasonable hours to inspect and take copies of such records, to inspect the pumping station adjacent to the boreholes to any recording apparatus thereat and to take any necessary gaugings at the boreholes.

7. The following provisions for the protection of Blackhills (Swindon) Sand and Gravel Company Limited or other the owner or owners for the time being of the quarry borehole (in this section referred to as "the Company") shall unless otherwise agreed in writing between the Corporation and the Company apply and have effect that is to say:

For protection
of Blackhills
(Swindon)
Sand and
Gravel
Company
Limited.

(1) If at any time it shall be proved by the Company that by reason of a lowering of the level of water in the quarry borehole begun during the period when the Corporation were authorised by this order to abstract water from the borehole there has been an increase in the cost of pumping water from the quarry borehole the Corporation shall on the written request of the Company pay them as compensation the amount of such increase;

(2) If by reason of such a lowering of the level of water in the quarry borehole the pump therein is likely to be uncovered the Company shall permit the Corporation if the Corporation so request in writing to take such steps at the expense of the Corporation as may reasonably be necessary for lowering the said pump;

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Sec. 7
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(3) If at any time it shall be proved by the Corporation that by reason of such a lowering of the level of water in the borehole they are unable to secure by any means for a continuous period of ten hours in any one day a supply of 180,000 gallons of water the Corporation on the written request of the Company shall afford to them a supply of pipes referred to in paragraph (1) of section 6 of the Bills Water Order, 1942, a supply of water of the same amount which the quantity obtained by such pipes shall be 180,000 gallons at such cost or rate of interest as shall be the same after as before the bringing into use of the borehole after making such adjustments as may be necessary by reason of alterations in such total cost due to changes in the cost of labour materials and power and upon such other terms may be agreed or failing agreement may be determined by arbitration:

Provided that—

(i) the Corporation shall not be liable in respect of claim made by the Company under this provision if it shall have failed to afford to the Company and its officers servants and other representatives at least three times after the making of this order access to the borehole and facilities for ascertaining particulars thereof and the level of the water therein;

(ii) the Corporation shall not be subject to the provisions of this provision if prevented from doing so or from supplying water under this provision by reason of frost drought or other unavoidable cause or accident;

(4) All mains pipes meters and fittings required for supplying water to the Company in pursuance of the preceding paragraph of this section shall be laid down and fixed and all such mains pipes shall be maintained by and at the expense of the Corporation. The Company shall afford to the Corporation all the necessary easements and facilities for the use of such fittings which shall be placed or fixed on the premises of the Company shall be repaired when necessary renewed and made good to the satisfaction of the Corporation;

(5) Any difference between the Corporation and the Company arising under the provisions of this section shall be determined by arbitration.

For protection of Dudley Corporation.

8. For the protection of the mayor, aldermen and burgesses of the borough of Dudley (in this section referred to as the "Dudley Corporation") the following provision shall apply, that is to say:

Nothing in this order or the provisions incorporated therein shall extend so as to deprive the Dudley Corporation of any right which they now have to discharge the sewage...

Sch. 7
---cont.

1879 c. c.

For protection
of landowner
under Dudley
Sewage Act,
1879.

For protection
of local
sources of
supply.

water of their borough at Whitehouse Farm in such manner and at such points as they are entitled to do under the Dudley Sewage Act, 1879, and the Corporation shall indemnify the Dudley Corporation against any claim or demand whatsoever (or any expense which may be incurred by them by reason of any such claim or demand) which may be made against the Dudley Corporation in respect of or in consequence of any alleged pollution of boreholes arising out of any of the lawful operations of the Dudley Corporation under the Dudley Sewage Act, 1879.

The powers and privileges which the landowner as defined in section 1 of the Dudley Sewage Act, 1879, may be entitled to exercise for the purpose of or in order to carry out the provisions of the said agreement scheduled thereto shall not be affected by this order notwithstanding any provisions in this order he may exercise his powers and privileges as fully and effectually as he might if the boreholes had not been constructed.

(1) In this section "protected source" means any well pond spring or stream which constitutes within a radius of one mile from the centre of the boreholes and is used at the date on which this order comes into operation as an effective source of supply;

"owner" includes lessee or occupier but does not include Black-wood (Swindon) Sand and Gravel Company Limited or their predecessors.

If at any time after the date on which this order comes into operation it shall be proved by the owner of any protected source (in this section referred to as "the proving owner") that the pumping of water at the borehole has caused a diminution or cesser of water in such protected source the Corporation shall upon request of the proving owner, but subject to the provisions of section 1, afford or procure to be afforded to him a supply of water of the amount of such diminution or the supply which he would have received (as proved) at such cost or rate (if any) as that which would be payable to the proving owner of obtaining his full supply shall have been as before the construction of the borehole after such adjustments as may be necessary by reason of alterations in the cost due to changes in the cost of labour materials and such other terms as may be agreed or failing agreement determined by arbitration.

Notwithstanding anything in this section the Corporation shall not be under any obligation to afford or procure to be afforded a supply of water for domestic purposes and in this section in respect of any protected source the water which is so polluted as to be or to be likely to be injurious or dangerous to health;

The Corporation shall not be liable in respect of any claim made by the proving owner under this section if such owner has failed to afford to the Corporation and their officers

Sch. 7
— cont.

servants and other representatives at all reasonable times after the date on which this order comes into operation access to the protected source in respect of which the order is made and facilities for ascertaining particulars thereof and the level of the water therein;

(c) the Corporation shall not be subject to any obligation under this section if prevented from complying therewith by reason of the consequence of frost drought or other unavoidable cause or any accident.

(4) All mains pipes meters and fittings required for the purpose of supplying water to any proving owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the proving owner shall afford to the Corporation all reasonable necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any proving owner shall be repaired maintained and (when necessary) removed and made good by such owner to the satisfaction of the Corporation.

(5) The Corporation may if they think fit in lieu of affording a supply of water equal to the supply of water which has ceased or is about to cease from any such protected source or make such borings or headings therefrom as will increase the supply so as to make good the said diminution or cessation and the proving owner shall without making any charge therefor give to the Corporation access and every facility for carrying out such deepening borings or headings.

(6) The Corporation may if they think fit in lieu of affording a supply of water equal to the supply of water which has ceased or is about to cease from any such protected source or the supply which shall have ceased as above and may in compensation in money to any such proving owner for such diminution or cessation of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by this section or any subsection and the amount of such compensation shall be determined in case of difference by arbitration.

(7) For the purpose of affording a supply of water under this section the Corporation may supply water beyond their mains and works being for the supply of water and carry out all such works with or without mains and works beyond such limits as may be necessary for that purpose.

(8) Any question which may arise between the Corporation and any proving owner as to the quantity time place or manner of supply to be afforded or procured to be afforded by the Corporation in pursuance of this section and any other question or dispute or difference which may arise between the Corporation and the proving owner under the foregoing provisions of this section shall be determined by arbitration.

(9) The Corporation and the proving owner may enter into and make any agreement with reference to the supply of water under this section and may by any such agreement alter or vary any of the provisions of this section so far as they relate to such supply of water.

Where under this order any question or dispute is to be referred to the reference shall be to a single arbitrator to be agreed between the parties to the question or dispute or in default of agreement to be appointed on the application of either party by the Council of the Institution of Civil Engineers and subject as to the provisions of the Arbitration Act, 1950, shall apply to arbitration.

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—cont.
Application
of Arbitration
Act, 1950.
1950 c. 27.

FIRST SCHEDULE

LANDS WHICH WORKS MAY BE MAINTAINED AND USED UNDER THIS ORDER

A piece of land 3.1 acres or thereabouts in extent being so much of the land numbered 32 in the parish of Bobbington in the rural district of Seisdon on the 1:2500 Ordnance Map of Staffordshire L.W. 7 and Shropshire Sheet LIX.8.12 (Edition of 1923) as lies to the west of (a) an imaginary straight line commencing at a point on the boundary of the Wombourn Bobbington road 100 yards from the south-western corner of the said enclosure and proceeding at right angles to the said road for a distance of 150 yards and of (b) an imaginary straight line commencing on the boundary of the said enclosure 150 yards from the south-western corner of the said enclosure and proceeding parallel with the said road for a distance of 100 yards.

Wolverhampton Water (Stableford Pumping Station) Order, 1954

In this section "protected source" means any well pond spring or stream which is situated within two miles from the centre of the Stableford Pumping Station and is used on the coming into operation of this order as an effective source of supply; "owner" includes a lessee or occupier.

For protection
of local
sources of
supply.

At any time during the construction or after the completion of the Stableford Pumping Station it shall be proved by the owner of a protected source that pumping by the Corporation at the Stableford Pumping Station has caused a diminution of the supply of water in the protected source the Corporation shall on the written request of the owner have the option either

(a) to or cause to be afforded to the owner a supply of water equal to the amount of any consequent diminution in the supply obtainable by him therefrom on the coming into operation of this order so however that any interruption of the supply so afforded owing to frost unusual drought or other unavoidable cause shall not be a breach of any obligation under this paragraph; or

(b) at the expense of the Corporation make such alterations in the pumping equipment installed at the protected source whether by way of enlarging or altering the position of the equipment or by installing fresh equipment as will make good any such consequent diminution; or

Sec. 7
—cont.

(c) at the expense of the Corporation deepen the protected source to such extent or make such borings therein or headings therefrom as will make good any such consequent diminution or

(d) make compensation in money for any such consequent diminution:

Provided that—

(i) the Corporation shall not be under any liability under this section if the owner shall have failed to afford to the Corporation and their officers and servants without charge at all reasonable times after the coming into operation of this order access to the protected source and facilities for ascertaining the level quantity and quality of the water therein and such information as the Corporation may reasonably require as to the cost to the owner of operating the protected source;

(ii) where the Corporation elect to afford or cause to be afforded a supply of water under paragraph (a) of this section their obligation thereunder shall not extend to provision of a supply of water for domestic purposes if the water in the protected source is so polluted as to be or likely to be injurious or dangerous to health;

(iii) the Corporation shall not be under any liability under this section to afford or cause to be afforded a greater supply of water than is together with the supply obtainable from the source required for use by the owner from time to time;

(iv) the option given by paragraph (b) of this subsection shall not be exercisable in the case of the protected source referred to in section 10 (1) or protection of East Shropshire Water Board) of this order without the consent in writing of the owners of those protected sources.

(3) A supply of water afforded by the Corporation under paragraph (a) of the last foregoing subsection shall be afforded at such point or points and upon such terms as may be agreed or fall in agreement determined by arbitration:

Provided that the charge to be made by the Corporation for such a supply shall not exceed the amount by which the cost to the owner of obtaining his supply before the diminution exceeds the cost to him of obtaining the diminished supply.

(4) The Corporation shall pay to the owner

(a) in a case where they cause a supply of water to be afforded under paragraph (a) of subsection (2) of this section the amount by which the aggregate cost to the owner of such supply and of obtaining his diminished supply exceeds the cost to him of obtaining his supply before the diminution;

(b) in a case where they make such alterations as are referred to in paragraph (b) of that subsection or execute any work

Sec. 7
— cont.

mentioned in paragraph (c) thereof the amount by which the cost to the owner of obtaining thereafter a supply equivalent to his supply before the diminution exceeds the cost to him of obtaining his supply before the diminution.

(A) mains pipes, meters and fittings required for the purpose of supplying water to an owner in pursuance of this section shall be repaired, replaced or fixed and maintained by and at the expense of the Corporation;

(B) fittings other than mains pipes and meters which shall be repaired, replaced or fixed upon the premises of the owner shall be repaired, replaced, renewed and made good by and at the expense of the owner to the satisfaction of the Corporation.

(C) for the purpose of fulfilling any obligation imposed on them by this section the Corporation may supply water beyond the water limits and have the like powers of carrying out works beyond those limits as they have within those limits.

(D) an owner shall without making any charge therefor give the Corporation access and facilities for carrying out works in pursuance of this section.

(E) any question which may arise between the Corporation and an owner under this section shall be determined by arbitration.

(F) Notwithstanding anything contained in section 8 (For protection of local sources of supply) of this order the waterworks in this section referred to shall except so far as may be otherwise agreed between the Corporation and the East Shropshire Water Board (in this section referred to as "the Board") be deemed for all the purposes of section 8 to be a protected source as defined in that section.

For protection of East Shropshire Water Board.

(G) the waterworks referred to in subsection (1) of this section are the pipes and pumping station of the Board in the parish of Stableford called the Beckbury Pumping Station as the same exists on the coming into operation of this order.

(H) the records which the Corporation are required to keep of the water from time to time pumped at the Stableford Pumping Station shall be open at all times to the inspection of the Board, and the Corporation shall keep records of the quantities of water from time to time pumped at the Beckbury Pumping Station and such records shall be open at all times to the inspection of the Corporation.

Wolverhampton Water (Copley Pumping Station) Order, 1959

In this section "protected source" means—

For protection of local sources of supply.

(a) any well, pond, spring or stream which is situated within one and a half miles from the centre of the Copley Pumping Station and is used on the coming into operation of this order as an effective source of supply; and

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—cont

(b) any spring

(i) at Hawkswell on the Patshall Estate in the parish of Patshall in the rural district of Sersdon in the county of Stafford; or

(ii) at Pearl Covert on the Chesterton Estate in the parish of Worfield in the rural district of Bridgnorth in the county of Salop,

and which is used at the coming into operation of this order as an effective source of supply;

“owner” means an owner of a protected source and includes lessee or occupier.

(2) If at any time during the construction or after the completion of the Copley Pumping Station it shall be proved by an owner that pumping by the Corporation at the Copley Pumping Station has caused a diminution of the supply of water in the protected source, the Corporation shall on the written request of the owner at their option either—

(a) afford or cause to be afforded to the owner a supply of water equal to the amount of any consequent diminution in supply obtainable by him therefrom on the coming into operation of this order so however that any interruption of supply so afforded owing to frost, unusual drought or of unavoidable cause shall not be a breach of any obligation under this paragraph; or

(b) at the expense of the Corporation make such alterations in the pumping equipment installed at the protected source which by way of enlarging or altering the position of the equipment or of installing fresh equipment as will make good any such consequent diminution; or

(c) at the expense of the Corporation deepen the protected source to such extent or make such borings therefrom or headings therefrom as will make good any such consequent diminution; or

(d) make compensation in money for any such consequent diminution;

Provided that—

(i) the Corporation shall not be under any liability under this section if the owner shall have failed to afford to the Corporation and their officers and servants without charge at all reasonable times after the coming into operation of this order access to the protected source and facilities for ascertaining the level, quantity and quality of the water therein and such information as the Corporation may reasonably require as to the cost to the owner of operation of the protected source and facilities for carrying out any work in pursuance of this section;

(ii) where the Corporation elect to afford or cause to be afforded a supply of water under paragraph (a) of this section their obligation thereunder shall not extend to the

provision of a supply of water for domestic purposes if the water in the protected source is so polluted as to be or be likely to be injurious or dangerous to health;

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cont.

(iii) the Corporation shall not be under any liability under this section to afford or cause to be afforded any greater supply of water than is together with the supply obtainable from the source required for use by the owner from time to time.

A supply of water afforded by the Corporation under paragraph (a) of the last foregoing subsection shall be afforded at such terms and upon such terms as may be agreed or failing agreement determined by arbitration:

and that the charge to be made by the Corporation for such supply shall not exceed the amount by which the cost to the owner of obtaining his supply before the diminution exceeds the cost to him of obtaining the diminished supply.

The Corporation shall pay to the owner

(a) in a case where they cause a supply of water to be afforded under paragraph (a) of subsection (2) of this section the amount by which the aggregate cost to the owner of that supply and of obtaining his diminished supply exceeds the cost to him of obtaining his supply before the diminution;

(b) in a case where they make such alterations as are referred to in paragraph (b) of that subsection or execute any work mentioned in paragraph (c) thereof the amount by which the cost to the owner of obtaining thereafter a supply equivalent to his supply before the diminution exceeds the cost to him of obtaining his supply before the diminution.

Mans, pipes, meters and fittings required for the purpose of affording water to an owner in pursuance of this section shall be laid, placed or fixed and maintained by and at the expense of the Corporation:

and that fittings other than mans, pipes and meters which shall be fixed upon the premises of the owner shall be repaired, renewed and made good by and at the expense of the Corporation to the satisfaction of the Corporation.

For the purpose of fulfilling any obligation imposed on them by this section the Corporation may supply water beyond the water limits and have the like powers of carrying out works beyond those which they have within those limits.

An owner shall without making any charge therefor give the Corporation access and facilities for carrying out works in pursuance of this section.

Any question which may arise between the Corporation and an owner under this section shall be determined by arbitration.

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—cont.

For protection
of local sources
of supply.

Wolverhampton Water (Neachley Pumping Station) Order, 1950

8.—(1) In this section—

“ Protected source ” means any well, pond, spring or stream which is situate within two miles from the centre of the Neachley Pumping Station and is used on the coming into operation of this order as an effective source of supply;

“ owner ” means an owner of a protected source and include lessee or occupier.

(2) If at any time during the construction or after the completion of the Neachley Pumping Station it shall be proved by an owner that pumping by the Corporation at the Neachley Pumping Station has caused a diminution of the supply of water in the protected source the Corporation shall on the written request of the owner at their option either—

(a) afford or cause to be afforded to the owner a supply of water equal to the amount of any consequent diminution in supply obtainable by him therefrom on the coming into operation of this order so however that any interruption of supply so afforded owing to frost, unusual drought or other unavoidable cause shall not be a breach of any obligation under this paragraph; or

(b) at the expense of the Corporation make such alterations in pumping equipment installed at the protected source whether by way of enlarging or altering the position of the equipment or of installing fresh equipment as will make good any such consequent diminution; or

(c) at the expense of the Corporation deepen the protected source to such extent or make such bungs or headings in the source therefrom as will make good any such consequent diminution; or

(d) make compensation in money for any such consequent diminution:

Provided that—

(i) the Corporation shall not be under any liability under this section if the owner shall have failed to afford to the Corporation and their officers and servants without charge at all reasonable times after the coming into operation of this order access to the protected source for the purpose of ascertaining the level, quantity and quality of the water therein and such information as the Corporation may reasonably require as to the cost to the owner of operating the protected source and facilities for carrying out any work in pursuance of this section;

(ii) where the Corporation elect to make good any such consequent diminution under sub-section (a) of this section their obligation thereunder shall not extend to the provision of a supply of water for domestic purposes if the water in the protected source is so diminished as to be likely to be injurious or dangerous to health;

(iii) the Corporation shall not be under any liability under this section to afford or cause to be afforded any greater supply of water than is together with the supply obtainable from the source required for use by the owner from time to time;

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—cont.

(iv) the option given by paragraph (d) of this subsection shall not be exercisable in the case of the protected source of the East Shropshire Water Board called the Shifnal Pumping Station without the consent in writing of that Board.

A supply of water afforded by the Corporation under paragraph (a) of the last foregoing subsection shall be afforded at such points and upon such terms as may be agreed or failing agreement determined by arbitration:

and that the charge to be made by the Corporation for such supply shall not exceed the amount by which the cost to the owner of obtaining his supply before the diminution exceeds the cost to him of obtaining the diminished supply.

The Corporation shall pay to the owner—

(a) in a case where they cause a supply of water to be afforded under paragraph (a) of subsection (2) of this section the amount by which the aggregate cost to the owner of that supply and of obtaining his diminished supply exceeds the cost to him of obtaining his supply before the diminution;

(b) in a case where they make such alterations as are referred to in paragraph (b) of that subsection or execute any work mentioned in paragraph (c) thereof the amount by which the cost to the owner of obtaining thereafter a supply equivalent to his supply before the diminution exceeds the cost to him of obtaining his supply before the diminution.

Mains, pipes, meters and fittings required for the purpose of affording water to an owner in pursuance of this section shall be laid, placed or fixed and maintained by and at the expense of the Corporation:

and that fittings other than mains, pipes and meters which shall be fixed upon the premises of the owner shall be repaired, renewed and made good by and at the expense of the Corporation to the satisfaction of the Corporation.

For the purpose of fulfilling any obligation imposed on them by this section the Corporation may supply water beyond the water limits and have the like powers of carrying out works beyond those which they have within those limits.

An owner shall without making any charge therefor give the Corporation access and facilities for carrying out works in pursuance of this section.

Any question which may arise between the Corporation and an owner in pursuance of this section shall be determined by arbitration.

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cont.

For protection of East Shropshire Water Board.

9. The Corporation shall keep records of the quantities of water from time to time pumped at the Neachly Pumping Station and such records shall be open at all times to the inspection of the East Shropshire Water Board and that Board shall keep records of the quantities of water from time to time pumped at their Staffal Pumping Station and such records shall be open at all times to the inspection of the Corporation.

Wolverhampton Water (Tom Hill Pumping Station) Order, 1962.

For protection of South Staffordshire Waterworks Company, 1909 c. xlix.

3. (1) The Corporation shall indemnify the Company against cost or expense incurred or any payment made by the Company pursuant to the provisions of section 15 (Protection of local sources of supply affected) of the South Staffordshire Waterworks Act, 1909 relating to any claim made against the Company after the date on which this order comes into operation in respect of a borehole of a canal in that part of the protected area for Work No. 11 referred to in the said section which is situate within the radius for the protection of boreholes referred to in subsection (1) of section 15 (Protection of local sources of supply) of the Bilston Corporation Water Order, 1909 as amended by any subsequent enactment, including this order, long as during any period of three consecutive months the average daily quantity of water pumped at Work No. 11 does not exceed a million five hundred thousand gallons.

(2) In this section

"the Company" means the South Staffordshire Waterworks Company;

"Work No. 11" means the pumping station at Hucksford, Work No. 11 sanctioned and confirmed by the South Staffordshire Waterworks Act 1909.

Section 204.

SCHEDULE 8

TRANSITIONAL PROVISIONS

- (1) Notwithstanding the repeals effected by this Act
 - (a) all existing bonds, mortgages, annuities, stock or other securities granted payable or created under any of the repealed enactments shall continue valid and available for all purposes and for and against all parties and the holders of all such bonds, mortgages, annuities, stock or other securities shall be in the like position and entitled to the same powers, rights and remedies as if this Act had not been passed and 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 any of the repealed enactments or any of them and which were all valid and available at the commencement of this Act shall continue valid and available for all purposes and for and against all parties and all existing notices, notices to treat, agreements, leases, conveyances, contracts, covenants, deeds, judgments, awards, obligations, rights and remedies shall be deemed to 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;

Section 8
cont

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;

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;

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;

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;

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.

Mention of particular matters in this schedule shall not be construed to prejudice or affect the general application of section 38 of the Local Government Act, 1889.

1889 c. 63

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