

**ELIZABETH II**



**1970 CHAPTER lxxvii**

An Act to confer further powers on the mayor, aldermen and burgesses of the borough of Barry; to make better provision with respect to the improvement, local government and finances of the borough; and for other purposes.  
[17th December 1970]

**WHEREAS—**

(1) The borough of Barry (hereinafter called “ the borough ”) is a borough under the government of the mayor, aldermen and burgesses of the borough (hereinafter called “ the Corporation ”):

(2) It is expedient to make better provision with reference to the improvement, local government and finances of the borough, and that the powers of the Corporation in relation thereto should be enlarged and extended as by this Act provided:

(3) It is expedient that the other provisions of this Act should be enacted:

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

1933 c. 51.

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

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

## PART I

## PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Barry Corporation Act 1970.

(2) The Barry Corporation Acts 1896 to 1966 together with this Act may be cited together as the Barry Corporation Acts 1896 to 1970.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Borough services.

Part III.—Superannuation and finance.

Part IV.—Management services.

Part V.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) 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;

“ the Act of 1936 ” means the Public Health Act 1936;

“ apparatus ” includes any structure constructed for the lodging therein of apparatus;

“ the appointed day ” has the meaning assigned to it by section 51 (The appointed day) of this Act;

“ the borough ” means the borough of Barry;

“ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;

“ the Corporation ” means the mayor, aldermen and burgesses of the borough acting by the council;

1936 c. 49.

- “ the council ” means the council of the borough;
- “ the electricity board ” means the South Wales Electricity Board;
- “ enactment ” includes an enactment in this Act or in any public general or local Act and any order, byelaw, scheme or regulation for the time being in force within the borough;
- “ the gas board ” means the Wales Gas Board;
- “ the generating board ” means the Central Electricity Generating Board;
- “ land ” includes buildings, land covered by water and any interest in land or any easement or right in, to or over land;
- “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act 1952; 1952 c. 55.
- “ operational land ” has the same meaning as in the Town and Country Planning Act 1962; 1962 c. 38.
- “ the statutory undertakers ” means the electricity board, the gas board, the generating board and the water undertakers;
- “ town clerk ” means the town clerk of the borough;
- “ the water undertakers ” has the same meaning as in the provisions of the Water Act 1945, other than those contained in Part II of that Act. 1945 c. 42.

PART I  
—cont.

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

## PART II

### BOROUGH SERVICES

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

(2) Any person who contravenes the provisions of this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

PART II  
—cont.  
Boundary  
walls.

5.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation leaving exposed a wall of adjoining premises, the Corporation may—

(a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

(i) weatherproofing the surface of the wall;

(ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to the magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer or servant of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the court of quarter sessions made in pursuance of the foregoing provisions of this section, and after the giving of not less than twenty-four hours' notice to the occupier of the land on which the exposed wall is situated, may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works thereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

6.—(1) The Corporation may by order made for the purposes of this section designate land, being land in the borough to which this section applies, as a service area:

Provided that—

- (a) land shall not be so designated unless it is expedient to do so to prevent or reduce traffic congestion in a street in the borough caused by the loading or unloading of vehicles standing on any such street;
- (b) the land shall not be so designated unless either—
  - (i) it belongs to the Corporation; or
  - (ii) it has been provided as an area for the loading or unloading of vehicles pursuant to planning permission;
- (c) where the land is in the curtilage of premises and used in connection with only one shop, the order shall relate only to such part of the land as is required for loading or unloading vehicles, including obtaining access to or egress from the point at which vehicles are loaded or unloaded for the purpose of the business conducted at those premises.

(2) No person shall cause or permit any vehicle to wait on a service area designated under this section between the hours of 8 o'clock in the morning and 6 o'clock in the afternoon on a weekday otherwise than for the loading or unloading of that vehicle.

(3) This section applies to such part of any land, within the curtilage or vicinity of shop premises, as is used or intended to be used as a place where vehicles may wait for the loading or unloading of goods and includes a roadway not being a public highway.

(4) This section shall not apply to any property belonging to and used by the British Railways Board or the British Transport Docks Board for their purposes.

(5) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding twenty pounds, and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

(6) (a) If the Corporation consider that an order should be made under this section they shall give notice thereof to the owner and occupier of the land stating that objections to the said order may be made in writing within one month after the date of service of the notice.

**PART II**  
—*cont.*

(b) The Corporation shall consider all such objections and shall afford to any owner or occupier who has made objection an opportunity of being heard by a committee of the council before the order is made.

(7) (a) After considering any objections duly made under the last foregoing subsection the Corporation may make an order.

(b) Any such order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of subsection (8) of this section or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine but without prejudice to their power to make a further order in the same manner as the original order.

(8) When an order has been made by the Corporation under this section they shall give notice thereof and of the right to appeal to the owner and occupier of the land and any such owner or occupier who is aggrieved by the order may appeal to a magistrates' court.

1963 c. 41.

(9) In this section, "shop premises" has the meaning assigned to it by section 1 of the Offices, Shops and Railway Premises Act 1963 and for the purposes of subsection (2) of this section the reference therein to the loading or unloading of a vehicle shall include the carrying out of any operation which is required on the occasion of any such loading or unloading for compliance with the need for hygiene in connection with the sale of ice-cream to the public.

Power to  
provide  
facilities for  
hovercraft,  
hydrofoil  
vessels, etc.:

7.—(1) (a) The Corporation may use for such time as they may think fit lands and buildings under the management and control of the Corporation as a terminal for passenger services only for hovercraft, hydrofoil vessels and similar craft or vessels (but no freight, other than the motor cars of the passengers carried on such services and their personal luggage shall be carried by such services), and may erect or adapt on any such lands, and may maintain and manage buildings, structures, slipways and other works for use in connection with such hovercraft, hydrofoil vessels and similar craft or vessels and may make reasonable charges in respect of the use of such works.

(b) The Corporation may at any such terminal provide such plant, facilities, appliances and conveniences as may be requisite or expedient for the operation, equipment, maintenance, repair and use of such hovercraft, hydrofoil vessels and similar craft or vessels.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Corporation may exercise the following powers at any terminal provided by them in accordance with the provisions of subsection (1) of this section:—

- (a) they may provide and maintain parking places, cloak-rooms, waiting rooms, refreshment rooms, shelters, offices, information bureaux and displays, lavatories, conveniences and other similar accommodation;
- (b) they may make reasonable charges for the use of, or let on hire to any person, any accommodation so provided, or any building or structure;
- (c) they may make regulations as to the use of such parking places, facilities and accommodation.

(3) In this section—

“ hovercraft ” has the same meaning as in the Hovercraft Act 1968;

1968 c. 59.

“ hydrofoil vessel ” means a vessel, however propelled, designed to be supported on foils.

(4) Nothing in this section—

(a) shall exempt the Corporation from the provisions of section 9 of the Harbours Act 1964 in relation to works authorised by this Act;

1964 c. 40.

(b) shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Trade to certain operations and contain other provisions for the safety of navigation).

1949 c. 74.

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

Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

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

10.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion of land that may be acquired

Agreements with adjoining owners.

PART II  
—cont.

under any enactment with respect to the sale by the Corporation to him of any land including any part of a street or highway appropriated by the Corporation under any enactment.

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

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

1845 c. 18.

1965 c. 56.

**11.** Notwithstanding anything in the Lands Clauses Consolidation Act 1845, or the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the 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 thereto shall be repaid 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 land in respect of which the same shall have been paid or any part of such land or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

Prohibition of parking of heavy commercial vehicles at night in grounds of private houses.

**12.—(1) (a)** If after the appointed day representation is made in manner hereinafter mentioned to the Corporation that the amenities of any part of the borough are prejudicially affected by the use during the prescribed hours of any land within the curtilage of any private dwelling-house or boarding house in a street in the borough as a parking place for one or more heavy commercial vehicles, the Corporation on complying with the provisions of this section may make an order precluding the use as a parking place for heavy commercial vehicles during the prescribed hours of land within the curtilage of the private dwelling-house or boarding house in the street or any part thereof to which the representation relates.

**(b)** A representation under the foregoing paragraph shall be made in writing and signed by not less than ten local government electors residing in private dwelling-houses within one hundred yards of any such land as is referred to in paragraph (a) of this subsection.



(2) (a) If the Corporation consider that such an order should be made they shall publish a notice thereof in a local newspaper circulating in the borough stating where the draft order can be inspected and copies purchased and that objections to the said order may be made in writing within one month after the date of the first publication of the notice.

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

(3) (a) After considering any objections made under the last foregoing subsection the Corporation may make an order prohibiting the use during the prescribed hours of the land within the curtilage of any dwelling-house or boarding house in the street or part of a street specified in the order as a parking place for one or more heavy commercial vehicles.

(b) Any such order shall come into operation at the expiration of the period of one month after the first publication in pursuance of subsection (4) of this section of the notice of the order or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine.

(4) When an order has been made by the Corporation under this section they shall give notice thereof and of the right of appeal by publication in a local newspaper circulating in the borough and any person affected by the order and the owner or occupier of a dwelling-house or boarding house in the borough who is aggrieved by the order may appeal to the magistrates' court:

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

(5) In this section—

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

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

PART II  
—cont.

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

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

“ prescribed hours ” means the hours between 9 o'clock in the evening and 8 o'clock in the following morning;

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

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

(a) if and so long as the equipment is not in operation; or

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

(7) Nothing in any order made under this section shall apply so as to prevent a heavy commercial vehicle waiting during the prescribed hours on any land within the curtilage of any private house or boarding house in a street to which the order relates for any period not exceeding one hour.

(8) The occupier of the land within the curtilage of a private dwelling-house or boarding house or any part thereof who permits the same to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle in contravention thereof shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Conditional consent under section 146 of the Highways Act 1959.

1959 c. 25.

13.—(1) Where the Corporation determine to give a consent under section 146 of the Highways Act 1959 (which makes provision for the regulation of the deposit of things and the

making of excavations in streets) to the temporary deposit of building materials, rubbish or other things in a street, or to the making of a temporary excavation in a street, they may attach thereto such reasonable conditions as they think fit, including such conditions as may be required to secure that the person to whom the consent is given complies with the reasonable requirements of the statutory undertakers or the British Railways Board for the protection of any apparatus belonging to, or maintained by, them in the street or for securing access to such apparatus.

PART II  
—cont.

(2) Where it appears to the Corporation that any statutory undertaker or the British Railways Board may be concerned by an application for a consent under the said section 146, they shall, before determining to give the consent, give due notice of the application to such undertaker or board and take into consideration any representations which may, within such reasonable time specified in the notice, be made to them by such undertaker or board.

(3) A person aggrieved by any conditions so attached to a consent given under the said section 146 may appeal to the magistrates' court.

(4) Subsection (4) of the said section 146 shall apply in relation to a contravention of any condition so attached to a consent given under that section as it applies to a contravention of the provisions of subsection (3) of that section.

(5) For the purposes of this section the Post Office shall be included in the expression "the statutory undertakers".

**14.—**(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street in the borough, or in any open space to which the public have access adjacent to any street in the borough—

Damage to trees, etc., in streets and in open spaces.

(a) remove or cut any turf; or

(b) remove, cut or displace any tree, shrub or plant which has been planted for the purpose of improving amenities, or cut or pluck any bud, blossom, flower or leaf of any such tree, shrub or plant.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and the magistrates' court may order the payment of such further amount as appears reasonable compensation for any damage done by such contravention, which last-mentioned amount shall be paid to the person having control of the street or open space.

PART II  
—cont.

(3) In any proceedings under this section in respect of any matter referred to in paragraph (b) of subsection (1) of this section it shall be a defence for the defendant to show that he did not know, and had no reason to know, that the tree, shrub or plant in question had been planted for the purpose of improving amenities.

(4) Nothing in this section shall apply to any open space vested in, or under the control of a local authority or the National Trust for Places of Historic Interest or Natural Beauty.

Damage by  
ineradicable  
substances.  
1914 c. 58.

**15.**—(1) In its application to the borough section 14 of the Criminal Justice Administration Act 1914 shall have effect as if the expression “damage” included the making of any mark or inscription by means of an ineradicable substance.

(2) In this section a substance which makes a mark or inscription the removal of which cannot be secured without unreasonable expense shall be deemed to be an ineradicable substance.

Damage to  
obstruction  
lights, etc.

1950 c. 39.

1961 c. 63.

**16.** Any person who (except in the execution of some act which he has lawful authority to perform) takes down, alters or removes any fence or other guard erected, or extinguishes or removes any light placed, by either the statutory undertakers in pursuance of the requirements of section 8 of the Public Utilities Street Works Act 1950 when executing works in the borough or by the Corporation in pursuance of the powers available in section 9 of the Highways (Miscellaneous Provisions) Act, 1961 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Repair of  
damaged  
buildings, etc.

**17.**—(1) Where the Corporation are satisfied that it is expedient to execute urgent repairs to any building or structure arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by flooding, gales, lightning, earthquakes or landslides the Corporation may at their expense execute such emergency works of repair to the building or structure as in their opinion are necessary.

(2) Before exercising their powers under this section, the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building or structure.

(3) The Corporation shall not in the exercise of their powers under this section enter the operational land of the British Railways Board without the consent of that Board.

Supply of  
water to  
premises  
where supply  
cut off.

**18.**—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of

the occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe or the absence or defective state of any fittings, the Corporation may, after giving not less than twenty-four hours' notice to the owner of the house of their intention to do so, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

PART II  
—cont.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne, or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses, or any part thereof, to be borne by any person other than the defendant in the proceedings, unless the court is satisfied that that other person at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) The powers and functions of the Corporation under the foregoing provisions of this section may be exercised by the medical officer of health or any public health inspector of the borough.

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

(5) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the water undertakers (which consent shall not be unreasonably withheld) and in giving their consent the water undertakers—

(a) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an occupied house has been cut off by the said undertakers in exercise of their statutory powers, conditions to secure that the supply to that house is not restored under the powers of this section unless the Corporation pay

PART II  
—cont.

to the said undertakers any sum due to them in respect of the supply of water to that house, and any expenses reasonably incurred by them in cutting off the supply; and

- (b) may without prejudice to any action or proceedings which they may take under any other enactment elect to carry out on behalf of the Corporation any repair, renewal or other works proposed by the Corporation, in which case the expenses reasonably incurred by the said undertakers in so doing shall be repaid to them by the Corporation.

(6) Any difference which may arise between the water undertakers and the Corporation under the last foregoing subsection (other than a difference as to the meaning or construction of the said subsection) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

Penalty for throwing rubbish into streams.

1930 c. 44.

**19.**—(1) Any person (except in the execution of some act which he has lawful authority to perform) who throws, casts, deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter whatsoever into any river, stream or watercourse within the borough (not being a main river for the purposes of the Land Drainage Act 1930) so as directly or indirectly and whether either singly or in combination with other similar acts of the same or any other person to obstruct or impede the flow of water in, into or out of the same shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) Before the Corporation first take any steps for the purpose of enforcing the provisions of this section they shall consult with the Glamorgan River Authority in regard to those provisions and their enforcement by the Corporation.

Means of access for removal of refuse, etc.

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

“(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with the Corporation, the Corporation 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 Secretary of State in connection with housing operations to which section 145 of the Housing Act 1957 applies.

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—cont.

1957 c. 56.

- (b) Any question arising under this subsection between the Corporation 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 Corporation as satisfactory may on the application of that person be determined by the county court.
- (c) In this section 'refuse storage accommodation', in relation to a building, means accommodation for the storage of dustbins or other refuse containers containing or intended to contain the refuse arising from the use or occupation of the building.
- (2) (a) It shall be unlawful for any person except with the consent of the Corporation to close or obstruct so as to interfere with the removal of refuse the means of access by which refuse is removed from any building, and the Corporation in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.
- (b) Any person who contravenes the provisions of this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine not exceeding two pounds for each day on which the offence continues after conviction thereof."

21. The Corporation may, as respects any premises in their borough, provide and maintain such number of dustbins or other receptacles for the reception of trade refuse as they may consider necessary and make such reasonable charges as they may from time to time determine in connection therewith.

Power to provide dustbins for trade refuse.

22. If it appears to the Corporation that any party or boundary wall of any court, courtyard or yard attached to or forming part of any building in the borough or the fence or door of any such court, courtyard or yard—

Repair of walls, etc., of yards.

- (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 building or to the public;

PART II  
—cont.

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

Regulation  
of bathing.

23.—(1) Section 231 of the Act of 1936 shall have effect in its application to the borough as if in subsection (1) after paragraph (f) there were added the following paragraph:—

“(g) prohibit bathing or attempting to bathe during such periods as the Corporation shall cause to be displayed in a conspicuous manner on the seashore, promenade or parade, by means of flags or other means, notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.”

(2) Any byelaw may be made under the said section 231, as extended by this section, so as to have effect not only within the borough but also within a distance seaward from the borough not exceeding one thousand yards from low-water mark of ordinary spring tides; and any offence against any such byelaw committed within that distance may be inquired into and dealt with as if it had been committed within the borough.

Provisions as  
to seashore,  
etc.

24.—(1) A person shall not, without a permit from the Corporation, let for hire or offer or expose for hire—

- (a) any animal or vehicle; or
- (b) any chair, seat or form;

on any part of the seashore, or any promenade or esplanade adjacent thereto.

(2) Any person aggrieved by the refusal of the Corporation to grant a permit under subsection (1) of this section may appeal to the magistrates' court.

(3) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(4) The provisions of this section shall not prevent the owner of any part of the seashore, or any person with his consent, exercising any right which he could have exercised if this section had not been enacted.

(5) In this section “seashore” includes any bank, barrier, dune, beach, flat or other land adjacent to the foreshore.

Application of  
section 82  
of Public  
Health Acts  
Amendment  
Act 1907.  
1907 c. 53.

25. Section 82 of the Public Health Acts Amendment Act 1907 is hereby applied to the borough and in such application the expression “seashore” shall include any bank, barrier, dune,



beach, flat or other land adjacent to the foreshore and any promenade or esplanade adjacent to the seashore:

PART II  
—cont.

Provided that—

- (a) nothing in this section or in any byelaws made pursuant to the said section 82 shall prevent the owner of any part of the seashore or any person with his consent exercising any right which he could have exercised if this section had not been enacted;
- (b) nothing in any byelaw made under paragraph (3) of the said section 82 shall apply to a sale or offering for sale to persons residing in, or employed at, premises in or adjoining the seashore.

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

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

- (a) sections 37 to 67 of the Town Police Clauses Act 1847 as they apply with respect to hackney carriages and their proprietors and drivers; and

(b) any byelaws which may be made by the Corporation with respect to such carriages, proprietors and drivers; to every private hire vehicle and their proprietors and drivers.

(2) In this section “private hire vehicle” means a motor vehicle, not being a vehicle licensed under the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages, standing or plying for hire in the borough notwithstanding that such vehicle stands or plies for hire from private premises only and whether or not it is on view to the public, and which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require 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 as defined in section 117 of the Road Traffic Act 1960.

1960 c. 16.

### PART III

#### SUPERANNUATION AND FINANCE

27.—(1) In sections 28 to 36 of this Act except as otherwise expressly provided or unless the context otherwise requires—

Interpretation and commencement of this Part.

“the Act of 1937” means the Local Government Superannuation Act 1937;

1937 c. 68.

PART III  
—cont.  
1953 c. 25.

- “ the Act of 1953 ” means the Local Government Superannuation Act 1953;
- “ contributor ” means a contributor to the fund as respects whom the Corporation are the employing authority;
- “ death grant ” and “ transfer value ” have in relation to a contributor the meanings assigned to them respectively by the Regulations of 1954;
- “ the fund ” means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;
- “ the principal Acts ” means the Local Government Superannuation Acts 1937 to 1953;
- “ the Regulations of 1954 ” means the Local Government Superannuation (Benefits) Regulations 1954;
- “ return of contributions ” in relation to a person who has ceased to be a contributor includes any sum paid to or in respect of him by way of interest on the amount of the contributions returned to him;
- “ superannuation benefit ” includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme;

and other expressions to which meanings are assigned by the Act of 1937 have the same respective meanings for the purposes of those sections of this Act.

(2) Without prejudice to the provisions of sections 28 (Extension of section 18 of Act of 1953), 30 (Power to require designated sums to be paid to trustees) and 31 (Transfers of employment) of this Act, the provisions of the principal Acts and the regulations made thereunder shall apply and have effect in relation to a person who is a contributor on or after the date of the coming into force of sections 28 to 36 of this Act, subject to the extensions, modifications and applications of the said Acts and regulations contained in the said sections of this Act.

(3) Sections 30 to 36 of this Act shall come into force on the appointed day.

Extension of  
section 18 of  
Act of 1953.

28.—(1) Section 18 of the Act of 1953, in its application to the borough, shall have effect as if—

- (i) for the expression “ to the widow or any other dependant ” in subsections (1) and (2) there were substituted the words “ to a dependant ”;
- (ii) after sub-paragraph (c) of subsection (1) there were inserted the following new paragraph:—

“ (d) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments

for the benefit of such of the children of the deceased employee who shall for the time being be under the age of twenty-one years:

Provided that the aggregate of the capital value of such annuity and of such periodical payments shall not exceed the amount aforesaid ”.

**PART III**  
—cont.

(2) Subsection (1) of the said section 18 (as amended by the last foregoing subsection), shall apply to a dependant of a former employee of the Corporation who dies within one year after ceasing to be in their employment as it applies to a dependant of an employee who dies whilst in their employment:

Provided that no gratuity shall be granted under this subsection to a dependant of a former employee to whom a gratuity has been granted under subsection (1) of the said section 18.

29.—(1) Where, after the coming into force of sections 28 to 36 of this Act, the employment of a contributor who has attained the age of fifty-five years and completed ten years' service is terminated in the interests of efficiency before he has attained the age of sixty-five years, he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Benefits in certain cases of premature retirement.

Provided that this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the Corporation in writing that he does not wish this subsection to apply to him.

(2) Where, after the coming into force of sections 28 to 36 of this Act, a contributor who has attained the age of fifty-five years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

- (i) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Corporation in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;
- (ii) unless the Corporation otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age.

PART III  
—cont.

(3) Where a person, who has become entitled to a superannuation benefit by virtue of subsection (2) of this section, dies before any payment on account of such benefit has been made to him, as from the date of his death the like benefits shall be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of "service" in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

(5) For the purposes of section 16 of the Act of 1953 and of any rules made thereunder, a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16.

(6) In this section "pensionable age" in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to a superannuation benefit by reason of having, otherwise than under this section, attained such age and completed such period of service as is prescribed in the principal Acts or the regulations made thereunder.

Power to  
require  
designated  
sums to be  
paid to  
trustees.

30.—(1) A contributor may at any time by notice in writing to the Corporation, given in such form as the Corporation may approve, direct that the provisions of this section shall apply to the amount (if any) which would otherwise be payable to his estate by way of death grant, and that any such amount (hereafter in this section and in Schedule 2 to this Act referred to as "the designated sum") instead of being paid to his estate shall be paid to such responsible persons (not being less than two nor more than four in number and hereafter in this section and in the said Schedule 2 referred to as "the trustees") as shall be appointed for that purpose by the Corporation, to be held upon the trusts and with and subject to the powers and provisions in force under the said Schedule 2 at the date of such direction.

(2) Any direction given in accordance with this section shall be effective and the designated sum shall accordingly be paid to the

trustees and shall be held by them upon the trusts and with and subject to the powers and provisions in force under the said Schedule 2 at the date of such direction.

(3) The trusts, powers and provisions set out in the said Schedule 2 may from time to time be varied by resolution of the Corporation but so that the trusts, powers and provisions as so varied shall only apply in relation to directions received by the Corporation after the making of such variations.

(4) Any direction given by a contributor under this section shall be irrevocable and binding on such contributor and his estate and all persons interested therein.

(5) In this section and in the said Schedule 2 “contributor” includes any person who on or after the date of the coming into force of sections 28 to 36 of this Act is a contributor to the fund, and “former contributor” shall be construed accordingly.

31.—(1) The Corporation may, in accordance with the pro- Transfers of  
visions of a scheme made by them for the purposes of this section— employment.

(a) as respects any contributor who ceases or has ceased to hold employment under the Corporation in order to enter an employment (in this paragraph referred to as the “new employment”) in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the fund as is referred to in section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the fund by the contributor), either—

(i) make from the fund in respect of him a payment by way of a transfer value to the body or persons responsible for administering any superannuation scheme in connection with the new employment; or

(ii) subject to such consequential provisions as may be prescribed in the scheme, award to or in respect of him superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment under the Corporation:

Provided that no benefit shall be paid to a person by virtue of this sub-paragraph before such date as may be prescribed under the scheme; and

(b) as respects any person who enters or has entered into employment under the Corporation from an employment in relation to which interchange arrangements are not for

PART III  
—cont.

the time being in force, receive any payment made by or in respect of him to the fund, whether by way of transfer of value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts and the regulations made thereunder as may be prescribed under the said scheme.

(2) A scheme made under this section shall be of no effect unless it has been approved by the Secretary of State and the Secretary of State may approve any such scheme either with or without modifications after consultation with such organisations as are, in his opinion, representative of the interests concerned.

(3) A scheme made under this section may be amended or revoked by a subsequent scheme.

(4) Any body or persons responsible for administering a superannuation scheme in connection with an employment as respects which interchange arrangements are not for the time being in force may make any amendments or modifications of that superannuation scheme that may be desirable to facilitate the operation of any scheme made by the Corporation under this section.

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any such payment by way of a transfer value as is referred to in sub-paragraph (i) of paragraph (a) of subsection (1) of this section or to such payment by way of a transfer value or otherwise as is referred to in paragraph (b) of that subsection.

1948 c. 33.

(6) In this section “interchange arrangements” means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 or by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

Transfer of  
certain sums  
from fund.

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

33.—(1) Subject to the provisions of subsection (4) of this section, subsection (2) of this section applies to employees—

PART III  
—cont.

(a) who are contributory employees; or

(b) who by virtue of the provisions of rule 3 of the Superannuation (Policy and Local Government Schemes) Interchange Rules 1948 are not subject to the provisions of the principal Acts;

Exclusion of certain remuneration and service for superannuation purposes.

and who are employed whole-time by the Corporation or any voluntary organisation, undertakers or other body approved by the Secretary of State and who participate in the benefits of the fund.

(2) The salary, wages, fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this subsection applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Corporation or any other authority or body the employees of which participate in the benefits of the fund—

(a) as a warden of, or other employee performing duties at, or for the purposes of, a youth or sports centre; or

(b) 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;

shall not be remuneration within the meaning of the principal Acts or of any other enactment affecting the fund, and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) Where, before the passing of this Act, any person to whom subsection (2) of this section applies has paid any contribution or contributions to the fund which would not have been so paid if this section had been in force when such contribution or contributions were made, the Corporation shall repay to such person a sum equal to the amount of such contribution or contributions, together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

(4) Subsection (2) of this section shall not apply to any such person as is referred to in subsection (3) of this section unless within six months after the passing of this Act he gives notice in writing to the Corporation that the said subsection (2) is to apply to him, whereupon that subsection shall apply to him as if this Act had come into force on the date of the receipt by the Corporation of such notice.

PART III  
—cont.

Extension of  
power to  
invest super-  
annuation  
fund moneys.

34.—(1) In its application to the Corporation section 21 (3) of the Act of 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of the fund there was substituted an obligation to invest such moneys as follows, namely:—

- (a) in or upon any investments for the time being authorised by law for the investment of trust funds; or
- (b) in or upon any of the securities of any dominion, commonwealth, union, dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof; or
- (c) in or upon any of the securities of any municipality, county or district council or local or public authority or board in the United Kingdom or any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or
- (d) in or upon any securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom government or by the government of any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid; or
- (e) in or upon any of the securities of the government of any foreign country or state; or
- (f) in or upon the debentures of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world; or
- (g) in or upon any guaranteed, preference or ordinary shares or any preferred or deferred or other shares of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world, being shares which at the time of making the investment are quoted on any recognised stock exchange or similar institution:

Provided that no investment shall be made at any time when the value of all the investments made under this paragraph which form part of the fund equals or exceeds three-quarters of the total value of the assets of that fund; or



(h) in the advance of money upon the security of—

PART III  
—cont.

(i) immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands; or

(ii) any legal estate or interest in immovable property comprised in a building agreement providing for the grant of a lease of such property contingent upon the erection or completion of the building specified in such agreement;

and in any such case whether the security be taken by a separate and distinct mortgage or security made exclusively to the Corporation, or by a mortgage or security made jointly to the Corporation and any other person.

(2) All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the fund or otherwise in relation thereto shall be paid by the Corporation out of the fund.

(3) For the purposes of the foregoing provisions of this section an investment in the units of a unit trust scheme or in participation certificates or in any form of participation under any trust or scheme established in the United Kingdom or in any of the territories or countries referred to in subsection (1) of this section having the effect of enabling persons to participate in the profits and income arising from the acquisition, holding, management or disposal of such securities or of such land or interest in land as are specified in that subsection shall be regarded as an investment in the securities in question or in such land or interest in land.

(4) The restrictions contained in paragraphs 1, 2 (b) and 3 of Part IV of Schedule 1 to the Trustee Investments Act 1961 shall not apply to the securities in which the Corporation is authorised to invest by virtue of paragraph 1 of Part III of the said Schedule 1 or by virtue of subsection (1) of this section. 1961 c. 62.

35.—(1) Subject to the provisions of this section, the powers exercisable by the Corporation under the Trustee Investments Act 1961 to invest any property belonging to the wider-range part of the fund shall include power to invest such property—

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

(a) 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 or any interest in such land and used or to be used for residential, commercial or industrial purposes;

**PART III**  
—cont.

(b) in undertaking or financing whether alone or jointly with any other person—

(i) the erection of a new building or the improvement or extension of an existing building; or

(ii) building operations or other development;

on land belonging to the Corporation or to any other person or on land which is or will be held jointly by the Corporation and any other person;

but Part IV of the First Schedule to the said Act of 1961 shall not apply to any investment made under this subsection.

(2) 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.

(3) For the purposes of the last foregoing subsection, the value of any investment of property belonging to the wider-range part of the fund shall be deemed to be the value of the investment at the time at which it was made.

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

(5) In this section “property” and “the wider-range part” in relation to the fund have the same meanings as they have for the purposes of the said Act of 1961.

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

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

Certain  
vehicles  
deemed to be  
property of  
Corporation  
for  
third-party  
insurance  
purposes.  
1960 c. 16.

37. Any vehicle for the time being in the custody and control of the Corporation and in charge of a person in their employment or any other person for whose actions they are responsible shall be deemed to be a vehicle owned by the council of a borough for the purposes of Part VI of the Road Traffic Act 1960 (which relates to compulsory insurance or security against third-party risks arising out of the use of motor vehicles).

Power to  
raise money  
abroad.

38.—(1) Any method by which the Corporation are empowered by any enactment to raise any money which they are authorised to borrow shall, 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) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) 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.

39.—(1) The Corporation may advance money to—

- (a) any person for the purpose of enabling or assisting him to purchase or lease any land in the borough; or
- (b) the purchaser or lessee of any land in the borough for the purpose of enabling or assisting him to construct, extend or improve any building on the land or to provide services or facilities relating thereto.

Power to  
lend, etc., for  
purchase,  
etc., of land,  
or for  
building  
purposes.

(2) The amount of the principal of any advance made under this section shall not exceed three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(3) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963 (which section empowers local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to an advance made under subsection (1) of this section, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3 of references to an advance made under subsection (1) of this section and to any other necessary modifications. 1963 c. 29.

(4) Any person acting on behalf of the Corporation and authorised in writing by their town clerk shall have power at all reasonable times, after giving not less than seven days' notice to the occupier, to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(5) In this section "lessee" includes a person to whom the owner has agreed to grant a lease.

PART III  
—cont.

Power to  
borrow.

40.—(1) The Corporation may borrow—

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

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

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

1946 c. 58. (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.

PART IV

MANAGEMENT SERVICES

Memorial  
Hall, Barry.

41. The Memorial Hall vested in the Corporation immediately before the commencement of this Act, shall continue so vested, and shall be managed henceforth by a committee appointed by the council, until such time as other provisions may have been made by scheme of the court or of the Charity Commissioners for England and Wales in the exercise of the jurisdiction conferred upon them by section 18 of the Charities Act 1960.

1960 c. 58.

Microfilming  
of documents.

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

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

Provided that—

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

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.

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

(4) Notwithstanding anything contained in any enactment or any rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the town clerk certifies that—

(a) the document has been destroyed; and

(b) a microfilm recording of the document has been made; and

(c) the enlargement is an enlargement of that microfilm recording.

(5) In this section unless the context otherwise requires—

(a) “document” means the whole or part of a register, book, map, plan or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the council or any committee of the council;

(b) “microfilm recording” means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

43. For the avoidance of doubt it is hereby declared that the Corporation or their duly authorised officer may on being requested to do so produce, for inspection by any person who satisfies them or their duly authorised officer that he has a genuine interest therein, any plans or drawings which have been lodged or deposited with them in connection with any application made to the Corporation pursuant to any enactment for a decision, determination, grant, consent, agreement, approval or permission.

Inspection of plans relating to applications.

44. At any time after a period of six years from the date of the receipt by the Corporation of an application made to the Corporation for a decision, determination, grant, consent, agreement, approval or permission, the Corporation may destroy any documents received by them in connection with the application:

Destruction of documents connected with applications.

PART IV  
—cont.

Provided that nothing in this section shall authorise the Corporation to destroy the application and a copy of any plan or plans approved by them in connection therewith, together with any related certificate, consent, permit or other document issued pursuant to any enactment.

Delegation of  
powers to  
committees  
and sub-  
committees.

45.—(1) Subject to subsection (5) of section 85 of the Act of 1933, the power of delegation conferred on the council by that section shall extend to enable the council to delegate functions to a committee, notwithstanding that those functions have been delegated to the council by or by virtue of any enactment.

(2) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to any direction of the council, appoint such sub-committees consisting either wholly or partly of members of the committee, as the committee think fit and, subject as aforesaid, may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

(3) A sub-committee appointed under this section (other than a sub-committee of a committee for regulating and controlling the finance of the council or of the borough) may include persons who are not members of the council:

Provided that—

- (a) a majority of the members of any such sub-committee shall be members of the council; and
- (b) whenever at any meeting of any such sub-committee the members present thereat do not include a majority of members of the council, any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(4) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which any committee of the council are authorised to appoint a sub-committee under any other enactment.

(5) The provisions of this section shall not operate to permit the council to delegate the power to levy, or issue a precept for, a rate or to borrow money.

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

46.—(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;

may be given under the hand of the town clerk or his duly authorised deputy instead of under the common seal of the Corporation.

(2) For the purposes of—

(a) subsection (1) of this section; and

(b) any certificate of registration issued by the Corporation;

a grant, 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 reproduced is affixed to such grant, licence or certificate.

PART IV  
—cont.

47.—(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 may be executed under the hand of the town clerk or his duly authorised deputy in lieu of the common seal of the Corporation. Attestation of mortgages.

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

## PART V

### GENERAL

48. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State. Confirming authority for byelaws.

49. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation. Restriction on right to prosecute.

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

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

(a) involves the execution of any work or the taking of any action; or

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

PART V  
—cont.

then, until the time for appealing has expired or, if an appeal is lodged, 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.

The appointed day.

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

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

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

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

(4) Either—

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

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

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

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



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

PART V  
—cont.

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 50 (Appeals) of this Act.

52. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority.

Protection of members and officers of Corporation from personal liability.  
1875 c. 55.

53.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

Application of general provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part II (Borough services) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to section 26 (Provisions as to motor vehicles let for hire) of this Act.

54. It shall not be lawful to exercise the powers conferred by any of the provisions of this Act except in compliance with the Exchange Control Act 1947.

Exchange control.  
1947 c. 14.

55. The costs, charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act.

Costs of Act.

## SCHEDULES

### Section 12.

#### SCHEDULE 1

##### CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

1. The vehicle must be permanently fitted with a rigid roof with or without a sliding panel.
2. The area of the vehicle to the rear of the driver's seat must—
  - (a) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle; and
  - (b) be lit on each side and the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear.
3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 2 of this schedule (or if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

### Section 30.

#### SCHEDULE 2

SETTING OUT THE TRUSTS, POWERS AND PROVISIONS UPON, WITH AND SUBJECT TO WHICH THE DESIGNATED SUM IS TO BE HELD IN PURSUANCE OF A DIRECTION GIVEN BY A CONTRIBUTOR UNDER SECTION 30 (POWER TO REQUIRE DESIGNATED SUMS TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 30 (Power to require designated sums to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions, that is to say:—

- (1) During the period of twenty-one years from the death of the former contributor the trustees may pay or apply the designated sum and the income thereof, or any part thereof, respectively to or for the benefit of all or any one or more exclusively of the other or others of the following persons:—
  - (a) the widow or widower of such former contributor;
  - (b) the grandparents of such former contributor and the grandparents of the widow or widower of such former contributor and the grandparents of any previous or deceased wife or husband of such former contributor;
  - (c) the issue of such former contributor;

(d) any other issue of any of the grandparents referred to in sub-paragraph (b) of this paragraph; and

SCH. 2  
—cont.

(e) the person or persons (if any, and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine and so that the trustees may, if they think fit, pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

- (2) In addition to the powers conferred on them by virtue of the foregoing paragraph (1), during the said period of twenty-one years the trustees may at any time pay or apply the designated sum and the income thereof, or any part thereof, respectively to or for the benefit of any person who, in the opinion of the trustees, was wholly or in part dependent on the earnings of such former contributor at his death in such manner as the trustees shall in their absolute discretion think fit.
- (3) Subject as aforesaid, the designated sum and the income thereof, or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this schedule, shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act 1925, as amended by the Intestates' Estates Act 1952, or any statutory modification or re-enactment thereof in force at the death of such former contributor if such former contributor had died possessed thereof intestate and domiciled in England and solvent and so that such persons, if more than one, shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts and subject to the conditions therein contained. 1925 c. 23.  
1952 c. 64.
- (4) In this schedule the expressions " grandparent " and " issue " shall be construed as if the step-child, adopted child or illegitimate child of any person was that person's child, and " issue " includes issue in any degree.

Section 53.

SCHEDULE 3  
SECTIONS OF ACT OF 1936 APPLIED

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SECTIONS APPLIED GENERALLY

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283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II

SECTIONS APPLIED TO PART II OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
289	Power to require occupier to permit works to be executed by owners.
290	Provision as to appeals against, and the enforcement of, motions requiring execution of works.
291	Certain expenses recoverable from owners to be a charge on the premises; Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act, 1925.

1925 c. 55.

PART III

SECTION APPLIED TO SECTION 26 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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# Barry Corporation Act 1970

## CHAPTER lxvii

### ARRANGEMENT OF SECTIONS

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Section

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2. Division of Act into Parts.
3. Interpretation.

#### PART II

#### BOROUGH SERVICES

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5. Boundary walls.
6. Control of goods service areas.
7. Power to provide facilities for hovercraft, hydrofoil vessels, etc.
8. Provision of substituted sites.
9. Power to reinstate owners or occupiers of property.
10. Agreements with adjoining owners.

## Section

11. Recovery of deposits under Lands Clauses Consolidation Act 1845 or the Compulsory Purchase Act 1965.
12. Prohibition of parking of heavy commercial vehicles at night in grounds of private houses.
13. Conditional consent under section 146 of the Highways Act 1959.
14. Damage to trees, etc., in streets and in open spaces.
15. Damage by ineradicable substances.
16. Damage to obstruction lights, etc.
17. Repair of damaged buildings, etc.
18. Supply of water to premises where supply cut off.
19. Penalty for throwing rubbish into streams.
20. Means of access for removal of refuse, etc.
21. Power to provide dustbins for trade refuse.
22. Repair of walls, etc., of yards.
23. Regulation of bathing.
24. Provisions as to seashore, etc.
25. Application of section 82 of Public Health Acts Amendment Act 1907.
26. Provisions as to motor vehicles let for hire.

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## SUPERANNUATION AND FINANCE

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35. Investment of fund moneys in acquisition, etc., of land.
36. Section 21 (3) of Act of 1937 not to limit foregoing powers.
37. Certain vehicles deemed to be property of Corporation for third-party insurance purposes.
38. Power to raise money abroad.
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40. Power to borrow.

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42. Microfilming of documents.

Section

43. Inspection of plans relating to applications.
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Schedule 2—Setting out the trusts, powers and provisions upon, with and subject to which the designated sum is to be held in pursuance of a direction given by a contributor under section 30 (Power to require designated sums to be paid to trustees) of this Act.

Schedule 3—Sections of Act of 1936 applied—

Part I—Sections applied generally.

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Part III—Section applied to section 26 of this Act.