

**ELIZABETH II**



**1970 CHAPTER lxx**

An Act to confer further powers on the mayor, aldermen and citizens of the city of Gloucester in relation to the finances of the city; and for other purposes.

[17th December 1970]

**W**HEREAS—

(1) The city of Gloucester in the county of the city of Gloucester (hereinafter called “ the city ”) is a city and county borough under the government of the mayor, aldermen and citizens of the city (hereinafter called “ the Corporation ”):

(2) It is expedient that further and better provision should be made with reference to the finances of the city, the investment of the Corporation’s superannuation fund, and the making of byelaws with respect to motor vehicles let for hire:

(3) It is expedient that provision should be made with a view to the taking of measures for preventing obstruction of rivers or streams within the city:

(4) It is expedient to confer certain powers on the Corporation and the Cheltenham Corporation for the development of land held in connection with their joint aerodrome undertaking, and that the other provisions of this Act should be enacted:

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

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

## PART I

### PRELIMINARY

- Short title.      1. This Act may be cited as the Gloucester Corporation Act 1970.
- Division of Act into Parts.      2. This Act is divided into Parts as follows:—  
                     Part I.—Preliminary.  
                     Part II.—Finance.  
                     Part III.—Miscellaneous.  
                     Part IV.—General.
- Interpretation.    3.—(1) In this Act the following expressions have the meanings hereby assigned to them:—
- 1933 c. 51.      “ the Act of 1933 ” means the Local Government Act 1933;  
                     “ the Act of 1937 ” means the Local Government Superannuation Act 1937;
- 1937 c. 68.  
 1961 c. 62.      “ the Act of 1961 ” means the Trustee Investments Act 1961;  
                     “ the city ” means the city and county borough of Gloucester;  
                     “ the Corporation ” means the mayor, aldermen and citizens of the city;  
                     “ debentures ” includes debenture stock and bonds whether constituting a charge on assets or not, and loan stock;  
                     “ enactment ” means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;  
                     “ the fund ” means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;  
                     “ property ”, in relation to the fund, has the meaning assigned thereto by section 4 of the Act of 1961;  
                     “ recognised stock exchange ” in its application to the United Kingdom has the meaning assigned thereto by section 26 (1) of the Prevention of Fraud (Investments) Act 1958;
- 1958 c. 45.      “ securities ” includes funds, bonds, mortgages, stocks, shares, debentures or notes;

“ shares ” includes stock;

“ the wider-range part ”, in relation to the fund, has the meaning assigned thereto by the Act of 1961.

(2) Any reference in this Act to an 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

### FINANCE

4. In addition to the modes of borrowing prescribed by the Act of 1933 the Corporation may raise money— Power to raise money by bills.

(1) for any purpose for which the Corporation are authorised to borrow;

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called “ Gloucester Corporation bills ”, in this section referred to collectively as “ bills ” and separately as “ a bill ”) subject to and in accordance with the following provisions:—

(a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the 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 Corporation and shall bear the signature of the treasurer to the Corporation or of some other person authorised by the Corporation:

(e) The Corporation may make regulations providing for—

(i) the preparation, form, mode of issue, payment and cancellation of bills;

(ii) the issue of new bills in lieu of bills defaced, lost or destroyed;

(iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and



PART II  
—cont.

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

- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised in respect 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 five hundred thousand pounds; or
- (ii) one-fifth of the amount of the estimated gross rate income of the city during the then current financial year;
- whichever is the greater:
- (h) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:
- (i) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has then been raised by the issue of bills:
- (j) The power of raising money by means of bills shall not be exercised by the Corporation in any financial year during which the estimated gross rate income of the Corporation does not exceed three million pounds:
- (k) In this section—

“ gross rate income ” means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967;

“ signature ” includes a facsimile of a signature by whatever process reproduced.

1967 c. 9.

Power to raise money by bearer bonds.

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

Power to raise money abroad.

6.—(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.

7.—(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 were substituted an obligation to invest such moneys as follows, namely:—

Extension of  
power to  
invest  
superannua-  
tion fund  
moneys.

- (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 securities; 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



PART II  
— cont.

(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 such investments 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—

(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; or

(i) 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.

(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) (a) 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.

PART II  
—cont.

(b) In this subsection—

“ participation certificate ” means any document conferring upon the holder the right to participate in (or constituting evidence of the right of the holder to participate in) the profits or income arising from the acquisition, holding, management or disposal of a particular investment specified or described in the document;

“ unit trust scheme ” has the meaning assigned thereto by section 26 (1) of the Prevention of Fraud (Investments) Act 1958.

1958 c. 45

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

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

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

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

9. 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.

10.—(1) So long as the investments under paragraph (i) of section 7 (1), and under section 8, of this Act are together equal to or greater than one-quarter of the total value of the wider-range part of the fund, no further investment shall be made thereunder.

Restriction on investment of fund moneys in property.



PART II  
—cont.

(2) For the purposes of this section 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.

Power to  
borrow.

**11.**—(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.

Saving for  
Borrowing  
(Control and  
Guarantees)  
and Exchange  
Control Acts.  
1946 c. 58.  
1947 c. 14.

**12.** Nothing in this Act shall be taken as exempting the Corporation from the provisions of any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 or from the provisions of the Exchange Control Act 1947.

## PART III

## MISCELLANEOUS

Electronic or  
mechanical  
equipment.

**13.** At any time after the Corporation have provided, whether alone or jointly with any other person or body, any electronic or mechanical data processing equipment for the purposes of all or any of their work, they may, by agreement with the council of any borough or any urban or rural district, or with any other person, use, or permit that council or person to use, such equipment for the purposes of that council or person, and may make such charges as may be agreed for the use of the equipment.

Cleansing of  
rivers and  
streams.  
1930 c. 44.  
1961 c. 48.

**14.**—(1) The powers of the Corporation (exercising, under section 50 (2) of the Land Drainage Act 1930, the powers of a drainage board conferred by section 35 of that Act as amended by section 28 of the Land Drainage Act 1961) to require a person to remedy a condition of a watercourse in the city being a condition such that the proper flow of water is impeded shall extend to a



condition that the proper flow of water is likely to be impeded and accordingly the said section 28 shall, in its application to the Corporation, have effect as if—

- (a) in subsection (2) after the word “impeded” there were inserted the words “or likely to be impeded”; and
- (b) in subsection (4) (a), after the word “occurs” there were inserted the words “or is likely to occur”.

(2) Where the Corporation, pursuant to section 34 of the said Act of 1961, exercise the power of maintaining existing works under section 34 (1) (a) of the Land Drainage Act 1930 in a case 1930 c. 44. where a river or stream or any part thereof is obstructed so that there is an immediate likelihood of damage being occasioned to property thereby or there is a danger to persons the Corporation may recover from the person by whose act or default the obstruction occurred the expenses reasonably incurred by them in so doing.

(3) (a) A person against whom proceedings are taken under subsection (2) of this section (hereafter in this section referred to as “the original defendant”) shall upon complaint duly made by him and on giving to the Corporation not less than three clear days’ notice of his intention be entitled to have any person to whose default or sufferance he alleges that the obstruction was due brought before the court in the proceedings and if the original defendant proves that the obstruction arose or continued by the default or sufferance of that other person the court shall have power—

- (i) to order that such expenses as aforesaid may be recovered from that other person; or
- (ii) to apportion the expenses between persons by whose defaults or sufferances the obstruction arose or continued in such manner as the court may deem fair and reasonable.

(b) Where the original defendant seeks to avail himself of the provisions of paragraph (a) of this subsection—

- (i) the Corporation as well as the person to whose default or sufferance the original defendant alleges that the obstruction is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and
- (ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

PART III  
—cont.  
1930 c. 44.

(4) The powers of this section shall not be exercisable in respect of a main river of the Severn River Authority, as defined in the Land Drainage Act 1930.

1961 c. 48.

(5) Section 61 (Protection of public utility, water, railway and certain other undertakings) of the Land Drainage Act 1930, and section 40 (Powers of entry) of the Land Drainage Act 1961, shall apply for the purposes of this section as they apply for the purposes of those Acts.

Provisions  
as to motor  
vehicles let  
for hire.

1847 c. 89.  
1875 c. 55.

**15.**—(1) The provisions of the Town Police Clauses Act 1847 and of section 171 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by the byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle (notwithstanding that it is not a hackney carriage) which is offered or let for hire with the services of a driver and to such drivers:

Provided that this section shall not apply to—

1960 c. 16.

- (a) a public service vehicle as defined in section 117 of the Road Traffic Act 1960; or
- (b) a motor vehicle kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or
- (c) a motor vehicle kept by a person in connection with any business carried on by him as a funeral director or as owner of funeral vehicles available for hire and used wholly or mainly in connection with that business; or
- (d) any vehicle belonging to or used by the British Railways Board for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises;

or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the British Railways Board except with the consent of the British Railways Board.

1958 c. xxxv.

(2) Section 103 of the Gloucester Corporation Act 1958 is hereby repealed.



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

- (a) given or made under seal 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 joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925. 1925 c. 22.

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

17. Section 130 (Joint aerodrome undertaking) of the Gloucester Corporation Act 1935 is amended by adding at the end thereof a new subsection as follows:—

“(6) The Corporations may, with the consent of the Secretary of State for the Environment, lay out and develop any lands held by them for the purposes of the joint aerodrome undertaking, and not required for those purposes.”

PART III  
—cont.  
Under-  
takings and  
agreements  
binding  
successive  
owners.

Power to  
develop joint  
aerodrome  
lands.  
1935 c. lxxxvii.

PART IV

GENERAL

18. 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 of a local authority.

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

19. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Corporation to take, use or in

Crown rights.

**PART IV**  
—*cont.*

any manner interfere with any land or hereditament or any right of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that department.

**Arbitration.**

**20.** In any arbitration under a provision of this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Institution of Civil Engineers.

**Costs of Act.**

**21.** The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act.

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PRINTED IN ENGLAND BY THE OYEZ PRESS  
PRINT DIVISION OF THE SOLICITORS' LAW STATIONERY SOCIETY, LTD.

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

2s. 6d. [12½p] net





# Gloucester Corporation Act 1970

## CHAPTER lxx

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