



# Lancashire County Council (General Powers) Act 1971

## CHAPTER xxxii

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**ELIZABETH II**



**1971 CHAPTER xxxii**

An Act to make further provision as to the chairmen and deputy chairmen of courts of quarter sessions holden for the county palatine of Lancaster; to confer further powers on the county council of the administrative county of the county palatine of Lancaster and on local authorities in relation to the local government, improvement, health and finances of the said county; and for other purposes.

[1st July 1971]

**WHEREAS—**

(1) It is expedient to make further provision as to the superannuation allowances and benefits for salaried chairmen and salaried deputy chairmen of general quarter sessions of the peace holden for the county palatine of Lancaster:

(2) It is expedient that further and better provision should be made for the local government, improvement, health and finances of the administrative county of the county palatine of Lancaster and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") and of local and other authorities therein should be enlarged and extended as provided in this Act:

(3) It is expedient to make further provision for the superannuation of the officers and servants of the Council and of local and other authorities in the county and of persons who contribute to the superannuation funds of the Council and of such local and other authorities and to amend the enactments relating thereto:

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

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

1933 c. 51. (6) 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, that is to say:—

## PART I

### PRELIMINARY

Short title. 1. This Act may be cited as the Lancashire County Council (General Powers) Act 1971.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—  
Part I.—Preliminary.  
Part II.—Quarter sessions.  
Part III.—Finance.  
Part IV.—Superannuation.  
Part V.—Miscellaneous and general.

Interpretation. 3.—(1) In this Act, unless otherwise expressly enacted or the subject or context otherwise requires, the several words and expressions to which meanings are assigned by sections 90, 110 and 343 of the Act of 1936 have the same respective meanings.

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

“ Act of 1933 ” means the Local Government Act 1933;

1936 c. 49. “ Act of 1936 ” means the Public Health Act 1936;

1957 c. 56. “ Act of 1957 ” means the Housing Act 1957;

- “ Act of 1959 ” means the Highways Act 1959; PART I
- “ Act of 1960 ” means the Lancashire County Council (Industrial Development etc.) Act 1960; —cont.
- “ Act of 1967 ” means the Road Traffic Regulation Act 1967; 1959 c. 25.
- “ Act of 1968 ” means the Lancashire County Council (General Powers) Act 1968; 1960 c. xxxiii.
- “ Council ” means the county council of the county; 1967 c. 76.
- “ county ” means the administrative county of the county palatine of Lancaster;
- “ county fund ” means the county fund of the Council;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ district ” means a borough or an urban or rural district in the county;
- “ local authority ” means the council of a district;
- “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act 1952; 1968 c. xxix.
- “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946; 1952 c. 55.
- “ officer ” includes servant;
- “ parish council ” means the parish council of a rural parish in the county; or where there is no parish council the parish meeting of such parish;
- “ road ” has the same meaning as in section 257 of the Road Traffic Act 1960; 1946 c. 31.
- “ rural district ” means a rural district in the county;
- “ rural district council ” means the council of a rural district;
- “ urban district ” means a borough or an urban district in the county.

(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

### QUARTER SESSIONS

4. In this Part of this Act, unless the subject or context otherwise requires, words and expressions to which meanings are assigned by the Act of 1961 have the same respective meanings and— Interpretation for purposes of Part II of Act.

“ the Act of 1928 ” means the Lancashire Quarter Sessions Act 1928; 1928 c. xxx.

PART II  
—cont.  
1961 c. xiv.

“the Act of 1961” means the Lancashire Quarter Sessions Act 1961;

“chairman” means a person holding office in pursuance of the Lancashire Quarter Sessions Acts 1928 to 1961 as salaried chairman of the Preston Quarter Sessions and the Manchester Quarter Sessions, the Lancaster Quarter Sessions or the Liverpool Quarter Sessions;

“the deputy chairman” means a person holding office in pursuance of the Lancashire Quarter Sessions Acts 1928 to 1961 as salaried deputy chairman of the Preston Quarter Sessions and the Manchester Quarter Sessions, the Lancaster Quarter Sessions or the Liverpool Quarter Sessions.

Superannua-  
tion  
allowance  
and benefits.

5.—(1) The Preston justices and the Manchester justices, the Lancaster justices or the Liverpool justices (if they think fit) may undertake to pay to or in respect of the chairman or deputy chairman of the Preston Quarter Sessions and Manchester Quarter Sessions, the chairman or deputy chairman of the Lancaster Quarter Sessions, or the chairman or deputy chairman of the Liverpool Quarter Sessions, as the case may be, if—

(a) after five years' service he dies in office or his office is vacated in pursuance of section 7 (Compulsory retirement of salaried chairman) of the Act of 1928; or

(b) after five years' service he retires and the justices are satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent; or

(c) after fifteen years' service he resigns and at the time of resignation has attained the age of sixty-five years;

a superannuation allowance and benefits, to be ascertained in accordance with a scheme to be prepared by the justices and approved by the Lord Chancellor.

(2) A scheme under this section may be varied or revoked by a subsequent scheme to be prepared by the justices of the quarter sessions by whom such first-mentioned scheme was prepared and approved by the Lord Chancellor.

(3) Any superannuation allowance and benefits which may become payable pursuant to a scheme prepared and approved under this section shall be paid by the Council.

(4) The provisions of section 13 (As to joint exercise of powers by justices) of the Act of 1928 shall apply for the purpose of

exercising the powers of this section in relation to the preparation of a scheme in like manner as they apply for the purposes of exercising any powers of the Act of 1928 in relation to the pension of a chairman or a deputy chairman.

PART II  
—cont.

(5) The provisions of section 14 (As to payment of salaries pensions and fees) of the Act of 1928 shall apply to the payment of any superannuation allowance and benefits payable pursuant to a scheme prepared and approved under this section in like manner as they apply to any pension paid under the Act of 1928.

6.—(1) As from the approval of a scheme under section 5 (Superannuation allowance and benefits) of this Act, section 12 (As to pension to salaried chairmen) of the Act of 1928 and so much of section 6 (Application of provisions of Act of 1928) of the Act of 1961 as extends and applies the said section 12 in relation to salaried deputy chairmen shall be hereby repealed. Repeal.

(2) Without prejudice to the operation of section 38 of the Interpretation Act 1889, all agreements and other instruments entered into or made under any enactment repealed by this section shall be as binding and of as full force and effect in every respect and enforceable as fully and effectually as if this Act had not been passed. 1889 c. 63.

7.—(1) If a chairman or deputy chairman serving at the date of the approval of a scheme under section 5 (Superannuation allowance and benefits) of this Act within three months after that date so elects— Chairmen or deputy chairmen already serving.

(a) such chairman or deputy chairman shall be entitled to receive on retirement such pension and other benefits as he would have been entitled to receive pursuant to the provisions of the Act of 1928 and the Act of 1961 if this Act had not been passed; and

(b) the provisions of the said scheme shall not apply to such chairman or deputy chairman.

(2) A chairman or deputy chairman who, after duly making an election under this section, marries while still serving as chairman or deputy chairman, as the case may be, may within three months after the marriage by notice revoke his election.

(3) An election or notice authorised to be made under this section shall be in writing, shall be made to the Council, and shall be made in the life-time of the person who makes it.



## PART III

## FINANCE

Power to  
raise  
money  
abroad.

8.—(1) Any method by which the Council 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 be exercised only with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Council 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 was substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there was substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

Amendment  
of section 22  
of Act of  
1968.

9.—(1) Section 22 (Power to Council to lend money to local authorities, etc.) of the Act of 1968 shall have effect as if for subsection (6) of that section there was substituted the following subsection:—

“(6) In this section the expression ‘local authority’ means the council of any county, county borough or county district and any authority being a local authority as defined by section 34 of the Local Loans Act 1875, and includes the Lancashire Police Authority, any river authority or drainage board and any joint board if all the constituent authorities are such local authorities as aforesaid”.

1875 c. 83.

(2) The powers of the said section 22 as amended by this section shall not be exercised unless—

(a) the local authority borrowing from the Council is either—

(i) an authority of which the Council is a constituent member; or

(ii) an authority to which the Council appoint a representative; or

(iii) a member authority of a consortium of which the Council is also a member; or

(iv) the council of a district; or



- (b) the sum lent by the Council is part of a larger sum borrowed by the Council by way of a stock issue, bond issue, foreign loan or issue of bills for their own needs and for the needs of another local authority seeking to raise money by the same means.

PART III  
—cont.

10. Subject to the consent of the Secretary of State the provisions of section 15 (Investment of superannuation fund) of the Act of 1960, as amended by section 24 (Amendment of powers of investment of superannuation fund) of the Act of 1968, shall apply to any local authority or joint committee by whom a superannuation fund is maintained under the Local Government Superannuation Act 1937 and those provisions shall accordingly have effect with any necessary modification, including the substitution of "local authority" or "joint committee", as the case may be, for "Council":

Application of section 15 of Act of 1960 to certain local authorities, etc.  
1937 c. 68.

Provided that in its application to any such local authority or joint committee the proviso to subsection (1) of section 15 of the Act of 1960 as amended by the said section 24 shall have effect as if for the words "specified in paragraph (g)" there were substituted the words "specified in paragraphs (g) (h) and (j)" and for paragraph (ii) there were substituted the following paragraphs:—

- "(ii) no investment shall be made under paragraphs (g) (h) and (j) at any time when the value of all the investments made under those paragraphs which form part of the superannuation fund exceeds three-quarters of the total value of the assets of that fund;
- (iii) no investment shall be made under the said paragraphs (h) and (j) which forms part of the said fund at any time when the value of all the investments made under the said paragraphs (h) and (j) exceeds one-quarter of the said total value."

#### PART IV

##### SUPERANNUATION

11.—(1) In this Part of this Act except as otherwise expressly provided or unless the context otherwise requires words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings and—

Interpretation of Part IV, etc.

- "the Act of 1937" means the Local Government Superannuation Act 1937;
- "contributor" means a contributor to the fund as respects whom the Council are the employing authority;
- "the fund" means the superannuation fund maintained by the Council under Part I of the Act of 1937;

PART IV  
—cont.

“ 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;

“ transfer value ” has in relation to a contributor the meaning assigned to it by the Regulations of 1954.

(2) In this section and in sections 12 to 15 of this Act “ the new superannuation provisions ” means those sections, and this section.

(3) Without prejudice to the provisions of section 14 (Application of the new superannuation provisions to other employing authorities) and section 15 (Application of the new superannuation provisions to local authorities) 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 the new superannuation provisions, subject to the extensions, modifications and applications of the said Acts and regulations contained in the new superannuation provisions.

Commence-  
ment of new  
superannua-  
tion  
provisions.

Benefits in  
certain  
cases of  
premature  
retirement.

**12.** The new superannuation provisions shall come into force on 1st September 1971.

**13.—(1)** Where, after the coming into force of the new superannuation provisions, 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:

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 Council in writing that he does not wish this subsection to apply to him and if he does so notify the Council then for the purpose only of ascertaining whether under any enactment he has become entitled to receive superannuation benefits he shall be deemed not to have had his employment

terminated as aforesaid if within twelve months of the termination of his employment he again enters employment in which he could become entitled to receive a superannuation benefit or in relation to which a transfer value is payable.

PART IV  
—cont.

(2) Where, after the coming into force of the new superannuation provisions, 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 Council 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 Council 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.

(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 Local Government Superannuation Act 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

1953 c. 25.

PART IV  
—cont.

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 superannuation benefits 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 of 1954 as the case may be.

Application  
of the new  
superannua-  
tion  
provisions  
to other  
employing  
authorities.

14.—(1) An authority to whom this section applies may by resolution adopt the provisions of the foregoing section as from such date not being earlier than 1st September, 1971, as may be specified in such resolution, and where such provisions are so adopted they shall apply and have effect in relation to the authority as if—

- (a) any reference therein to a contributor was a reference to a contributor to the fund as respects whom the authority are the employing authority;
- (b) any reference therein to the Council was a reference to the authority.

(2) Where in pursuance of the foregoing subsection the said provisions are adopted by an authority to whom this section applies as from a date later than 1st September, 1971, then any reference in those provisions to 1st September, 1971, or to the date of the coming into force of the new superannuation provisions shall be construed in relation to the authority as a reference to such later date.

(3) This section applies to—

- (i) a local authority which does not maintain a superannuation fund under Part I of the Act of 1937;
- (ii) the Lancashire Police Authority;
- (iii) the Lancashire Magistrates’ Courts Committee;
- (iv) the Lancashire North Probation and After-Care Committee;
- (v) the Lancashire South East Probation and After-Care Committee;
- (vi) the Lancashire South West Probation and After-Care Committee;
- (vii) any organisation, undertaking or body in respect of which there is for the time being in force an admission agreement with the Council pursuant to section 15 of the Local Government Superannuation Act 1953;

(viii) any other employing authority in relation to which the fund is the appropriate superannuation fund within the meaning of paragraph (d) of subsection (3) of section 1 of the Act of 1937.

PART IV  
—cont.

15.—(1) Where a local authority or a combination of local authorities maintains a superannuation fund under Part I of the Act of 1937 any such local authority may by resolution adopt the provisions of section 13 (Benefits in certain cases of premature retirement) of this Act as from such date, not being earlier than 1st September, 1971, as may be specified in such resolution, and where such provisions are so adopted they shall apply and have effect in relation to that local authority as if—

Application  
of the new  
superannua-  
tion  
provisions  
to local  
authorities.

- (a) any reference therein to the Council was a reference to that local authority;
- (b) any reference therein to a contributor was a reference to a contributor to the superannuation fund maintained by that local authority or combination of local authorities under Part I of the Act of 1937 and as respects whom that local authority are the employing authority; and
- (c) any reference therein to the fund was a reference to the superannuation fund maintained by that local authority or combination of local authorities under Part I of the Act of 1937.

(2) If any such local authority as is referred to in subsection (1) of this section adopts the provisions of the said section 13, any other employing authority in relation to which that local authority or combination of local authorities are the appropriate administering authority may by resolution adopt the said provisions as from such date as may be specified in such resolution and where such provisions are so adopted any reference therein to a contributor shall be a reference to a contributor to the superannuation fund maintained by the local authority or combination of local authorities in relation to which such employing authority are the employing authority.

## PART V

### MISCELLANEOUS AND GENERAL

16.—(1) For the purpose of providing a parking place under section 28 of the Act of 1967, a local authority may, with the consent of the Secretary of State for the Environment, utilise any part of a park, pleasure ground or open space provided by them or under their management and control:

Parking  
places in  
parks, etc.

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

PART V  
—cont.  
1906 c. 25.

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

(3) No power conferred upon a local authority by this section shall be exercised in such a manner—

(a) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the authority, without an order of the High Court, or of the Charity Commissioners or of the Secretary of State or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(b) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the authority, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(4) The provisions of this section shall not apply to the mayor, aldermen and burgesses of the borough of Crosby or to the mayor, aldermen and burgesses of the borough of Swinton and Pendlebury.

Provisions  
as to motor  
vehicles let  
for hire.

17.—(1) A local authority to which this section applies may make byelaws for applying, with such consequential modifications as may be provided for in the byelaws, any of the provisions of—

1847 c. 89.  
1875 c. 55.

(a) sections 37 to 67 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875, as subsequently amended, as they apply with respect to hackney carriages and their proprietors and drivers; and

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

to private hire vehicles and their proprietors and drivers.

1960 c. 16.

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

PART V  
—cont.

(c) a public service vehicle as defined in section 117 of the said Act of 1960.

(3) This section applies to the councils of urban districts and to the council of any rural district within which the provisions mentioned in paragraph (a) of subsection (1) of this section are for the time being in force.

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

18.—(1) Where a local authority have under section 16 of the Act of 1957 accepted an undertaking that a house will not be used for human habitation or where a local authority have—

Securing of  
unoccupied  
houses  
under Act of  
1957.

(a) by a closing order made under section 17, 18, 26 or 35 of the Act of 1957, ordered any house or building, or any part thereof, to be closed; or

(b) by a clearance order under section 44 of the Act of 1957, ordered any building, or any part thereof, to be vacated, and in such a case it appears to the authority that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

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

(2) Nothing in this section shall prejudice the powers of a local authority to take steps to deal with any dangerous building under section 25 of the Public Health Act 1961.

1961 c. 64.

(3) In this section—

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

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



PART V  
—cont.

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

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

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

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

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

(4) In this section “best practicable means” includes the provision and maintenance of plant and the proper use thereof.

Expenses  
of parish  
councils in  
connection  
with  
ceremonies,  
public  
entertainment,  
etc.  
1938 c. xciv.

**20.** The provisions of subsection (1) of section 107 (Expenses in connection with ceremonies etc. and contributions to certain associations and societies) of the Lancashire County Council (Rivers Board and General Powers) Act 1938 and of section 31 (Expenses of public entertainment) of the Act of 1968 shall apply to a parish council as they apply to the Council and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to the parish council and to their parish respectively.

Evidence of  
proceedings,  
appointments,  
etc.

**21.**—(1) In proceedings under any enactment, a document purporting to be certified by the clerk or the deputy clerk of the Council as a copy of a resolution passed, order made, or report received, by the Council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Council or committee on that date.

(3) In this section “officer” includes a servant and an agent.

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

(5) The provisions of this section shall apply to a local authority and for that purpose those provisions shall have effect as if for references therein to the Council and the clerk there were substituted references to the local authority and to the clerk of the local authority respectively and subject to any other necessary modifications.

PART V  
—cont.

22. Section 265 of the Public Health Act 1875 (which affords protection to local authorities and their members and officers from personal liability) shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act, and as if references in that section to a member of a local authority included a reference to a member of a committee of the Council or a local authority.

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

23. 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 Council or the local authority.

Restriction on right to prosecute.

24. Section 300 of the Act of 1936 (which relates to appeals to magistrates' courts) shall apply to appeals to a magistrates' court under this Act and sections 301 and 302 of that Act (which make provision for appeals to courts of quarter sessions and as to the effect of a decision of any court upon appeal) shall apply accordingly.

Appeals.

25. The sections of the Act of 1936 mentioned in the Schedule 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.

26. Notwithstanding anything in this Act the following provisions of this Act shall not apply to the council of the urban district of Thornton Cleveleys:—

Saving for Thornton Cleveleys Urban District Council.

Section 16. (Parking places in parks, etc.);

Section 21. (Evidence of proceedings, appointments, etc.).

27. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that Session; and accordingly the Town and Country

Saving for Town and Country Planning Acts.  
1962 c. 38.

PART V  
—cont.

Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for powers of Treasury.

1946 c. 58.

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

1947 c. 14.

(2) Nothing in this Act shall be taken as exempting the Council from the provisions of the Exchange Control Act 1947.

For protection of certain statutory undertakers.

29. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the local authority and the undertakers, apply and have effect:—

(1) In this section—

1882 c. 56.

“ apparatus ” means any electric line or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

1962 c. 38.

“ operational land ” has the same meaning as in section 221 of the Town and Country Planning Act 1962, as originally enacted;

“ the undertakers ” means the Central Electricity Generating Board, the Merseyside and North Wales Electricity Board and the North Western Electricity Board, or any of them, as the case may be:

(2) The powers conferred upon a local authority by section 16 (Parking places in parks, etc.) of this Act shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:

(3) (a) When a local authority give any notice under subsection (1) of section 18 (Securing of unoccupied houses under Act of 1957) of this Act they shall at the same time give to the undertakers a copy of such notice:

(b) Nothing in the said section 18 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 18 shall ensure that the premises are not left less secure by reason of the entry:

- (4) Any difference which may arise between a local authority and the undertakers under this section shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.

PART V  
—cont.

30. 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 Council out of the county fund. <sup>Costs of Act.</sup>

Section 25.

## SCHEDULE

## SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.



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