

Exeter Corporation Act 1971

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ELIZABETH II



1971 CHAPTER lxxv

An Act to empower the mayor, aldermen and citizens of the city of Exeter to discontinue and abandon the ferry in the city across the river Exe commonly known as the Quay Ferry; to make further provision with regard to the improvement, health, local government and finances of the city; and for other purposes.

[5th August 1971]

WHEREAS—

(1) The city and county of the city of Exeter (hereinafter referred to as “the city”) is a county borough under the management of the mayor, aldermen and citizens of the city (hereinafter referred to as “the Corporation”):

(2) It is expedient to empower the Corporation to discontinue and abandon the ferry in the city across the river Exe commonly known as the Quay Ferry:

(3) It is expedient to make further provision with reference to the improvement, health, local government and finances of the city and that the powers of the Corporation in relation thereto should be enlarged and extended:

(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:—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Exeter Corporation Act 1971.

(2) The Exeter Corporation Acts 1820 to 1966 and this Act may be cited together as the Exeter Corporation Acts 1820 to 1971.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Highways.

Part III.—Hackney carriages, etc.

Part IV.—Finance.

Part V.—Miscellaneous.

Part VI.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 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 provided or the subject or context otherwise requires—

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

1936 c. 49.

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

“apparatus” means—

1882 c. 56.

(a) in relation to the generating board and the electricity board any electric line or works, as respectively defined in the Electric Lighting Act 1882, belonging to or maintained by the generating board or the electricity board; and

(b) in relation to the Gas Council and the gas board mains, pipes or other apparatus belonging to the Gas Council or the gas board;

and includes any works constructed for the lodging therein of apparatus;

“ the appointed day ” has the meaning assigned to it by section 41 (The appointed day) of this Act;

“ the city ” means the city and county of the city of Exeter;

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

“ the Corporation ” means the mayor, aldermen and citizens of the city acting by the council;

“ the council ” means the council of the city;

“ daily fine ” means a fine for each day on which an offence is continued after conviction;

“ the electricity board ” means the South Western Electricity Board;

“ enactment ” includes an enactment in this Act and in any general or local Act, and any order, byelaw or regulation for the time being in force within the city;

“ the gas board ” means the South Western Gas Board;

“ the generating board ” means the Central Electricity Generating Board;

“ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952;

1952 c. 55.

“ operational land ” in relation to the generating board, the electricity board, the Gas Council or the gas board means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which in respect of its nature and situation is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

“ the town clerk ” means the town clerk of the city.

(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

HIGHWAYS

Quay Ferry.

4.—(1) In this section—

“the ferry” means the Quay Ferry of the Corporation plying across the river Exe in the city between the quay and Haven Banks;

“the ferry property” means all lands, vessels, landing places, steps, ramps, buildings and other works and property held, provided and constructed by the Corporation in connection with or for the purposes of the ferry.

(2) Subject to the provisions of subsection (3) of this section the Corporation may, at any time after providing a sufficient and convenient bridge available for use by foot passengers within a distance of 500 yards or thereabouts upstream of the ferry, by resolution of the council discontinue the ferry service provided by them in connection with the ferry and thereafter the ferry shall be discontinued and abandoned and all rights and obligations (if any) in or relating to the franchise of the ferry shall be extinguished.

(3) (a) The Corporation shall publish in one or more local newspapers circulating in the city a notice stating—

(i) the general effect of the resolution; and

(ii) that within a period of twenty-eight days from the date of the first publication of the notice any person may, by notice to the Secretary of State, object to the passing of the resolution.

(b) If, before the expiration of a period of twenty-eight days from the first publication of the notice referred to in paragraph (a) of this subsection, an objection to the passing of the resolution is duly made to the Secretary of State and is not withdrawn the resolution shall not have effect without the consent of the Secretary of State and the Secretary of State shall cause an inquiry to be held with respect to the objection unless he is of the opinion that it is frivolous or too trivial to warrant the holding of an inquiry with respect to it.

(4) Notwithstanding anything in this section or in any deed or other document of title relating to the ferry or the ferry property the Corporation may as from the date on which the ferry is discontinued and abandoned—

(a) retain, hold, maintain, adapt and use the ferry property or any part thereof for such time and for such purposes as they think fit;

- (b) sell, lease, exchange or otherwise dispose of the ferry property or any part thereof or any interest therein in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form) and may on any such exchange pay or receive money for equality of exchange;
- (c) appropriate the ferry property or any part thereof for any other purpose.

PART II
—cont.

5. Section 16 (Prohibition of parking or camping on highway verges, etc.) of the Exeter Corporation Act 1966 shall have effect as if—

Amendment
of section 16
of Exeter
Corporation
Act 1966.
1966 c. xv.

- (1) in paragraph (c) of subsection (5) for the word “Minister” there were substituted the words “town clerk”;

- (2) for subsection (7) there were substituted the following subsection:—

“(7) If, before the expiration of the period of twenty-eight days referred to in paragraph (b) of subsection (5) of this section or of twenty-five days from the publication of the notice in the London Gazette, an objection to the making of the order to which the notice relates is received by the town clerk the Corporation shall consider any such objection before making the order.”;

- (3) in subsection (8) the words “and confirmed” were omitted.

6. The following section shall be substituted for section 17 (Sale of food and articles on verges, etc.) of the Exeter Corporation Act 1966:—

Amendment
of section 17
of Exeter
Corporation
Act 1966.

“Sale of
food and
articles on
verges, etc.

17.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall provide, erect, place or use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on the verge of any road to which this section applies, or on any common land, or other unenclosed land of whatsoever

PART II
—cont.

description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

(3) (a) This section applies to roads in the city of any of the following descriptions:—

(i) all trunk roads;

(ii) any other road, or part of a road, to which the Corporation may by order apply this section.

(b) Before making an order under this subsection, the Corporation shall publish once at least in each of two successive weeks in a local newspaper circulating in the city a notice stating the general effect of the intended order, and stating that within a period specified in the notice (not being less than twenty-eight days from the first publication of the notice) any person may object to the order by sending notice of his objection and of the grounds thereof to the town clerk.

(c) If before the expiration of the period specified in the notice, any objection to the order is received by the town clerk the Corporation shall consider any such objection before making the order.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(5) Nothing in this section shall apply to—

(a) any shed, hut, shelter, booth, stall, shop or other erection or any vehicle or container provided, erected or placed on private property by or with the consent of the owner of such property;

- (b) any building erected or work constructed with the consent of the Minister in pursuance of section 194 of the Law of Property Act 1925, or of any other statutory provision or any scheme made pursuant to a statute; or 1925 c. 20.
- (c) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge, common land or other land adjacent to any road to which this section applies.
- (6) In this section—
- ‘ container ’ includes any basket, pail, tray, package or receptacle of any kind whether open or closed;
 - ‘ director ’ in relation to any body corporate established by or under any enactment for the purpose of carrying on, under national ownership, any industry, or part of any industry, or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body;
 - ‘ private property ’ does not include common land;
 - ‘ vehicle ’ means a vehicle of any description, whether drawn or propelled by mechanical power or not.”

7.—(1) As from the appointed day it shall be unlawful for any person to engage in street trading in any street in the city to which this section applies unless that person is registered with the Corporation as a street trader in accordance with the provisions of this section. Registration
of street
traders.

(2) The Corporation shall on registering any person under this section issue to him a certificate of registration and such certificate shall be produced on demand to an officer of the Corporation duly authorised in writing and (if so required) producing his authority or to any police constable.

(3) The registration of a street trader shall, unless revoked in pursuance of subsection (9) hereof or unless the name of the person registered is removed from the register in pursuance of subsection (10) hereof, be valid for a period of three years from the date of the registration.

PART II
—cont.

(4) On the expiration of the period during which the registration of a street trader is valid the certificate of registration issued to him by the Corporation shall, unless the registration is renewed, be void and cease to have effect.

(5) The provisions with respect to the registration of street traders and the refusal of such registration shall with any necessary adaptations apply to the renewal of registration and the refusal to renew registration.

(6) (a) The Corporation shall, when registering a person as a street trader, impose a condition requiring him if he changes his place of residence to notify the Corporation of the address of his new place of residence within three weeks from the date of the change.

(b) If any person fails to comply with a condition imposed under paragraph (a) of this subsection his registration shall at the expiration of the period of three weeks from the date of the change of his place of residence be void and cease to have effect but without prejudice to his right to make application for further registration.

(7) (a) The Corporation may when registering a person as a street trader impose a condition requiring him to pay such reasonable annual sum as the Corporation may determine.

(b) If any person fails to comply with a condition imposed under paragraph (a) of this subsection his registration shall at the expiration of a period of three weeks from the date on which the sum was payable be void and cease to have effect but without prejudice to his right to make application for further registration.

(8) Any person who contravenes the provisions of subsection (1) of this section shall be liable to a fine not exceeding twenty pounds.

(9) (a) The Corporation may refuse to register a person as a street trader if for any sufficient reason they consider the applicant is unsuitable to be registered.

(b) The Corporation may revoke the registration of a street trader if the street trader is on account of misconduct or for any other sufficient reason unsuitable to continue to be registered.

(c) Before refusing or revoking such registration or removing the name of any person from the register kept under subsection (10) of this section the Corporation shall serve upon the person applying for registration or upon the person registered a notice to appear before a committee of the council not less than

seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of such person or remove the name of such person from the register. Any such notice shall state the effect of paragraphs (d) and (e) of this subsection.

(d) If the Corporation refuse to register or revoke the registration of any such person or remove the name of such person from the register they shall forthwith serve upon him notice of such refusal or revocation or removal together with a statement in writing of the ground or grounds upon which such refusal or revocation or removal is based.

(e) If the Corporation refuse to register or revoke the registration of any such person or remove the name of any such person from the register the person applying for such registration or the person registered may appeal to a magistrates' court within fourteen days from the date of the service of notice of such refusal or revocation or removal.

(10) (a) The Corporation shall keep a register of the persons registered under the provisions of this section.

(b) The Corporation may remove from the register the name of any person who on being requested by the Corporation to do so fails to furnish to them evidence that he has been engaged in street trading in any street in the city to which this section applies during the period of twelve months preceding the date of the request.

(c) Where as respects any street trader—

- (i) his registration is revoked; or
- (ii) his name is removed from the register;

the certificate of registration issued to him by the Corporation shall thereupon be void and cease to have effect.

(11) Nothing in this section shall—

- (a) restrict the right of any person holding a pedlar's certificate to carry on the business of a pedlar in accordance with such certificate; or
- (b) apply to the sale or exposure or offer for sale of newspapers or periodicals by any person; or
- (c) apply to a sale, exposing or offering for sale of any article or thing to persons residing in, or employed or carrying on business at, premises in or abutting a street to which this section applies or to the delivery of any article or thing to such premises.

PART II
—cont.

(12) (a) This section applies to any street for the time being included in the list set out in Schedule 1 to this Act.

(b) The Corporation may by virtue of byelaws made under this section add to or alter the streets to which this section applies.

(13) In this section “street trading” means the selling or exposing or offering for sale of any article or thing in the carriage-way or footway of a street and “street trader” shall be construed accordingly.

(14) A person registered as a street trader may employ any other person to assist him in the conduct of his business without any registration of that other person being required.

PART III

HACKNEY CARRIAGES, ETC.

Interpretation
of Part III.

8. In this Part of this Act, unless otherwise expressly provided or the subject or context otherwise requires—

1847 c. 89.

“the Act of 1847” means the Town Police Clauses Act 1847;

“hackney carriage” has the same meaning as in the Act of 1847 save that it does not include a public service vehicle;

“the prescribed distance” has the same meaning as in the Act of 1847;

1960 c. 16.

“private hire vehicle” (except in section 12 (Signs or notices on, and advertisements in connection with, private hire vehicles) of this Act) means a motor vehicle (within the meaning of the Road Traffic Act 1960) not being a vehicle licensed under the provisions of the Act of 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; or

(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; 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;

“public service vehicle” has the same meaning as in section 117 of the Road Traffic Act 1960.

1960 c. 16.

PART III
—cont.

9.—(1) The Corporation may fix the rates or fares as well for time as distance, to be paid in respect of hackney carriages plying for hire within the prescribed distance by means of a table (hereinafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

Fixing of
fares for
hackney
carriages.

(2) (a) Where the Corporation make or vary a table of fares they shall publish in at least one local newspaper circulating in the city a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the office of the town clerk and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the table of fares or variation shall be of no effect unless and until it is confirmed by the Secretary of State and before confirming a table of fares or variation the Secretary of State may, if he thinks fit, cause a local inquiry to be held into the same and, after considering the report of the person who held the inquiry, may confirm the table of fares or variation with or without modification.

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if included in byelaws made by the Corporation under section 68 of that Act.

PART III
—cont.

(6) On the coming into operation of a table of fares made under this section, any byelaws made by the Corporation for fixing the rates and fares under section 68 of the Act of 1847, or any table of fares previously made under this section, shall cease to have effect.

(7) Section 252 of the Act of 1933 shall extend and apply to a table of fares made under this section as it applies to byelaws made by the Corporation.

Stands for
hackney
carriages.

10.—(1) For the purposes of their functions under the Act of 1847, the Corporation may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the city and, with the consent of the owner, on any land not forming part of a street.

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

(3) Nothing in this section shall empower the Corporation to appoint any such stand so as unreasonably to prevent access to—

- (a) any premises, or in any station, of the British Railways Board, except with their consent; or
- (b) any station or depot of any passenger road transport operators except with their consent; or
- (c) any apparatus or operational land of the generating board, the electricity board, the Gas Council or the gas board.

(4) Any byelaws made by the Corporation before the passing of this Act for fixing stands of hackney carriages under section 68 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

Prohibition
of other
vehicles
on hackney
carriage
stands.

11.—(1) No person shall cause or permit any vehicle, other than a hackney carriage licensed to ply for hire within the prescribed distance, to wait on any stand for hackney carriages.

during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 10 (Stands for hackney carriages) of this Act.

PART III
—cont.

(2) Notice of the prohibition contained in this section shall be indicated by such traffic signs as may be authorised for the purpose by the Secretary of State in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act 1967. 1967 c. 76.

(3) If any person contravenes the provisions of this section, he shall be liable in the case of a first conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

(4) Nothing in this section shall apply to any vehicle of the generating board, the electricity board, the Gas Council or the gas board so as to prohibit such vehicle from waiting on a stand for hackney carriages for any such period as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus of the generating board, the electricity board, the Gas Council or the gas board, as the case may be.

12.—(1) As from the appointed day there shall not, in the city, be displayed on any private hire vehicle any sign or notice—

(a) which consists of or includes the word “taxi” or “cab”, whether in the singular or plural; or

(b) which consists of the words “for hire”; or

(c) the form or wording of which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it, or would be so available if not already hired.

Signs or notices on, and advertisements in connection with, private hire vehicles.

(2) On and after the appointed day no advertisement—

- (a) indicating that motor vehicles can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the city; or
- (b) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the word “taxi” or “cab”, whether in the singular or plural or any other words suggesting that the vehicles to which it relates are presently available to take up passengers wishing to hire them unless the vehicles offered for hire are hackney carriages or the advertisement makes it clear that they are not.

PART III
—cont.

(3) Any person who—

- (a) drives a vehicle in respect of which subsection (1) of this section is contravened or causes or permits that subsection to be contravened in respect of any vehicle; or
- (b) subject to subsection (4) of this section, issues, or causes to be issued, an advertisement which contravenes subsection (2) of this section;

shall be guilty of an offence and liable, in the case of a first offence under the paragraph of this subsection in question, to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence under that paragraph, to a fine not exceeding fifty pounds.

(4) Where a person is charged with an offence under paragraph (b) of subsection (3) of this section, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that paragraph.

(5) In this section—

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly;

“private hire vehicle” means a motor vehicle, other than a hackney carriage or public service vehicle, which is used within the prescribed distance for the purpose of carrying passengers for hire or reward.

Transfer of
hackney
carriages, etc.

13.—(1) If a hackney carriage or a private hire vehicle licensed by the Corporation under the Act of 1847 is transferred to a person other than the proprietor or part proprietor whose name is specified in the licence for the hackney carriage or vehicle, the proprietor or part proprietor shall before or within seven days after such transfer give notice thereof in writing to the Corporation specifying the name and address of the person to whom the hackney carriage or vehicle will be or has been transferred and the licence shall be deemed to be revoked if the Corporation disapprove the transfer of the licence to that person and the hackney carriage or vehicle is or has been transferred to him:

Provided that the Corporation shall not disapprove the transfer of a licence to a person except upon the ground that he is not a fit and proper person to hold such a licence.

(2) Any person aggrieved by a disapproval of the Corporation under this section may appeal to a court of quarter sessions.

(3) If a proprietor or part proprietor fails to give notice to the Corporation as provided by subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

PART III
—cont.

14. The Corporation may, if the council so resolve, recover (either before or after the carrying out of an inspection) from the proprietor of a hackney carriage or private hire vehicle reasonable charges in respect of the cost of the carrying out by or on behalf of the Corporation of inspections of the hackney carriage or vehicle for the purpose of determining whether a licence should be granted or renewed therefor under the Act of 1847.

Recovery of charges for inspection.

15. In its application to the city section 46 of the Act of 1847 shall have effect as if for the words "one shilling" there were substituted the words "one pound for the first licence and twenty-five new pence for any succeeding licence".

Fees for drivers' licences.

16.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle on the ground of the unfitness of the hackney carriage or vehicle or for any other reasonable cause and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been suspended or revoked:

Suspension and revocation of proprietors' licence.

Provided that nothing in this section shall empower the Corporation to revoke the licence of a proprietor of a hackney carriage or private hire vehicle on the ground of the bankruptcy of the proprietor.

(2) Any such proprietor aggrieved by a decision of the Corporation under this section may appeal to a court of quarter sessions.

17.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence or for any other reasonable cause and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such driver notice of the grounds on which the licence has been suspended or revoked.

Suspension and revocation of drivers' licence.

(2) Any such driver aggrieved by a decision of the Corporation under this section may appeal to a court of quarter sessions.

PART III

—cont.

Fitness of
hackney
carriages, etc.

18. Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to inspect any hackney carriage in the city and any private hire vehicle in the city which is for the time being licensed by the Corporation under the Act of 1847 for the purpose of ascertaining its fitness, and if he is not satisfied of the fitness of the hackney carriage or vehicle or of the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or vehicle to make it or its taximeter available for further inspection at such reasonable time and place as may be specified in the notice and suspend the licence of the proprietor until such time as he is so satisfied or the expiration of a period of two months, whichever shall first occur.

Qualifications
for drivers
of hackney
carriages, etc.

19. Notwithstanding anything in the Act of 1847 the Corporation shall not grant a licence to act as a driver of a hackney carriage or a private hire vehicle—

- (1) to any person under the age of twenty-one years;
- (2) to any person who has not for at least twelve months been the holder of a licence granted under Part II of the Road Traffic Act 1960 (not being a provisional licence) authorising him to drive a motor car.

1960 c. 16.

Fitness of
drivers.

20. The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle—

- (1) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or such a vehicle; and
- (2) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage or such a vehicle.

Penalty on
persons
refusing to
pay fare.

21. Any person who, within the prescribed distance, on completion of the hire of a hackney carriage or private hire vehicle licensed by the Corporation under the Act of 1847, refuses to pay the fare lawfully due from him in respect of the hiring shall be liable to a fine not exceeding twenty pounds:

Provided that this section shall not apply in respect of the hire of a private hire vehicle unless byelaws fixing fares have been made by the Corporation under section 24 (Provisions as to motor vehicles let for hire) of this Act in relation to such vehicles and are for the time being in operation.

22. The powers of the Corporation under section 68 of the Act of 1847 shall extend so as to enable them to make byelaws for regulating the conduct of passengers in hackney carriages and private hire vehicles.

PART III
—cont.
Extension of section 68 of Act of 1847.

23. Notwithstanding anything in section 43 of the Act of 1847 any licence granted by the Corporation in respect of a hackney carriage or a private hire vehicle shall, if the Corporation think fit, remain in force for such period exceeding one year, but not exceeding three years, from the date of the licence as they may determine:

Corporation may extend period of hackney carriage licences, etc.

Provided that nothing in this section shall affect the powers of the Corporation to suspend or revoke such a licence.

24. 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.

- (1) sections 37 to 67 of the Act of 1847, as subsequently amended, as they apply with respect to hackney carriages and their proprietors and drivers; and
 - (2) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;
- to private hire vehicles and their proprietors and drivers.

PART IV

FINANCE

25.—(1) The Corporation may borrow—

Power to borrow.

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

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 ten years from the date of borrowing.

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

1946 c. 58.

PART IV
—cont.Power to
raise money
by bills.

26.—(1) In addition to the modes of borrowing prescribed by the Act of 1933 the Corporation may raise money—

- (a) for any purpose for which the Corporation are authorised to borrow;
- (b) 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 “Exeter Corporation bills” in this section referred to collectively as “bills” and separately as a “bill”), subject to and in accordance with the following provisions:—

- (i) 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:
- (ii) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:
- (iii) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Corporation may determine:
- (iv) Bills shall be issued under the authority of a resolution passed by the council and shall bear the signature of the treasurer of the city or of some other person authorised by the Corporation:
- (v) The Corporation may make regulations providing for—
 - (A) the preparation, form, mode of issue, payment and cancellation of bills;
 - (B) the issue of new bills in lieu of bills defaced, lost or destroyed;
 - (C) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and
 - (D) the giving of a proper discharge on the payment of a bill:
- (vi) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (vii) 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 one-fifth

of the amount estimated to be produced by the levying of rates in the city during the then current financial year to meet liabilities falling to be discharged by the Corporation:

PART IV
—cont.

- (viii) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:
- (ix) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

(2) In this section—

“revenues” has the same meaning as in section 218 of the Act of 1933;

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

27.—(1) In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 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 to be made out of the superannuation fund, there were substituted an obligation to invest such moneys as follows, namely:—

Investment of
superannua-
tion fund.
1937 c. 68.

- (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 stocks, funds or 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 of any such dominion, commonwealth, union, dependency or colony; or
- (c) in or upon any of the stocks, bonds, mortgages or securities of any municipality or county or district council, or local or public authority or board, in the United Kingdom or in 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 of the legislature concerned to issue the same; or
- (d) in or upon any stocks, shares, bonds, mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the

PART IV
—cont.

- 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 stocks, funds or securities of the government of any foreign country or state; or
- (f) in or upon the bonds, debentures, debenture stock, convertible debenture stock, obligations or securities 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 stock or shares or any preferred or deferred or other stock or 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 stock or shares which at the time of making the investment are quoted on any recognised stock exchange or similar institution; or
- (h) in the purchase or taking a lease, whether alone or jointly or in common with any other person, of immovable property of any tenure or kind in the United Kingdom (elsewhere than in the city), the Isle of Man or the Channel Islands, or of any share or interest in such immovable property, including any interest in such immovable property comprised in a building agreement providing for the grant of a lease of such property contingent on the erection or completion of the building specified in such agreement; or
- (i) 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 as specified in paragraph (h) of this subsection;
- 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
- (j) 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 outside the city—

(A) belonging to the Corporation or to any other person; or

(B) which is, or will be, held jointly by the Corporation and any other person; or

(k) upon the security of freehold or leasehold ground rents, land charges or rentcharges;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that—

(i) no such moneys as aforesaid shall be invested in any investment of the nature specified in paragraph (g), (h) or (j) of this subsection at any time when the value of all the investments made under the said paragraphs (g), (h) and (j) which form part of the superannuation fund equals or exceeds three-quarters of the total value of the assets of that fund; and

(ii) no such moneys as aforesaid shall be invested in any investment of the nature specified in paragraphs (h) and (j) of this subsection at any time when the value of all investments made under the said paragraphs (h) and (j) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund.

(2) For the purposes of the foregoing subsection the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

(3) For the purposes of the foregoing provisions of this section an investment in the units of a unit trust scheme (whether or not there is in respect of such scheme in force an order of the Secretary of State under section 17 of the Prevention of Fraud (Investments) Act 1958 or of the Ministry of Commerce for Northern Ireland 1958 c. 45. under section 16 of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940) or in participation certificates or in 1940 c. 9 (N.I.) any form of participation under any trust or scheme established in the United Kingdom or elsewhere 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 property or interest in property as are specified in subsection (1) of this section shall be regarded as an investment in the securities or property in question.

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

PART IV
—cont.

(5) In this section—

“ 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;

1958 c. 45.

“ recognised stock exchange ” in its application to the United Kingdom means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958;

“ securities ” includes shares, debentures, treasury bills and tax reserve certificates;

1937 c. 68.

“ the superannuation fund ” means the superannuation fund maintained by the Corporation under the Local Government Superannuation Act 1937.

PART V

MISCELLANEOUS

Agreements
with
developers.

28.—(1) The Corporation and any person—

- (i) who is the owner or lessee of any land in the city; or
- (ii) who has purchased, or taken on lease from the Corporation, any land outside the city;

may enter into an agreement which may provide for all or any of the following:—

- (a) determining the manner in which that land is to be developed and the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;
- (c) ensuring that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure

which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;

- (e) the use by the public of any paths or ways, which are not dedicated to the public, over that land or over a part or parts of any building or structure which is comprised in the development of that land, upon such terms and conditions as may be specified in the agreement (including terms and conditions as to the maintenance and cleansing of the surface of such paths or ways and the lighting of any building or structure over or above such paths or ways and the maintenance of any support of such paths or ways);
- (f) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;
- (g) arrangements for the maintenance of open spaces provided in connection with development of that land;
- (h) any other related or consequential matters.

(2) (a) An agreement entered into under the foregoing subsection may contain positive and negative covenants and whether they be positive or negative and notwithstanding that they may not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee they shall, if registered in the local land charges register, be enforceable by the Corporation against the covenantor and all persons deriving title by, through or under the covenantor.

(b) In the event of the person who has entered into an agreement under the foregoing subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement, the Corporation may after giving not less than twenty-one days' notice of their intention so to do enter on the land and do the work in default and the expenses incurred by the Corporation in so doing shall be recoverable by them from the person in default.

(c) Except as may be expressly provided in the agreement an agreement entered into under the foregoing subsection shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

PART V
—cont.

(3) The Corporation may take or acquire shares or other securities in any company incorporated in the United Kingdom with which an agreement is entered into under this section.

(4) Nothing in any agreement entered into in pursuance of paragraph (e) of subsection (1) of this section shall prejudice or affect any powers exercisable by the generating board, the electricity board, the Gas Council or the gas board whether by agreement or otherwise for the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus in, on, under or over any land or building to which the agreement relates or any obligations or rights of the said undertakers in relation to the exercise of such powers.

(5) In this section—

1962 c. 38.

“development” has the same meaning as in section 12 of the Town and Country Planning Act 1962;

“land” includes land covered by water and any interest in land or any easement or right in, to or over land.

Control of
goods service
areas.

29.—(1) The Corporation may by order made for the purposes of this section designate land, being land in the city 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 city 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.

PART V
—cont.

(4) This section shall not apply to any property belonging to and used by the British Railways Board for their purposes or to any land belonging to and used by any statutory undertakers for the purposes of their undertaking.

(5) If any person contravenes the provisions of subsection (2) of this section he shall be liable, 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.

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

(9) Nothing in this section shall apply to any vehicle used by the generating board, the electricity board, the Gas Council or the gas board for or in connection with the placing, inspecting, repairing, maintaining, renewing or removal of any apparatus in or adjoining land designated as a service area under this section.

(10) 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, 1963 c. 41. the reference therein to 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 or compliance with the need for hygiene in connection with the sale of food to the public.

PART V
—cont.

Sanitary
conveniences
at places of
public
exhibition,
etc.

30.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the city at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided or is about to be held, given or provided, to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) (a) Any person upon whom a notice is served with respect to any premises or place under subsection (1) of this section shall in complying with that notice make provision insofar as it is in the circumstances both practicable and reasonable for the needs of persons frequenting those premises who are disabled.

(b) In this subsection “disabled” has the meaning assigned to it by any regulations made under section 28 of the Chronically Sick and Disabled Persons Act 1970.

1970 c. 44.

(4) If any person fails to comply with a notice served on him under this section within such reasonable period, not being less than one month after the date of the service of the notice, as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds:

Provided that—

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

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

(5) (a) Section 89 of the Act of 1936 shall in its application to the city have effect as if for the words “refreshment-house or place of public entertainment” in subsection (1) of that section there were substituted the words “or refreshment-house”.

(b) Nothing in this section shall apply to premises to which the said section 89, as amended by this subsection, applies by reason only of the holding thereof of any exhibition, performance, amusement, game or sport to which the public are admitted.

(6) The provisions of this section shall not apply to any premises or place in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act 1961.

PART V
—cont.

1961 c. 64.

31.—(1) The Corporation may make byelaws for the purpose of restricting the speed of vessels or of prohibiting or controlling water ski-ing or any similar activity on that part of the river Exe and its estuary to which this section applies.

Byelaws for
controlling
river Exe.

(2) Without prejudice to the generality of the foregoing provisions of this section, byelaws under this section may—

- (a) prescribe rules of navigation and impose speed limits;
- (b) make different provision for different circumstances and in particular may impose different restrictions in different parts of that part of the river Exe and its estuary to which this section applies, and at different times or seasons.

(3) In making any byelaws under this section the Corporation shall have regard to safeguarding recreational activities, including bathing, fishing, sailing, water ski-ing and power boating within the part of the river Exe and its estuary to which this section applies so far as such activities are consistent with the interests of navigation and the safety of persons using the river Exe and its estuary.

(4) Before making any byelaws under this section the Corporation shall consult with the county council of the administrative county of Devon, the Devon River Authority, the district councils whose districts adjoin any part of the river Exe and its estuary to which this section applies and with such organisations appearing to the Corporation to represent persons who use that part of the river Exe and its estuary to which this section applies for any recreational activities appearing to the Corporation likely to be affected by any of the provisions of the byelaws.

(5) This section applies to that part of the river Exe and its estuary above a line projected in an easterly direction from Langstone Point to the Exe Fairway Buoy (at 50° 35.9'N–3°22.1'W) and thence in a north-easterly direction to Straight Point.

(6) In this section “ vessel ” means every description of vessel howsoever navigated, propelled or moved.

32.—(1) The Corporation shall have power to—

- (a) provide a service for the purpose of giving advice to any person on any work of art or specimen including the identification thereof but not including valuations;

Powers
relating to
works of
art, etc.

PART V
—cont.

- (b) make such charges as they think fit for giving such advice;
- (c) make regulations for the management of such service; and
- (d) undertake investigations and research in relation to such works of art and specimens.

(2) The Corporation may—

- (a) lend any work of art in the possession of the Corporation for the purposes of any museum provided by them to any person for such period and subject to such conditions as the Corporation may determine;
- (b) sell, lend, exchange or give or otherwise dispose of any work of art or specimen coming into the possession of the Corporation for the purpose of identification or otherwise and which has been in the possession of the Corporation for a period of not less than three months:

Provided that this subsection shall not apply to any work of art or specimen which has been lent, given or bequeathed to the Corporation on express terms inconsistent with the powers of the Corporation under this subsection except with the consent of the lender or donor or the personal representatives or trustees of the lender or donor.

(3) Where any object referred to in paragraph (b) of subsection (2) of this section is left in their possession the Corporation shall—

- (a) at that time give notice of the effect of the said paragraph (b) to the person leaving the object; and
- (b) if reasonably practicable consult with that person or his personal representatives before exercising the powers of subsection (2) of this section.

(4) In this section “specimen” includes any antique, book, map, plan or other document and any scientific specimen.

Microfilming
of documents.

33.—(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

(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—

“document” includes the whole or part of a register, book, record, letter, map, plan, drawing, photograph or other document, and any notice, licence, certificate, scheme or order made, passed or granted by the Corporation and references to documents of the Corporation are references to documents belonging to or permanently in the possession of the Corporation;

“enlargement” means an enlarged reproduction of a microfilm recording which is legible with the naked eye;

“microfilm recording” means a reproduction of a document on film or other material which is a product of photography or any similar process and is in general beyond legibility with the naked eye, and any reference to a microfilm recording of a document shall be deemed to include a reference to any copy subsequently made of such microfilm recording.

34. The enactments specified in column (1) of Schedule 2 to this Act shall have effect as if the maximum fine which may be imposed on summary conviction of an offence specified in that enactment were a fine not exceeding the amount specified in column (3) of that schedule instead of a fine not exceeding the amount specified in column (2) of that schedule. Increase of fines.

PART VI

GENERAL

Confirming
authority for
byelaws.

35. 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.

Local
inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

1946 c. 31.

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

Liability of
directors, etc.

37.—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) The provisions hereinbefore referred to are—

Section 7 (Registration of street traders);

Section 11 (Prohibition of other vehicles on hackney carriage stands);

Section 12 (Signs or notices on, and advertisements in connection with, private hire vehicles);

Section 13 (Transfer of hackney carriages, etc.);

Section 29 (Control of goods service areas);

Section 30 (Sanitary conveniences at places of public exhibition, etc.).

(3) In subsection (1) of this section “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

38. 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.

PART VI
—cont.
Restriction on
right to
prosecute.

39.—(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;

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.

40.—(1) 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.

(2) Section 54 (Protection of members and officers of Corporation from personal liability) of the Exeter Corporation Act 1966 shall have effect as if after the word "committee" there were inserted the words "or a sub-committee".

1966 c. xv.

41.—(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.

The
appointed day.

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

PART VI
—cont.

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

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 subsection (2) of section 39 (Appeals) of this Act.

Application
of general
provisions of
Act of 1936.

42.—(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 a reference to this Act.

(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 sections 29 (Control of goods service areas) and 30 (Sanitary conveniences at places of public exhibition, etc.) of this Act.

Costs of
Act.

43. All costs, charges and expenses of and incidental to the applying for and the preparing, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the general rate fund of the city or out of moneys to be borrowed under this Act for that purpose.

SCHEDULES

SCHEDULE 1

Section 7.

STREETS TO WHICH SECTION 7 APPLIES

Bartholomew Street	Magdalen Street
Bailey Street	Market Street
Bampfylde Street	Martins Lane
Barnfield Road	Milk Street
Bear Street	Musgrave Row
Bedford Street	Mary Arches Street
Bluecoat Lane	New Buildings
Broadgate	New North Road
Bude Street	North Street
Castle Street	Northernhay Place
Catherine Street	Palace Gate
Chapel Street	Pancras Lane
Cheeke Street	Paris Street
Dix's Field	Paul Street
Eastgate	Post Office Street
Fore Street	Princesshay
Fore Street Arcade	Princesshay Arcade
Gandy Street	Queen Street
George Street	St. Catherine's Close
Goldsmith Street	Sidwell Street
Guinea Street	Sidwell Street Arcade
High Street	South Street
Holloway Street	Southernhay East
Kalendarhay	Southernhay West
King William Terrace	Summerland Street
Little Queen Street	Waterbeer Street
Longbrook Street	York Road

Section 34.

SCHEDULE 2

INCREASE OF FINES

	Enactment (1)	Former maximum fine (2)	New maximum fine (3)
1935 c. cii.	Exeter Corporation Act 1935— Section 91 (Notices of processions to be given)	£5	£20
	Section 95 (Silencers for internal combustion engines)	£10	£50
1966 c. xv.	Exeter Corporation Act 1966— Section 11 (Trees, grass verges and gardens)	£5	£20
	Section 12 (Retaining walls)	£5	£20
	Section 13 (Awnings over footways)	£5	£20
	Section 14 (Decorations in streets)	£5	£20
	Section 15 (Mixing of mortar, etc., in streets)	£5	£20
	Section 16 (Prohibition of parking or camping on highway verges, etc.)	£5	£20
	Section 18 (Sanitary conveniences used in common)	40s. and a daily fine of 10s. £20	£20 and a daily fine of £1 £50
	Section 19 (Power to order alteration of domestic chimneys)	and a daily fine of 40s.	and a daily fine of £5
	Section 23 (Slaughter of animals otherwise than for human consumption)	£20	£50
	Section 29 (Offences in respect of telephone boxes, fire hydrants, etc.)— Subsection (1)	£10	£20
	Subsection (2)	£10	£50

SCHEDULE 3

Section 42.

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &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.

PART II

SECTIONS APPLIED TO SECTIONS 29 AND 30 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
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. 22.

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