

# Flintshire County Council Act 1971

## CHAPTER lxvi

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**ELIZABETH II**



**1971 CHAPTER lxvi**

An Act to confer further powers on the Flintshire County Council and on the local, highway and other authorities in the administrative county of Flint in relation to land and highways, planning and amenities and the local government, improvement, health, welfare and finances of the county; to enact provisions with respect to the supply of heat; to make provision for the superannuation of employees; to authorise the Rhyl Urban District Council to abandon and remove the Rhyl promenade pier; and for other purposes.

[5th August 1971]

**WHEREAS—**

(1) It is expedient that further and better provision should be made in relation to land and highways, planning and amenities and the local government, improvement, health, welfare and finances of the administrative county of Flint and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") and of the local, highway and other authorities within that county should be enlarged and extended as by this Act provided:

(2) It is expedient that the mayor, aldermen and burgesses of the borough of Flint and the council of the urban district of Connah's Quay should be authorised to supply heat to premises as by this Act provided:

(3) It is expedient to make further provision for 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 authorities and to amend the enactments relating thereto:

1864 c. 93.

(4) It is expedient to empower the council of the urban district of Rhyl to abandon and remove the Rhyl promenade pier constructed in pursuance of the Rhyl Promenade Pier Order 1864:

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

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

1933 c. 51.

(7) 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 Flintshire County Council Act 1971.

1970 c. xviii.

(2) The Flintshire County Council Act 1970 and this Act may be cited together as the Flintshire County Council Acts 1970 and 1971.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Highways, streets and footpaths.

Part IV.—Planning and public order.

Part V.—Fire protection and public safety.

Part VI.—Heating undertaking.

Part VII.—Health and welfare.

Part VIII.—Finance.



- Part IX.—Superannuation.
- Part X.—Rhyl promenade pier.
- Part XI.—Miscellaneous.
- Part XII.—General.

PART I  
—cont.

3.—(1) In this Act the several words and expressions (other than those defined in subsection (2) of this section) to which meanings are assigned by section 90 of the Act of 1936 and sections 294 and 295 of the Act of 1959 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

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

- “ the Act of 1933 ” means the Local Government Act 1933; 1933 c. 51.
- “ the Act of 1936 ” means the Public Health Act 1936; 1936 c. 49.
- “ the Act of 1937 ” means the Local Government Superannuation Act 1937; 1937 c. 68.
- “ the Act of 1950 ” means the Public Utilities Street Works Act 1950; 1950 c. 39.
- “ the Act of 1957 ” means the Housing Act 1957; 1957 c. 56.
- “ the Act of 1959 ” means the Highways Act 1959; 1959 c. 25.
- “ the Act of 1960 ” means the Road Traffic Act 1960; 1960 c. 16.
- “ the Act of 1962 ” means the Town and Country Planning Act 1962; 1962 c. 38.
- “ the Act of 1967 ” means the Road Traffic Regulation Act 1967; 1967 c. 76.
- “ the Act of 1970 ” means the Flintshire County Council Act 1970; 1970 c. xviii.
- “ the appointed day ” has the meaning assigned to that expression by section 4 (The appointed day) of this Act;
- “ authorised officer ” has the same meaning as in section 343 of the Act of 1936;
- “ authorised security ” means any mortgage, stock, bond or other security which the Council are for the time being authorised to grant, create or issue or upon or by means of which the Council are for the time being authorised to raise money;
- “ building regulations ” has the same meaning as in section 4 of the Public Health Act 1961; 1961 c. 64.
- “ caravan ” has the same meaning as in Part I of the Caravan Sites and Control of Development Act 1960; 1960 c. 62.
- “ the clerk ” means the clerk of the Council;

PART I  
—cont.

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

“the Council” means the county council of the county;

“the county” means the administrative county of Flint;

“the 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;

“development” has the same meaning as in section 12 of  
the Act of 1962;

“district” means a borough or an urban or rural district  
in the county;

“the electricity board” means the Merseyside and North  
Wales Electricity Board;

“the gas board” means the Wales Gas Board and the North  
Western Gas Board or either of them, as the case may be;

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

“highway authority” means—

(a) in the case of a trunk road, the Secretary of  
State or, with his consent, the authority who are for  
the time being acting as his agent under the Act of  
1959 with respect to that road;

(b) in the case of a county road in the county,  
except a claimed county road, and in the case of any  
other highway for the time being maintained by the  
Council, the Council; and

(c) in the case of any other highway, the local  
authority for the district in which the highway is  
situate;

“local authority” means the council of a district;

1952 c. 55.

“magistrates’ court” has the same meaning as in the  
Magistrates’ Courts Act 1952;

1946 c. 31.

“Minister of the Crown” has the same meaning as the  
Ministers of the Crown (Transfer of Functions) Act  
1946;

“officer” includes servant;

“operational land”, in relation to statutory undertakers  
(except the Post Office), 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 and in relation to the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;

PART I  
—cont.

1969 c. 48.

“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;

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

“the railways board” means the British Railways Board;

“the river authority” means the Dee and Clwyd River Authority;

“statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust moneys or in which the Council are by virtue of this Act authorised to invest money forming part of the superannuation fund;

“statutory undertakers” means any body, company or person authorised by any enactment to supply electricity, gas or water, and includes the Post Office;

“statutory water undertakers” has the same meaning as in the provisions of the Water Act 1945 other than those contained in Part II of that Act;

“street works” and “street works authority” have the same respective meanings as in section 213 of the Act of 1959;

“the superannuation fund” means the superannuation fund maintained by the Council under Part I of the Act of 1937;

“telegraphic line” has the same meaning as in the Telegraph Act 1878;

1878 c. 76.

“traffic sign” has the same meaning as in the Act of 1967;

“verge” includes any lands situated between two carriageways and any part of a street which is not a carriageway, footway or cycle track;

“voluntary organisation” means any organisation not carried on for profit not being an organisation carried on by a public authority, and “voluntary” shall be construed accordingly.



PART I  
—cont.

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

The  
appointed  
day.

4.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of the Council or a local authority (as the case may be) subject to and in accordance with the provisions of this section.

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

(3) The Council or the local authority shall cause to be published in a local newspaper circulating in the county or the district (as the case may be) 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 the 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 clerk or by the clerk of the local authority (as the case may be) 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 consent of the Council to 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 consent required by that provision;

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 127 (Appeals) of this Act.

PART II

LANDS

5.—(1) If the Council—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act; or
- (d) appropriate (whether before or after the passing of this Act) land which has been previously acquired by agreement;

Suspension of restrictive covenants.

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or in pursuance of any enactment) as to the user thereof or the building thereon the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Council shall—

- (a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;
- (b) on or before the date of the first publication of the said notice—
  - (i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and
  - (ii) affix a copy or copies of that notice to some conspicuous object or objects on the land to which the resolution relates.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by



PART II  
—cont.

sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Council within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn, the restriction shall be suspended on and after 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, the last objection or the date on which the Council acquire or appropriate the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Council acquire or appropriate the land.

(7) If in the opinion of the Council there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable, the Council may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time not being less than three months from the date of the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Council and shall produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

PART II  
—cont.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 to any person in respect of any entitlement to the benefit of a restriction suspended under the powers of this section for loss suffered in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961.

1965 c. 56.

1961 c. 33.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land affected by the restriction, or, if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1970 and, if compensation is paid by the Council under subsection (9) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that the land may be used for a particular purpose, the restriction shall, after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1970 remain unenforceable only so long as the land is used for that purpose.

(11) If the Council dispose of any land affected by the restriction suspended under the powers of this section they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(12) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the



PART II  
—cont.

owner thereof any obligation or duty contained in any deed, wayleave agreement or other instrument and imposed by, or enuring for the benefit of, the National Coal Board for the purpose of safety;

(c) any restriction for—

(i) the protection of, or for preventing interference with the use of or for securing access to operational land or apparatus of, the railways board, the British Waterways Board, the river authority, a local authority or any statutory undertakers;

(ii) the prevention of pollution of water which any statutory water undertakers or the British Waterways Board are for the time being authorised to take;

contained in any deed, wayleave agreement or other instrument.

(13) In this section—

“ apparatus ” in the case of apparatus belonging to or used by the Post Office means any telegraphic line;

“ the appropriate Minister ” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire or appropriated that land;

“ local authority ” has the same meaning as in the Act of 1933.

Entry on land  
for certain  
purposes.

6.—(1) Whenever it becomes necessary for the Council, or any of their officers, servants, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes in connection with a function for which they are for the time being or could under any enactment for the time being in force be authorised to acquire or use land compulsorily, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Council may, after notice to such owner or occupier, apply to a magistrates' court for an order authorising the Council to enter, examine and lay open the said land for the purposes aforesaid or any of them.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Council, or any of their officers, servants, contractors or workmen, may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter, examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-eight days' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

PART II  
—cont.

(3) Before making a trial hole in any land in exercise of the powers of this section, the Council shall give to the statutory undertakers not less than fourteen days' notice specifying the situation of the land in which it is proposed to make the trial hole.

(4) The Council shall at their own expense make good and restore to their former condition any lands laid open by them, or their officers, servants, contractors or workmen, and shall make good, to the reasonable satisfaction of the owner or occupier of the lands entered, all damage or loss sustained by him and shall repay the reasonable expenses incurred by any statutory undertakers in consequence of such entry, examination or laying open, and any dispute as to the amount of damage, loss or expenses sustained or incurred as aforesaid shall, in default of agreement, be assessed by the Lands Tribunal and the amount so assessed shall be recoverable in any court of competent jurisdiction.

(5) If any statutory undertakers refuse to permit any of their operational lands, or the railways board or the British Transport Docks Board refuse to permit any lands belonging to them and used for the purposes of their undertaking, or the river authority refuse to permit any lands belonging to them and used for any purpose in connection with the performance of any of their functions, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section, application under that subsection shall not be made to a magistrates' court, but any question arising as to whether permission for any such lands to be so entered upon, examined or laid open is unreasonably withheld shall be determined by a single arbitrator appointed in default of agreement by the President of the Institution of Civil Engineers, and if the arbitrator shall determine that such permission is unreasonably withheld, the Council shall have the like powers of entering, examining and laying open the said lands for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

(6) If any person who in compliance with the provisions of this section or an order made thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.



PART II  
—cont.  
Agreements  
with  
developers.

7.—(1) The Council and any person having an estate or interest in any land within the county 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 Council 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) arrangements relating to the provision, maintenance or use of means of disposal of foul or surface water for or in connection with development of that land;

(i) any other related or consequential matters.

(2) (a) An agreement entered into under the preceding 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 Council 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 preceding subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement the Council 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 Council 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 preceding 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.

(3) The Council 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) Section 291 of the Act of 1936 shall have effect as if reference therein to that Act included a reference to this section.

8. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been paid by the Council into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the said Act of 1965 or paid by the Council into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or Schedule 3 to the said Act of 1965 to  
Recovery of deposits under Lands Clauses Acts or the Compulsory Purchase Act 1965.  
1845 c. 18.  
1965 c. 56.

PART II  
—cont.

order upon application by the Council that the money so paid or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Council:

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

Unauthorised  
games on  
school  
playing  
fields.

9.—(1) If without the authority in writing of the appropriate authority any person takes part in any game of cricket, football, hockey or netball, or any other such organised game, on any land forming part of a playground or playing field under the control of or maintained by the Council as the local education authority, he shall be liable on summary conviction to a fine not exceeding ten pounds:

Provided that no person shall be liable to any fine under this section unless it is proved that at the material time notices warning persons of their liability under this section were posted so as to be readily seen and read by members of the public in such positions on or near the boundary of the playground or playing field (as the case may be) as appear to the court to be proper.

(2) Any person found taking part in or causing or encouraging other persons to take part in any such game as aforesaid on any such playground or playing field without authority as aforesaid may be removed from the playground or playing field by any person duly authorised in that behalf by the Council.

(3) In this section the expression “appropriate authority” means the Council or such other person or persons as are in accordance with the provisions of section 22 of the Education Act 1944 entitled to control the occupation and use of the playground or playing field at the material time.

1944 c. 31.

Application  
of certain  
provisions  
of Part II  
to local  
authorities.

10.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications, including the substitution of “local authority” for “Council”.



(2) The provisions hereinbefore referred to are—

PART II  
—cont.

Section 5 (Suspension of restrictive covenants);

Section 6 (Entry on land for certain purposes);

Section 7 (Agreements with developers);

Section 8 (Recovery of deposits under Lands Clauses Acts or the Compulsory Purchase Act 1965).

1965 c. 56.

(3) Notwithstanding the foregoing provisions of this section the provisions of this Part of this Act mentioned in subsection (2) of this section shall not apply to the rural district council of Hawarden and the provisions of the said section 6 of this Act shall not apply to the rural district council of Maelor.

### PART III

#### HIGHWAYS, STREETS AND FOOTPATHS

11.—(1) Where any grass verge, garden or space which has been provided by a local authority in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with a local authority under that Act, or any enactment repealed by that Act, is maintained by the local authority, the local authority may by notice prohibit any person from—

Verges, etc.,  
of housing  
estates.

(a) causing or permitting motor vehicles or caravans to enter upon any such grass verge, garden or space; or

(b) entering upon any such garden.

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

(3) If any person (except in a case of emergency) contravenes a notice so posted, he shall be liable to a fine not exceeding twenty pounds.

(4) Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided by a housing association, the local authority shall consult the association.

(5) The powers of this section shall not be exercisable in relation to any grass verge, garden or space which forms part of a highway maintainable at the public expense.

PART III  
—cont.

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

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

(b) A representation under the foregoing paragraph shall be made in writing and signed by not less than five local government electors residing in separate private dwelling-houses in the street concerned or in any other street within 100 yards of the said land.

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

(b) Not later than the date on which the notice is published in pursuance of paragraph (a) of this subsection the local authority shall serve a copy of the notice on the owner or occupier of every private dwelling-house abutting or fronting on the street or part thereof specified in the draft order.

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

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

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

(4) When an order has been made by the local authority under this section they shall give notice thereof and of the right of appeal by publication in a local newspaper circulating in the district and



any person affected by the order and the owner or occupier of a dwelling-house in the district who is aggrieved by the order may appeal to a magistrates' court:

PART III  
—cont.

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

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

(6) The occupier of the land within the curtilage of a private dwelling-house or any part thereof who permits the land to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle in contravention thereof shall be liable to a fine not exceeding fifty pounds.

(7) In this section—

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

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

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

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

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

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

(8) For the purposes of this section a vehicle having an unladen weight exceeding thirty hundredweight in which is installed



PART III  
—cont.

freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which but for the installation of that equipment would have an unladen weight of thirty hundred-weight or less shall be deemed not to be a heavy commercial vehicle but the exemption afforded to such a vehicle by this subsection shall only have effect—

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

Prohibition of  
parking or  
camping on  
highway  
verges, etc.

13.—(1) (a) The appropriate authority may by order prohibit the placing and leaving of any vehicle, trailer, caravan or tent on the verge of, or on unenclosed land adjacent to any part or parts of any trunk road, county road or any other road in the county or in any lay-by within the boundaries of any such roads.

(b) In this subsection “unenclosed land” means any unenclosed land adjacent to and within 15 yards of the road and any common land or other unenclosed land of whatsoever description within that distance from the road.

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

(3) Where it is proposed to make an order under this section the appropriate authority shall have regard to the availability of—

- (a) suitable parking facilities (whether on or off the road and whether provided by the appropriate authority or by some other person) for use as an alternative to those which before the making of the order have been lawfully used for that purpose; and
- (b) public sanitary conveniences in convenient situations.

(4) (a) An order made under this section shall—

- (i) take effect from such date as may be specified in that behalf in the order;
- (ii) specify the road or roads and the unenclosed land to which it is to apply; and
- (iii) specify the days and the hours between nine o'clock in the evening and nine o'clock in the morning during which the prohibition applies.

(b) An order made under this section may at any time be altered or revoked by a subsequent order made in like manner.

(5) Before making any order in relation to any road or land under this section the appropriate authority shall publish in one or more local newspapers circulating in the area in which the road or land is situated a notice—

- (a) stating the general effect of the order;
- (b) specifying the offices of every local authority in whose district the road or land is situated where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
- (c) stating that, within the said period, any person may by notice to the appropriate authority object to the making of the order.

(6) If before the expiration of a period of twenty-eight days from the first publication of the notice referred to in paragraph (b) of subsection (5) of this section, an objection to the making of the order to which the notice relates is duly received by the appropriate authority, the appropriate authority shall consider such objection before making the order.

(7) Where an order has been made under this section, the appropriate authority shall erect or cause to be erected on or near any road or land to which such an order applies notices indicating the nature and extent of the prohibitions imposed by the order.

(8) (a) No order made under this section shall apply to the placing and leaving on a verge or land or lay-by of—

- (i) any vehicle, trailer, caravan or tent if it is not left for more than two hours;
- (ii) any vehicle, trailer, caravan or tent by or with the consent of the occupier of the land;
- (iii) any vehicle, trailer or caravan placed and left because of or in connection with mechanical breakdown;
- (iv) any vehicle, trailer, caravan or tent placed and left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;
- (v) any vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining a verge or land or lay-by;
- (vi) any vehicle, trailer or caravan the stationing of which is prohibited under section 10 of the Caravan Sites Act 1968 or would be prohibited under that section if the county were designated by an order made under section 12 of that Act; 1968 c. 52.



PART III  
—cont.

- (vii) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertakers in connection with or for the purposes of their undertakings or by the highway authority or the local authority, in or in connection with the exercise of their statutory functions.

(b) No order made under this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with the terms and conditions on which permission has been given for the development by the local planning authority under the provisions of the Act of 1962, or in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960.

1960 c. 62.

(9) In this section “appropriate authority” means—

- (a) in the case of a trunk road, with the consent of the Secretary of State the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;
- (b) in the case of a county road except a claimed county road, the Council;
- (c) in the case of a claimed county road, the local authority for the district in which the highway is situate;
- (d) in the case of any other road or street, the local authority for the district in which the highway is situated.

Defacing of  
road surface,  
etc.

14.—(1) The highway authority may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway or upon a tree, structure or works or on a highway contrary to paragraph (cc) of subsection (1) of section 117 of the Act of 1959.

(2) The court by which a person is convicted of an offence under the said section 117 may, whether or not it imposes a fine, by order require him to pay to the highway authority any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to paragraph (c) of subsection (2) of the said section or incurred by them under subsection (1) of this section.

Temporary  
prohibition  
of traffic  
during  
execution  
of works.

15.—(1) Where the highway authority are satisfied—

- (a) that traffic on any street for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be prohibited or restricted; and

(b) that it is desirable that such prohibition or restriction should come into force without delay and that for this reason it is not expedient to effect the same by means of an order made under subsection (1) of section 12 of the Act of 1967;

they may by notice prohibit or restrict for any period not exceeding twenty-four hours the use of that street or any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions and exceptions as they may consider necessary:

Provided that the powers conferred on the highway authority by this section shall not be exercised—

- (i) with respect to any street or any part thereof on more than one occasion in any period of fourteen consecutive days; or
- (ii) with respect to any street upon which public service vehicles are authorised by a road service licence to operate unless the highway authority give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed; or
- (iii) so as to obstruct or interfere with the access to or exit from any colliery, coke oven, rescue station or opencast site belonging to the National Coal Board or to or from any station or depot of the railways board or of any passenger road transport operators.

(2) The provisions of subsections (3), (4), (5), (8), (9), (10) and (11) of section 12 of the Act of 1967 shall extend and apply for the purposes of this section as if any notice issued by the highway authority under subsection (1) of this section had been issued under subsection (2) of that section.

(3) No prohibition or restriction on the use of any street under the powers of this section shall make it unlawful for statutory undertakers to enter upon such street in a case of emergency with any necessary vehicles for the purpose of inspecting, repairing, maintaining, renewing or removing, in the case of the Post Office, any telegraphic line belonging to or used by the Post Office or, in the case of any other statutory undertakers, any apparatus of the undertakers concerned which at the time of the imposition of such prohibition or restriction is in that street.

16.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the county maintainable at the public expense or in any street therein constructed

Mixing of mortar, etc., in streets.



PART III  
—cont.

under the powers in that behalf contained in the Act of 1957, the Act of 1959 or the Act of 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Council or the local authority are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

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

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

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, shop, stall 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 or in any lay-by of any road to which this section applies or on any common land or unenclosed land of whatsoever 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—

- (i) all trunkroads and roads which are classified as principal roads by the Secretary of State under the Local Government Act 1966; and
- (ii) any other road or part of a road in the county to which the highway authority may by order apply this section.

(b) Before making an order under this subsection the highway authority shall cause to be published once in each of two successive weeks in a local newspaper circulating in the locality in which the road is situated 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 application by sending notice of his objection and of the grounds thereof to the highway authority.



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

(4) Nothing in this section shall apply to—

(a) any shed, hut, shelter, booth, shop, stall 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 Secretary of State 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; 1925 c. 20.  
or

(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 road, verge, lay-by, common land or other land to which this section applies.

(5) In this section—

“container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

“private property” does not include common land.

18.—(1) Any person with the consent of the highway authority may, in proper and convenient situations in any highway including any roadside waste forming part of a highway, provide stands for milk churns and containers: Milk stands in highways.

Provided that the consent of the highway authority shall not be given to the provision of any stand in any highway or roadside waste in such a situation as to obstruct an existing access to any premises abutting on such road.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit.

(3) Any person aggrieved by the refusal of the highway authority to grant consent under this section or by the terms and conditions attached thereto may appeal to a magistrates' court.

(4) (a) Any person who, without the consent of the highway authority, provides stands for milk churns and containers in any highway including any roadside waste forming part of a highway shall be guilty of an offence and shall be liable to a fine not exceeding twenty pounds and if the person guilty of the offence

PART III  
—cont.

does not within two months after conviction remove the stands in respect of which the offence has been committed, the highway authority may themselves remove the said stands and recover the expense of so doing from the person guilty of the offence.

(b) Any breach of any terms and conditions imposed by the highway authority under subsection (2) of this section shall be deemed as regards liability to a fine and the other consequences arising under the foregoing paragraph of this subsection equivalent to the provision of stands without the required approval or consent.

Removal,  
etc., of  
dangerous  
trees.

19.—(1) If it appears to a local authority that for the prevention of danger to persons generally or to property, any tree in their district should be lopped, cut, removed or felled, the local authority may serve a notice on the owner or occupier of the premises on which the tree is growing or situated, requiring him within twenty-one days to lop, cut, remove or fell the tree or execute such other works as the local authority may consider necessary to prevent the danger.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials shall for the purposes of this section have effect as if the expression “materials” included timber.

(3) 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:

Provided that for the purposes of such application the said section 290 shall have effect as if—

(a) for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

“(a) that the notice or requirement is unreasonable”;  
and

(b) in subsection (6) thereof the words after “in so doing” were omitted.

Erection of  
place names.

20.—(1) A rural district council or parish council may provide, erect and maintain in proper and convenient situations within their district or parish such place-name signs as they may from time to time determine:

Provided that no such sign shall be erected on land forming part of, or adjacent to, a highway, except with the consent of the highway authority and in accordance with such conditions as the highway authority may think fit to impose.



(2) Any sign provided or erected under this section shall comply with any order or regulation made by the Secretary of State in respect of traffic signs, or any general or special directions given by him in pursuance of the Act of 1967.

PART III  
—cont.

21.—(1) (a) Where planning permission has been granted to any person for the purposes of development in the county and it is necessary, to enable such development to be carried out, for any footpath or bridleway to be stopped up or diverted pursuant to the provisions of the Town and Country Planning Acts 1962 to 1968 then all costs and expenses incurred by the local authority in publishing notice in any local newspaper or in the London Gazette in relation to the application for an order for the stopping-up or diversion of such a footpath or bridleway as aforesaid shall be recoverable by the local authority from the person who shall have requested the making of such an order.

Recovery of cost relating to making stopping-up or diversion order in respect of a footpath or bridleway.

(b) In this section “planning permission” has the same meaning as in the Act of 1962.

(2) Any person who desires a footpath or bridleway to be stopped up or diverted and requests the local authority concerned to make an order under the provisions of section 110 or section 111 of the Act of 1959 shall pay to the local authority all costs and expenses incurred by them in publishing notice in any local newspaper or in the London Gazette in relation to the matter.

22.—(1) Where in any district it appears to the street works authority that a new street has been formed by reason of additions made to an existing footpath, bridleway or other highway maintainable at the public expense (not being or comprising a carriage-way within the meaning of the Act of 1959), otherwise than by the giving up for the purpose by the street works authority of lands owned by them, the street works authority may, notwithstanding anything in the code of 1875 or the code of 1892, carry out street works in respect of such street, or any part of such street, and apportion the expenses thereof on the premises fronting, adjoining or abutting on such street, or such part thereof, as if no part of the said street was so maintainable.

Application of code of 1875 and code of 1892 to parts of public streets.

(2) Save in a case falling within the provisions of subsection (1) of this section, for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting on the street shall, if the street works authority so resolves, be deemed to front, adjoin or abut on the part of the street which is not so maintainable.

(3) Where, in consequence of any order or orders made under sections 30 or 32 of the Public Health Act 1925, or sections 159 1925 c. 71.

PART III  
—cont.

or 166 of the Act of 1959, any lands have been or are added to an existing highway maintainable at the public expense in any district, such lands, if so resolved by the street works authority, shall for the purposes of the code of 1875 or the code of 1892 be deemed to be a street which is not maintainable at the public expense and the street works authority may apportion the whole or any portion of the expenses of any street works carried out in respect of such street, or any part of such street, on the premises of which such lands formed part immediately before their addition to the highway as aforesaid:

Provided that such expenses shall not include any expenses which under subsection (4) of section 163 of the Act of 1959 are to be borne by the street works authority.

Cost of  
providing  
traffic signs  
in highway.

23.—(1) A highway authority may recover from statutory undertakers or any other person the reasonable expense of providing traffic signs lawfully required in connection with any works lawfully carried out by such undertakers or persons in any highway maintainable at the public expense:

Provided that the provisions of this section shall not apply in any case where any works carried out by the statutory undertakers are required by or in consequence of anything done by, or are necessitated by works carried out by or on behalf of, the highway authority.

(2) Section 264 of the Act of 1959 shall apply to this section for the purposes of recovery of any expense due to the highway authority.

## PART IV

## PLANNING AND PUBLIC ORDER

Refuse  
dumps.

24.—(1) As from the appointed day it shall not be lawful for any authority, body or person to form a deposit of refuse or continue to add refuse to an existing deposit or otherwise dispose of refuse in any place within the county without the consent first obtained in writing of the Council after consultation by the Council with the local authority of the county district in which such deposit or disposal shall be intended to be made:

Provided that this subsection shall not apply—

- (a) to the deposit or disposal of sewage by any local or other public authority acting under the powers of any enactment; or
- (b) to the disposal of manure or fertilizer at or on a farm, garden, allotment or nursery and intended to be used solely for horticultural, agricultural or farming purposes; or
- (c) to the deposit or disposal of refuse required solely for use in an industrial process or for an industrial purpose or to the deposit or disposal of refuse (in such a manner



as is not likely to cause a nuisance or to pollute water supplies) resulting from any manufacturing or industrial process within the curtilage of the premises at which such process takes place which expression shall include any neighbouring premises which are in the same ownership as such last-mentioned premises; or

- (d) to the deposit of spoil or refuse from a mine or quarry on a tip which for the purposes of the Mines and Quarries (Tips) Act 1969 is associated with such mine or quarry or; 1969 c. 10.
- (e) to the tipping of spoil and refuse by the railways board for the purpose of constructing, widening or maintaining any railway works; or
- (f) to the deposit of any soil or material by the river authority; or
- (g) to the deposit in the exercise of their functions by statutory power of any spoil or material by any drainage board constituted, or treated as having been constituted, under the Land Drainage Act 1930, or by any other body of persons having power to make or maintain works for the drainage of land; or 1930 c. 44.
- (h) to the deposit by any statutory water undertakers on any land in the county belonging to them of any spoil or refuse for the purpose of constructing or altering any work which they are authorised by any enactment to construct or alter, or other spoil or refuse produced from any works or operations carried on by them for the purposes of or in connection with their undertaking; or
- (i) to the deposit by the Gas Council or by the gas board—
  - (i) on any land belonging to them of any spoil or refuse for the purpose of constructing or altering any work which they are authorised by any enactment to construct or alter;
  - (ii) on any land belonging to them and used for the manufacture of gas of any washing or other liquid or oil or materials of any other kind used by them in, or produced in or resulting from the manufacture or supply of gas or any product of or derived from such manufacture or supply in such a manner as not to be likely to cause a nuisance or to pollute water supplies;
  - (iii) on any land belonging to them of any spoil or refuse other than such as is referred to in the foregoing sub-paragraphs (i) and (ii) produced from any works or operations carried on by them for the purposes of or in connection with their undertaking; or

PART IV  
—cont.

- (j) to the deposit or tipping of refuse (of such a nature as is not likely to cause a nuisance) by or on behalf of a local authority within their district; or
- (k) to the deposit or tipping of refuse (of such a nature as is not likely to cause a nuisance) by any person duly authorised by any local authority upon a tip established and maintained by a local authority within their district; or
- (l) to the tipping or depositing of spoil or refuse by the generating board or the electricity board on operational land of those boards; or
- (m) to any deposit or disposal of refuse by the National Coal Board for which permission (whether specific or otherwise) has been granted or is deemed to have been granted under the Act of 1962.

(2) The Council may grant or withhold their consent under subsection (1) of this section or may make the granting of their consent subject to such terms and conditions as they think fit and may withdraw any such consent previously given:

Provided that—

- (a) a consent previously given shall not be withdrawn, except in case of emergency, without six months' previous notice in writing of the intention of the Council to withdraw the consent;
- (b) if the Council shall not notify the applicant for any such consent of their decision upon such application within two months after the receipt thereof, the Council not so notifying shall be deemed to have consented thereto unconditionally.

(3) Any person aggrieved by the refusal of any such application as aforesaid or by the withdrawal of such consent or by any conditions imposed upon him may within twenty-eight days after the date of such refusal or withdrawal or imposition of conditions or such longer period as the Secretary of State may allow appeal to the Secretary of State and the Secretary of State may dismiss or allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose. The decision of the Secretary of State on an appeal under this subsection shall have effect as if it were a decision of the Council.

(4) Where any person appeals in accordance with the provisions of the last foregoing subsection against a decision of the Council to withdraw a consent previously given it shall be lawful for that person, except where consent has been withdrawn in case of emergency, to continue to add refuse to the deposit of refuse to which the consent applies in accordance with the conditions of the consent until he is informed of the Secretary of State's decision in regard to the appeal.



(5) Any person offending against the provisions of subsection (1) of this section or infringing any of the terms or conditions subject to which a consent under that subsection shall have been granted shall be liable to a penalty not exceeding four hundred pounds and in the case of a continuing offence to a daily fine not exceeding one hundred pounds.

(6) Where on the appointed day any authority, body or person is required by the provisions of this section to obtain the consent of the Council to continue to add refuse to any deposit of refuse which is in existence at the passing of this Act, and such authority, body or person has applied to the Council for such consent, it shall be lawful for such authority, body or person to continue to add refuse of a similar nature to that deposit until he is informed of the decision with regard to his application and, if the Council refuse their consent or grant their consent subject to conditions, until such time as is provided by subsection (3) of this section for appealing has expired or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution:

Provided that as respects any such application as is referred to in this subsection the Council, notwithstanding anything in subsection (2) of this section, shall not be deemed to have consented thereto unconditionally by reason of the fact that their decision is not notified to the applicant within the period referred to in the said subsection (2).

(7) In this section “refuse” means trade refuse, industrial refuse, liquid refuse, toxic solid waste and any other similar matter.

(8) Nothing in this section shall apply—

- (a) to refuse disposed of by incineration in an incinerator to which the Clean Air Acts 1956 and 1968 or the Alkali Etc. Works Regulation Act 1906 applies, but for 1906 c. 14. the purposes of this subsection any residue resulting from the incineration of refuse shall be deemed to have been disposed of thereby;
- (b) to the deposit or disposal of refuse to which the law relating to the discharge of trade effluent applies.

25.—(1) No person shall within the county dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of a flammable, explosive or poisonous substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container to any person or property. Disposal of dangerous containers.

(2) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding fifty



PART IV  
—cont.

pounds and the Council or the local authority may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing.

(3) In this section “poisonous substance” means a substance specified in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act 1933.

1933 c. 25.

As to  
occupiers  
of land on  
which  
caravans are  
stationed.

1960 c. 62.

26.—(1) A local authority, for the purpose of ascertaining whether or not an offence has been committed under section 1 of the Caravan Sites and Control of Development Act 1960, may by notice in writing, signed by their clerk or his lawful deputy, require the owner or reputed owner of any land in their district on which a caravan is stationed or any person who, either directly or indirectly, receives rent in respect of such land, to state in writing the name and address of the occupier of such land, and any person who, having been required by a local authority in pursuance of this section to give to them any information, wilfully fails to give that information within forty-two days of being so required, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) In this section “occupier” has the meaning assigned to it by subsection (3) of section 1 of the said Act.

Protection of  
dangerous  
ponds and  
excavations.

27.—(1) Where there is on any land in the county a pond, well, mineshaft, quarry or other excavation which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a source of danger to children or other persons, the Council may pay, or contribute to the payment of, any expenses incurred in the execution, by any person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger:

1954 c. 70.

Provided that, in the case of any such excavation in respect of which any person may, under section 144 of the Act of 1959 or section 151 of the Mines and Quarries Act 1954, be required to execute works to obviate the danger, the Council shall only pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such person to be required to bear the expense, or the whole of the expense (as the case may be), of executing such works.

(2) If in the case of any such pond, well, mineshaft, quarry or other excavation as aforesaid on any land in the county—

(a) the Council are unable, after making reasonable inquiry, to ascertain the name and address of the owner or occupier of the land; or

(b) the Council have, by notice given to the owner or occupier of the land, requested the execution of such works of repair, protection or enclosure as they may consider necessary to obviate the danger and, despite an offer made by the Council to pay or contribute to the payment of any expenses incurred by the owner or occupier in the execution of such works, the works are not executed within such reasonable time thereafter as may be necessary for the purpose;

the Council may, subject to the provisions of subsection (3) of this section, themselves execute such works at their own expense.

(3) (a) Where, in a case referred to in paragraph (b) of subsection (2) of this section, the Council propose themselves to execute works on any land they shall, before carrying the proposal into effect, serve notice on the owner or occupier of the land specifying the place where they propose to execute such works and the nature of the works proposed and the period, which shall not be less than twenty-eight days, within which notice of objection to the proposal may be sent in writing to the Council, and including notice of the right of appeal under paragraphs (b) and (c) of this subsection.

(b) The Council shall consider any notice of objection sent to them by the owner or occupier of the land within the period so specified and give notice of their decision on the objection to the person by whom it was made.

(c) If that person is aggrieved by the decision of the Council he may, within twenty-one days after receiving notice thereof, appeal to a magistrates' court, and the court shall have power to make such order in the matter as it considers reasonable.

(4) If in pursuance of subsection (2) of this section, or of an order of a court made under paragraph (c) of subsection (3) of this section, the Council themselves execute works of repair, protection or enclosure on any land, they shall, unless otherwise agreed in writing between the Council and the owner or occupier of the land and unless otherwise provided in any such order of the court, maintain those works.

(5) This section shall apply to a local authority and to a parish council and for that purpose shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to their district respectively or (as the case may be) to a parish council and to their parish respectively.

28.—(1) As from the appointed day in the urban district of Rhyl no person being the owner or occupier of premises in a street to which this section applies shall use or permit any other

Sale of food and articles from private forecourts.



PART IV  
—cont.

person to use a forecourt of such premises, whether for payment or not, for the purposes of—

- (a) importuning any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden or place of amusement or for a boat, hackney carriage or public service vehicle; or
- (b) hawking, selling, offering or exposing for sale any article or commodity; or
- (c) taking a photograph by way of trade or business of any person.

(2) This section applies to any street to which this section applies by virtue of byelaws made by the urban district council of Rhyl under this section and such byelaws may provide for exemptions therefrom of such premises as that council may consent to.

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

(4) The provisions of paragraph (b) of subsection (1) of this section shall not apply to any activity—

- (a) in respect of which planning permission has been granted; or
- (b) for which planning permission is granted by any development order or other order made under the Act of 1962;

except a use which is permitted by virtue of Class IV of Schedule 1 to the Town and Country Planning General Development Order 1963 or a use for which planning permission is not required because the user was established before the coming into operation of the Town and Country Planning Act 1947.

1947 c. 51.

(5) The prohibition imposed by paragraph (b) of subsection (1) of this section shall not apply to—

- (a) the sale or offering for sale by any person of newspapers and periodicals; or
- (b) the sale or offering for sale of any article or commodity, except hot food, by an automatic vending machine; or
- (c) a sale or offering for sale to persons residing in, or employed at, those premises.

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



(7) The provisions of this section shall not be applied to prevent an owner or occupier of premises from using or allowing a person being a relative or a bona fide employee of the said owner or occupier to use the forecourt of such premises for any of the purposes mentioned in subsection (1) of this section.

PART IV  
—cont.

(8) In this section—

“hot food” does not include any beverage; and

“forecourt” does not include any area lying behind a front main wall of any building.

### PART V

#### FIRE PROTECTION AND PUBLIC SAFETY

29.—(1) This section applies to—

Parts of buildings used for storage of flammable substances.

(a) any building of which part (hereafter in this section referred to as “the storage part of the building”) is used, or intended to be used, for the storage for the purposes of sale or trade of any substance to which this section applies and part is used, or intended to be used, as a habitable room or a place in which any person works, if the part used, or intended to be used, as a habitable room or a place in which a person works communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building;

(b) any substance which is highly flammable:

Provided that this section shall not apply to any building in which no substance to which this section applies is stored other than—

(i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 or the Celluloid and Cinematograph Film Act 1922 apply; or

(ii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or

(iii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

PART V  
—cont.

(2) If the Council are of the opinion that the storage for the purposes of sale or trade of any substances to which this section applies in any part of a building to which this section applies in the county is—

(a) in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

(b) in such manner as to be liable to cause fire or explosion;

they may by notice require the occupier of any part of the building to provide or fit (as the case may be) within such reasonable period as may be specified in the notice—

(i) appropriate means of giving warning, in the case of fire, to persons occupying the building and for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building, being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(3) The occupier of any building who—

(a) by reason of a restriction affecting his interest in the building, is unable to execute works for the purpose of complying with a notice given by the Council under subsection (2) of this section; or

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

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



(4) Upon compliance with a notice under subsection (2) of this section the Council shall forthwith issue to the person to whom the notice was given a certificate of such compliance.

(5) (a) If, after a certificate of compliance with a notice under subsection (2) of this section has been granted by the Council—

(i) any material extension or material structural alteration of the building to which the certificate relates is intended to be made; or

(ii) it is intended materially to increase the storage in the said building of any substance to which this section applies;

the occupier of any part of the building shall not less than twenty-one days before any such extension or alteration is made or any such storage is increased give notice of such intention to the Council who may serve a further notice varying any requirement made under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Council shall amend the certificate or grant a new certificate in respect of the building, but if anything required to be provided in accordance with a further notice served under this subsection is not provided within such reasonable time as may be specified in the notice, the Council may cancel the certificate previously granted in respect of the building.

(6) All means of escape, fire alarms and means of extinguishing fire provided or fitted (as the case may be) under the requirements of sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2) of this section shall be properly maintained and kept free from obstruction.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Council to enforce.

(8) (a) An authorised officer of the Council may, in respect of any premises which he has entered in pursuance of the powers conferred by the said section 287, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any test of a sample taken by an authorised officer of the Council by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (9) of this section, unless the following requirements have been complied with, that is to



PART V  
—cont.

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

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

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

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

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

(10) 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 five pounds.

(11) In this section—

- “ building ” where used in relation to the storage of substances therein includes the curtilage of the building;
- “ habitable room ” includes a room or place to which the public resort.

(12) Nothing in this section shall apply to—

- (a) premises which are subject to the Factories Act 1961, the Offices, Shops and Railway Premises Act 1963, the Licensing Act 1964 or the Private Places of Entertainment (Licensing) Act 1967 or regulations made under those Acts;

1961 c. 34.  
1963 c. 41.  
1964 c. 26.  
1967 c. 19.

(b) any building, or part of a building, by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas.

PART V  
—cont.

30.—(1) As from the appointed day any person intending to install or place oil-burning equipment in any building in a district, whether erected before or after the passing of this Act, or on any land in a district, shall give not less than fourteen days' notice to the local authority of his intention to do so.

Oil-fired  
boilers.

(2) (a) The Council if requested to do so by a local authority may make byelaws for securing that, in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws, proper arrangements are made for preventing or reducing danger from fire.

(b) Byelaws made under this section may prescribe the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment in any such building, or on any such land, as aforesaid, and the mode of arrangement of any such works, apparatus, fittings and appliances.

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

(b) If the local authority do not, within five weeks from the submission of plans and specifications of any equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land, the local authority are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to install or place such equipment, approve the

PART V  
—cont.

installation or the placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in the byelaws.

(5) (a) Any person aggrieved by the refusal of the local authority to approve the installation or placing of any equipment under subsection (4) of this section may, within twenty-one days from the receipt of notification of the refusal, appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal, or may vary the decision of the local authority against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the local authority given under this section.

(6) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section, and of any byelaws made thereunder, shall be provisions which it is the duty of the local authority to enforce.

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

(b) If any person contravenes any byelaw made under subsection (2) of this section, he shall be liable to a fine not exceeding fifty pounds, and if—

(i) that person, after conviction of the contravention; or

(ii) any other person, after notice of the conviction has been served on him by the local authority;

uses the oil-burning equipment in contravention of that byelaw, he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

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

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the



boiler has or have a total capacity not exceeding seven hundred and fifty gallons; or

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—cont.

(b) the installation of any oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or

1968 c. 54.

(c) the installation of any oil-burning equipment by the electricity board, the Gas Council, the gas board, the generating board and the railways board for the purpose of their respective undertakings:

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

(i) to a house; or

(ii) to a building used as offices or showrooms other than in the case of the railways board a building so used which forms part of a railway station.

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

1961 c. 34.

1963 c. 41.

(10) In this section—

“ apparatus ” and “ fittings ” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters;

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

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

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

31.—(1) Subject to the provisions of this section, a local authority shall consult with the Council as the fire authority—

Consultation  
by local  
authorities  
with fire  
authority.

(a) before granting, with or without conditions, a petroleum spirit licence under the Petroleum (Consolidation) Act 1928;

1928 c. 32.

PART V  
—cont.

1960 c. 62.

- (b) before exercising their functions under sections 59 or 60 of the Act of 1936 (which require a local authority to reject building plans for certain public and other buildings unless satisfactory exits, entrances and passages are provided and to reject building plans for certain high buildings unless means of escape from fire are provided);
- (c) before issuing a site licence, with or without conditions to which this paragraph applies or altering any such conditions attached to a site licence, or providing a site for caravans under the Caravan Sites and Control of Development Act 1960;
- (d) before approving under subsection (4) of section 30 (Oil-fired boilers) of this Act the installation or placing of equipment which does not comply with the appropriate specification contained in byelaws made under that section;
- (e) before rejecting any plan in accordance with subsection (1) or (2) of section 34 (Building plans: access for fire brigade) of this Act;
- (f) before approving particulars of the matters referred to in paragraphs (a) and (b) of subsection (1) of section 35 (Fire precautions in certain large buildings) of this Act;
- (g) before passing any plans of a type referred to in section 41 (Underground parking places) of this Act.

(2) Paragraph (c) of subsection (1) of this section applies to conditions for securing that proper measures are taken for preventing and detecting the outbreak of fire and that adequate means of fire fighting are provided and maintained, and consultation in respect of the matters specified in that paragraph shall only be required in relation to such measures for preventing and detecting the outbreak of fire and such means of fire fighting.

Prescription  
of signs to  
be used on  
certain  
buildings.

32.—(1) The Council may, in relation to any substance to which this section applies—

- (a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;
- (b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance to affix, within such reasonable time as is specified in the



notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice.

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—cont.

(2) This section applies to any substance likely to involve special hazard to persons engaged in operations for fire-fighting purposes.

(3) If any person fails to comply with the requirements of the Council under this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(4) In this section “fire-fighting purposes” has the same meaning as in the Fire Services Act 1947.

1947 c. 41.

33.—(1) The Council may arrange for—

- (a) the publication of information on questions relating to fire services, fire fighting and precautions for avoiding the occurrence of fires in the county;
- (b) the delivery of lectures and addresses and the holding of discussions on such questions; and
- (c) the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions.

Instructions, lectures, etc., on questions relating to fire service, etc.

(2) The Council may prepare, or join in, or contribute to the cost of, the preparation of, pictures, films, models or exhibitions relating to such questions to be displayed or held whether within or outside the county.

34.—(1) Subject to the provisions of subsection (3) of this section where plans for the erection of a building are in accordance with building regulations deposited with a local authority, the local authority shall reject the plans if they show—

Building plans: access for fire brigade.

- (a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(2) Subject as aforesaid where plans for the extension of a building are in accordance with building regulations deposited with a local authority, the local authority shall reject the plans if they show—

- (a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building

PART V  
—cont.

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

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

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Act of 1962.

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

(5) If a local authority reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(6) Any question arising under this section between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans may, on the application of that person, be determined by a magistrates’ court.

(7) This section shall not apply in respect of plans deposited for the erection of—

- (a) a one-storeyed private dwelling-house of a capacity of less than 18,000 cubic feet or such other capacity as the Secretary of State may by order prescribe; or
- (b) a private dwelling-house of two storeys neither of which storey has a floor area of more than 1,000 square feet or of such other area as the Secretary of State may by order prescribe;

not being a flat or maisonette.

(8) An order under subsection (7) of this section shall be made by statutory instrument and the local authority shall cause to be published in a local newspaper circulating in the district notice of the making of such order and of the general effect thereof.

(9) Either—

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



- (b) a photostatic or other reproduction certified by the clerk of the local authority 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;

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—cont.

shall be evidence of the publication of the notice.

35.—(1) No building of the warehouse class and no building used or intended to be used for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding 250,000 cubic feet or extended to exceed that extent unless (in accordance with plans and particulars submitted in accordance with building regulations and approved for the purposes of this section by the local authority of the district in which the building is to be erected or is situate) it is—

Fire precautions in certain large buildings.

- (a) provided with all such means of escape therefrom in case of fire as may be reasonably required; and
- (b) (if the local authority after consultation with the fire authority in all the circumstances think it necessary) fitted with automatic fire alarms and a fire extinguishing system or with either such alarms or such system to the satisfaction of the local authority:

Provided that—

- (i) nothing in paragraph (a) of this subsection shall apply to a building to which section 59 of the Act of 1936 applies, to a factory to which section 40 of the Factories Act 1961 applies, or to premises to which the Offices, Shops and Railway Premises Act 1963 applies; 1961 c. 34. 1963 c. 41.
- (ii) nothing in paragraph (b) of this subsection so far as it relates to the provision of fire alarms shall apply to a factory to which subsection (7) of section 48 of the said Act of 1961 applies or to premises to which section 34 of the said Act of 1963 applies, nor so far as it relates to the provision of a fire extinguishing system shall the said paragraph apply to a factory to which subsection (1) of section 51 of the said Act of 1961 applies or to premises to which the said Act of 1963 applies or to premises to which building regulations imposing requirements as to the provision of means of escape in case of fire apply.

(2) (a) The person proposing to erect or cause to be erected or extend or cause to be extended any building to which subsection (1) of this section applies shall, when submitting plans



PART V  
—cont.

and particulars in accordance with building regulations, deposit with the local authority particulars showing how it is proposed to comply with the requirements of paragraphs (a) and (b) of subsection (1) of this section.

(b) A local authority at any time within a period of five weeks after the deposit of the particulars irrespective of any decision under building regulations—

(i) may refuse to approve them; or

(ii) may approve them subject to such conditions (if any) as they think fit.

(c) Where a local authority refuse to approve the particulars or approve them subject to conditions they shall give to the person who deposited the particulars notice stating their reason for refusal or for the imposition of conditions:

Provided that if within the period of five weeks mentioned in paragraph (b) of this subsection the local authority fail to give such notice they shall be deemed to have approved the said particulars.

(3) (a) If any building to which the preceding subsections of this section are applicable is erected or extended in contravention of any of the requirements of paragraph (a) or (b) of subsection (1) of this section the local authority, without prejudice to their rights to take proceedings for penalties in respect of the contravention, may by notice require the person erecting or causing to be erected the building or extension either to pull down and remove it or, if he so elects, to effect such alterations therein as may be necessary in order to comply with the said requirements.

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

(4) All means of escape, fire alarms and fire extinguishing systems provided or fitted, as the case may be, under the requirements of paragraphs (a) and (b) of subsection (1) of this section shall be properly maintained and kept free from obstruction.

(5) (a) A person who erects or causes to be erected or extends or causes to be extended a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(b) The occupier of any premises who fails to maintain the means of escape, fire alarms and fire-extinguishing systems provided or fitted, as the case may be, under the requirements of paragraphs (a) and (b) of subsection (1) of this section, or to keep them free from obstruction, shall be guilty of an offence under this section.

(c) A person who commits an offence under this section shall on summary conviction be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding ten pounds.

PART V  
—cont.

(6) Any person aggrieved by—

- (a) a requirement of a local authority; or
- (b) a refusal by a local authority to approve particulars; or
- (c) a condition subject to which approval of particulars is given by a local authority;

under subsection (1) or (2) of this section may appeal to a magistrates' court, and on any such appeal the court may confirm, reverse or vary such requirement, refusal or condition.

(7) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which subsections (1) to (3) of this section apply—

- (a) for the purpose of ascertaining whether there is, or has been, in or in connection with the building, any contravention of the provisions of this section;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise a local authority to take any action under this section.

(8) The provisions of subsections (2), (3), (4) and (5) of section 287 of the Act of 1936 shall apply to entry into a building for the purposes of subsection (7) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(9) Nothing in this section shall apply to any building—

- (a) which is divided by compartment walls or compartment floors constructed in accordance with building regulations in such a manner that no division of the building is of a cubic extent exceeding 250,000 cubic feet.
- (b) in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the 1968 c. 54. time being in force; or
- (c) which is exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by paragraph (c) of section 71 of that Act.

(10) Any reference in this section to plans deposited in accordance with building regulations shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the regulations or this section.



PART V  
—cont.Firemen's  
switches for  
luminous  
tube signs.

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

(2) As from the coming into operation of this section apparatus to which this section applies in the county shall be provided with a cut-off switch on the low-voltage side of the transformer, and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Council may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

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

(4) Where apparatus to which this section applies has been installed before the date of the coming into operation of this section, the consumer shall, not less than fourteen days before that date, give notice to the Council—

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

(5) Where notice has been given to the Council as required by subsection (3) or subsection (4) of this section, the proposed or, as the case may be, actual position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Council unless, within ten days from the date of the service of the notice, if the notice is served under subsection (3) of this section, or within twenty-one days from the date of the service of the notice, if the notice is served under subsection (4) of this section, the Council have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Council.

(7) A person aggrieved by a counter-notice served by the Council under subsection (5) of this section may appeal to a magistrates' court and the court, if it allows the appeal, shall order the cancellation of the counter-notice.



(8) The owner or the occupier of any premises where apparatus to which this section applies is installed which does not comply with subsection (2) of this section shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

(9) Any person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be liable to a fine not exceeding twenty pounds.

(10) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937 or any regulations that may be made under section 60 of the Electricity Act 1947, the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963.

1947 c. 54.  
1961 c. 34.  
1963 c. 41.

(11) This section shall not apply to apparatus installed on or in premises, or any part of premises, in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force:

1968 c. 54.

Provided that where any luminous tube sign to which, but for this subsection, this section would apply is proposed to be fitted on or in any such premises, the owner or occupier thereof shall, before such apparatus is fitted, give notice under subsection (3) of this section to the Council informing them of the position in which it is proposed to place the cut-off switch.

(12) This section shall come into operation in the county at the expiration of a period of two months beginning with the date on which this Act is passed.

(13) (a) The Council shall, as soon as may be after the passing of this Act, cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in two or more newspapers circulating in the county, and otherwise in such manner as the Council think fit.

(b) In any proceedings it shall be presumed, unless the contrary is proved, that the provisions of this subsection have been complied with.

37.—(1) If it appears to a local authority that for the purpose of preventing fire in any such building in its district as is referred to in subsection (5) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting thereto—

Preventing fire  
in public or  
other  
buildings.

(a) the apparatus or fittings for lighting or heating the building require alteration; or

PART V  
—cont.

- (b) the arrangement of the chairs and seating requires alteration; or
- (c) any floor requires strengthening in order to prevent overloading; or
- (d) any of the materials from which any fireplaces, flues, chimney vents or other like parts of such building are constructed are unsuitable;

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

Provided that—

- (i) for the purposes of this subsection any fireplace, flue, chimney vent or other like part of such building which complies with building regulations for the time being in force shall not be deemed to have been constructed of unsuitable materials;
- (ii) this subsection shall not apply to premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force;
- (iii) nothing in this section shall affect the operation of the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963, or any regulation or order made thereunder.

1968 c. 54.

1961 c. 34.

1963 c. 41.

(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.

Provision of means of escape from fire in certain buildings.

38.—(1) Section 60 of the Act of 1936 in its application to the county shall have effect as if—

- (a) in subsections (1) and (4) of that section the words “eighteen feet” were substituted for the words “twenty feet”;
- (b) in paragraph (a) of subsection (4) of that section the words “used in whole or in part as a flat or flats” were substituted for the words “let in flats”;
- (c) in paragraph (b) of subsection (4) of that section the words “boarding school” were omitted and the words “old persons’ home” were inserted after the words “children’s home”; and
- (d) in paragraph (c) of subsection (4) of that section the word “school” were inserted after the word “restaurant” and the words “for persons employed on the premises” were omitted.



(2) (a) The local authority may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) of this section, applies (other than a house used as a flat or flats) to keep unobstructed such passages and gangways as are under his control and as are specified in the notice and, if he fails to do so, he shall be liable to a fine not exceeding twenty pounds.

(b) A person served with a notice under this subsection may appeal to a magistrates' court on any of the following grounds:—

- (i) that the requirement is not justified by the terms of this subsection;
- (ii) that there has been some informality, defect or error in, or in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

39.—(1) A fire officer authorised in writing by the chief fire officer of the Council may on giving (except when there are grounds for suspecting that there may be a risk requiring immediate remedy) not less than forty-eight hours' notice to the secretary of a club in the county registered under the Licensing Act 1964, on production of his authority, enter and inspect as regards any matter affecting fire risks the premises occupied by the club at any reasonable time on such day as may be specified in the notice; but the chief fire officer shall not so authorise a fire officer unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of his functions in relation to any matter affecting fire risks.

Fire precautions in registered clubs.  
1964 c. 26.

(2) Any person obstructing a fire officer in the exercise of the power conferred by this section shall be liable to a fine not exceeding twenty pounds.

40.—(1) The power of a local authority to make byelaws under section 75 of the Public Health Act 1961 relating to pleasure fairs shall extend to the making of byelaws for preventing or reducing danger from, or risk of fire in or to, caravans, stands, stalls and structures used or intended to be used for the purposes of, or in connection with, any fair or circus.

Byelaws for prevention of fire at fairs and circuses.  
1961 c. 64.

(2) Without prejudice to the generality of the foregoing provisions of this section, any byelaws made under section 75 of the said Act of 1961 as extended by this section may—

- (a) prescribe the space to be kept free between the bodies of any two such caravans used or intended to be used

PART V  
—cont.

for sleeping accommodation and between the body of any such caravan so used or intended to be used and such stand, stall or structure;

- (b) prohibit or restrict the storage and use of flammable gases other than for domestic purposes;

and such byelaws shall in all circumstances be deemed to be properly made for the preservation of public safety:

Provided that no byelaws so made shall apply to any caravan, stand, stall or structure erected for the purposes of or, in connection with a fair or circus provided by The Scout Association, by The Girl Guides Association or by members of an organisation established by either of such associations in pursuance of their charter.

Underground  
parking  
places.

41.—(1) Where plans of any proposed work deposited with a local authority in pursuance of building regulations include proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the local authority may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

- (a) the construction of the underground parking place and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation of the underground parking place;
- (c) the provision of electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of a satisfactory emergency lighting system in connection with the underground parking place;
- (e) the provision of fire-fighting equipment and appliances in connection with the underground parking place;
- (f) the provision of safe and adequate means of ingress to and egress from the underground parking place;
- (g) the provision of adequate means for preventing inflammable substances from being admitted to any drainage system forming part of the underground parking place;
- (h) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.



(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

PART V  
—cont.

(3) If any question arises between the local authority and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the local authority ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may, on the application of that person, be referred to the Secretary of State for determination, and the Secretary of State shall determine any question submitted to him under paragraph (a) of this subsection or, as the case may be, may direct the local authority to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If, after plans of any underground parking place have been passed by the local authority in consequence of any proposals made under subsection (1) of this section, it appears to the local authority that any such proposal has not been carried into effect or is not being observed, the local authority may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposals specified in the notice, he shall be liable to a fine not exceeding two hundred pounds.

42.—(1) Without prejudice to the provisions of section 41 (Underground parking places) of this Act, the local authority may by notice to the owner or occupier of any underground parking place in the district which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the local authority in pursuance of building regulations the local

Further provision as to underground parking places.

PART V  
—cont.

authority may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (h) of subsection (1) of the said section 41 as the local authority think fit.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice, he shall be liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding five pounds.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the local authority shall deliver to him a certificate signed by their clerk stating the ground on which the local authority have made any requirement under this section, and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement made by the local authority under this section.

Interpretation  
and powers  
of entry for  
purposes of  
last two  
foregoing  
sections.  
1928 c. 32.

43.—(1) In the last two foregoing sections the expression “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor cars or other vehicles at a level more than 4 feet below the lowest level of the surface of the ground adjoining any part of such building.

(2) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of the last two foregoing sections shall be provisions which it is the duty of the local authority to enforce.



PART VI

HEATING UNDERTAKING

44. In this Part of this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—

Interpretation  
of Part VI  
of Act.

“electric line” has the same meaning as in the Electric Lighting Act 1882;

1882 c. 56.

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

“heating charges” means the charges for heat prescribed by a local authority under subsection (1) of section 52 (Heating charges) of this Act;

“heating fittings” includes radiators, air heaters, water heaters, mains, pipes, meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the supply or use of heat;

“heating undertaking” means any heating undertaking authorised by this Part of this Act and includes all lands, stations, boiler-houses, properties, works, buildings, machinery, plant, mains, pipes, apparatus, appliances, easements, rights, powers and privileges for the time being belonging to or held, used or enjoyed by the local authority for or in connection with the provision, storage, transmission, distribution and supply of heat;

“local authority” means the mayor, aldermen and burgesses of the borough of Flint and the urban district council of Connah’s Quay;

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

45.—(1) A local authority may supply heat to—

Supply of heat.

(a) such premises in their district; and

(b) such premises owned by them outside their district;

as they may think fit, upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between the local authority and the owners or occupiers of the premises:

Provided that in the exercise of the powers of this section a local authority shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before a local authority enter into an agreement with the occupier of any premises for the supply of heat to such premises, they shall give notice of their intention to do so to the owner of

PART VI  
—cont.

the premises and in the event of the supply of heat to such premises being discontinued, notice of such discontinuance shall be given by the local authority to the owner of such premises.

Works for  
provision of  
heat.

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

Provided that—

- (a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the local authority in any case in which such consent would have been required if this section had not been enacted;
- (b) any electrical works or equipment erected, laid down, maintained, worked or used pursuant to the powers conferred by this section shall be so erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line;
- (c) before installing any engines or machinery for the generation of electricity (other than electricity to be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated) the local authority shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

(2) Any electricity generated by the local authority as aforesaid may be sold—

- (a) to the generating board; or
- (b) with the approval of the generating board to the electricity board;



and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the generating board and the electricity board) elsewhere.

PART VI  
—cont.

(3) The generating board shall, subject to the terms of any agreement made under paragraph (c) of the proviso to subsection (1) of this section, take all the electricity generated by the local authority as aforesaid which is not—

- (a) required for or in connection with the supply of heat; or
- (b) supplied to the electricity board with the approval of the generating board;

upon such terms and conditions as may be agreed between the local authority and the generating board or, in default of agreement, determined by a single arbitrator to be appointed in default of agreement by the President of the Institution of Electrical Engineers and the arbitrator in determining the terms and conditions shall have regard to the costs which the generating board would incur in producing the equivalent amount of electricity from their own resources.

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

47.—(1) A local authority may enter into and carry into effect agreements with any person able to supply heat for the furnishing to the local authority by such person of a supply of heat for the purposes of this Part of this Act, and—

- (a) any such person may enter into any such agreement accordingly;
- (b) any such agreement may provide for the provision by the local authority or for the joint user by them and any

Power to buy  
heat in bulk.

PART VI  
—cont.

other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and

- (c) the local authority may let any land which they may possess to any such person to enable that person to supply heat in accordance with the agreement.

(2) A local authority may for the said purposes also enter into and carry into effect agreements for the taking and use of surplus heat, hot water or steam from any generating station or gasworks, refuse destructor or industrial plant and any person able to supply heat, hot water or steam may enter into such an agreement.

Purchase of  
land for  
heating  
undertaking.

48.—(1) A local authority may be authorised by the Secretary of State to purchase compulsorily for the purposes of the heating undertaking land within their district.

1946 c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) (a) A local authority may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land.

(b) In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act 1946 and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired, and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

(4) Where a local authority have acquired an easement or right only in any land under this section—

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

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

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires a local authority to acquire the land,



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

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section for an easement or right shall be endorsed with notice of the effect of subsection (5) of this section.

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

Power to lay mains, etc., and break open streets. 1945 c. 42.

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

(2) For the purposes of this Part of this Act, in the construction of the provisions incorporated by this section—

- “ the limits of supply ” mean the district;
- “ main ” includes a pipe or duct for the transmission of heat whether or not that transmission is for the purpose of the supply of heat;
- “ service pipe ” means a pipe or duct for supplying heat from a main to any premises;
- “ supplying water ” means supplying heat and “ supply of water ” shall be construed accordingly; and
- “ the undertakers ” means a local authority.

(3) Nothing in the provisions incorporated by this section shall authorise a local authority—

- (a) to lay down a main outside the district except for the purpose of—
  - (i) giving or facilitating a supply of heat within the district; or

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—cont.

- (ii) taking a supply of heat from any works or premises outside the district; or
- (iii) supplying heat to any premises owned by them;

(b) to supply heat to any premises outside the district other than premises owned by them.

Power to lay down or erect electric lines, etc.

50.—(1) For the purposes of their heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 46 (Works for provision of heat) of this Act a local authority may, within their district, lay down or erect electric lines and apparatus—

- (a) in, under or over any street, subject however to the provisions of subsection (3) of this section; and
- (b) with the consent of every owner and occupier of any land not forming part of a street in, on or over that land;

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

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

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

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

1945 c. 42.

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down, erection, inspection, repair, alteration, renewal or removal of electric lines and apparatus under this section, and for the purpose of such application the district shall be deemed to be the limits of supply:—

Section 22 (Power to break open streets);



Section 25 (Protection for railway companies navigation authorities tramway undertakers etc.);

PART VI  
—cont.

Section 27 (Remedies where undertakers fail to comply with foregoing requirements);

Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense);

Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(4) Without prejudice to the operation of section 4 of the Electric Lighting Act 1888 those provisions of the Electricity (Supply) Acts 1882 to 1936 as amended by the Electricity Act 1947 and in the schedule to the Electric Lighting (Clauses) Act 1899 which, as applied by the Post Office Act 1969, afford protection to the Post Office and its telegraphic lines shall, so far as applicable, extend and apply to any electric lines or apparatus laid down or erected under this section, and references in those provisions to the electricity board or the undertakers shall be construed as references to the local authority.

1888 c. 12.  
1947 c. 54.  
1899 c. 19.  
1969 c. 48.

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

51.—(1) In any premises to which a local authority supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may install, repair, renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation, repair, renewal or alteration.

Power to supply fittings.

(2) A local authority may make such charges as may be agreed or, in default of agreement, as may be reasonable for any heating fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

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

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution

PART VI  
—cont.

under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

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

1965 c. 66.

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

(4) All heating fittings supplied by a local authority under any hire-purchase agreement shall, until payment of the final instalment of the purchase money for such fittings, be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the local authority.

(5) A local authority shall so adjust the charges to be made by them under this section as will taking one year with another meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes thereof, establishment charges, and any sums carried to a sinking fund for repayment of moneys so borrowed.

(6) If any person wilfully injures or suffers to be injured any heating fittings belonging to a local authority he shall be liable to a fine not exceeding twenty pounds and the local authority may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and, if the amount does not exceed twenty pounds, summarily as a civil debt.

Heating  
charges.

52.—(1) A local authority may from time to time prescribe a scale of charges for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for reconnecting premises thereto, and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the local authority to pay the same, in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by a local authority either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt and, subject as hereinafter provided,



where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises, the local authority may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

PART VI  
—cont.

Provided that if, before the expiration of the said seven days, notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay the same, the local authority shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

(3) Without prejudice to any other method of recovery any heating charges payable by the tenant of any premises belonging to the local authority and connected as aforesaid may be recovered as rent due from him.

53. A local authority may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the local authority such sum as the local authority may reasonably require as security for the payment of any moneys which may become due from him to the local authority in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith. Security for payment of accounts.

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

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

PART VI  
—cont.

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

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that—

- (a) admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and
- (b) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

the justice may by warrant under his hand authorise the local authority by any authorised officer to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer of a local authority entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectually secured against trespassers as he found them.

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

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

(6) Nothing in this section shall authorise any authorised officer of a local authority to enter any premises (other than offices or showrooms) belonging to or used by the generating board or the electricity board or the Gas Council or the gas board for the



purposes of or in connection with the generation or supply of electricity or the manufacture, storage or supply of gas (as the case may be).

PART VI  
—cont.

55.—(1) If any person wilfully and without the consent of a local authority turns on, opens, closes, shuts off or otherwise interferes with any valve, cock or other work or apparatus belonging to the local authority and thereby improperly causes the supply of heat to be interfered with he shall be liable to a fine not exceeding twenty pounds and, whether proceedings be taken against him in respect of his offence or not, the local authority may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

Interference  
with  
apparatus, etc.

(2) If any person wrongfully takes, uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the local authority) be liable to a fine not exceeding twenty pounds.

56.—(1) A local authority may make byelaws for preventing the waste, misuse, undue consumption or contamination of, or interference with, the circulation or supply of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act.

Byelaws for  
protection of  
heating  
undertaking.

(2) Byelaws under this section may include provisions—

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

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

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

(ii) reverberation in pipes; or

(iii) waste, misuse or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the local authority may, without prejudice to their right to take proceedings in respect of such contravention, cause any heating fittings belonging to or used by that person

PART VI  
—cont.

which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

Discount for  
prompt  
payment.

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

Provided that the local authority shall make the same allowance to all persons under similar conditions.

Notice to be  
given before  
quitting  
premises  
supplied  
with heat.

58.—(1) If the occupier of any premises supplied with heat by a local authority quits the premises without giving twenty-four hours' notice in writing of his intention so to do to the local authority, he shall be liable to pay to the local authority all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the local authority to supply heat to the premises, whichever first occurs.

(2) The foregoing provisions of this section, or a statement of the effect thereof, shall be endorsed upon every demand note in respect of heating charges payable to the local authority.

Local  
authority not  
to be exempted  
from  
proceedings  
for nuisance.

59. Nothing in this Part of this Act shall exonerate a local authority from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Modification  
of section 26  
of Act of  
1950.

60.—(1) In any case in which—

(a) a local authority are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act, or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and



- (b) either the Post Office, the generating board, the electricity board, the Gas Council or the gas board are the owning undertakers or (as the case may be) the operating undertakers;

the said section 26 shall be modified as follows:—

- (i) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans, sections and particulars of the works;
- (ii) subject to the provisions of the next succeeding paragraph the said notice shall be given not less than seven days before the works are commenced;
- (iii) on the first occasion on which a local authority execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the local authority execute such works extending for a distance of more than 100 yards, the said notice shall be given not less than twenty-one days before the works are commenced and shall be accompanied by information as to—

(A) the maximum temperatures and pressures at which hot water or steam is proposed to be transmitted or distributed by the local authority by means of such works; and

(B) the measures (if any) proposed to be taken by the local authority with respect to the securing of the safety of any apparatus of the Post Office or the generating board or the electricity board or the Gas Council or the gas board from damage or injury arising directly or indirectly from such works and with respect to the insulation of such works so as to prevent the escape of heat therefrom;

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

(2) In this section expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

61.—(1) Notwithstanding anything contained in any enactment, Reserve a local authority may, if they think fit, establish a reserve fund funds for out of the revenue of the heating undertaking by setting aside heating undertaking

**PART VI**  
—cont.

in respect of the heating undertaking such money as they may think reasonable and accumulating the same until the fund so created amounts to the maximum reserve fund for the time being prescribed by the local authority, not exceeding a sum equal to one-fifth of the aggregate capital expenditure on the heating undertaking or such higher sum as may be approved by the Secretary of State.

(2) A reserve fund created in pursuance of this section shall be applicable to answer any deficiency at any time happening in the income from the heating undertaking or to meet any extraordinary claim or demand at any time arising against the local authority in respect of the heating undertaking or for the purpose of meeting expenses incurred in the replacement and repair of buildings, plant, vehicles or apparatus forming part of the heating undertaking or for the purpose of extending and improving such buildings, plant, vehicles and apparatus and so that if that fund at any time be reduced it may thereafter be restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(3) Pending the application of the reserve fund created in pursuance of this section to the purposes authorised in subsection (2) of this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment and in so far as those moneys are not for the time being required for the purposes of the fund) be invested in any security in which trustees are for the time being authorised by law to invest trust moneys.

**Separate  
accounts of  
local authority  
undertakings.**

**62.—**(1) A local authority shall keep separate accounts in respect of the heating undertaking so as to include all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the heating undertaking and so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income in respect of the heating undertaking, and on the other side all expenditure in respect of the heating undertaking, such expenditure being divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

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



- (b) the interest on moneys borrowed by the local authority for the purposes of or in connection with the heating undertaking or used for those purposes under any enactment;
- (c) the annual charges in respect of the repayment of the principal of any moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the heating undertaking properly chargeable to revenue;
- (e) the establishment and maintenance of a reserve fund in respect of the heating undertaking.

(2) The local authority shall apportion between the accounts to be kept by them under this section and any other accounts of the local authority any receipts, credits, payments and liabilities which from time to time ought to be so apportioned.

## PART VII

### HEALTH AND WELFARE

63.—(1) For the purpose of rehabilitating any family (hereafter in this section referred to as “a special family”) residing in the county which or any member of which requires special treatment to fit them or him to be useful members of the community, the Council may—

Social re-  
habilitation.

- (a) either within or without the county provide, equip, staff and maintain training centres for the accommodation and training of special families or any member thereof;
- (b) employ persons specially skilled by experience or training in the subject of social rehabilitation (hereafter in this section referred to as “special home visitors”) to give advice or training to special families in their homes;
- (c) supply to any special family such furniture, fittings and conveniences as the Council may think fit, and for that purpose buy furniture, fittings and conveniences.

(2) (a) Instead of themselves providing training centres and employing special home visitors the Council may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid and may make contributions towards the expenses of any such voluntary organisation as aforesaid.

PART VII  
—cont.

1946 c. 81.

(b) In this subsection “voluntary” has the same meaning as in the National Health Service Act 1946.

(3) The Council may recover from any person to whom any furniture, fittings or conveniences have been supplied under paragraph (c) of subsection (1) of this section such charges (if any) as having regard to the cost of the furniture, fittings or conveniences the Council may determine whether generally or in the circumstances of any particular case.

1948 c. 29.

1948 c. 43.

(4) For the purposes of the National Assistance Act 1948 and the Children Act 1948, a person in accommodation provided by the Council under this section without the county shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily a resident immediately before he was admitted to such accommodation whether or not he in fact continues to be ordinarily resident in that area.

Loans in respect of homes for mentally disordered persons.

1968 c. 46.

1959 c. 72.

64.—(1) The power of the Council to give assistance to certain voluntary organisations by virtue of section 65 of the Health Services and Public Health Act 1968 shall extend to enable the Council to give such assistance to any person carrying on either voluntarily or for reward a residential home in the county for mentally disordered persons registered under section 19 of the Mental Health Act 1959.

(2) The Council in their discretion may determine the amount and conditions of any advance made under this section.

Insurance of certain voluntary workers.

65.—(1) The Council may enter into a contract with any person whereby, in consideration of payments made by way of premium or otherwise by the Council, that person undertakes to pay to the Council such sums as may be provided in the contract in the event of any voluntary assistant or visiting pupil meeting with a personal accident, whether fatal or not, while he is engaged as such, or suffering any disease or sickness, whether fatal or not, as a result of being so engaged.

(2) Any sum received by the Council under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by the Council to, or to the personal representatives of, the voluntary assistant or visiting pupil who suffered the accident, disease or sickness in respect of which the sum is received.

1774 c. 48.

1958 c. 72.

(3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed for the purposes of the Insurance Companies Act 1958 to be a policy of insurance upon the happening of personal accidents, disease or sickness.



(4) In this section—

PART VII  
—cont.

“ industrial building ” has the meaning assigned thereto by section 21 of the Local Employment Act 1960 as amended by section 25 of the Industrial Development Act 1966; 1960 c. 18. 1966 c. 34.

“ visiting pupil ” means a pupil who attends a school maintained by the Council or an institution as described in section 1 of the Education (No. 2) Act 1968 and who for the time being is under arrangements made by the Council for the purpose of his education engaged on visiting or working at an industrial building; 1968 c. 37.

“ voluntary assistant ” means a person who, at the request of the Council or an authorised officer of the Council, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Council.

66.—(1) The Council may advance to any person who is a patient in a nursing home in the county within the meaning of Part VI of the Act of 1936 such sums as they think fit pending the receipt by such person of any sickness or other benefit. Loans to patients in nursing homes.

(2) The Council may in their discretion determine the amount and conditions of any advance made under this section.

### PART VIII

#### FINANCE

67.—(1) The Council 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 Council 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 powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58

PART VIII  
—cont.

Interest and  
dividends by  
post.

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

(2) If the registered holder of an authorised security notifies the Council that he wishes interest or dividends on the security to be sent to another person at an address specified in the notice, the Council may from time to time send orders for the payment of interest, or dividend warrants, to that person by post at that address:

Provided that this subsection shall relate only to the sending by post of interest or dividends and shall not, in any way, entitle the Council to make payment of any interest or dividends to any person other than the holder of an authorised security without the authority in writing from all registered holders of the security.

(3) For the purposes of this section the Council may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register, or such other of them as the joint holders may in writing direct.

(4) The posting by the Council of an order for the payment of interest, or a dividend warrant, in pursuance of this section shall discharge the Council from any obligation to deliver the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque; and the Council shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

1882 c. 61.

(6) In this section “authorised security” means any mortgage or other security that the Council are for the time being authorised to grant or issue, but does not include stock.

Closing of  
registers.

69.—(1) The Council may close any transfer books or the register of transfers of authorised securities (other than stock) during the whole of the period of thirty days, or any shorter consecutive period, next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

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



70. If any money is payable by the Council to any employee (other than wages or salary), or to any creditor, or to the holder of any authorised security, and the person entitled to such payment is a minor, the receipt of the guardian shall be a sufficient discharge to the Council.

PART VIII  
—cont.

Receipt in  
case of  
minors.

71.—(1) The Council may pay to any of their officers who acts in any of the following capacities:—

Officers  
acting as  
receivers, etc.

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act 1959;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Council;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

1959 c. 72.

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which the officer is liable to make by reason of his acting in any such capacity as aforesaid.

(2) The Council may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in one of the capacities mentioned in subsection (1) of this section against any act, neglect or default, whether his own or that of any other person, occurring in the course of the receivership or administration.

(3) Any payments which the Council have power to make under the provisions of subsection (1) of this section, and any of the risks referred to in subsection (2) of this section, may for the purposes of section 72 (Insurance fund) of this Act be treated as risks against which the Council would ordinarily insure and that section shall be construed accordingly.

72.—(1) The Council may, if they think fit, establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the Council (in this section referred to as "the specified risks").

Insurance  
fund.

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

PART VIII  
—cont.

(3) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Council shall discontinue the appropriations to that fund under subsection (4) of this section but if that fund is at any time reduced below the prescribed amount the Council shall recommence and continue such appropriations until that fund be restored to the prescribed amount and if at any time the Council reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed such moneys as are in excess of the prescribed amount shall be transferred to the county fund and if any sums shall have been appropriated from the fund or moneys of any undertaking, department or service under the said subsection (4) to the fund or moneys of the undertaking, department or service in such proportions as the Council consider equitable and any moneys so transferred to the county fund may be apportioned between the several accounts of that fund in such proportions as the Council consider equitable.

(4) The Council may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account or accounts in the county fund or (in the case of an undertaking, department or service the accounts of which do not form part of the county fund) from the fund or moneys of that undertaking, department or service and shall show the same in their accounts under the separate heading or division in respect of the particular account, undertaking, department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

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

(b) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned between the appropriate accounts of that fund or (in the case of a department or service the accounts of which do not form part of the county fund) transferred to the fund or moneys of that undertaking, department or service in such shares or proportions as may be equitable.



(6) For the purposes of this section the Council may, if they deem it expedient, include in the specified risks, risks of accident to any teacher, caretaker or other person employed in any voluntary school in the county.

PART VIII  
—cont.

(7) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Council in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Council may with the sanction of the Secretary of State borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

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

(9) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks, the insurance fund may be carried to and form part of any capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953, 1953 c. 26. or (if the Council so determine) shall be applied in such other manner as the Secretary of State may approve towards the discharge of any debt of the Council or otherwise for any purpose for which capital money may properly be applied.

(10) In this section—

“ insurance office ” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

“ the prescribed amount ” means such sum as may from time to time be prescribed by the Council.

PART VIII  
—cont.  
Art fund.

1967 c. 9.

73.—(1) The Council may, if they think fit, establish a fund to be called “the art fund” to provide for the purchasing of any pictures, sculptures or other objects of artistic, scientific or historic interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in any building owned or occupied by the Council and such fund shall be formed by annually appropriating thereto out of the county fund such an amount as the Council may from time to time determine not exceeding in any financial year the equivalent of one-eighth of the product of a new penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967, or such greater fraction (not exceeding one-half) of the product of a new penny rate as may be approved by the Secretary of State:

Provided that when the art fund shall amount to the sum of fifty thousand pounds the Council shall discontinue such annual appropriations but if the said fund is at any time reduced below that sum the Council may recommence and continue the annual appropriations until the said fund be restored to that sum.

(2) The Council may pay into the art fund any sum held at the passing of this Act or from time to time received by them by way of donation or legacy for the provision of pictures, sculptures or other objects of artistic, scientific or historic interest but any such sum shall not be taken into account in determining for the purposes of the proviso to subsection (1) of this section the maximum amount from time to time standing to the credit of the art fund.

(3) (a) Pending the application of the art fund to the purposes authorised in subsection (1) of this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection may be carried to and form part of the county fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

1964 c. 75.

(4) This section shall cease to have effect when the Council provide a museum or art gallery under section 12 of the Public Libraries and Museums Act 1964, and in that event any fund established under this section shall be deemed to have been established under section 15 of that Act.

Reserve funds.

74.—(1) (a) The Council may, if they think fit, establish a reserve fund in respect of any undertaking, department or service of the Council from which revenue is derived by setting aside



such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund so provided amounts to the maximum for the time being prescribed by the Council.

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—cont.

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

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

- (a) in making good any deficiency at any time happening in the income of the Council from the undertaking, department or service; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking, department or service; or
- (c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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

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

(4) In the event of any undertaking, department or service of the Council in respect of which a reserve fund has been established under this section ceasing the said fund shall be applied in or toward the extinguishment of any loan raised by the Council under any enactment or for any other purpose to which capital money may properly be applied.

75.—(1) If at any time it appears to the Council that the moneys standing to the credit of any fund to which this section applies are more than sufficient for the purposes for which the fund was established, or that it is no longer necessary to maintain the fund, the Council may prescribe as the maximum amount of the fund an amount which is less than the amount of the moneys then standing to the credit of the fund or may close the fund, as the case may be:

Reduction  
and closing  
of certain  
funds.

**PART VIII**  
—cont.

Provided that nothing in this subsection shall prevent the Council from re-establishing a fund to which this section applies as occasion may require.

(2) Where the Council prescribe as the maximum amount of a fund to which this section applies an amount which is less than the amount of the moneys then standing to the credit of the fund, or close the fund, under the provisions of subsection (1) of this section, they may transfer surplus moneys to the credit of any other fund to which this section applies, subject to the provisions of any enactment relating to that other fund:

Provided that any moneys standing to the credit of the art fund established under section 73 (Art fund) of this Act which represent a sum paid into that fund in pursuance of subsection (2) of that section shall not be transferred to any other fund but shall be held for the purposes for which that sum was received.

(3) Notwithstanding anything in subsection (2) of this section, any limit for the time being imposed on the maximum amount of any fund to which surplus moneys are transferred under the provisions of that subsection shall not be exceeded without the consent of the Secretary of State.

(4) This section applies to—

- (a) the insurance fund established under section 72 (Insurance fund) of this Act;
- (b) the art fund established under section 73 (Art fund) of this Act;
- (c) any reserve fund established under section 74 (Reserve funds) of this Act.

**Investment of  
certain funds  
of Council.**

76. Notwithstanding anything in any other enactment the moneys standing to the credit of any capital, repairs, reserve, renewals, insurance, contingencies or other similar fund established by the Council, other than funds applicable wholly or partly for the redemption of debt, may be invested in similar manner and subject to the same restrictions as money of the superannuation fund.

**Power to  
make  
temporary  
loans.**

77.—(1) The Council may lend money for a period not exceeding twelve months to any person on the security of—

- (a) any stock, bonds, bills or other property in which trustees are by law authorised to invest trust money or a certificate to bearer relating to any such stock; or
- (b) Treasury bills or bills issued by any local authority in the United Kingdom; or



- (c) bills or bonds payable or guaranteed by the Treasury or secured upon the revenues of or local rates leviable by any local authority in the United Kingdom authorised to issue bills or bonds and in the securities of which trustees are by law authorised to invest; or
- (d) any securities transferable by delivery issued or guaranteed by the government of any overseas territory within the Commonwealth in the securities of which trustees are by law authorised to invest.

(2) The aggregate amount of money lent under this section which is outstanding at any one time shall not exceed one million pounds.

(3) The Council shall determine the percentage by which the value of the securities on which a loan is to be made under this section shall exceed the amount of the loan.

78.—(1) The Council may make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged.

Scheme for equated periods.

(2) Nothing in any scheme made under this section shall prejudice or affect the security, rights and remedies of any mortgagee under any mortgage existing at the time of the making of the scheme or of the holder of any stock or bonds at that time except with the consent of such mortgagee or holder.

(3) Any scheme made by the Council under this section shall have no force or effect until confirmed by the Secretary of State who may confirm the same with or without modifications, and when so confirmed the scheme shall, notwithstanding any enactment, order or sanction to the contrary, have full force and effect.

79.—(1) The Council may pay compensation—

Compensation for injury to or death of employees.

- (a) to any of their employees who sustains an injury in the course of his employment; or
- (b) to a dependant of any of their employees who, in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section may be paid either—

- (a) by way of a lump sum; or

PART VIII  
—cont.

(b) by way of periodical payments of such amounts and payable at such times and for such periods as the Council may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an employee of the Council or his dependant may have against any person other than the Council or, except so far as may be agreed when the compensation is granted, against the Council.

Extension of  
section 79  
to voluntary  
assistants,  
etc.

80.—(1) The provisions of section 79 (Compensation for injury to or death of employees) of this Act shall extend so as to authorise (in the case of a voluntary assistant) the Council and (in the case of any other person to whom this section applies) with the consent of the Council the body by whom that person is or was employed to pay compensation to any person to whom this section applies, or to the widow or widower or child of any such person.

(2) This section applies to—

- (a) any voluntary assistant;
- (b) any person employed by the magistrates' courts committee or the probation and after-care committee for the county;
- (c) any person employed by the managers or governors of any voluntary school in the county.

(3) In this section "voluntary assistant" means a person who, at the request of the Council, or an authorised officer of the Council, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Council and includes any officer or member of a voluntary organisation which provides in the county services or facilities of the kind provided by the Council in pursuance of their functions or to which the Council make any financial contribution.

Subscriptions  
to associa-  
tions, etc.

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

Provided that the total amount subscribed by the Council or a local authority under the provisions of this section shall not



in any year exceed the equivalent of one-quarter of the product of a new penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967.

PART VIII  
—cont.  
1967 c. 9.

82.—(1) The Council may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service by means of cultural activities carried on either wholly or partly in the county contribute such sum or sums as they may from time to time determine to be the reasonable expenses of such body.

Contributions to cultural bodies.

(2) For the purposes of this section—

“body” includes an association, institution, society or similar organisation and a company howsoever constituted;

“cultural activities” includes the provision of public entertainment having cultural value.

83.—(1) The Council may make reasonable payments for or in connection with—

Expenses of public ceremonies, entertainment, etc.

(a) refreshments for members or representatives of the Council, local authorities, or other bodies, or for other persons attending conferences or meetings convened by the Council; and

(b) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council.

(2) Section 1 of the Local Authorities (Expenses) Act 1956 shall in relation to the Council have effect as if—

1956 c. 36.

(a) “members of the Council” included members of committees or sub-committees of the Council; and

(b) in paragraph (b) thereof after the words “distinguished persons” there were inserted the words “residing in or”.

84.—(1) Where the Council have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made the Council shall not be required to demand the return thereof.

Recovery of sums paid to officers, etc.

(2) In any case where the Council exercise the powers of the foregoing subsection they shall transfer from the county fund to the superannuation fund the amount which but for the exercise of those powers would have been returned to the superannuation fund.

PART VIII  
—cont.

(3) In this section—

“employee” means any officer or servant of the Council or any officer or servant whose salary or wages is or are payable by the Council and includes any former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund; and

“emoluments” means in relation to an officer or servant his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit the amount of that allowance or benefit.

Designation  
of holders of  
authorised  
securities in  
register.

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

(b) The entry in the register of the official description of the holder of an office or official position shall not be deemed to constitute notice, express, implied or constructive, of the existence of any trust in connection with the authorised security to which it relates.

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

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

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

(3) In this section, “register” means the register of an authorised security kept by or on behalf of the Council.

Notice of  
alteration of  
rents without  
notice to quit.  
1968 c. 42.

86. Section 12 of the Prices and Incomes Act 1968 (which enables a local authority to increase the rent payable to the authority for houses let on a weekly or other periodical tenancy



without the tenancy being terminated) shall apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 of the Council as if, in subsection (1)—

PART VIII  
—cont.  
1958 c. 42.

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

and as if, in subsection (4), the definition of “local authority” included the Council, for the definition of “local authority houses” there were substituted the words “‘local authority houses’ are houses of the local authority”, and after the word “increase” there were inserted the words “or reduction”.

87. Without prejudice to section 292 of the Act of 1936, and to that section as applied by any other enactment, where under any enactment the Council are empowered to execute works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses such additional sum, not exceeding 7 per cent., of the cost of the works, as they think fit in respect of their establishment charges.

88.—(1) Where any street works in the county have been completed by a street works authority but they are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot, after diligent inquiry, made when the said amount becomes due and at reasonable intervals thereafter, be found, the street works authority may, at any time after the expiration of twelve years from the date when the said amount becomes due, apply to the county court, and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the street works authority absolutely, and thereupon the street works authority may appropriate the said premises subject to, and in accordance with, the provisions of section 163 of the Act of 1933, as if the said premises were land which was not required for the purpose for which it was acquired.

(2) Where the county court makes an order under subsection (1) of this section the Lands Tribunal shall, for the purpose of determining the value of the said premises, nominate one of their members selected in accordance with subsection (6) of section 1 and section 3 of the Lands Tribunal Act 1949, and the member nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the

**PART VIII**  
—cont.

correctness thereof, and the street works authority shall thereupon pay into court a sum equal to the amount of such valuation, after deduction of the amount of the final apportionment in respect of the said premises, with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Secretary of State under section 212 of the Act of 1959 together with all costs and expenses reasonably incurred by the street works authority.

1965 c. 56.

(3) Any payment into court under subsection (2) of this section shall be made in accordance with section 25 of the Compulsory Purchase Act 1965, and subsection (5) of section 9 of that Act shall apply to any such payment into court.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the street works authority in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the street works authority in respect of all street works whether completed before or after the passing of this Act.

(5) In relation to a street works authority which is the council of an urban district this section shall have effect as if for reference to the code of 1892 there were substituted reference to the code of 1875 or the code of 1892, whichever shall be the appropriate code.

Purchase of  
buildings  
from a local  
authority.

**89.**—(1) For the purpose of enabling any person to purchase a building or buildings from a local authority to whom this section applies, the local authority may, subject to the provisions of this section, advance money to that person.

(2) An advance made under this section, together with interest thereon, shall be secured by a mortgage of the building or buildings in respect of which the advance is made.

(3) The amount of the principal of an advance made under this section shall not exceed nine-tenths of the value of the mortgaged security.

1897 c. 51.

(4) An advance made under this section shall carry interest at a rate not less than one-quarter per cent. greater than that fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities made on the date on which the terms of the advance are settled and for the same period as the advance, or at such other rate as the Secretary of State may, in the case of the advance, fix.

(5) The mortgage deed securing an advance made under this section shall provide—

(a) for repayments being made, subject to the provisions of paragraphs (c) and (d) of this subsection, within such period, not exceeding thirty years, as may be specified in the deed;



- (b) for repayments being made, subject to the two next following paragraphs, either by instalments of principal or by an annuity of principal and interest combined;
- (c) that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the authority;
- (d) that the said balance, or such part thereof as may be provided for in the mortgage, may, in any event other than that specified in the last foregoing paragraph, be repaid on any such conditions as may be specified in the mortgage after one month's written notice of intention to repay has been given to the authority;
- (e) where repayment is to be made by an annuity of principal and interest combined, for determining the amount by which the annuity or the life of the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity.

(6) The local authorities to whom this section applies are the mayor, aldermen and burgesses of the borough of Flint, the Holywell Urban District Council and the Rhyl Urban District Council.

90. The provisions of section 109 of the General Rate Act 1967 relating to the sending or service of demand notes shall apply to demand notes relating to any charges made in connection with any undertaking, department or service of a local authority and those provisions shall be in substitution for any other provisions relating to the sending or service of such demand notes.

Service of demand notes, etc.  
1967 c. 9.

91.—(1) (a) The provisions of Part III of the Act of 1970 mentioned in paragraph (b) of this subsection shall apply to a local authority and that for that purpose those provisions shall have effect as if for references therein to the Council there were substituted references to the local authority and subject to any other necessary modifications.

Application to local authorities of the provisions of Part III of Act of 1970 and the provisions of Part VIII of this Act.

(b) The provisions hereinbefore referred to are—

section 13 (Power to raise money by bearer bonds);

section 14 (Power to raise money abroad);

section 15 (Saving for Exchange Control Act 1947).

1947 c. 14.

(2) (a) The Council may at the request of a local authority to which this section applies raise money by means of Flintshire

PART VIII  
—cont.

County Council bills subject to and in accordance with the provisions of section 12 (Power to raise money by bills) of the Act of 1970 and shall lend such money to the local authority—

- (i) for any purpose for which the local authority are authorised to borrow; or
- (ii) in anticipation of the receipt of revenues for any purpose for which the revenues of the local authority may properly be applied:

Provided that the aggregate amount payable on bills issued by virtue of this section for the purpose of lending to the local authority current at any one time shall not (except by the amount payable on bills issued shortly before any other such bills fall due in order to pay off the last-mentioned bills) exceed one-fifth of the amount of so much of the gross rate income of that local authority as is retained by the local authority to meet liabilities falling to be discharged by the local authority.

(b) Any money lent to a local authority under this section shall be repaid to the Council by the local authority together with interest within the meaning of paragraph (vi) of subsection (1) of section 12 of the Act of 1970 on or before the respective dates on which the money raised by means of the bills falls due for repayment.

(c) The aggregate amount payable on bills issued under this section current at any time shall not be taken into account in calculating the aggregate amount referred to in paragraph (vii) of subsection (1) of section 12 of the Act of 1970.

(d) This subsection applies to any local authority whose gross rate income is not less than three million pounds or such lesser amount as the Treasury may from time to time approve.

(e) In this subsection “ gross rate income ” means the gross rate income as used in the determination of the product of a rate of one new penny in the pound under the rules made pursuant to section 113 of the General Rate Act 1967.

1967 c. 9.

(3) (a) The provisions of this Part of this Act mentioned in paragraph (b) of this subsection shall apply to a local authority in the manner referred to in paragraph (a) of subsection (1) of this section.

(b) The provisions hereinbefore referred to are—

- Section 67 (Power to borrow);
- Section 68 (Interest and dividends by post);
- Section 69 (Closing of registers);
- Section 70 (Receipt in case of minors);
- Section 83 (Expenses of public ceremonies, entertainment, etc.).

(c) In its application to a local authority the said section 67 shall have effect as if paragraph (b) of subsection (1) were omitted.



PART IX

SUPERANNUATION

92.—(1) In this Part of this Act, except as otherwise expressly provided or unless the subject or 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 IX, etc.

“ the Act of 1953 ” means the Local Government Superannuation Act 1953; 1953 c. 25.

“ contributor ” means a contributor to the superannuation fund as respects whom the Council are the employing authority;

“ death grant ” and “ transfer value ” have in relation to a contributor the meanings assigned to them respectively by the Regulations of 1954;

“ the 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.

(2) In sections 93 to 98 of this Act “ the new superannuation provisions ” means those sections and this section.

(3) Without prejudice to the provisions of section 94 (Power to require designated sums to be paid to trustees), section 96 (Transfers of employment), section 97 (Application of the new superannuation provisions to other employing authorities) and section 98 (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.

93. The new superannuation provisions shall come into force on 1st September, 1971. Commencement of new superannuation provisions.

PART IX  
—cont.

Power to  
require  
designated  
sums to be  
paid to  
trustees.

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

(2) Any direction given in accordance with this section shall be effective and the designated sum shall accordingly be paid to the trustees and shall be held by them upon the trusts and with and subject to the powers and provisions in force under the said Schedule 2 at the date of such direction.

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

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

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

Benefits in  
certain cases  
of premature  
retirement.

95.—(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.



(2) Where, after the coming into force of the new superannuation provisions, a contributor who has attained the age of fifty 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:

PART IX  
—cont.

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 and in any event shall not be paid before the person attains the age of fifty-five years.

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

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

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

PART IX  
—cont.

(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.

Transfers of  
employment.

96.—(1) The Council may, in accordance with the provisions of a scheme made by them for the purposes of this section—

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

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

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

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

(b) as respects any person who enters or has entered into employment under the Council from an employment in relation to which interchange arrangements are not for the time being in force, receive any payment made by or in respect of him to the superannuation fund, whether by way of transfer value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts and the regulations made thereunder as may be prescribed under the said scheme.

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



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

PART IX  
—cont.

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

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

(6) In this section “interchange arrangements” means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 or 1948 c. 33. by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

97.—(1) An authority to whom this section applies may by resolution adopt all or any of the foregoing sections of the new superannuation provisions and Schedule 2 to this Act as from such date not being earlier than 1st September, 1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to the authority as if—

(a) any reference therein to a contributor were a reference to a contributor to the superannuation fund as respects whom the authority are the employing authority;

(b) any reference to the Council in section 95 (Benefits in certain cases of premature retirement) or paragraphs (a) and (b) of subsection (1) of section 96 (Transfers of employment) of this Act were a reference to the authority.

(2) Where in pursuance of the foregoing subsection any 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 that authority as a reference to such later date.

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—cont.

(3) This section applies to—

- (a) a local authority which does not maintain or combine to maintain a superannuation fund under Part I of the Act of 1937;
- (b) 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 Act of 1953;
- (c) 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;
- (d) the Flintshire Magistrates' Courts Committee;
- (e) the Flintshire Probation and After-Care Committee.

Application of the new superannuation provisions to local authorities.

98.—(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 all or any of the foregoing sections of the new superannuation provisions and Schedule 2 to this Act, as from such date, not being earlier than 1st September, 1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to that local authority as if—

- (a) any reference therein to the Council were a reference to that local authority;
- (b) any reference therein to a contributor were 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 (except in section 94 (Power to require designated sums to be paid to trustees) of and Schedule 2 to this Act) as respects whom that local authority are the employing authority; and
- (c) any reference therein to the superannuation fund were 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 all or any of the foregoing sections of the new superannuation provisions and Schedule 2 to this Act, 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 all or any of the foregoing sections of the new superannuation provisions and Schedule 2 to this Act as from such date as may be specified in such resolution and where any 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.

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—cont.

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

Transfer of certain sums from superannuation fund.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund is dismissed, resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct by reason of which the employing authority have suffered direct financial loss, the Council shall, on demand from the employing authority, pay to them out of the superannuation fund an amount equal to so much of the employee's contributions to the superannuation fund as the employing authority have not directed to be returned to the employee or paid to his wife or family, or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct, whichever is the less:

Provided that—

- (a) where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1965, the Council shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions;
- (b) the Council shall not be required to pay to the employing authority so much of the employee's contributions as relates to any period of previous service, unless the employing authority have directed that all rights enjoyed by or in respect of him with respect to that period of previous service, being rights under Part I of the Act of 1937 or under the Act of 1953, or any regulations made thereunder, shall be forfeited.

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

- (a) who are contributory employees; or

Exclusion of certain remuneration and service for superannuation purposes.

## PART IX

—cont.

1967 c. 12.

(b) who are teachers employed in reckonable service within the meaning of the Teachers' Superannuation Act 1967; or

1947 c. 41.

(c) who are firemen participating in the pension scheme for the time being in force under section 26 of the Fire Services Act 1947; or

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

and who are employed whole-time by the Council, a local authority, a magistrates' courts committee, a probation and after-care committee, the managers or governors of a voluntary school, a local valuation panel or any voluntary organisation, undertakers or other body approved by the Secretary of State the employees of which participate in the benefits of the superannuation fund.

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

(a) as an instructor or other employee performing duties at, or for the purposes of, an evening institute or for the purposes of evening classes; or

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

(c) as a civil defence instructor; or

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

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

(3) Where, before the passing of this Act, any person to whom subsection (2) of this section applies has paid any contribution or contributions to the superannuation fund which would not have been so paid if this section had been in force when such contribution or contributions were made, the Council shall repay to such person a sum equal to the amount of such contribution or



contributions, together with compound interest thereon calculated to the date of repayment at the rate specified in subsection (1) of section 10 of the Act of 1937 with half-yearly rests.

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---cont.

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

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

Extension of powers of Council to grant gratuities to widows and dependants of former employees.

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

“(d) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of twenty-one years:

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

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

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

102. On the death of any person who is in receipt of a pension or to whom there is due any other payment from the Council as the widow or other beneficiary of a deceased employee of the Council (in this section referred to as “the beneficiary”), the provisions of section 25 of the Act of 1953 shall apply and have effect with respect to the payment of any sum due from the Council to the beneficiary or to the legal personal representative of the beneficiary as those provisions would apply if the beneficiary had been an employee of the Council.

Extension of section 25 of Act of 1953.

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—cont.

As to proof of continued entitlement of pensioners.

**103.** Notwithstanding anything in any other enactment the Council or a local authority shall not be required to make any payment by way of superannuation allowance, pension, compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council or the local authority, as the case may be, in such manner and at such times as they may from time to time require, of the continued existence of such person or, in any case in which entitlement to such payment is related to the status of such person (whether as a widow, disabled person or otherwise), of the continued status of such person.

Apportionment of pensions.

**104.**—(1) Any benefit payable under the principal Acts out of the superannuation fund by way of annual amounts shall where necessary be apportioned as follows:—

- (a) if payment is made at intervals of one quarter, then each quarterly payment shall be equal, as nearly as may be, to one-fourth of the annual amount payable and if any payment falls to be made in respect of a period which is less than one quarter there shall be paid for each day comprised in that period such sum as is obtained by dividing the said quarterly payment by the number of days in the quarter in which that period occurs;
- (b) if payment is made at intervals of one month, then each monthly payment shall be equal, as nearly as may be, to one-twelfth of the annual amount payable and if any payment falls to be made in respect of a period which is less than one month there shall be paid for each day comprised in that period such sum as is obtained by dividing the said monthly payment by the number of days in the month in which that period occurs;
- (c) if payment is made at intervals of one week, then each weekly payment shall be equal, as nearly as may be, to seven three-hundred-and-sixty-fifths of the annual amount payable and if any payment falls to be made in respect of a period which is less than one week there shall be paid for each day in that period such sum as is obtained by dividing the said weekly payment by seven.

(2) In this section “quarter” means a period of three months commencing on either 1st January, 1st April, 1st July or 1st October.

Investment of superannuation fund.

**105.**—(1) In its application to the Council subsection (3) of section 21 of the Act of 1937 shall have effect as if for the obligation



to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments to be made out of the superannuation fund, there were substituted an obligation to invest such moneys as follows:—

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—cont.

- (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 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 debentures of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world; or
- (g) in or upon any guaranteed, preference or ordinary 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;
- (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, 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

PART IX  
—cont.

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 Council, or by a mortgage or security made jointly to the Council 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 belonging to the Council or to any other person, or on land which is, or will be, held jointly by the Council 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—

(a) 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

(b) 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; and

(c) in the investment of any part of the superannuation fund in accordance with paragraphs (h) to (k) of this subsection no investment shall be made in any immovable property, legal interest or rent secured upon immovable



property situated within the county but an investment by the Council in a unit trust shall not be regarded as a breach of this provision.

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—cont.

(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 under section 16 of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940) or in participation certificates or in 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.

1958 c. 45.

1940 c. 9 (N.I.).

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

(5) In this section—

“ debenture ” has the same meaning as in paragraph 4 of Part IV of Schedule 1 to the Trustee Investments Act 1961;

1961 c. 62.

“ 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;

“ quoted on any recognised stock exchange or similar institution ” in its application to stock or shares not registered in the United Kingdom means, in relation to a security, that the security has been granted an official quotation or is listed on a recognised security market or that dealing prices on such a market in respect of that security are published not less frequently than once a week;

“ recognised security market ” in its application to stock or shares not registered in the United Kingdom means a stock exchange, an association of stock and share

PART IX  
—cont.

dealers or an over-the-counter market recognised as a market or association in which dealings in the country concerned normally take place;

“ 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;

1958 c. 45.

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

(6) The following sections of the Act of 1970 are hereby repealed:—

Section 16 (Extension of power to invest superannuation fund moneys);

Section 17 (Investment of superannuation fund in acquisition, etc. of land);

Section 18 (Section 21 (3) of Act of 1937 not to limit fore-going powers).

Application of further superannuation provisions to certain authorities.

**106.**—(1) The provisions of sections 99 (Transfer of certain sums from superannuation fund), 100 (Exclusion of certain remuneration and service for superannuation purposes), 101 (Extension of powers of Council to grant gratuities to widows and dependants of former employees), 102 (Extension of section 25 of Act of 1953) and 104 (Apportionment of pensions) of this Act shall apply to a local authority and to a joint committee of local authorities established under section 2 of the Act of 1937 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 in the case of a local authority references to the local authority and to their district respectively and in the case of any such joint committee references to that committee and to the districts of the constituent authorities respectively and as if for references to the county fund there were substituted references to the general rate fund and subject in both cases to any other necessary modifications.

(2) The provisions of the said section 101 of this Act shall also apply to the Flintshire Magistrates' Courts Committee and the Flintshire Probation and After-Care Committee as they apply to the Council and for that purpose those provisions shall have effect as if the reference in subsection (2) to an employee of the Council were a reference to an employee of either of the said committees (as the case may require).

(3) Subject to the consent of the Secretary of State the provisions of section 105 (Investment of superannuation fund) of this Act shall apply to a local authority maintaining a superannuation fund and for that purpose those sections shall have effect as if



for references therein to the Council there were substituted references to such local authority and subject to any other necessary modifications.

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—cont.

PART X

RHYL PROMENADE PIER

107. In this Part of this Act—

“the promenade pier” means the promenade pier known as the Rhyl promenade pier within the urban district of Rhyl constructed under powers granted by the Rhyl Promenade Pier Order 1864, and includes all works, buildings, structures and conveniences thereon or connected therewith;

“the Rhyl Council” means the urban district council of Rhyl.

Interpretation  
of Part X  
of Act.

1864 c. 93.

108.—(1) Notwithstanding the provisions of any enactment, but subject to the following provisions of this Act, the Rhyl Council may take down and remove the promenade pier.

Power to  
remove  
promenade  
pier.

(2) If the Rhyl Council resolve to take down and remove the promenade pier they shall, as soon as reasonably practicable thereafter and to the satisfaction of the Secretary of State, take down and remove the promenade pier, including such of the foundations, abutments and protective works as the Secretary of State may direct, and shall ensure so far as practicable that such taking down and removal does not unnecessarily interfere with or impede navigation.

(3) The Rhyl Council may sell the structure and materials of the promenade pier and apply the proceeds for any purpose for which capital money may properly be applied.

109.—(1) The Rhyl Council shall at or near such part of the pier as is below the level of mean high-water springs, during the whole time of the taking down and removal of the same, exhibit every night from sunset to sunrise such lights (if any), and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

Lights on  
works during  
removal.

(2) If the Rhyl Council fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment to a fine.

110.—(1) As soon as practicable after the completion of the removal of the promenade pier the Rhyl Council shall publish in a local newspaper circulating in the urban district of Rhyl a notice specifying the date of the completion of that removal.

Repeal.

PART X  
—cont.

(2) The following enactments are hereby repealed on the date specified in the notice published under subsection (1) of this section:—

1864 c. 93.	the Rhyl Promenade Pier Order 1864;
1872 c. civ.	section 69 (Commissioners may purchase pier undertaking) of the Rhyl Improvement Act 1872;
1901 c. ccxxix.	section 33 (Amendment of provisions as to purchase of pier undertaking) of the Rhyl Improvement Act 1901;
1912 c. clvii.	the Rhyl Pier Order 1912.

(3) The byelaws made by the Rhyl Council in pursuance of section 83 of the Harbours, Docks and Piers Clauses Act 1847 and section 36 of the Rhyl Pier Order 1912 to regulate the use of the promenade pier are hereby revoked on the date specified in the notice published under subsection (1) of this section.

(4) Either—

- (a) a copy of a newspaper containing the notice published under subsection (1) of this section; or
- (b) a photostatic or other reproduction certified by the clerk of the Rhyl Council to be a true reproduction of a page or part of a page of such newspaper, bearing the date of its publication and containing the said notice;

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

## PART XI

## MISCELLANEOUS

Application of section 132 of the Local Government Act 1948 to the Council.  
1948 c. 26.

**111.** The provisions of section 132 of the Local Government Act 1948 (which relates to the provision of entertainments by local authorities) shall apply to the Council and for that purpose those provisions shall have effect as if the expression “local authority” in subsection (7) of that section included the Council.

Provision of facilities for accommodation, etc., in the county.

**112.** The Council may make such provisions for accommodation, meals and refreshments as it considers necessary or reasonable for the better provision within the county of such facilities for visitors, and may make a charge therefor:

Provided that no accommodation, meals or refreshments shall be provided under this section except subject to the following conditions:—

- (1) the facilities which exist at the time the Council determine to make provision therefor are in the opinion of the



Council inadequate or unsatisfactory either generally or as respects any description of accommodation, meals or refreshments (as the case may be); and

PART XI  
—cont.

- (2) the Council have first taken all reasonable steps to secure the provision of accommodation, meals or refreshments (as the case may be) by some other person.

113.—(1) Where an occupied house in a district has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway), or the cutting off of the supply of water through that pipe, or the absence or defective state of any fittings, the local authority may, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

Supply of water to premises where supply cut off.

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

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

(3) The functions of a local authority under the foregoing provisions of this section may be exercised by the medical officer of health or any public health inspector of the district.

(4) A local authority may if they think fit themselves bear the whole or any part of any expenses recoverable by them under this section.

(5) (a) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the

PART XI  
—cont.

statutory water undertakers concerned (which consent shall not be unreasonably withheld), and in giving their consent the statutory water undertakers—

- (i) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an occupied house has been cut off by them in exercise of their statutory powers, conditions to secure that the supply to that house is not restored under this section unless the local authority pay to the statutory water undertakers any sum due to them in respect of the supply of water to that house and any expenses reasonably incurred by them in cutting off the supply; and
- (ii) may, without prejudice to any action or proceedings which they may take under any other enactment, elect to carry out on behalf of the local authority any repair, renewal or other works proposed by the local authority, in which case the expenses reasonably incurred by the statutory water undertakers in so doing shall be repaid to them by the local authority.

(b) Any difference arising between any statutory water undertakers and a local authority under this subsection (other than a difference as to the meaning or construction thereof) shall be determined by a single arbitrator to be appointed by agreement between the parties, or in default of agreement by the Secretary of State.

1945 c. 42. (6) In this section words and expressions to which meanings are assigned in section 1 of Schedule 3 to the Water Act 1945 have the same respective meanings.

Research into matters concerning social conditions, etc.

114. The Council may in connection with the exercise of any of their functions contribute, by grants or otherwise, towards the cost of investigations and research undertaken by other bodies or persons into matters affecting the county relating to—

- (a) social or economic or industrial conditions;
- (b) historical or environmental or population studies;
- (c) cultural or educational or language studies;
- (d) health or hygiene.

Preservation and publication of records.

115. The Council or a local authority may preserve, arrange, index, classify and publish or contribute to the publication of such records, deeds and other documents of the county or the area of the authority and of the Council or the local authority, or such extracts from them or reference to their contents as the Council or the local authority may consider to be of public interest.



116.—(1) The Council or the local authority may provide and maintain or contribute to the cost of providing and maintaining recreational, social and welfare facilities for their employees.

PART XI  
—cont.

Recreational and other facilities for employees.

(2) For the purposes aforesaid, the Council or the local authority may—

- (a) erect or maintain buildings;
- (b) make such charges as they think fit for the use of facilities provided under this section;
- (c) make regulations for the management of such buildings and facilities.

117. In the application of Part III of the Weights and Measures Act 1963 to the county, weighing or measuring equipment shall be deemed to be provided or available for use by the public in any case where a fee for such use is charged notwithstanding that the use of such equipment is restricted to any particular class or classes of persons.

Public weighing or measuring equipment.  
1963 c. 31.

118.—(1) As from the appointed day there shall not, in the county, be displayed on any private hire-car any sign or notice—

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

- (a) which consists of or includes the word “ taxi ” or “ cab ”, whether in the singular or plural and whether alone or as part of another word; 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.

(2) As from 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 county; 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 and whether alone or as part of another word 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 licensed cabs or the advertisement makes it clear that they are not.

PART XI  
—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 on summary conviction, 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;

“licensed cab” means a vehicle licensed under section 37 of the Town Police Clauses Act 1847 or any similar local enactment;

“private hire-car” means a motor vehicle, other than a licensed cab or public service vehicle, which is used for the purpose of carrying passengers for hire or reward.

1847 c. 89.

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

**119.**—(1) No person shall use, cause or permit to be used any air-powered tool or mobile air compressor in any district 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.

PART XI  
—cont.

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

120. Section 265 of the Public Health Act 1875 shall apply to the Council and to 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 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 the Council or of a local authority.

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

PART XII

GENERAL

121. Where, under the provisions of any enactment, the Council or a local authority execute any works of common benefit to two or more buildings belonging to different owners, and those expenses or any part of them are recoverable by the Council or the local authority, they shall (if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the incidence of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Council or the local authority (as the case may be) or, in case of dispute, by a magistrates’ court.

Apportionment of expenses in case of joint owners.

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

For protection of certain statutory undertakers.

(1) In this section unless the subject or context otherwise requires—

“apparatus” means—

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

1882 c. 56.

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

(c) any telegraphic line belonging to or used by the Post Office;

PART XII  
—cont.

(d) mains, pipes or other apparatus belonging to or maintained by the Central Flintshire Water Board, the Chester Water Company or the West Denbighshire and West Flintshire Water Board;

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

“ appropriate authority ” means the Council, a local authority, parish council, a highway authority or any person acting with their consent, as the case may require;

“ in ” in the context referring to apparatus includes under, over, across, along or upon;

“ position ” includes depth;

“ the undertakers ” means—

the generating board;

the electricity board;

the Gas Council;

the gas board;

the Post Office;

the water undertakers

or any of them as the case may be;

“ the water undertakers ” means any statutory water undertakers whose limits of supply include any part of the county or any of them as the case may be:

(2) Nothing in any agreement entered into under subsection (1) of section 7 (Agreements with developers) of this Act shall prejudice or affect any powers exercisable by the undertakers 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 undertakers in relation to the exercise of such powers:

(3) Nothing in section 11 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that, in exercising such rights the undertakers shall not cause or permit, except in a case of necessity, vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown, or any garden:



(4) Nothing in the following sections of this Act shall relieve the appropriate authority or any person acting with the consent, or in accordance with any requirement, of the appropriate authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections, and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:—

PART XII  
—cont.

Section 11 (Verges, etc., of housing estates);

Section 15 (Temporary prohibition of traffic during execution of works);

Section 18 (Milk stands in highways);

Section 19 (Removal, etc., of dangerous trees);

Section 27 (Protection of dangerous ponds and excavations);

Section 113 (Supply of water to premises where supply cut off):

(5) Nothing in section 20 (Erection of place names) of this Act shall authorise the appropriate authority to require undertakers to affix on any building or part of a building on operational land any sign:

(6) (a) Any difference which may arise between the appropriate authority and the undertakers under this section (other than a difference as to the meaning or construction of 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 by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other party;

(b) In determining any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under, in respect of any apparatus, and may, if he thinks fit, require the appropriate authority to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which apparatus is used.

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

Confirming  
authority for  
byelaws.

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

Local inquiries.

PART XII  
—cont.

(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 shall have effect as if the expression "department" in that section included any Minister of the Crown having functions under this Act.

Liability of  
directors, etc.

**125.**—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section is proved to have been committed with the consent or connivance of, or 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 the following:—

Part IV (Planning and public order);

Part V (Fire protection and public safety);

Part VII (Health and welfare);

Section 118 (Signs or notices on, and advertisements in connection with, private hire-cars);

Section 119 (Reduction of noise from the use of air-powered tools and compressors).

(3) In 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 any industry, or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction  
on right to  
prosecute.

**126.** Proceedings in respect of an offence created by or under any provisions of this Act or under byelaws made under any such provision shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council, the highway authority, the local authority, or the parish council (as the case may be) having an interest in the enforcement of the provision or byelaws in question.

Appeals.

**127.**—(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.

(2) Where any requirement, refusal or other decision of the Council or local authority 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 Council or local authority themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

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

(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 references to—

- Part III (Highways, streets and footpaths);
- Part IV (Planning and public order);
- Part V (Fire protection and public safety);
- Part VII (Health and welfare);
- Section 113 (Supply of water to premises where supply cut off).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to—

- Section 19 (Removal, etc., of dangerous trees);
- Section 27 (Protection of dangerous ponds and excavations);
- Section 29 (Parts of buildings used for storage of flammable substances);
- Section 30 (Oil-fired boilers);
- Section 32 (Prescription of signs to be used on certain buildings);
- Section 35 (Fire precautions in certain large buildings);
- Section 36 (Firemen's switches for luminous tube signs);
- Section 37 (Preventing fire in public or other buildings);
- Section 38 (Provision of means of escape from fire in certain buildings);

PART XII  
—cont.

- Section 41 (Underground parking places);  
 Section 42 (Further provision as to underground parking places);  
 Section 43 (Interpretation and powers of entry for purposes of last two foregoing sections);  
 Section 113 (Supply of water to premises where supply cut off);  
 Section 119 (Reduction of noise from the use of air-powered tools and compressors).

Saving for  
Town and  
Country  
Planning Acts.

**129.** Section 220 of the Act of 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 Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

## Costs of Act.

**130.** All 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, subject to any agreement between the Council and a local authority as to a contribution or contributions by the local authority.



## SCHEDULES

### SCHEDULE 1

Section 12.

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

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

### SCHEDULE 2

Sections 94, 97  
and 98.

SETTING OUT THE TRUSTS, POWERS AND PROVISIONS UPON, WITH AND SUBJECT TO WHICH THE DESIGNATED SUM IS TO BE HELD IN PURSUANCE OF A DIRECTION GIVEN BY A CONTRIBUTOR UNDER SECTION 94 (POWER TO REQUIRE DESIGNATED SUMS TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 94 (Power to require designated sums to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions, that is to say:—

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

SCH. 2  
—cont.

- (c) the issue of such former contributor;
- (d) any other issue of any of the grandparents referred to in sub-paragraph (b) of this paragraph; and
- (e) the person or persons (if any and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

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

2. In addition to the powers conferred on them by virtue of the foregoing paragraph 1, during the said period of twenty-one years the trustees may at any time pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of any person who in the opinion of the trustees was wholly or in part dependent on the earnings of such former contributor at his death in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this schedule shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act 1925, as amended by the Intestates' Estates Act 1952, or any statutory modification or re-enactment thereof in force at the death of such former contributor if such former contributor had died possessed thereof intestate and domiciled in Wales or in England and solvent and so that such persons if more than one shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts and subject to the conditions therein contained.

4. In this schedule the expressions "grandparent" and "issue" shall be construed as if the step-child, adopted child or illegitimate child of any person was that person's child, and "issue" includes issue in any degree.

1925 c. 23.  
1952 c. 64.



**SCHEDULE 3**

Section 128.

**GENERAL ENACTMENTS APPLIED**

**PART I**

**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.
341	Power to apply provisions of Act to Crown property.

**PART II**

**SECTIONS OF ACT OF 1936 APPLIED TO PARTS III, IV, V AND VII AND SECTION 113 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.
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.
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.

SCH. 3  
—cont.

## PART III

SECTION OF ACT OF 1936 APPLIED TO SECTIONS 19, 27, 29, 30,  
32, 35, 36, 37, 38, 41, 42, 43, 113 AND 119 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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