

# Scunthorpe Corporation Act 1971

## CHAPTER lxviii

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**ELIZABETH II**



**1971 CHAPTER lxviii**

An Act to confer further powers on the mayor, aldermen and burgesses of the borough of Scunthorpe; to make further provision with regard to the health, local government, improvement and finances of that borough; and for other purposes.

[5th August 1971]

**W**HEREAS—

(1) The borough of Scunthorpe (hereinafter referred to as “the borough”) is a borough under the management and local government of the mayor, aldermen and burgesses of the borough (hereinafter referred to as “the Corporation”):

(2) It is expedient that further and better provision should be made with reference to lands and streets and the health, local government, improvement and finances of the borough and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

(3) It is expedient that the Corporation should be authorised to supply heat to premises within and outside the borough as in this Act provided:

(4) It is expedient that further powers should be conferred on the Corporation in respect of their market undertaking:

(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 title.      1. This Act may be cited as the Scunthorpe Corporation Act 1971.

Division of Act into Parts.      2. This Act is divided into Parts as follows:—  
     Part I.—Preliminary.  
     Part II.—Heating undertaking.  
     Part III.—Lands.  
     Part IV.—Streets.  
     Part V.—Public health.  
     Part VI.—Public order and public safety.  
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     Part X.—Cultural activities.  
     Part XI.—Finance.  
     Part XII.—Miscellaneous.  
     Part XIII.—General.

Interpretation.      3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90, 110 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.



- (2) In this Act unless the subject or context otherwise requires—
- PART I  
—cont.
- “ 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 1946 ” means the Acquisition of Land (Authorisation Procedure) Act 1946; 1946 c. 49.
- “ 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.
- “ apparatus ” means any telegraphic line belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus;
- “ the appointed day ” has the meaning assigned to it by section 129 (The appointed day) of this Act;
- “ the borough ” means the borough of Scunthorpe;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ the electricity board ” means the Yorkshire Electricity Board;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation for the time being in force within the borough;
- “ excavation ” includes the demolition of any part of a building or structure situate below ground level;
- “ the gas board ” means the East Midlands Gas Board;
- “ the general rate fund ” means the general rate fund of the borough;
- “ the generating board ” means the Central Electricity Generating Board;
- “ the heating undertaking ” means the heating undertaking authorised by Part II (Heating undertaking) 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

PART I  
—cont.

or enjoyed by the Corporation for or in connection with the provision, storage, transmission, distribution and supply of heat and hot water;

“land” includes water and any interest in land or water and any easement or right in, to or over land or water;

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

1952 c. 55.

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

1969 c. 48.

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

“the railways board” means the British Railways Board;

“statutory undertakers” means persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas or water, and includes the Post Office;

1945 c. 42.

“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;

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

“the town clerk” “the medical officer” “the treasurer” and “the public health inspector” mean respectively the town clerk, the medical officer of health, the treasurer and any public health inspector of the borough.

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

## PART II

## HEATING UNDERTAKING

Interpretation  
of Part II of  
Act.

4. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

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



“ heating fittings ” includes pumps, boiler installations, radiators, air heaters, water heaters, mains, pipes, meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the heating undertaking;

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

5.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands belonging to 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 Corporation to enable them to provide, store, transmit, distribute and supply heat, and the Corporation may accordingly on those lands provide, store, transmit, distribute and supply heat and may produce such materials, products, matters and things:

Works for  
provision of  
heat.

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 Corporation 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 in pursuance of this section shall be so erected, laid down, 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 Corporation 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 Corporation as aforesaid may be sold—

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

PART II  
—cont.

and any electricity so generated and not so sold as aforesaid may be used only 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.

(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 Corporation as aforesaid which is not—

- (a) required for or in connection with the heating undertaking; 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 Corporation and the generating board or, in default of agreement, determined by arbitration, 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 Corporation 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 Corporation 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 Corporation shall consult with that board or that body as to the Corporation's proposals and any alternative proposals which may within three months after that date be submitted by that board or that body.

Power to buy  
heat in bulk.

6.—(1) The Corporation may enter into and carry into effect agreements with any person able to give a supply of heat for the furnishing to the Corporation by such person for the purposes of this Part of this Act of such a supply and—

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and
- (c) the Corporation 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) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of surplus heat from any generating station or gasworks, refuse destructor or industrial plant, and any person able to supply heat may enter into such an agreement.

PART II  
—cont.

7.—(1) The Corporation may supply heat to—

Supply of  
heat.

(a) such premises in the borough; and

(b) such premises owned by them outside the borough;

as they may think fit, upon and subject to the provisions of this Part of this Act and such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises.

(2) The Corporation may by agreement with the owners or occupiers of the premises and with the consent of the appropriate local authority supply heat to any premises outside the borough which are so situated that they can be included within the scope of the heating undertaking for the supply of heat to premises referred to in subsection (1) of this section without unreasonable addition to expenditure for the purposes thereof and without prejudicially affecting the supply of heat to any such premises, upon and subject to the provisions contained in this Part of this Act and such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises and between the Corporation and the local authority:

Provided that nothing in this subsection shall empower the Corporation to supply heat to any premises except—

(a) premises which are situate within a radius of one mile and a half from—

(i) premises which at the time when the supply is first made are owned and supplied with heat by the Corporation; or

(ii) the borough boundary as at the passing of this Act; or

(b) premises which have been earlier supplied with heat pursuant to paragraph (b) of subsection (1) of this section.

(3) In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(4) Before the Corporation 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 so to do to the owner of 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 Corporation to the owner of such premises.

PART II  
—cont.

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

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

- Part V (Power to lay mains &c.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies, navigation authorities, tramway undertakers, &c.);
- 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—

- “catchment board” includes an internal drainage board;
- “limits of supply” means the borough;
- “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 the Corporation.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation to lay down a main outside the borough except for the purpose of—

- (a) giving or facilitating the supply of heat in accordance with the provisions of this Part of this Act; or
- (b) taking a supply of heat from any works or premises outside the borough.

Power to lay  
down or erect  
electric lines,  
etc.

9.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 5 (Works for provision of heat) of this Act the Corporation may 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;

PART II  
—cont.

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 the Corporation 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 arbitration.

(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:— 1945 c. 42.

Section 22 (Power to break open streets);

Section 25 (Protection for railway companies, navigation authorities, tramway undertakers, &c.);

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).

(4) For the purpose of such application, the Corporation shall be deemed to be the undertakers and the limits of supply shall be deemed to be the borough and in the construction of the said section 93 the expression "catchment board" shall be deemed to include an internal drainage board.

## PART II

—cont.

1888 c. 12.

1947 c. 54.

1899 c. 19.

1969 c. 48.

(5) 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 Corporation.

(6) 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.

Power to  
supply fittings.

10.—(1) In any premises to which the Corporation 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.

(2) The Corporation 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 the Corporation and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution 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 Corporation:

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 the Corporation 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 Corporation.

(5) The Corporation shall so adjust the charges to be made under this section that the income therefrom 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 and the cost of repairs or renewals.

(6) (a) If any person wilfully injures or suffers to be injured any heating fittings belonging to the Corporation he shall be liable to a fine not exceeding twenty pounds.

(b) Without prejudice to the foregoing provisions of this subsection, the Corporation 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 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.

11.—(1) The Corporation may from time to time prescribe Heating a scale of charges (in this section called “heating charges”) for charges. 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 Corporation 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 the Corporation 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, 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 Corporation 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:

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

PART II  
—cont.

due in respect of the heating charges or as to the liability to pay the same, the Corporation shall not cut off the supply of heat until the dispute has been settled or, on the application of either party, determined by a court of competent jurisdiction.

(3) Without prejudice to any other method of recovery any heating charges payable by the occupier of any premises of which he is the tenant of the Corporation and connected as aforesaid may be recovered as rent due from him.

Security for  
payment of  
accounts.

**12.** The Corporation 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 Corporation such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith.

Discount  
for prompt  
payment.

**13.—(1)** The Corporation 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 meter rent 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 Corporation think fit to prescribe in that behalf, and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges.

(2) In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

Power to  
enter premises.

**14.—(1)** Subject to the provisions of this section, any authorised officer of the Corporation shall, on producing if so required some authenticated document showing his authority, have a right to enter at all reasonable hours any premises to which the Corporation 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—

- (a) inspecting and examining any heating fittings whether belonging to the Corporation 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 Corporation 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 Corporation:

PART II  
—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 Corporation by any authorised officer to enter the premises, if need be by force.

(3) An authorised officer of the Corporation 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) Any person who, in compliance with the provisions of this section or of a warrant issued thereunder, is admitted into a factory, workshop or workplace shall not disclose to any person, except where such disclosure was made in the performance of his duty, any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, and if he does so he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART II  
—cont.

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by the generating board or the electricity board 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).

Interference  
with apparatus,  
etc.

15.—(1) If any person wilfully and without the consent of the Corporation turns on, opens, closes, shuts off or otherwise interferes with any heating fitting belonging to the Corporation 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 Corporation may recover from him the amount of any damage or loss 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.

(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 Corporation) be liable to a fine not exceeding ten pounds.

Byelaws for  
protection  
of heating  
undertaking.

16.—(1) The Corporation may make byelaws for preventing the waste, misuse, undue consumption or contamination of, or interference with, the circulation or supply of heat by them under this Part of this Act.

(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 heat; or
  - (ii) reverberation in pipes; and
- (c) requiring the testing of fittings, and the making of charges therefor.



(3) If any person contravenes the provisions of any byelaw made under this section the Corporation 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 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.

17.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation he shall be liable to pay to the Corporation 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 Corporation to supply heat to the premises, whichever first occurs.

Notice to be given before quitting premises supplied with heat.

(2) The notice to be given under this section by an occupier of premises shall be given in writing to the address and in the manner specified by the Corporation for the purpose.

(3) There shall be endorsed upon every demand note in respect of heating charges payable to the Corporation—

- (a) the foregoing provisions of this section, or a statement of the effect thereof; and
- (b) the address for and manner of, service of a notice under this section; and
- (c) the length of notice required by the Corporation.

18. Nothing in this Part of this Act shall exonerate the Corporation from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them:

Corporation not to be exempted from proceedings for nuisance.

Provided that this section shall not apply to the exercise by the Corporation of the powers of sections 8 (Power to lay mains, etc., and break open streets) and 9 (Power to lay down or erect electric lines, etc.) of this Act.

19.—(1) In any case in which within the meaning of section 26 of the Act of 1950—

Modification of section 26 of Act of 1950.

- (a) the Corporation are the operating undertakers in respect of undertakers' works authorised by this Part of this

PART II  
—cont.

Act, or are the owning undertakers 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, the gas board or the water undertakers 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 the Corporation execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the Corporation execute such works extending for a distance of more than one hundred 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 heat is proposed to be transmitted or distributed by the Corporation by means of such works; and

(B) the measures (if any) proposed to be taken by the Corporation 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 or the water undertakers 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—

“the water undertakers” means statutory water undertakers for the time being authorised to supply water in the borough;

and any expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

20.—(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the Secretary of State, may be authorised to purchase land within the borough compulsorily for the purposes of the heating undertaking.

PART II  
—cont.

Purchase of  
land for  
heating  
undertaking.

(2) The Act of 1946 shall apply to the compulsory purchase of land under this section and accordingly shall have effect 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) In this section the expression "land" includes easements and rights in respect of land and the Corporation 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 Act of 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 the Corporation 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 the Corporation to acquire the land, the Corporation 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.

21.—(1) Subject to the provisions of this section the Corporation may affix to any buildings in the borough such brackets, brackets, etc.

Attachment of  
brackets, etc.



PART II  
—cont.

mains, electric lines and attachments (in this section called “attachments”) as may be required for the purposes of the heating undertaking.

- 1961 c. 64. (2) The provisions of subsections (2) to (9) of section 45 of and Schedule 4 to the Public Health Act 1961 shall apply to any attachments affixed under subsection (1) of this section as if they were attachments affixed under subsection (1) of the said section 45 and the said provisions as so applied shall have effect with any necessary modifications including the substitution of “the Corporation” for “a street lighting authority”, the substitution of a reference to “section 30 of the Town and Country Planning Act 1962” for “section twenty-nine of the Town and Country Planning Act, 1947” and the omission from subsection (9) of the definition of “street lighting”:
- 1962 c. 38.
- 1947 c. 51.

Provided that nothing in this section shall authorise the Corporation to affix any attachments to—

- (a) a building for the time being included in a list published by the Secretary of State under any enactments for the time being in force with respect to ancient monuments without the consent of the Secretary of State; or
- (b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 32 of the Act of 1962, not being a building to which paragraph (a) of this proviso applies, without the consent of the Secretary of State.

Separate  
accounts  
of heating  
undertaking.

22.—(1) The Corporation 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 Corporation 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.

PART II  
—cont.

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

PART III

LANDS

23.—(1) The Corporation may acquire by agreement, whether by way of purchase, lease or exchange the land mentioned in Schedule 1 to this Act.

Extension of power to acquire land by agreement.

(2) The land acquired under this section may, unless and until it is appropriated for any purpose for which the Corporation are authorised, apart from this section, to acquire land, either be used for the purpose of any of the functions of the Corporation or may be let to any person, club, society or organisation at a nominal or other rent and otherwise on such terms and conditions as the Corporation think fit for use for any purpose which in their opinion will afford recreation or entertainment to members of the public.

(3) Unless and until the land acquired under this section is appropriated for any purpose for which the Corporation are authorised, apart from this section, to acquire land, all expenses incurred by them in respect of the land shall be payable out of the general rate fund.

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

Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

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

26.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested

Agreements with adjoining owners.

PART III  
—cont.

in, any land abutting on any portion of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

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

Undertakings  
and agreements  
binding  
successive  
owners.

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

- (a) given or made under seal either on the passing of plans or otherwise in connection with the land; and
- (b) expressed to be given or made in pursuance of this section;

shall, if registered in the local land charges register, be enforceable by the Corporation against the person or persons who entered into, or joined as a party to, such undertaking or agreement and all persons deriving title by, through or under him or them.

(2) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the Corporation a copy thereof.

Power to  
enforce  
restrictive  
covenants.

28.—(1) Where before the passing of this Act the Corporation sold land for building purposes and on such sale the purchaser entered into a covenant with the Corporation restrictive of the user of such land expressed to be for the benefit of other lands sold or to be sold by the Corporation they shall have power to enforce such covenant against persons deriving title under such purchaser notwithstanding that the Corporation have ceased to be in possession of or interested in any land for the benefit of which the covenant was entered into in the like manner and to the like extent as if they were possessed of or interested in such land.

1925 c. 22.  
1926 c. 11.

(2) For the purposes of section 15 of the Land Charges Act 1925, as amended by the Law of Property (Amendment) Act 1926, any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(3) This section shall not apply to a covenant unless such covenant was registered as a local land charge within three months from the passing of this Act.



29. On selling any land the Corporation—

PART III  
—cont.

(a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly; Reservation of easements, etc., by Corporation.

(b) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and, without prejudice to the generality of the foregoing words of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

30. Notwithstanding anything in the Lands Clauses Consolidation Act 1845, or the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the said Act of 1965 or paid by the Corporation into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or Schedule 3 to the said Act of 1965 to order upon application by the Corporation that the money so paid or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation: Recovery of deposits under Lands Clauses Consolidation Act 1845 or the Compulsory Purchase Act 1965.  
1845 c. 18.  
1965 c. 56.

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 Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

31.—(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the appropriate Minister, may be authorised to create in favour of the Corporation in or over any land which under any enactment the Corporation may be authorised to acquire compulsorily, any easement or other right in or over or in relation to such land which, in the opinion of the appropriate Minister, is essential to the full enjoyment or use of any buildings owned or occupied, or intended to be owned or occupied, by the Corporation for the purposes of any of their undertakings, powers or duties: Compulsory acquisition of easements.

Provided that the Corporation may not exercise the powers of this section in circumstances where they may be authorised to acquire such rights by virtue of section 47 of the Highways Act 1971. 1971 c. 41.



PART III  
—cont.

(2) The appropriate Minister shall not confirm any order under this section unless he determines that the easement or right can be created without material detriment to the land in or over or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

(3) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1946 and as if—

(a) the expression “ compulsory purchase of land ” in the Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(b) paragraphs 9 and 10 of Schedule 1 to the Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1) whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within subsection (1) of section 8 of the Compulsory Purchase Act 1965.

(5) In this section “ appropriate Minister ” means the Minister of the Crown having power to authorise the purchase compulsorily of the land for the enjoyment or use of which the easement or other right is required or who would have had such power if such land were not already owned by the Corporation.

1965 c. 56.

Agreements  
with  
developers.

32.—(1) The Corporation and any person having an estate or interest in any land within the borough may enter into an agreement which may provide for all or any of the following:—

(a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;

(b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;

(c) ensuring that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;

- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;
- (f) any other related or consequential matters.

PART III  
—cont.

(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 Corporation against the covenantor and all persons deriving title by, through or under the covenantor.

(b) In the event of the person who has entered into an agreement under the 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 Corporation may after giving not less than twenty-one days' notice of their intention so to do enter on the land and do the work in default and the expenses incurred by the Corporation in so doing shall be recoverable by them from the person in default.

(c) Except as may be expressly provided in the agreement an agreement entered into under the 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 Corporation may take or acquire shares or other securities in any company incorporated in the United Kingdom with which an agreement is entered into under this section.

(4) In this section "development" has the same meaning as in section 12 of the Act of 1962.

#### PART IV

#### STREETS

33.—(1) Any person may, in connection with any building operations or work of demolition, or in connection with the erect scaffolding.



PART IV  
—cont.

alteration, repair, maintenance or cleansing of the exterior of any building, erect or place, or cause to be erected or placed, any scaffolding, obstruction or projection constituting an obstruction (each of which is hereafter in this section referred to as “scaffolding”) in, upon or over any street in the borough if he has previously obtained a licence from the Corporation and complies with such terms and conditions as may be attached to the licence:

Provided that the Corporation shall be entitled to refuse a licence only on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of the highway.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness:

Provided that this subsection shall not apply to scaffolding projecting over the footway of a street but not over the carriageway if no part thereof is less than 8 feet above the level of the footway measured vertically and if the nearest part thereof to the carriageway is at least 1 foot 6 inches from the carriageway measured horizontally.

(3) If any person without a licence from the Corporation erects or places, or causes to be erected or placed, any scaffolding in, upon or over any street in the borough, or contravenes the terms or conditions attached to any licence granted under this section, he shall be liable for every such offence to a fine not exceeding fifty pounds and to a daily fine not exceeding two pounds.

(4) Any person aggrieved by the refusal of the Corporation to grant a licence under this section, or by the terms and conditions attached to any such licence, may appeal to a magistrates’ court.

(5) No licence shall be required under this section in respect of any scaffolding erected or placed by the railways board for the purpose of constructing, reconstructing or maintaining any works pursuant to their statutory powers.

(6) Before the Corporation grant any licence under this section they shall (except in the case of emergency) give at least seven days’ notice to any statutory undertakers who appear to them to be concerned, of their intention to do so, and on granting any such licence shall attach thereto such conditions as the statutory undertakers may, within the said period of seven days, require to secure that the person to whom such licence is granted shall comply with their reasonable requirements for the protection of any apparatus belonging to, or used or maintained by, them or for securing access to such apparatus.

Conditional consent under section 146 of Act of 1959.

34.—(1) Where the Corporation determine to give a consent under section 146 of the Act of 1959 (which makes provision for the regulation of the deposit of things and the making of excavations in streets) to the temporary deposit of building materials, rubbish or other things in a street, or to the making of a temporary



excavation in a street, they may attach thereto such reasonable conditions as they think fit, including such conditions as may be required to secure that the person to whom the consent is given complies with the reasonable requirements of statutory undertakers or the railways board for the protection of any apparatus belonging to, or maintained by, them in the street or for securing access to such apparatus.

PART IV  
—cont.

(2) Where it appears to the Corporation that any statutory undertakers or the railways board may be concerned by an application for a consent under section 146 of the Act of 1959, they shall, before determining to give the consent, give due notice of the application to such undertakers or board and take into consideration any representations which may, within such reasonable time specified in the notice, be made to them by such undertakers or board.

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

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

35.—(1) Where any grass verge, garden or space which has been provided by the Corporation in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with the Corporation under that Act, or any enactment repealed by that Act, is maintained in an ornamental condition or mown, the Corporation may by notice prohibit persons from—

Verges, etc.,  
of housing  
estates.

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

(b) entering upon any such garden;

and when the prohibition prohibits vehicles from entering upon any grass verge in any street the notice shall be indicated by such traffic signs as may be authorised for the purpose by the Secretary of State in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act 1967.

1967 c. 76.

(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 five 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 Corporation shall consult the association.

PART IV  
—cont.

(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.

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

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

(a) remove or cut any turf; or

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

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding ten pounds and to the payment of such further amount as appears to the court reasonable compensation for any damage done by such contravention which last-mentioned amount shall be paid to the person having control of the street or open space.

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

(4) Nothing in this section shall apply to any open space vested in or under the control of, a local authority, a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty, or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act 1949.

1949 c. 97.

Prohibition of vehicles on grass verges, gardens, etc.

37.—(1) The Corporation may by notice prohibit persons (except with the consent of the Corporation) from causing or permitting mechanically propelled vehicles to enter upon any land to which this section applies and when the prohibition prohibits vehicles from entering upon any grass verge in any street the notice shall be indicated by such traffic signs as may be authorised for the purpose by the Secretary of State in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act 1967:

1967 c. 76.

Provided that any such notice shall not apply to—

(a) the owner or occupier of or any person residing in any premises fronting or abutting on any such land causing or permitting any such vehicle to enter or leave those premises; or



- (b) the temporary crossing of land to which this section applies during building operations if means satisfactory to the Corporation be taken to protect such land from injury and for the convenience of pedestrians; or
- (c) the temporary use of any vehicle on land to which this section applies by statutory undertakers or the railways board in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus).

PART IV  
—cont.

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the land to which it relates and if any person contravenes a notice so posted (except in a case of emergency) he shall be liable for every such offence to a fine not exceeding twenty pounds in addition to the amount of damage (if any) thereby caused to such land.

(3) This section applies to any recreation ground, garden or open space provided and maintained by the Corporation.

(4) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Secretary of State.

(5) In this section "open space" has the same meaning as in the Open Spaces Act 1906.

1906 c. 25.

38.—(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 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 and periodicals.

Sale of food  
and articles  
on verges, etc.

(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 any road or part of a road in the borough to which the council may by order apply this section.

(b) Before making an order under this subsection the Corporation shall cause to be published once in each of two successive weeks in a local newspaper circulating in the borough 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 town clerk.



PART IV  
—cont.

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the town clerk, the council 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; 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, common land or other land to which this section applies.

1925 c. 20.

(5) In this section—

- (a) the expression “container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;
- (b) the expression “private property” does not include common land;
- (c) the expression “vehicle” means a vehicle of any description, whether drawn or propelled by mechanical power or not.

Excavations  
near highways.

39.—(1) This section applies to any excavation made after the passing of this Act on any land in the borough within 30 feet from any highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to any excavation made in the course of carrying out works for the purpose of or in connection with apparatus of statutory undertakers or the railways board.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation, or the execution of works for the making of any such excavation causes the withdrawal of support as aforesaid for the highway so that, for the

purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment or on summary conviction, to a fine:

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(4) Subject to the provisions of section 40 (Offences due to fault of other person) of this Act, for the purposes of this section the owner of the land on which an excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of works for the making of the excavation.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

(6) (a) The provisions of this section shall not apply to any excavation made by a river authority for the purpose of any of their functions and in respect of which the following conditions are fulfilled:—

(i) not less than twenty-eight days before commencing the excavation plans are submitted by the river authority to the Corporation for their reasonable approval;

(ii) the excavation is not commenced until the plans have been approved in writing by the Corporation or settled by arbitration:

Provided that if the Corporation do not within twenty-eight days after the submission to them of any such plans signify to the river authority concerned in writing their disapproval thereof they shall have been deemed to have approved thereof; and

(iii) the excavation is carried out in accordance with the plans approved, deemed to have been approved or settled by arbitration.

(b) In this subsection—

“plans” includes sections and particulars;

“river authority” includes any drainage authority within the meaning of the Land Drainage Act 1930.



PART IV  
—cont.

Offences due  
to fault of  
other person.

**40.**—(1) Where the commission by the owner of any land of an offence under section 39 (Excavations near highways) of this Act is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the owner of the land.

(2) In any proceedings against the owner of any land for an offence under the said section 39 it shall, subject to subsection (3) of this section, be a defence for the person charged to prove—

(a) that the commission of the offence was due to the act or default of another person who—

(i) had undertaken to be responsible for the making of the excavation in question or the execution of the works in question; or

(ii) by reason of the fact that he had in his charge or subject to his direction the making of the excavation or the execution of the works or part thereof, ought to be taken to be responsible as aforesaid; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(3) If in any case the defence provided by the last foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Regulation of  
placing of  
things in  
footpaths.

**41.**—(1) The Corporation may and any person who occupies premises adjoining or comprising any part of a footpath may, with the consent of the Corporation, place and maintain in or over that part of the footpath tables, chairs, show-cases, decorative features or other things for the use, convenience or entertainment of the public.

(2) Any consent given by the Corporation under this section may be given subject to such conditions as they think fit, including conditions as to—

(a) the positions in the footpath in which any such things may be placed;

(b) the time during which anything so placed in a footpath shall be allowed to remain there;



- (c) the nature or design of the thing to be placed in the footpath and the steps to be taken to avoid risk of injury or inconvenience to members of the public and to prevent injury to amenity; and
- (d) payment or other consideration.

PART IV  
—cont.

(3) The powers of this section may be so exercised as to restrict the access of the public to part of a footpath, but shall not be so exercised as to prevent—

- (a) persons from entering the footpath at any place where they could enter it before the exercise of the said powers; or
- (b) the passage of the public along the footpath; or
- (c) normal access by pedestrians to premises adjoining the footpath.

(4) No payment or consideration shall be payable under the provisions of paragraph (d) of subsection (2) of this section other than a reasonable sum in respect of legal, administrative and other expenses incurred in connection with the giving of the consent:

Provided that where the land on which a footpath is situated is owned by the highway authority for the footpath nothing in this section shall affect any right of that authority as the owner of that land to require payment or such consideration as they think fit for the right to place anything in or over the footpath.

(5) The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions subject to which a consent has been given.

(6) If a person contravenes any condition subject to which a consent has been given under this section the Corporation may require him to remove the things in respect of which that consent was given, and if within twenty-four hours he fails to do so, they may themselves remove such things and recover the expenses reasonably incurred by them in so doing from the person in default.

(7) In this section “footpath” has the meaning assigned to it by section 295 of the Act of 1959.

42.—(1) The Corporation 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 on or in a highway contrary to paragraph (cc) of subsection (1) of section 117 of the Act of 1959. Defacing of road surface, etc.

(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 Corporation any expenses

PART IV  
—cont.

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 117 or incurred by them under subsection (1) of this section.

Recovery of street works charges where owner unknown.

43.—(1) Where any street works in the borough have been completed by the Corporation but the Corporation are unable to recover the amount due from the owner of any premises or otherwise under sections 174 to 188 of the Act of 1959 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 Corporation 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 Corporation absolutely and thereupon the Corporation 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.

1949 c. 42.

(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 correctness thereof and the Corporation shall thereupon deposit 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 Corporation.

1965 c. 56.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 9 of the Compulsory Purchase Act 1965 as if it were a sum awarded to be paid to an owner who cannot be found and as if the Corporation were the promoters of an undertaking and such sum shall be applied in accordance with that Act.

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



44.—(1) The Corporation may cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

PART IV  
—cont.  
Decorations  
in streets.

(2) If any person wilfully removes or damages a flag-pole, pylon, socket or slot erected or provided under this section, he shall be liable to a fine not exceeding twenty pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Secretary of State.

(4) Any consent required by the foregoing subsection shall not unreasonably be withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything placed in or under the surface of a street under the powers conferred by this section if reasonably required to do so by the Secretary of State.

45. As from the appointed day section 65 of the Towns Improvement Clauses Act 1847 (which requires the occupiers of houses and other buildings in the streets to mark their houses with numbers), shall have effect in its application to the borough as if after the words “with such numbers as the commissioners approve of” there were inserted the words “and in such positions as to be easily visible from the street” and as if after the words “a number approved of by the commissioners” there were inserted the words “and in such position as to be easily visible from the street”.

Numbers of  
houses.  
1847 c. 34.

46. Between one hour after sunrise and one hour before sunset the provisions of any order under the Act of 1960 or under the Act of 1967 prohibiting the driving of vehicles on any specified road in the borough otherwise than in a specified direction shall not apply to any mechanically propelled and operated road cleaning vehicle provided by the Corporation when engaged in the cleansing of any street.

Road cleansing  
vehicles.

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

Mixing of  
mortar, etc.,  
in streets.

PART IV  
—cont.

the Corporation 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.

## PART V

## PUBLIC HEALTH

Sanitary  
conveniences  
at places of  
public  
exhibition,  
etc.

1963 c. 2.

48.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided or is about to be held, given or provided, or in respect of which there is for the time being in force a licence under section 9 of the Betting, Gaming and Lotteries Act 1963, to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport or during the continuance of the licence in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) Any person aggrieved by a requirement made under subsection (1) of this section may appeal to a magistrates' court.

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

Provided that—

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



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

PART V  
—cont.

(4) 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.

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

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

(6) This section shall not apply to premises in respect of which there is in force a licence under the Cinematograph Acts 1909 and 1952.

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

1961 c. 64.

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

Means of access for removal of refuse, etc.

“ (1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority shall reject the plans, unless it is shown to them that—

(i) satisfactory means of access can, and will, be provided from the building to a street for the purpose of the removal of refuse; and

(ii) satisfactory provision will be made for the storage of refuse including the siting of such storage:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans and specifications approved by the Minister in connection with housing operations to which section 145 of the Act of 1957 applies.

PART V  
—cont.

- (b) Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a magistrates' court.
- (c) In this section 'refuse storage accommodation', in relation to a building, means accommodation for the storage of dustbins or other refuse containers containing or intended to contain the refuse arising from the use or occupation of the building.
- (2) (a) It shall be unlawful for any person except with the consent of the local authority so to close or obstruct the means of access by which refuse is removed from any building that removal of refuse is thereby impeded, and the local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.
- (b) Any person who contravenes the provisions of this subsection shall be liable to a fine not exceeding twenty pounds."

Control of  
noise from  
building,  
demolition  
and road  
works.

50.—(1) The Corporation may make byelaws for the control of noise from road works and works of building construction, civil engineering and demolition.

(2) (a) Where upon application being made to the Corporation they are satisfied that any particular operation cannot reasonably be carried out without contravening any byelaws made under this section the Corporation may grant permission for noise to be caused in the course of the carrying out of that operation in excess of that permitted by the byelaws.

(b) To assist them in reaching a decision upon an application made under paragraph (a) of this subsection the Corporation shall consider the practicality and cost of any alternative operation and the disturbance which may be caused by the noise for which permission has been sought.

(c) Any permission under paragraph (a) of this subsection may be granted subject to such conditions as the Corporation think fit and any operation carried on in breach of a condition imposed shall be deemed to be carried on without permission.

(d) Any person aggrieved by the refusal of any permission or by any condition imposed thereby may appeal to a magistrates' court.



(3) (a) In proceedings brought for contravening any byelaw made in pursuance of this section it shall be a defence for the defendant to prove that the best practicable means have been used for the control of the noise caused in the course of the carrying out of any operation which is the subject of the proceedings and such defence shall be available whether or not an application has been made to the Corporation under subsection (2) of this section in respect of that operation.

(b) In determining for the purposes of this subsection whether the best practicable means have been taken for the control of the noise a court shall have regard to cost and to local conditions and circumstances.

(4) No byelaw under this section shall extend to control noise from activities carried out by the railways board on operational land of that board.

(5) Nothing in this section shall affect the operation of the Construction (General Provisions) Regulations 1961 or any regulations made under Part II (Safety (General Provisions)) or Part IV (Health Safety and Welfare (Special Provisions and Regulations)) of the Factories Act 1961.

1961 c. 34.

51.—(1) Any expenses adjudged to be payable to the Corporation consequent upon the exercise of their powers under subsection (1) of section 23 or subsection (3) of section 44 of the Act of 1957 shall until recovered be a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

Expenses of  
executing  
demolition  
orders.

(2) The Corporation shall for the purpose of enforcing a charge under this section have all the powers and remedies under the Law of Property Act 1925, and otherwise of mortgagees by deeds having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

1925 c. 20.

52.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

Tipping of  
spoil and  
refuse.

(2) Byelaws made by virtue of this section may—

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

PART V  
—cont.

(b) provide that any spoil or refuse tip placed, kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse—

(a) by railway, canal or inland navigation undertakers for the purpose of constructing, altering or maintaining any railway, canal, inland navigation or wharf works; or

1930 c. 44.

(b) by the Trent River Authority in the exercise of any of their functions; or by a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930 in the exercise of the powers conferred upon them by the Land Drainage Acts 1930 and 1961; or

(c) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Acts 1954 and 1969; or

1969 c. 10.

(d) at a tip to which Part I of the Mines and Quarries (Tips) Act 1969 applies; or

(e) by the generating board, statutory water undertakers, the Gas Council or the gas board on their operational land.

Control of  
refuse tips.

53.—(1) Subsection (3) of section 76 of the Act of 1936 shall, in its application to the borough, extend to provide that it shall not be lawful except as provided by subsection (3) of this section, for any person to sort over or disturb the material deposited in any place provided for the deposit of refuse.

1967 c. 69.

(2) In this section “place provided for the deposit of refuse” means any place provided by the Corporation under section 18 of the Civic Amenities Act 1967, and also any place provided by agreement with any person, body or local authority under subsection (4) of that section.

(3) This section shall not prevent the sorting over of material deposited in any place provided for the deposit of refuse—

(a) by any person employed by the Corporation in connection with the removal and disposal of refuse;

(b) by any other person who has received the Corporation’s specific permission to do so;

(c) in the case of any place so provided by virtue of an agreement under the said subsection (4) of section 18, by any other person employed at that place or any person having control over that place or any person who has received the specific authority of any person having control over that place.



54.—(1) A stationary internal combustion engine shall not be used in the borough unless an effectual silencer is provided and used on the exhaust of the engine.

PART V  
—cont.

Silencers for  
internal  
combustion  
engines.

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be so used, the Corporation may give him notice that the engine is being or has been so used; and if, after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as aforesaid, or causes or permits it to be so used, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding two pounds.

(3) Any person served with a notice under this section may appeal to a magistrates' court on the grounds that the notice is not justified:

Provided that the provisions of subsection (2) of section 155 (Appeals) of this Act shall not apply to the use of an engine in respect of which a notice is served under this section whether or not an appeal is brought.

(4) An authorised officer of the Corporation shall have the right in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as incorporated with this Act to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof.

(5) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act 1954.

1954 c. 70.

55.—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke, gas or vapour from a chimney, flue or pipe of a building or structure forming part of, or within the curtilage of, a house in the borough is prejudicial to the health of any of the inhabitants of the borough or a nuisance, the court may make an order requiring the owner of the chimney, flue or pipe, within such time as may be specified in the order—

Power to  
order  
alteration of  
domestic  
chimneys.

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance

PART V  
—cont.

of the order need not involve an expenditure exceeding fifty pounds or such greater sum as the Secretary of State may from time to time approve.

(2) If any person fails to comply with an order of a court made under this section he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) A court shall not make an order under this section in respect of—

(a) a building for the time being included in a list published by the Secretary of State under any enactments for the time being in force with respect to ancient monuments without his consent; or

(b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 32 of the Act of 1962, not being a building to which paragraph (a) of this subsection applies, without his consent.

(4) Section 301 of the Act of 1936 shall apply to an order of a court made under this section as if it were an order under the Act of 1936.

## PART VI

## PUBLIC ORDER AND PUBLIC SAFETY

Removal,  
etc., of  
dangerous  
trees.

56.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or of damage to property any tree in the borough should be removed, cut or felled, the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within not less than twenty-one days to remove, cut or fell the tree or execute such other works as the Corporation 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 as applied by this Act 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.

PART VI  
—cont.

(4) In any case where the removal or cutting down of or the execution of works in relation to any tree—

- (a) will interfere with the exercise by a river authority of any of its functions; or
- (b) will cause injury or damage to or otherwise interfere with any drainage work;

the Corporation shall (except in case of emergency) consult with the river authority concerned before serving any notice under this section.

57.—(1) While any child is entering or leaving any school in the borough, or is entering or leaving any yard or playground appurtenant to any such school, or is in any such yard or playground, no person shall solicit such child—

Prohibition on solicitation of school-children to sell or exchange articles, etc., at schools.

- (a) to sell to such person any article or thing;
- (b) to exchange with such person any article or thing for any other article or thing.

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

(3) In this section—

"child" has the same meaning as in section 114 of the Education Act 1944;

1944 c. 31.

"article or thing" includes any animal, fish, bird or other living thing.

58.—(1) As from the appointed day no person shall commence to erect in the borough a stand to which this section applies unless he has given notice to the Corporation of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require, and the Corporation have approved the erection of the stand under this section.

Safety of stands.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of the plan, section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

PART VI  
—cont.

as may be specified in the notice, being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected, the Corporation shall have regard to that statement in considering what modifications and requirements are to be specified in a notice under subsection (2) of this section, but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice, or such further time as the Corporation may allow.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan, section and particulars submitted to them; and, if within the said five weeks the Corporation have not given notice under subsection (2) of this section, they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to a magistrates' court.

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or
- (b) erects such a stand otherwise than in accordance with a plan, section and particulars submitted to the Corporation under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the said plan, section and particulars as modified by the notice; or
- (c) being the owner or occupier of such a stand erected otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or
- (d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;



he shall be liable to a fine not exceeding one hundred pounds and, in the case of any such failure, to a daily fine not exceeding two pounds:

PART VI  
—cont.

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(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 Corporation to enforce.

(8) The provisions of this section shall not apply to a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

(9) This section applies to a stand, including any structure which is not a building or extension of a building to which building regulations are applicable, for the purpose of affording seating or standing accommodation for twenty or more persons at any one time.

59.—(1) As from the appointed day no person shall at any place in the borough to which this section applies— Touting,  
hawking, etc.

(a) importune 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 hackney carriage or public service vehicle; or

(b) without the consent of the Corporation, which may be given on such terms and conditions as they think fit—

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

(3) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to a sale or offering for sale to persons residing in, or employed or carrying on business at, premises in or adjoining a place to which this section applies.

PART VI  
—cont.

(4) The prohibition imposed by sub-paragraph (ii) of paragraph (b) 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 a business which consists in, or includes, selling or supplying photographs for such publication.

(5) This section applies to any place—

- (a) in or on an esplanade, parade, promenade or public walk;
- (b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation, or under their management and control;
- (c) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

1906 c. 25.

(6) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrates' court.

(7) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is given thereunder, he shall be liable to a fine not exceeding twenty pounds.

Securing of  
unoccupied  
houses under  
Act of 1957.

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

- (a) by a closing order made under section 17, 18, 26 or 35 of the Act of 1957, ordered any house or building, or any part thereof, to be closed; or
- (b) by a clearance order under section 44 of the Act of 1957, ordered any building, or any part thereof, to be vacated, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

they may, if the premises are not effectively secured so as to prevent the entry into the premises, when unoccupied, of any person other than a person authorised by the owner or the



Corporation, after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building, or part thereof, as will so secure the premises against entry.

PART VI  
—cont.

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

1961 c. 64.

(3) In this section—

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

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

## PART VII

### PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

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

Parking places  
in parks, etc.

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

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

1906 c. 25.

62.—(1) The Corporation may within or outside the borough provide a zoological garden or a botanical garden or a zoological garden and a botanical garden.

Provision of  
zoological  
and botanical  
gardens.

(2) (a) The Corporation may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of a zoological garden and a botanical garden under this section, or either of them.

(b) Reference in the following provisions of this section to a zoological garden or botanical garden so provided shall be deemed to refer to both or either of such gardens and to include reference to any buildings provided or works executed under this subsection and to anything with which any such building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

**PART VII**  
—*cont.*

(3) The Corporation may purchase or acquire zoological and botanical specimens and exhibits.

(4) The Corporation may either—

- (a) themselves manage the zoological garden or botanical garden provided under this section making such reasonable charges for admission thereto as they think fit; or
- (b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

**Golf courses.**

63.—(1) The Corporation may within or outside the borough provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under the last foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

- (a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or
- (b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may—

- (a) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;
- (d) by themselves, or any person appointed by them in that behalf, apply for, and hold, licences for the sale of intoxicating liquor at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section, whether within or outside the borough, and the conduct of persons using them or resorting thereto.



64. No power conferred upon the Corporation by any of the foregoing sections of this Part of this Act shall be exercised in such a manner—

PART VII  
—cont.

Saving for  
trusts, etc.

- (a) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or
- (b) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

65.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

Extension of  
power to  
maintain burial  
grounds.

- (a) to put, and keep, in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (b), (c) or (d) of the foregoing subsection the Corporation shall—

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;

PART VII  
—cont.

(b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service whichever is the latest; and

(c) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Secretary of State, unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense, in substitution, a memorial of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject to obtain for any work a faculty or licence of a consistory court.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such a faculty or licence was obtained.



(9) In this section—

“ burial ground ” includes a cemetery;

“ grave ” includes a grave space;

“ memorial ” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial.

66.—(1) In this section—

“ the Commission ” means the Commonwealth War Graves Commission;

“ Commonwealth war burial ” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

For  
protection of  
Common-  
wealth  
War Graves  
Commission.

(2) In relation to any burial ground to which the provisions of section 65 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 65;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 65;

and in any such case shall have due regard to any written representations made by the Commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not in pursuance of the powers of the said section 65 remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

(a) that no other memorial shall be placed or erected over such grave;

**PART VII**  
—cont.

(b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;

(c) that in the case of any headstone placed or erected by the Commission over any such grave such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 65, the Corporation shall, not later than the date on which the matter is referred to the Secretary of State, inform the Commission in writing of such reference and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Secretary of State.

**Aerodrome  
undertaking.**  
1949 c. 67.

67.—(1) In the event of the Corporation establishing, in pursuance of sections 19 and 20 of the Civil Aviation Act 1949, an aerodrome, with or without any ancillary business in connection therewith (in this section referred to as “the aerodrome undertaking”), they may either—

(a) themselves manage the aerodrome undertaking, making such reasonable charges in respect thereof as they think fit, or

(b) subject to the provisions of subsection (6) of the said section 19, let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit;

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Secretary of State in pursuance of powers conferred on him by or under the said Act.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking, and for maintaining order in, and for regulating the use of, any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Secretary of State, and subject to the like control by him under the Civil Aviation Act 1949, as if this Act had not been passed.



## PART VIII

## HACKNEY CARRIAGES, ETC.

68. In this Part of this Act, unless the subject or context otherwise requires—

Interpretation  
of Part VIII  
of Act.

“ the Act of 1847 ” means the Town Police Clauses Act 1847; 1847 c. 89.

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

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

“ private hire vehicle ” (except in section 70 (Signs or notices on, and advertisements in connection with, private hire vehicles) of this Act) means a motor vehicle (within the meaning of the Act of 1960) not being a vehicle licensed under the provisions of the Act of 1847, with respect to hackney carriages, which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

(a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for longer periods of hire;

(b) a vehicle belonging to or used by the railways board for the purpose of carrying passengers or their luggage to or from any of their railway stations, railway or dock premises;

(c) a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business; or

(d) a public service vehicle.

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

Provisions  
as to motor  
vehicles let  
for hire.

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

(2) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

to private hire vehicles and their proprietors and drivers.

PART VIII  
—cont.

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

70.—(1) On and after the appointed day there shall not, in the borough, be displayed on any private hire vehicle any sign or notice—

- (a) which consists of or includes the word “ taxi ” or “ cab ”, whether in the singular or plural and whether alone or as part of another word; or
- (b) which consists of the words “ for hire ”, or 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) On and after the appointed day no advertisement—

- (a) indicating that motor vehicles can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the borough; 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, unless the vehicles offered for hire are hackney carriages or the advertisement makes it clear that they are not.

(3) Any person who—

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

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

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

(5) In this section—

“ advertisement ” includes every form of advertising whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of



photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly;

PART VIII  
—cont.

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

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

Fixing of  
fares for  
hackney  
carriages.

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

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

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

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

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

(6) On the coming into operation of a table of fares made under this section, any byelaws made by the Corporation for fixing the

PART VIII  
—cont.

rates and fares under section 68 of the Act of 1847, or any table of fares previously made under this section, shall cease to have effect.

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

Stands for  
hackney  
carriages.

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

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

(3) Nothing in this section shall empower the Corporation to appoint any such stand—

(a) so as unreasonably to prevent access to any premises or in any station of the railways board except with their consent; or

(b) so as unreasonably to prevent access to any station or depot of any passenger road transport operators except with their consent; or

(c) so as unreasonably to prevent access to any apparatus or operational land of a statutory undertaker except with their consent.

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

Prohibition of  
other vehicles  
on hackney  
carriage  
stands.

73.—(1) No person shall cause or permit any vehicle other than a hackney carriage licensed to ply for hire within the prescribed distance to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 72 (Stands for hackney carriages) of this Act.

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



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

PART VIII  
—cont.

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

Transfer of  
hackney  
carriages, etc.

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

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

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

75. The cost not exceeding two pounds for inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether licences should be granted therefor under the Act of 1847 shall, if the Corporation so resolve, be recoverable from the proprietors thereof.

Recovery of  
costs of  
inspections.

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

Fee for  
driver's  
licence.

77.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle—

Suspension  
and revocation  
of proprietor's  
licences.

- (a) on the ground of the unfitness of the hackney carriage or vehicle; or
- (b) for any other reasonable cause;

and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been suspended or revoked:

PART VIII  
—cont.

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

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

Suspension and  
revocation of  
driver's  
licences.

78.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle—

(a) on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence; or

(b) for any other reasonable cause.

and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such driver notice of the grounds on which the licence has been suspended or revoked.

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

Fitness of  
hackney  
carriages, etc.

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

Qualifications  
for drivers of  
hackney  
carriages, etc.

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

(a) to any person under such age as the council may by resolution from time to time determine not being less than the age of twenty-one years;

(b) to any person who has not for at least twelve months been the holder of a licence granted under Part II of the Act of 1960 (not being a provisional licence) authorising him to drive a motor car.



(2) Notice of any resolution passed by the council under paragraph (a) of subsection (1) of this section shall be published by the Corporation in at least one local newspaper circulating in the borough.

(3) Nothing in paragraph (a) of subsection (1) of this section shall prevent the Corporation from granting a licence to act as a driver of a hackney carriage or private hire vehicle to any person who at the date of the passing of a resolution under the said paragraph was the holder of such a licence.

**81.**—(1) The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle to submit to them such information as to the physical fitness of the applicant and as to the character of the applicant as they may consider necessary to enable them to determine whether to grant such licence. Power to require applicants to submit information.

(2) If a person knowingly or recklessly makes a false statement in giving information under this section he shall be liable to a fine not exceeding fifty pounds.

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

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

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

### PART IX

#### MARKET UNDERTAKING

**84.** In this Part of this Act unless the context otherwise requires— Interpretation of Part IX of Act.

“ the market ” means any market of the Corporation for the time being;

“ market road ” means any road which, or any area of land which, is for the time being vested in or the property of the Corporation as market authority by virtue of this Part of this Act and is accessible to motor vehicles, not being a road to which the Act of 1960 applies;

“ motor vehicle ” has the same meaning as in the Act of 1960.

PART IX  
—cont.Market  
byelaws.

1955 c. 16.

(4 &amp; 5 Eliz. 2.)

85.—(1) In addition to and without prejudice to the powers conferred upon the Corporation by section 61 of the Food and Drugs Act 1955, the Corporation may make byelaws with respect to the market for all or any of the following purposes, namely:—

- (a) securing the cleanliness of any land or premises within the market and any vehicle entering the market (including shops, warehouses, stands and other places and vehicles where articles, commodities or produce are stored, sold or are exposed for sale or inspection) and preventing the accumulation on or in any such land, premises or vehicle, and securing the removal therefrom, of refuse;
- (b) preventing the outbreak and spread of fire in the market and, in particular, for that purpose—
  - (i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;
  - (ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the depositing in any place (otherwise than for storage), of such descriptions of articles, commodities, produce, containers or packing materials as appear to the Corporation to be flammable;
  - (iii) imposing prohibitions, restrictions or requirements with respect to the storage, the depositing in any place (otherwise than for storage) or the use of such descriptions of preservatives, accelerators or retarders as appear to the Corporation to be flammable or any such specified preservative, accelerator or retarder as so appears;
  - (iv) imposing prohibitions, restrictions or requirements with respect to the use of appliances for heating, cooling or lighting and fittings for such appliances;
  - (v) imposing such prohibitions, restrictions or requirements as appear to the Corporation requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment;
- (c) (i) prescribing the purposes for which vehicles or vehicles of a particular class or description may be brought into the market;
- (ii) prescribing the times at which vehicles or vehicles of a particular class or description may enter or leave the market;
- (iii) requiring the identification of drivers and vehicles entering or leaving the market or the approaches thereto and prescribing the method of such identification;



(iv) preventing obstruction in the market and regulating vehicular traffic therein and, in particular, imposing speed limits on vehicles within the market and restricting or regulating the loading or unloading of vehicles therein;

(v) restricting or regulating the parking of vehicles in the market and, in particular, prescribing the times and places at, during and on which vehicles or vehicles of any particular class or description may be parked;

(d) prohibiting (except as may be otherwise provided in the byelaws) the bringing into or keeping in the market of any animal of whatsoever kind or species;

(e) regulating the conduct of persons resorting to the market and, in particular, preserving order therein and preventing damage to, and loss of, property therein.

(2) In this section—

“accelerators” means substances used for accelerating the ripening of commodities or produce;

“preservatives” means substances (including insecticides and fungicides) used for preventing deterioration in the condition of commodities or produce;

“retarders” means substances used for retarding the ripening of commodities or produce.

86.—(1) Any officer duly authorised by the Corporation to regulate traffic on market roads may (on production, if required, of his authority) give reasonable directions as to the movement or stopping of any vehicle in the market: Regulation of traffic in market.

Provided that such directions shall not conflict with any byelaw made under this Part of this Act.

(2) If the driver of any vehicle in the market fails to comply with a direction given under the provisions of subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds.

(3) Nothing in this section shall apply to any vehicle or the driver thereof while the vehicle is on a road as defined in section 257 of the Act of 1960.

87.—(1) The Act of 1960, the Road Safety Act 1967 and the Traffic Act of 1967 shall have effect as if in the sections thereof mentioned in Schedule 2 to this Act, the expression “road” and the expression “highway” included a market road and as if in the sections thereof mentioned in Part II of Schedule 2 to this Act the expression “police constable” included an officer of the Corporation Traffic market roads. 1967 c. 30.

PART IX  
—cont.

1967 c. 30. authorised in that behalf; and any person who commits an offence under any of those sections, as extended by this section, shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 257 of the Act of 1960, and, subject to the provisions of this section all the provisions of the said Acts, so far as applicable (including, without prejudice to the generality of the foregoing, sections 241 and 250 of the Act of 1960, section 6 of the Road Safety Act 1967 and section 79 of the Act of 1967) shall apply accordingly.

1971 c. 10. (2) If no duty is chargeable under the Vehicles (Excise) Act 1971 in respect of a motor vehicle—

- (a) by virtue of the provisions of subsection (1) of section 7 of that Act; or
- (b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

sections 5, 97, 98, 110, 201, 225, 230 and 231 of the Act of 1960 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a market road.

(3) Regulations or orders made under section 64 or 70 of the Act of 1960 or section 20 of the Act of 1967, and from time to time in force, shall extend and apply to market roads as they apply to roads as defined by section 257 of the Act of 1960 or section 104 of the Act of 1967, and subsection (2) of section 64 and section 239 of the Act of 1960 and section 87 of the Act of 1967 shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act 1971 in respect of a motor vehicle—

- (a) by virtue of the provisions of subsection (1) of section 7 of that Act; or
- (b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said regulations shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a market road.

Reserve fund. **88.**—(1) Notwithstanding anything contained in any enactment, the Corporation may at any time after the passing of this Act create a reserve fund out of the revenue of the market undertaking of the Corporation by setting aside in respect of that 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 Corporation, not exceeding a sum equal to one-fifth of the aggregate capital expenditure on the undertaking or such higher sum as may be approved by the Secretary of State.

PART IX  
—cont.

(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 undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for the purpose of meeting expenses incurred in the replacement and repair of buildings, plant, vehicles or apparatus forming part of the 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.

## PART X

### CULTURAL ACTIVITIES

89.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any object vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation. Disposal of specimens and works of art.

(2) The Corporation may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any object vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

PART X  
—cont.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

- (a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section;
- (b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor; and
- (c) any sum received by the Corporation in the exercise in respect of any object of the powers of this section shall, unless it exceeds fifty pounds and is subject to a trust the terms of which prevent its being used for the purchase of other objects, be paid into the art fund established by the Corporation under section 15 of the Public Libraries and Museums Act 1964.

1964 c. 75.

(4) In this section “ object ” means a specimen, work of art, book or document.

Acquisition  
of works of  
art produced  
to order.

90. The Corporation may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed.

Acquisition  
and repair of  
sculptures, etc.

91. The Corporation may acquire for exhibition in the borough or its neighbourhood or for use as a feature in connection with any development or redevelopment scheme carried out or being carried out by them works of sculpture or other objects of artistic, scientific or historical interest and may provide for the renovation, renewal, replacement or recasting of any such works or objects so acquired or otherwise in their possession or care.

Publication  
of works of  
scholarship.

92. The Corporation may publish or contribute to the publication of any work of scholarship having reference to the borough or anywhere within the geographical counties of York and Lincoln.

## PART XI

## FINANCE

Power to  
borrow.

93.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;



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

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

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

(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.

94.—(1) The Corporation may lend to any local authority, and a local authority may borrow from the Corporation, upon such terms and conditions as may be agreed, such money as the Corporation think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed, and any money so lent shall be repaid to the Corporation by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment by the local authority of the money they are authorised to borrow: Power to Corporation to lend money to local authorities, etc.

Provided that the powers of this subsection shall not be exercised unless—

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

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

(ii) an authority to which the council appoint representatives; or

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

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

(2) Any agreement under this section may be made by resolutions passed respectively by the council and by the local authority.

PART XI  
—cont.

(3) Any sum borrowed by the Corporation for the purpose of this section shall be repaid within a period to expire not more than one year after that for which the same was lent by them to the local authority.

(4) Where any sum is borrowed by the Corporation for the purposes of this section it shall be lawful for the Corporation for such periods as they may think fit to suspend any annual provision required to be made by virtue of any enactment for the time being in force for the repayment of the sum borrowed.

(5) The Corporation shall be entitled to charge such rate of interest in respect of any particular loan under this section as may be agreed between the Corporation and the borrower:

Provided that the Corporation shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time the loan is made the rate of interest agreed is such that no loss is incurred by the Corporation in respect of the loan.

(6) All costs, charges and expenses incurred by the Corporation in respect of any particular loan under this section shall be met by the borrower.

(7) In this section the expression "local authority" means the council of a county, county borough or county district and any other authority being a local authority as defined by section 34 of the Local Loans Act 1875, and includes any joint board if all the constituent authorities are such local authorities as aforesaid and the Lincolnshire Police Authority.

1875 c. 83.

Receipt in  
case of  
minors.

95. If any money is payable by the Corporation to any employee (other than wages or salary) or creditor or 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 Corporation.

Expenses of  
investment of  
super-  
annuation  
fund.

96. All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, may be paid by the Corporation out of that fund.

Recovery of  
rates from  
certain owners.

97.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such



payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

PART XI  
—cont.

(b) The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section “owner” in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 55 of the General Rate Act 1967 applies 1967 c. 9. by virtue of a resolution of the council.

98. Notwithstanding the provisions of any enactment any water rates and charges collected by the Corporation on behalf of any water undertaking shall (without prejudice to any other right or remedy by the said undertaking) be recoverable by the Corporation in a magistrates’ court in the same manner and subject to the same provisions as the general rate. Recovery of water rates and charges.

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

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

(2) Where, after the coming into force of this Act, 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 Local Government Superannuation Act 1937: 1937 c. 68.

Provided that—

(i) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice

PART XI  
—cont.

given to the Corporation in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;

- (ii) unless the Corporation otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age 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.

1937 c. 68.

(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 Local Government Superannuation Act 1937 whether or not any payment has been made to him on account thereof.

1953 c. 25.

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

(6) In this section—

"contributor" means a contributor to the fund in respect of whom the Corporation are the employing authority;

"the fund" means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;

"pensionable age" in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to a superannuation allowance by reason of having, otherwise than under this section, attained such age and completed such period of service as is prescribed in the Local Government Superannuation Acts 1937 to 1953 or the regulations made thereunder;



“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.

PART XI  
—cont.

## PART XII

### MISCELLANEOUS

**100.**—(1) The Corporation may, if requested so to do by any person—

Power to  
Corporation  
to assist  
industry.

(a) who is the owner or lessee or intended owner or lessee of any land in the borough; or

(b) who has purchased or taken on lease or intends to purchase or take on lease from the Corporation any land (whether within or outside the borough);

being in either case land upon which an industrial building is built or is intended to be built, extended or improved, carry out any work required in relation to the preparation or improvement of the site for that building or for the provision or improvement of buildings or of services or facilities on which any trade or business carried on or intended to be carried on in such building depends, and may make grants or loans towards the cost of such works, buildings and the provision or improvement of such services or facilities or any part thereof and towards the cost of the machinery and equipment which it is proposed to install therein.

(2) The Corporation may erect industrial buildings in advance of requirements for the purpose of attracting industry to the borough.

(3) Nothing in this section shall authorise the Corporation to carry out works for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

(4) In this section “industrial building” has the meaning assigned to it by section 21 of the Local Employment Act 1960. 1960 c. 18.

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

Boundary  
walls.

(a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense

PART XII  
—cont.

of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

- (i) weatherproofing the surface of the wall;
  - (ii) restoring or improving the appearance of the wall; or
- (b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

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

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

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

Further power  
in relation to  
demolitions.  
1961 c. 64.

102. Section 29 of the Public Health Act 1961 shall have effect in its application to the borough as if after paragraph (f) of subsection (5) thereof there were added the following paragraph:—

- “(g) to leave any surfaces of an adjacent building which are exposed by the demolition in such a condition that they are not detrimental to the area in which the adjoining premises are situate”.



103.—(1) If it appears to the Corporation that any party or boundary wall of any court, courtyard or yard attached to or forming part of any house in the borough or the fence or door of any such court, courtyard or yard—

PART XII  
—cont.

Repair of  
walls, etc., of  
yards.

- (a) has collapsed or been pulled down; or
- (b) is in danger of collapsing; or
- (c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

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

(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:

Provided that in the case of any property in respect of which there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act 1957, no works shall be required by notice served under this section in relation to any wall, fence or door comprised in such property other than emergency works (as defined in subsection (5) of section 1 of the said Act) or other works specified in the notice served under the said section 3. 1957 c. 59.

(3) The Corporation shall not serve a notice under this section in respect of—

- (a) a building for the time being included in a list published by the Secretary of State under any enactments for the time being in force with respect to ancient monuments without his consent; or
- (b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 32 of the Act of 1962, not being a building to which paragraph (a) of this subsection applies, without his consent.

104.—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe or the absence or defective state of any fittings, the Corporation may, without prejudice to any action or proceedings which they may take under

Supply of  
water to  
premises  
where supply  
cut off.

PART XII  
—cont.

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.

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

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

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

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

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

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



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

PART XII  
—cont.

(6) Any difference which may arise between any statutory water undertakers and the Corporation under the last foregoing subsection (other than a difference as to the meaning or construction of the said subsection) shall be determined by arbitration.

105. The Corporation 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 borough relating to—

Research into matters concerning social conditions, etc.

- (1) social or economic conditions; or
- (2) health or hygiene.

106. 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 the Corporation 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.

107.—(1) The Corporation may for the purpose of enabling them to perform any of their functions under—

Power to require information as to ownership of premises.

- (a) this Act;
- (b) any enactment in force at the passing of this Act which authorises the Corporation to acquire land compulsorily;
- (c) any enactment mentioned in Schedule 3 to this Act; and
- (d) any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within the borough;

require—

- (i) the occupier and any person having an interest in any premises in the borough, and any person who either

PART XII  
—cont.

directly or indirectly receives rent in respect of such premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and

- (ii) any person who has sold or otherwise disposed of, leased or let any premises in the borough to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who, having been required by the Corporation in pursuance of this section to give to them any information, fails within twenty-one days to give that information or knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section the expression "interest" includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in paragraph (b) of subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

Disposal of  
lost and  
uncollected  
property.

**108.**—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation:

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may notwithstanding that it has not vested in the Corporation under this section be disposed of at such time and in such manner as the Corporation may think fit and if it is sold the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.



(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section—

“lost property” means any property including money coming into the custody of the Corporation after being left on or in any premises occupied by the Corporation to which the public have access; and

“uncollected property” means any property deposited in any cloakroom or parcels’ store provided by the Corporation for the use of the public or any containers deposited in any market store-room provided by the Corporation in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

109.—(1) (a) If representation is made in manner hereinafter mentioned to the Corporation that the amenities of the neighbourhood are prejudiced by the habitual use of the front garden of any private dwelling-house in a street in the borough as a parking place for one or more heavy commercial vehicles the Corporation on complying with the provisions of this section may make an order precluding the use of the front gardens of the private dwelling-houses in that street or any part thereof as a parking place for heavy commercial vehicles.

Prohibition  
of parking  
in front  
gardens.

(b) A representation under the foregoing paragraph shall be made in writing and signed by the occupiers, being local government electors, of not less than twenty private dwelling-houses in the street concerned or within 100 yards thereof who satisfy the Corporation that the signatories have a genuine interest in preserving the said amenities.

(2) (a) If the Corporation consider that such an order should be made they shall publish a notice thereof in a local newspaper circulating in the borough and 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 council shall serve by post a copy of the notice on the owner or occupier of every private dwelling-house in the street concerned.

PART XII  
—cont.

(c) The Corporation 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 council before the order is made.

(3) (a) After considering any objections made under the last foregoing subsection the Corporation may make an order prohibiting the use of the front garden 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 Corporation may determine.

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

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

(5) For the purposes of 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 4 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:



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

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

(ii) 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;

“ front garden ” means so much of a garden or land belonging to or used in connection with a private dwelling-house as lies in front of—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 147 of the Act of 1957; or

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of section 75 of the Act of 1959;

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

(6) The occupier of any front garden or part thereof or the person having control of a front garden or part thereof who permits the same to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle in a front garden in contravention thereof shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

110. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the borough and its neighbourhood.

Information centres.  
1948 c 26.

## PART XII

—cont.

Power to use ladders, etc., for entry for inspection.

**111.**—(1) Any power conferred on an officer of the Corporation by or under any enactment to enter upon and inspect any building or works in course of construction shall include a power to use, free of expense, for the purpose of the entry or inspection, any ladders, scaffolding and plant in or about the building or works.

(2) If the builder of, or contractor for, any building or works or any person employed by him in or about any building or works—

- (a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or
- (b) otherwise obstructs such an officer in the exercise of those powers;

he shall be liable to a fine not exceeding twenty pounds.

Recreational, etc., facilities for employees.

**112.**—(1) The Corporation may within or outside the borough provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation 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 premises.

Collection and delivery of washing.

**113.**—(1) The Corporation may collect, and carry to any public washhouse provided by them, clothes and other articles intended to be washed there, and may carry from any such washhouse, and deliver, clothes and other articles which have been washed there.

(2) The Corporation shall make such charges for the service provided by them under this section as will, taking one year with another, produce a revenue sufficient to meet the expenses of providing it.

(3) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Act of 1960 in respect of a goods vehicle to which that Act applies.

Electronic or mechanical equipment.

**114.**—(1) The Corporation may, if they think fit, provide services and facilities for any authority, body or person by means of any electronic or mechanical equipment or for the processing of data by computer or other equipment which the



Corporation may possess or in which they may have an interest, and the Corporation may make such charges as may be agreed for the provision of those services and facilities:

PART XII  
—cont.

Provided that where any such equipment has been provided by the Corporation and any other person jointly, the Corporation shall not exercise the powers of this section in respect of the equipment so provided except by agreement with such other person.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not without the consent of the authority, body or person from which it was obtained be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

**115.**—(1) The Corporation may in any premises mentioned in subsection (2) of this section so long as they remain in the occupation of the Corporation sell and supply or enter into any agreement or arrangement with any person for the sale and supply of or let any rights (exclusive or otherwise) of selling and supplying refreshments of all kinds subject to the provisions of all enactments relating thereto: Provision of catering facilities in certain premises.

Provided that nothing in this subsection shall override the terms or conditions of any lease or agreement relating to lands occupied by the Corporation but not owned by them.

(2) The premises in which the Corporation may exercise the powers of subsection (1) of this section are the following:—

- (a) Normanby Hall and park;
- (b) the Civic Centre;
- (c) recreational and cultural premises occupied by the Corporation;
- (d) the market hall.

**116.** The Corporation may provide or make reasonable payments for or in connection with refreshments for members of the council and other persons attending conferences or meetings convened for the purposes or benefit of the council. Refreshments at meetings.

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

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

PART XII  
—cont.

Provided that—

1958 c. 51.  
1962 c. 56.

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

(b) the Corporation shall afford a right of access for the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document so destroyed.

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

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

(a) the document has been destroyed; and

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

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

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

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

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

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

**118.**—(1) 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 whose rents fall to be carried to the authority's housing revenue account without the tenancy being terminated) shall—

1958 c. 42.

(a) apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the Corporation; and



(b) as so applied, extend to a reduction as well as to an increase of rent.

PART XII  
—cont.

(2) Accordingly the said section 12 shall, as it applies to the Corporation as a local authority within the meaning of that section, have effect as if in subsection (1)—

(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) for the definition of “local authority houses” there were substituted the words “‘local authority houses’ are houses belonging to the local authority” and after the word “increase” there were inserted the words “or reduction”.

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

Delegation of powers to committees and sub-committees.

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

Provided that—

(a) a majority of the members of any such sub-committee shall be members of the council; and

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

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

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

## PART XII

—cont.

As to minutes  
of council  
meetings, etc.

**120.** Notwithstanding anything contained in paragraph 3 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the council or of any committee or sub-committee thereof, may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next ensuing meeting of the council, committee or sub-committee, as the case may be, by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

## PART XIII

## GENERAL

Apportion-  
ment of  
expenses in  
case of joint  
owners.

**121.** Where, under the provisions of any enactment, the Corporation 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 Corporation, 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 Corporation, or, in case of dispute, by a magistrates' court.

Compensation  
how to be  
determined.

**122.** When any compensation, costs, damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Confirming  
authority for  
byelaws.

**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.

Local inquiries.

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

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

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



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

(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;

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

(c) mains, pipes or other apparatus belonging to or maintained by the water undertakers;

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

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ the undertakers ” means—

the generating board;

the electricity board;

the Gas Council;

the gas board;

the North Lindsay Water Board;

or any of them as the case may be:

(2) Before the Corporation grant any licence under section 33 (Licence to erect scaffolding) of this Act they shall, except in case of emergency, give at least seven days' notice to the undertakers if they appear to the Corporation to be concerned of their intention to do so and on granting any such licence shall attach thereto such conditions as the undertakers may within the said period of seven days require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers for the protection of any apparatus or for securing access to such apparatus or operational land:

(3) Nothing in section 35 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that, in exercising such rights the undertakers shall not (except in the case of necessity) cause or permit

PART XIII  
—cont.

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 Corporation or any person acting by the requirement or with the consent of the Corporation 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 obstruct or render unreasonably inconvenient the access to any apparatus or operational land:—

Section 35 (Verges, etc., of housing estates);

Section 41 (Regulation of placing of things in footpaths);

Section 44 (Decorations in streets);

Section 61 (Parking places in parks, etc.);

Section 104 (Supply of water to premises where supply cut off):

- (5) No byelaw made under section 50 (Control of noise from building, demolition and road works) of this Act shall extend to control noise which cannot reasonably be avoided arising out of any emergency road works or works of building construction, civil engineering or demolition carried out or executed by or on behalf of the undertakers:

- (6) In exercising powers conferred by subsection (3) of section 54 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity, gas or water an authorised officer of the Corporation shall conform to the reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:

- (7) (a) When the Corporation give any notice under subsection (1) of section 60 (Securing of unoccupied houses under Act of 1957) of this Act they shall at the same time send a copy of such notice to the undertakers;

- (b) Nothing in the said section 60 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise



of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 60 shall ensure that the premises are not left less secure by reason of the entry:

PART XIII  
—cont.

- (8) Nothing in section 73 (Prohibition of other vehicles on hackney carriage stands) of this Act shall apply to any vehicle of the undertakers:

Provided that the undertakers shall not cause or permit any vehicle to wait on any hackney carriage stand appointed under section 72 (Stands for hackney carriages) of this Act except in a case of necessity:

- (9) (a) Any difference which may arise between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration;
- (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 Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible any interference with any purpose for which the apparatus is used.

126. For the protection of the Scunthorpe Internal Drainage Board the following provisions shall, unless otherwise agreed in writing between the Board and the Corporation, apply and have effect:—

For protection of Scunthorpe Internal Drainage Board.

- (1) Nothing in this Act or in byelaws made under any of the powers of this Act shall limit the powers of the Board under the Land Drainage Acts 1930 and 1961 or be taken to authorise any action or work which would prejudicially affect drainage without the consent of the board:
- (2) Any difference arising between the board and the Corporation under this section shall be settled by arbitration.

127. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Corporation and the Post Office, apply and have effect:—

For protection of Post Office.

- (1) In this section, unless the subject or context otherwise requires—  
“ apparatus ” means any telegraphic line belonging

PART XIII  
—cont.

to or used by the Post Office and includes any works constructed for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under, upon, over, along or across:

- (2) Nothing in section 35 (Verges, etc., of housing estates) of this Act shall affect the rights of the Post Office with respect to apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that, in exercising such rights, the Post Office shall not cause or permit, except in the case of necessity, vehicles to enter upon any such verge, garden or space which is maintained in an ornamental condition or mown:

- (3) The powers conferred by sections 35 (Verges, etc., of housing estates) and 44 (Decorations in streets) of this Act shall be so exercised as not to obstruct or render less convenient, so far as is reasonable, the access to any apparatus or operational land:
- (4) In exercising the powers conferred by subsection (3) of section 54 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the Post Office and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity an authorised officer of the Corporation shall conform to such reasonable requirements of the Post Office as are made in the interest of safety and for preventing interference with any process carried on in such premises:
- (5) (a) Any difference which may arise between the Corporation and the Post Office under this section shall be determined by arbitration;
- (b) In settling any difference under this section, the arbitrator shall have regard to any duty or obligation which the Post Office may be under in respect of any apparatus, and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

Arbitration.

**128.** In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the person mentioned in the second column of that table on the



application of any party after giving notice in writing to the other party or parties:—

PART XIII  
—cont.

Provision of Act	Person appointing arbitrator
Subsection (3) of section 5 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Subsection (2) of section 9 (Power to lay down or erect electric lines, etc.)	The President of the Institution of Civil Engineers.
Subsection (6) of section 39 (Excavations near highways)	The President of the Institution of Civil Engineers.
Subsection (6) of section 104 (Supply of water to premises where supply cut off)	The Secretary of State.
Subsection (9) of section 125 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Subsection (2) of section 126 (For protection of Scunthorpe Internal Drainage Board)	The President of the Institution of Civil Engineers.
Subsection (5) of section 127 (For protection of Post Office)	The President of the Institution of Civil Engineers.

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

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

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

- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing

PART XIII  
—cont.

or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

- (a) immediately before that day was carrying on that business, or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 133 (Appeals) of this Act.

Evidence of proceedings, appointments, etc.

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

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

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

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

Liability of directors, etc.

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

(2) The provisions hereinbefore referred to are:—

Section 33 (Licence to erect scaffolding);

Section 38 (Sale of food and articles on verges, etc.);



- Section 39 (Excavations near highways);
- Section 58 (Safety of stands);
- Section 59 (Touting, hawking, etc.); and
- Section 70 (Signs or notices on, and advertisements in connection with, private hire vehicles).

PART XIII  
—cont.

(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 an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

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

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

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

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

then, until the time for appealing has expired, or, if an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

134. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority. Protection of members and officers of Corporation from personal liability.  
1875 c. 55.

**PART XIII**  
—*cont.*

Application  
of general  
provisions of  
Act of 1936.

**135.**—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 5 to this Act shall have effect as if references therein to that Act included a reference to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to section 48 (Sanitary conveniences at places of public exhibition, etc.) and Part VI (Public order and public safety) and Part XII (Miscellaneous).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the following sections of this Act, that is to say:—

- Section 35 (Verges, etc., of housing estates);
- Section 36 (Damage to trees, etc., on streets and in open spaces);
- Section 48 (Sanitary conveniences at places of public exhibition, etc.);
- Section 52 (Tipping of spoil and refuse);
- Section 54 (Silencers for internal combustion engines);
- Section 55 (Power to order alteration of domestic chimneys);
- Section 56 (Removal, etc., of dangerous trees);
- Section 58 (Safety of stands);
- Section 60 (Securing of unoccupied houses under Act of 1957);
- Section 104 (Supply of water to premises where supply cut off);
- Section 109 (Prohibition of parking in front gardens).

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

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

**137.** All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.



## SCHEDULES

### SCHEDULE 1

Section 23.

#### THE LAND REFERRED TO IN SECTION 23

That area of land bounded partly on the south by Doncaster Road on the west by Henderson Avenue and extending in an easterly direction from Henderson Avenue a distance of approximately 416 feet and extending in a northerly direction from Doncaster Road a distance of approximately 590 feet and comprising approximately 5.57 acres.

### SCHEDULE 2

Section 87.

#### PROVISIONS APPLIED TO MARKET ROADS

##### PART I

#### PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE CORPORATION DO NOT HAVE THE POWERS OF A POLICE CONSTABLE

##### Sections of Act of 1960—

- |             |   |
|-------------|---|
| Section 1   | (Causing death by reckless or dangerous driving);                                   |
| Section 2   | (Reckless, and dangerous, driving generally);                                       |
| Section 3   | (Careless, and inconsiderate driving);  |
| Section 4   | (Speeding);   |
| Section 5   | (Driving under age);  |
| Section 6   | (Driving, or being in charge, when under influence of drink or drugs);              |
| Section 8   | (Restriction on carriage of persons on motor cycles);                               |
| Section 9   | (Reckless, and dangerous, cycling);   |
| Section 10  | (Careless, and inconsiderate, cycling);   |
| Section 11  | (Cycling when under influence of drink or drugs);                                   |
| Section 13  | (Restriction on carriage of persons on bicycles);                                   |
| Section 16  | (Leaving vehicles in dangerous positions);  |
| Section 77  | (Duty to stop, and furnish particulars, in case of accident);                       |
| Section 97  | (Minimum age for driving);  |
| Section 98  | (Drivers of motor vehicles to have driving licences);                               |
| Section 110 | (Offence of applying for or obtaining licence, or driving, while disqualified);     |
| Section 201 | (Users of motor vehicles to be insured or secured against third-party risks);       |
| Section 202 | (Exceptions from requirement of third-party insurance or security);                 |
| Section 218 | (Penalisation of tampering with motor vehicles);                                    |
| Section 219 | (Penalisation of holding or getting on to vehicle in order to be towed or carried); |
| Section 225 | (Power of police constables to require production of driving licences);             |

SCH. 2  
—cont.

- Section 226 (Power of police constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates);
- Section 228 (Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling);
- Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
- Section 231 (Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security);
- Section 232 (Duty to give information as to identity of driver, &c., in certain cases);
- Section 241 (Restrictions on prosecutions for certain offences);
- Section 250 (Application to the Crown).

1967 c. 30.

Sections of the Road Safety Act 1967—

- Section 1 (Driving or being in charge with blood-alcohol concentration above the prescribed limit);
- Section 2 (Breath tests);
- Section 5 (Consequences of conviction of certain offences of driving or being in charge);
- Section 6 (Application of Part I to the Crown);
- Section 7 (Interpretation of Part I);
- Section 31 (General provisions as to interpretation, etc.).

Sections of Act of 1967—

- Section 54 (Traffic signs);
- Section 55 (Powers and duties of highway authorities as to placing of traffic signs);
- Section 61 (Removal of traffic signs, etc.);
- Section 79 (Exemption of fire engines, etc., from speed limits).

## PART II

### PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE CORPORATION HAVE THE POWERS OF A POLICE CONSTABLE

Sections of Act of 1960—

- Section 14 (Drivers to comply with traffic directions);
- Section 223 (Power of police to stop vehicles).

Section of Act of 1967—

- Section 58 (Emergency traffic signs).



## SCHEDULE 3

Section 107.

## ENACTMENTS MENTIONED IN SECTION 107

Public Health Act 1875.	1875 c. 55.
Public Health Acts Amendment Act 1890.	1890 c. 59.
Public Health Acts Amendment Act 1907.	1907 c. 53.
Public Health Act 1925.	1925 c. 71.
Land Drainage Act 1930.	1930 c. 44.
The Act of 1936.	
The Act of 1957.	
The Act of 1959.	
Caravan Sites and Control of Development Act 1960.	1960 c. 62.
Highways (Miscellaneous Provisions) Act 1961.	1961 c. 63.
Land Drainage Act 1961.	1961 c. 48.
Public Health Act 1961.	1961 c. 64.

## SCHEDULE 4

Section 109.

## 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.

Section 135.

SCHEDULE 5  
SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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.

PART II

SECTIONS APPLIED TO SECTION 48 AND PARTS VI AND XII

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

1925 c. 22.

PART III

SECTION APPLIED TO SECTIONS 35, 36, 48, 52, 54, 55, 56, 58, 60, 104  
AND 109

Section	Marginal note
287	Power to enter premises.

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