

ELIZABETH II



1973 CHAPTER i

An Act to confer further powers on the Glamorgan County Council and on the local, highway and other authorities in the administrative county of Glamorgan; to make better provision for the local government, improvement and finances of the county and of the boroughs and districts therein; to enact provisions with respect to the supply of heat; and for other purposes.

[6th March 1973]

WHEREAS—

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

(2) It is expedient that the Council should be authorised to provide heat and that the local authorities in the county should be authorised to provide and supply heat to premises as by this Act provided:

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

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

1933 c. 51.

(5) 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 Glamorgan County Council Act 1973.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands and buildings.

Part III.—Heating undertaking.

Part IV.—Highways and streets.

Part V.—Community services and safety.

Part VI.—Fire precautions.

Part VII.—Finance.

Part VIII.—Management.

Part IX.—General.

Interpretation.

3.—(1) In this Act subject to section 49 (Interpretation of Part IV of Act) of this Act, the several words and expressions (other than those defined in subsection (2) of this section) to which meanings are assigned by the provisions of section 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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- “ 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 1957 ” means the Housing Act 1957; 1957 c. 56.
- “ the Act of 1959 ” means the Highways Act 1959; 1959 c. 25.
- “ the Act of 1965 ” means the Compulsory Purchase Act 1965; 1965 c. 56.
- “ the Act of 1967 ” means the Road Traffic Regulation Act 1967 as printed pursuant to section 133 of the Transport Act 1968; 1967 c. 76.
1968 c. 73.
- “ the Act of 1971 ” means the Town and Country Planning Act 1971; 1971 c. 78.
- “ aerodrome road ” means any road which, or any area of land which, is for the time being vested in or the property of the Council within the Council aerodrome by virtue of this Act and is accessible to motor vehicles, not being a road to which the Road Traffic Act 1972 applies; 1972 c. 20.
- “ aircraft noise ” means noise and vibration attributable to aircraft using a Council aerodrome;
- “ apparatus ” (otherwise than in section 173 (For protection of certain statutory undertakers) of this Act) includes any works constructed for the lodging therein of apparatus;
- “ the appointed day ” has the meaning assigned to that expression by section 4 (The appointed day) of this Act;
- “ authorised security ” means any mortgage, stock, bond or other security which the Council are for the time being authorised to grant, create or issue or upon or by means of which the Council are for the time being authorised to raise money;
- “ building regulations ” has the same meaning as in the provisions of section 4 of the Public Health Act 1961; 1961 c. 64.
- “ caravan ” has the same meaning as in the provisions of Part I of the Caravan Sites and Control of Development Act 1960; 1960 c. 62.
- “ the clerk ” means the clerk of the Council;
- “ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;

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- “ the Council ” means the county council of the county;
- “ Council aerodrome ” means Glamorgan (Rhoose) Airport and any other area of land owned or managed by the Council which is designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;
- “ the county ” means the administrative county of Glamorgan;
- “ the county fund ” means the county fund of the Council;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ development ” has the same meaning as in the provisions of section 12 of the Act of 1962;
- “ district ” means a borough or an urban or rural district in the county;
- “ the electricity board ” means the South Wales Electricity Board;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any orders, byelaws, schemes or regulations for the time being in force within the county;
- “ the generating board ” means the Central Electricity Generating Board;
- “ highway authority ” means—
- (a) in the case of a trunk road, the Secretary of State or the authority who are for the time being acting as his agent under the Act of 1959 with respect to that road but that authority shall not exercise any power or duty contained in this Act except with the consent of the Secretary of State which may be given subject to reasonable terms and conditions;
- (b) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and
- (c) in the case of any other highway or street in a borough or urban district, whether or not maintained, the local authority for the district in which the highway is situate;

- “land” (otherwise than in section 18 (Power to lend, etc., for purchase, etc., of land, or for building purposes) of this Act) includes buildings, land covered by water and any legal estate or interest in land or any easement or right in, to or over land; PART I
—cont.
- “local authority” means the council of a district;
- “magistrates’ court” has the same meaning as in the provisions of the Magistrates’ Courts Act 1952; 1952 c. 55.
- “Minister of the Crown” has the same meaning as in the provisions of the Ministers of the Crown (Transfer of Functions) Act 1946; 1946 c. 31.
- “officer” includes servant;
- “operational land”, in relation to statutory undertakers (except the Post Office), means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which in respect of its nature and situation is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings and in relation to the Post Office has the same meaning as in the provisions of paragraph 93 (4) of Schedule 4 to the Post Office Act 1969; 1969 c. 48.
- “parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish;
- “police authority” means the South Wales Police Authority;
- “public service vehicle” has the same meaning as in the provisions of section 117 of the Road Traffic Act 1960; 1960 c. 16.
- “the railways board” means the British Railways Board;
- “the river authority” means the Glamorgan River Authority and the South West Wales River Authority, or either of them as the case may be;
- “seashore” includes any bank, barrier, dune, beach, flat or other land adjacent to the foreshore;
- “statutory undertakers” means the electricity board, the British Gas Corporation, the generating board, the water undertakers and the Post Office, or any of them as the case may be;
- “telegraphic line” has the same meaning as in the provisions of the Telegraph Act 1878; 1878 c. 76.
- “traffic sign” has the same meaning as in the Act of 1967;

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—cont.

“verge” includes any land situated between two carriage-ways and any part of a highway which is not a carriage-way, footway or cycle track for the time being;

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

1945 c. 42.

“the water undertakers” means any statutory water undertakers (within the meaning of that expression in the provisions of the Water Act 1945, other than those contained in Part II of that Act) whose limits of supply include any part of the county.

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

The
appointed
day.

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

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

(3) The Council or the local authority shall cause to be published in a local newspaper circulating in the county or the district (as the case may be) notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

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

(4) Either—

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

(b) a photostatic or other reproduction certified by the clerk or by the clerk of the local authority (as the case may be) to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the consent of the Council to a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 165 (Appeals) of this Act.

PART II

LANDS AND BUILDINGS

5.—(1) If the Council—

Suspension of
restrictive
covenants.

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

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or in pursuance of any enactment or a restriction or condition imposed in pursuance of the provisions of section 70 of the Act of 1971) as to the user thereof or the building thereon the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Council shall—

- (a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land

PART II
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referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than twenty-one days from the date of the first publication of the notice, within which, and the manner in which, objections to the suspension of the restriction can be made;

(b) on or before the date of the first publication of the said notice—

(i) serve a copy of that notice by registered post or the recorded delivery service on any person whom they consider, after reasonable inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

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

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Council within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn, the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Council acquire or appropriate the land, whichever is the later.

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

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

(a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land is

situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time not being less than twenty-one days from the date of the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Council and shall produce to them his documents of title in support of his claim;

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

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

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

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

(9) The Council shall pay compensation in accordance with the provisions of section 10 of the Act of 1965 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined, in case of dispute, in accordance with the Land Compensation Act 1961. 1961 c. 33

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land affected by the restriction, or, if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1971 so long as the land is used by that body for the purposes of those Acts and, if compensation is paid by the Council under subsection (9) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that the land may be used for a particular purpose, the restriction shall, after any subsequent conveyance or disposition of the land to a

PART II
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person otherwise than for any of the purposes of the Education Acts 1944 to 1971, remain unenforceable only so long as the land is used for that purpose.

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

(12) Except with the consent of the person having the benefit of the restriction, which consent shall not be unreasonably withheld, nothing in this section shall apply to—

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

(b) any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave, agreement or other instrument and imposed by, or enuring for the benefit of, the National Coal Board for the purpose of safety;

(c) any restriction for—

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

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

contained in any deed, wayleave, agreement or other instrument.

(13) Any question as to whether any consent required by the preceding subsection has been unreasonably withheld shall be determined by arbitration.

(14) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire or appropriated that land.

**Entry on land
for certain
purposes.**

6.—(1) Whenever it becomes necessary for the Council, or any of their officers, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Council may, after notice to such owner or occupier, apply to a magistrates’ court for an order under this section.

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

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

(3) The Council shall at their own expense make good and restore to its former condition any land laid open by them, or their officers, contractors or workmen, and shall make good, to the reasonable satisfaction of the owner or occupier of the land entered, all damage or loss sustained by him in consequence of such entry, examination or laying open, and any dispute as to the amount of damage or loss so sustained as aforesaid shall, in default of agreement, be assessed by the Lands Tribunal.

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

(5) Any person who, in compliance with the provisions of this section or an order made thereunder, is admitted into a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and

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shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

1971 c. 41.

(6) The provisions of this section shall not apply in any case to which sections 64, 65, 66 or 67 of the Highways Act 1971 are applicable.

**Agreements
with
developers.**

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

- (a) determining the manner in which that land is to be developed and the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;
- (c) ensuring that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Council shall have first satisfied themselves that that person has, or can command, sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated, including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;
- (e) the use by the public of any paths or ways, which are not dedicated to the public, over that land or over a part or parts of any building or structure which is comprised in the development of that land, upon such terms and conditions as may be specified in the agreement (including terms and conditions as to the maintenance and cleansing of the surface of such paths or ways and the lighting of any building or structure over or above such paths or ways and the maintenance of any support of such paths or ways);

- (f) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;
- (g) arrangements for the maintenance of open spaces provided in connection with development of that land;
- (h) arrangements relating to the provision, maintenance or use of means of disposal of foul or surface water or trade effluent or waste for or in connection with development of that land;
- (i) any other related or consequential matters.

PART II
—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 as a local land charge for the purposes of the Land Charges Act 1925, be enforceable by the Council against the covenantor and all persons deriving title by, through or under the covenantor. 1925 c. 22.

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

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

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

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

PART II
—cont.

Recovery of
deposits under
Lands
Clauses Acts
or the Act
of 1965.
1845 c. 18.

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

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

Unauthorised
games on
school
playing
fields, etc.

9.—(1) Any person who, without the consent in writing of the appropriate authority, takes part in any game of cricket, football, hockey or netball, or any other such game, on any land forming part of a playground, playing field or sport complex under the control of or maintained by the appropriate authority, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds:

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

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

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

1944 c. 31.

10.—(1) Where the Council have, either before or after the passing of this Act, contributed or agreed to contribute towards or in connection with the acquisition or utilisation by the council of any other county or of any borough, urban or rural district or any other public body (in this section referred to as an “authority”) or by any person or any trustees of land for the purpose of a public or private open space, recreation or pleasure ground, public walk, sports ground or playing field, or towards the layout or maintenance of such land and such authority, person or trustees have or has, either before or after the passing of this Act, in consideration of such contribution or of an agreement to make such contribution, entered into a covenant with the Council restrictive of the user of such land, the Council shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority, person or trustees and against the persons deriving title under them or him in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

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—*cont.*

Enforcement
of restrictive
covenants
relating to
land acquired
for open
spaces.

(2) Where an authority have, either before or after the passing of this Act, contributed towards or in connection with the acquisition or utilisation by the Council of land for the purpose of a public or private open space, recreation or pleasure ground, public walk, sports ground or playing field, or towards the layout or maintenance of such land and the Council have, either before or after the passing of this Act, in consideration of such contribution or of an agreement to make such contribution entered into a covenant with such authority restrictive of the user of such land, such authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if such authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(3) (a) For the purposes of the provisions of section 15 of the Land Charges Act 1925, any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land enforceable by a local authority under a covenant or agreement made with them. 1925 c. 22.

(b) This section shall not apply to a covenant contained in any instrument made before the 27th November, 1971, unless the restrictions enforceable under such covenant were registered as local land charges within twelve months after that date.

PART II
—cont.

(4) Any covenant to which this section applies shall continue to be enforceable, notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement.

(5) Nothing in this section shall deprive the Council or any authority, person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

Compulsory
acquisition of
easements.

11.—(1) The Council, by means of an order made by the Council and submitted to and confirmed by the appropriate Minister, may be authorised to create in favour of the Council in or over any land which under any enactment the Council 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 land owned or occupied by the Council for the purposes of any of their undertakings, powers or duties:

Provided that the Council shall 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.

(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 provisions of 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 provisions of the Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(b) the provisions of 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 the meaning of the provisions of subsection (1) of section 8 of the Act of 1965.

(5) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase 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 Council.

12.—(1) The Council may enter into and carry into effect an agreement with any person being the owner of, or interested in, any land abutting on any portion of land that may be acquired by the Council under any enactment with respect to the sale by the Council to him of any land. Agreements with adjoining owners.

(2) The Council 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 Council for the purposes of any enactment or any easement or right so required.

13.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired by the Council under any enactment 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 Council may pay or receive money for equality of exchange.

14. The power of the Council to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owner or occupier of land that may be acquired by the Council under any enactment. Provision of substituted sites.

15.—(1) The Council, when they are required by any enactment to make compensation to any person interested in any land, may by agreement with such person make such compensation wholly or partly in works, land or money, but in the case of land for the alienation of which the consent of the appropriate Minister is required, only with such consent. Compensation may be in land.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rent, covenant, restriction,

PART II
—cont.

reservation, term or condition made payable by or contained in any conveyance, lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council have derived title to it.

(3) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the alienation of the land.

Acquisition
of land for
development.

16.—(1) The Council may purchase by agreement land in the county for the purpose of facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking, including the requirements arising from the needs of persons employed or to be employed therein.

(2) Nothing in this section shall prejudice or affect the provisions of section 112 of the Act of 1971 with respect to the compulsory acquisition of land for any of the purposes referred to in subsection (1) of this section.

(3) In this section “undertaking” means any trade or business, or any other activity providing employment.

Agreement
with statutory
undertakers
for provision
of works.

17. The Council may enter into and carry into effect any agreement or any arrangement with any statutory undertakers for the provision and maintenance by such undertakers of any works, facilities, supplies or services which may be necessary for the purpose of—

- (a) development by the erection of any building or the construction or carrying out of works on land for the benefit or improvement of the county; or
- (b) facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking (including the requirements arising from the needs of persons employed or to be employed therein);

or for the purpose of the use of any land after it has been developed for any of those purposes.

18.—(1) The Council may advance money to—

- (a) any person for the purpose of enabling or assisting him to purchase or lease any land in the county; or

Power to
lend, etc., for
purchase,
etc., of land,
or for
building
purposes.

(b) the purchaser or lessee of any land in the county for the purpose of enabling or assisting him to construct, extend or improve any building on the land or to provide services or facilities relating thereto.

PART II
—cont.

(2) The amount of the principal of any advance made under this section shall not exceed nine-tenths of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(3) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963 (which section empowers local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to an advance made under subsection (1) of this section, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3 of references to an advance made under subsection (1) of this section, and to any other necessary modifications. 1963 c. 29.

(4) Any person acting on behalf of the Council and authorised in writing by the clerk shall have power at all reasonable times, after giving not less than seven days' notice to the occupier, to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(5) In this section—

“land” includes land covered by water; and

“lessee” includes a person to whom the owner has agreed to grant a lease.

19. The Council may, if requested so to do by any person— Power to Council to assist industry.

(1) who is the owner or intended owner or lessee of any land in the county; or

(2) who has purchased or intends to purchase or take on lease from the Council any land (whether within or outside the county);

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 services or facilities on which any trade or business carried on

PART II
—cont.

or intended to be carried on in such building depends, and may make grants towards the cost of such works or of the provision or improvement of such services or facilities, or both:

Provided that nothing in this section shall authorise the Council to carry out works for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

In this and the next succeeding section “ industrial building ” has the meaning assigned thereto by the provisions of the Local Employment Act 1960.

1960 c. 18.

Power to
Council to
guarantee
rents, etc., of
industrial
buildings.

20. The Council may, if requested to do so by any person who is the owner or intended owner, or lessee or intended lessee, of any industrial building, or any part of an industrial building, or of land on which it is proposed that any industrial building should be erected, guarantee or contract to secure the payment of—

- (1) any rent or other sum payable in respect of the building or part thereof;
- (2) any sums payable to the statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purposes of any trade or business carried on, or to be carried on, in the building.

Disposal
of land.

21. In relation to land acquired by the Council for the benefit or improvement of the county under any enactment and not appropriated by them for the purpose of any of their functions under any enactment, the provisions of section 165 of the Act of 1933 shall have effect as if in paragraph (a) thereof the words “ and which is not required for the purpose for which it was acquired or is being used ” were omitted.

Golf courses.

22.—(1) The Council may, upon land within or partly within and partly outside the county, provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient:

Provided that before providing a golf course under this section, the Council shall consult with the local authority in whose area it is proposed to provide the golf course.

(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 foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of the provisions of section 271 of the Act of 1936 as applied by this Act.

(3) The Council 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 Council 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) (a) The Council may make byelaws for regulating the use of any golf course provided under this section, whether within or outside the county, and the conduct of persons using it or resorting thereto.

(b) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(6) The Council may not exercise their powers under this section in the borough of Barry or in the borough of Port Talbot.

23.—(1) (a) The Council may provide for such time as they may think fit land within the county for use as a terminal for passenger services only for hovercraft, hydrofoil vessels and similar craft or vessels (but no freight other than the motor cars of the passengers carried on such services and their personal luggage shall be carried by such services), and may erect or adapt on any such land and may maintain any building, structure, slipway and other work for use in connection with such hovercraft, hydrofoil vessels and similar craft or vessels, as may be necessary or expedient.

(b) The Council may at any such terminal provide such plant, facilities, appliances and conveniences as may be requisite or expedient for the operation, equipment, maintenance, inspection, repair and use of such hovercraft, hydrofoil vessels and similar craft or vessels.

PART II
—cont.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Council may, at any terminal provided by them in accordance with the provisions of the said subsection (1), provide and maintain parking places, cloakrooms, waiting rooms, refreshment rooms, shelters, offices, information centres and displays, lavatories, conveniences and other similar accommodation.

(3) The Council may either—

- (a) themselves manage a terminal and the facilities and other accommodation 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 Council may—

- (a) at a terminal 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 terminal, provided that the Council have first taken all reasonable steps to secure the sale of intoxicating liquor by some other person:

Provided that the Council shall not exercise the powers of paragraph (a) of this subsection unless they have first taken all reasonable steps to secure the provision and sale of refreshments by some other person.

(5) (a) The Council may make byelaws for regulating the use of any terminal provided under this section, and the conduct of persons using it or resorting thereto.

(b) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(6) In this section—

“hovercraft” has the same meaning as in the Hovercraft Act 1968;

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils.

PART II
—cont.

1968 c. 59.

(7) Nothing in this section shall exempt the Council from the provisions of section 9 of the Harbours Act 1964 in relation to the works authorised by this section.

1964 c. 40.

(8) The Council may not exercise their powers under this section in the borough of Barry without the consent of the Barry Corporation or in the borough of Port Talbot without the consent of the Port Talbot Corporation.

24.—(1) Subject to the provisions of this section, the Council may after consultation with the local authority and, where the local authority is the highway authority, with their consent—

Provisions
as to
illuminations.

(a) provide or arrange, on such terms and conditions as they may think fit, for the provision of illuminations in, on, over or across any building or place (with the consent of the owner or occupier thereof), or over or across any street in the county;

(b) illuminate any inscription which has been set up of the name of any street in the county.

(2) The provisions of section 45 of the Public Health Act 1961 shall, in their application to the county, extend and apply to such attachments as may be required for the purposes 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.

1961 c. 64.

(3) Nothing in this section shall authorise the Council to provide, maintain or operate any illumination—

(i) which hinders or is likely to hinder the interpretation of any railway signal or any traffic sign as defined in the provisions of section 54 of the Act of 1967 or is likely to render more hazardous the use of any railway; or

(ii) unless it is so provided, maintained and operated 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, or electric lines and works (including works for the lodging therein of such lines

PART II

—cont.

1882 c. 56.

and works) as respectively defined in the provisions of the Electric Lighting Act 1882 and belonging to or maintained by the electricity board or the generating board.

(4) In this section—

“ attachments ” includes lamps, brackets, pipes, electric lines or other apparatus;

“ place ” includes a garden, park or promenade.

Undertakings and agreements binding successive owners.

25.—(1) Any undertaking given to the Council by the owner of a legal estate in land, and any agreement made between the Council 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 be binding not only upon the Council and any owner joining in the undertaking or agreement, but also upon any successor in title of any owner so joining and any person claiming through or under him.

1925 c. 22.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

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

Covenants or restrictions affecting certain land.
1946 c. 50.

26. Where land owned by the Council (being land acquired by the Council to provide a site for a voluntary school) is conveyed by the Council to the trustees of a voluntary school in pursuance of the provisions of the Education Act 1946, any covenant or restriction affecting the use of such land as aforesaid shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they were enforceable against the Council prior to the conveyance referred to in this section.

Power to take bond for proper performance of conditions in connection with mineral workings.

27.—(1) Where an application for planning permission for development to which this section applies is made to the Council as local planning authority under Part III of the Act of 1971 the power to impose conditions contained in section 29 of the

said Act shall include a power to impose conditions requiring the applicant or any other person carrying out or proposing to carry out any development thereunder authorised by the permission prior to commencing any development to enter into a bond with the Council in an adequate sum and with a suitable guarantor for the amount required to secure compliance with such other conditions as the Council may impose under the said Act relating to landscaping or the preservation, restoration or reinstatement of the land the subject of the application.

(2) Where the amount required to secure compliance exceeds the sum guaranteed by the bond then the Council may recover from the applicant or such other person as described in subsection (1) of this section the excess amount.

(3) This section shall apply to any permission for development consisting of or including mining or other operations in, on, over or under land for or in connection with the working or getting of coal.

(4) In this section " coal " means bituminous coal, cannel-coal and anthracite.

(5) Nothing in this section shall empower the Council to require the National Coal Board to enter into such a bond as is mentioned in subsection (1) of this section.

(6) Where in pursuance of the foregoing provisions of this section a person is required to enter into such a bond with the Council as is mentioned in subsection (1) thereof and before the completion of the development in respect of which such bond was required the right to carry out that development becomes vested in some other person then—

(a) upon being notified by the National Coal Board for the purposes of this subsection that the right to carry out the development to which such bond relates has become vested in that board; or

(b) upon being satisfied that some other person, being a person in whom for the time being the right to carry out such development is vested, has entered into such a bond in respect of such development, or the continuance of that development, as the case may be;

the Council shall, in either case upon the request of the person who prior to such vesting had been required to enter into such a bond in respect of such development, release that last-mentioned person from all liability under his bond.

PART II
—cont.

(7) The provisions of this section shall cease to apply to any applications for planning permission to which this section applies on the coming into force of provisions of any other enactment relating to the same subject-matter as this section.

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

28.—(1) (a) If representation is made in manner hereinafter mentioned to a local authority that the amenities of any part of their district are prejudicially affected by the use during the prescribed hours of any land—

- (i) within the curtilage of any private dwelling-house in a street in the district as a parking place for one or more heavy commercial vehicles; or
- (ii) comprising the front garden of any private dwelling-house in a street in the district as a parking place for one or more boats;

the local authority on complying with the provisions of this section may make an order precluding the use as a parking place for heavy commercial vehicles or boats during the prescribed hours of land to which the representation relates.

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

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

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

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

(3) (a) After considering any objections made under the last foregoing subsection the local authority may make an order prohibiting the use during the prescribed hours of the land within the curtilage of any dwelling-house in the street or part of a

street specified in the order as a parking place for one or more heavy commercial vehicles, or comprising 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 boats.

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

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

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 twenty-eight days after the first publication in pursuance of this subsection of the notice of the order to which the appeal relates.

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

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

(7) In this section—

“ boat ” means any boat or vessel other than—

(a) any boat or vessel which is designed or adapted for human habitation and which (inclusive of covering material and of any trailer or stand on which it rests or is supported) is in every part of an overall height less than 4 feet 6 inches (measured from the highest to the lowest part of the boat or vessel as it stands

PART II
—cont.

or, as the case may be, from the highest part of the boat or vessel as it stands to the lowest part of the trailer or stand on which it rests or is supported) and is less than 15 feet in length; or

(b) a boat or vessel which is not designed or adapted for human habitation, in which the mast (if any) has been dismantled and which is not more than 30 feet in length;

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

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

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

“ 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 local authority 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 local authority under section 169 of the Act of 1959; 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 local authority) be erected or brought forward on the land without contravening the provisions of section 75 of the Act of 1959;

“ 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 hundred-weight;

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

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

PART II
—cont.

(8) 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—

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

(9) Before exercising the powers of this section a local authority shall consult with the police authority and, unless the local authority is that authority, with the appropriate traffic authority.

PART III

HEATING UNDERTAKING

29. In this Part of this Act unless otherwise expressly enacted or unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

Interpretation
of Part III
of Act.

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

1882 c. 56.

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

“ heating charges ” means the charges for heat prescribed by a local authority under subsection (1) of section 37 (Heating charges) of this Act;

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

“ heating undertaking ” means any heating undertaking authorised by this Part of this Act and includes all land, stations, boiler-houses, properties, works, machinery, plant, mains, pipes, apparatus, appliances, easements, rights, powers and privileges for the time

PART III
—cont.

being belonging to or held, used or enjoyed by a local authority for or in connection with the provision, storage, transmission, distribution and supply of heat;

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

Supply of heat. 30.—(1) A local authority may supply heat to—

(a) such premises in their district; and

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

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

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

(2) Before a local authority enter into an agreement with the occupier of any premises for the supply of heat to such premises, they shall give notice of their intention to do so to the owner of the premises and in the event of the supply of heat to such premises being discontinued, notice of such discontinuance shall be given by the local authority to the owner of such premises.

Works for
provision of
heat.

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

Provided that—

(a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any land of the local authority in any case in which such consent would have been required if this section had not been enacted;

- (b) any electrical works or equipment erected, laid down, maintained, worked or used pursuant to the powers conferred by this section shall be so erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line;
- (c) before installing any engines or machinery for the generation of electricity (other than electricity to be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated) the local authority shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

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

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

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

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

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

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

(4) Before erecting or laying down any works for providing, storing, transmitting, distributing or supplying heat, a local authority shall give notice of their proposals to the generating board, the electricity board, the British Gas Corporation, the water undertakers and to such other bodies as the local authority may consider it appropriate to consult, together with such

PART III
—cont.

information and estimates with regard to their proposals as any of such boards or bodies may reasonably require, and if so requested in writing by any of such boards or bodies within fourteen days after the date of the receipt by that board or that body of such information the local authority shall consult with that board or that body as to the local authority's proposals and any alternative proposals which may within three months after that date be submitted by that board or that body.

(5) (a) The Council may on any land in the county belonging to or leased to them carry out such works as are necessary for the provision and storage of heat which shall be transmitted, distributed and supplied by the local authority for the district.

(b) The provisions of this Part of this Act shall apply to any such works and the said provisions as so applied shall have effect with any necessary modifications.

Power to buy
heat in bulk.

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

- (a) any such person may enter into any such agreement accordingly;
- (b) any such agreement may provide for the provision by the local authority or for the joint user by them and any other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and
- (c) the local authority may let any land which they may possess to any such person to enable that person to supply heat in accordance with the agreement.

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

Purchase of
land for
heating
undertaking.

33.—(1) A local authority may for the purposes of the heating undertaking purchase by agreement or may be authorised by means of an order made by the local authority and submitted to and confirmed by the Secretary of State to acquire compulsorily land within their district.

(2) The provisions of 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 that Act.

PART III
—cont.

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

(b) In relation to the compulsory acquisition of any such easement or right the provisions of 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 a local authority have acquired an easement or right only in any land under this section—

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

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

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the local authority to acquire the land, a local authority shall not be entitled under this section to acquire the easement or right unless the Lands Tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house:

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

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

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

Part V (Power to lay mains, etc.);

Section 22 (Power to break open streets);

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

PART III
—cont.

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

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

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

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

- (a) to lay down a main outside the district except for the purpose of—
- (i) giving or facilitating a supply of heat within the district; or
 - (ii) taking a supply of heat from any works or premises outside the district; or
 - (iii) supplying heat to any premises owned by them;
- (b) to supply heat to any premises outside the district other than premises owned by them.

Power to lay down or erect electric lines, etc.

35.—(1) For the purposes of their heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 31 (Works for provision of heat) of this Act a local authority may, within their district, lay down or erect electric lines and apparatus—

- (a) in, under or over any street, subject however to the provisions of subsection (3) of this section; and

(b) with the consent of every owner and occupier of any land not forming part of a street in, on or over that land;

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

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

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down, erection, inspection, repair, alteration, renewal or removal of electric lines and apparatus under this section, and for the purpose of such application the district shall be deemed to be the limits of supply:— 1945 c. 42.

Section 22 (Power to break open streets);

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

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

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

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

PART III
—cont.

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

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

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

Power to
supply
fittings.

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

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

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

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

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

1965 c. 66.

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

PART III
—cont.

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

(5) Nothing in this section shall authorise the supply by a local authority of heating fittings which are in contravention of the requirements of any byelaws made by the water undertakers and for the time being in force under section 17 of the Water Act 1945.

1945 c. 42.

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

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

(2) The heating charges payable by any person may after a demand therefor be recovered from him by a local authority either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt and, subject as hereinafter provided, where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises, the local authority may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

Provided that if, before the expiration of the said seven days, notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay

PART III
—cont.

the same, the local authority shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

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

Security for
payment of
accounts.

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

Power to
enter premises.

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

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

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) Any person who wilfully obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

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

(a) admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(b) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

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

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

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

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

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

PART III
—cont.

(7) Nothing in this section shall authorise any authorised officer of a local authority to enter any premises (other than offices or showrooms) belonging to or used by the railways board for the purposes of their undertaking or by the generating board or the electricity board or the British Gas Corporation 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.

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

(2) Any person who wrongfully takes, uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act shall (without prejudice to any other right or remedy of a local authority) be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Byelaws for
protection of
heating
undertaking.

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

(2) Byelaws under this section may include provisions—

- (a) prescribing the size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, insulation, alteration and repair of the heating fittings to be used; and
- (b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—
 - (i) waste, misuse, undue consumption or contamination of or interference with the circulation of hot water or steam;
 - (ii) reverberation in pipes; or
 - (iii) waste, misuse or undue consumption of heat.

(3) Before in any case making application for confirmation of byelaws made under this section, a local authority shall supply a copy of such byelaws to such of the water undertakers as supply water in any part of the district of the local authority.

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

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

Discount for prompt payment.

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

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

Notice to be given before quitting premises supplied with heat.

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

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

Local authority not to be exempted from proceedings for nuisance.

PART III
—cont.

Modification
of section 26
of Public
Utilities
Street Works
Act 1950.
1950 c. 39.

45. In any case in which—

- (1) a local authority are the operating undertakers within the meaning of section 26 of the Public Utilities Street Works Act 1950 in respect of undertakers' works authorised by this Part of this Act, or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and
- (2) either the Post Office, the generating board, the electricity board, the British Gas Corporation 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:—

- (a) 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;
- (b) 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;
- (c) on the first occasion on which a local authority execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the local authority execute such works extending for a distance of more than 100 yards, the said notice shall be given not less than twenty-one days before the works are commenced and shall be accompanied by information as to—
 - (i) the maximum temperatures and pressures at which hot water or steam is proposed to be transmitted or distributed by the local authority by means of such works; and
 - (ii) the measures (if any) proposed to be taken by the local authority with respect to the securing of the safety of any apparatus of the Post Office or the generating board or the electricity board or the British Gas Corporation 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;
- (d) 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.

PART III
—cont.

46.—(1) Notwithstanding anything contained in any enactment, a local authority may, if they think fit, establish a reserve fund out of the revenue of the heating undertaking by setting aside in respect of the heating undertaking such money as they may think reasonable and accumulating the same until the fund so created amounts to the maximum reserve fund for the time being prescribed by the local authority, not exceeding a sum equal to one-fifth of the aggregate capital expenditure on the heating undertaking or such higher sum as may be approved by the Secretary of State.

Reserve
funds for
heating
undertakings.

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

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

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

47.—(1) A local authority shall keep separate accounts in respect of the heating undertaking so as to include all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the heating undertaking and so as to

Separate
accounts of
local authority
undertakings

PART III.
—cont.

distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income (including investment income) in respect of the heating undertaking, and on the other side all expenditure in respect of the heating undertaking, such expenditure being divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

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

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

(3) In this section the expression “investment income” means so much of the income received by the local authority from the investment of moneys of an authorised fund established in connection with the heating undertaking as cannot be carried to the credit of the fund because the fund has reached its prescribed maximum amount.

Attachment of
brackets, etc.

48.—(1) Subject to the provisions of this section a local authority may affix to any buildings in the county such brackets, 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.

PART IV

HIGHWAYS AND STREETS

A. Improvement and protection of streets

49.—(1) Subject to the provisions of section 3 (Interpretation) of this Act, in this Part of this Act—

Interpretation
of Part IV
of Act.

“code of 1892” has the same meaning as in the provisions of section 173 of the Act of 1959;

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

“structure” means a wall (not being a wall forming part of a permanent building), fence, hoarding or similar erection;

“excavation” includes the demolition of any part of a building or structure situate below ground level.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of a site or the excavation for the foundations thereof, whichever is the earlier, began.

50.—(1) In the case of a street in relation to which an improvement line has been prescribed under the provisions of section 72 of the Act of 1959 or section 33 of the Public Health Act 1925, the highway authority may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building which, or any part of which, was beyond or in front of the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond or in front of the improvement line.

Enforcement
of improve-
ment line.
1925 c. 71.

(2) (a) If, within twenty-eight days of the date of the service by the highway authority on any person of a notice under subsection (1) of this section, that person serves a counter-notice on the highway authority objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless it is confirmed by the Lands Tribunal, either without modifications or subject to such modifications as the tribunal may determine.

PART IV
—cont.

(b) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

- (i) the notice is not justified by the terms of subsection (1) of this section;
- (ii) the highway authority have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or
- (iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

and, in a case within sub-paragraphs (ii) or (iii) of this paragraph, that it would not be equitable to modify the notice.

(c) Without prejudice to the provisions of paragraph (b) of this subsection, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that—

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or any adjoining land in which that person has an interest; and
- (ii) that person is able and, in the circumstances of the case, willing to sell the building to the highway authority, with or without adjoining lands, on terms not less favourable to the highway authority than those on which they could have acquired the building under a compulsory purchase order made under the provisions of section 214 of the Act of 1959 and the Act of 1946.

(d) Where a notice under subsection (1) of this section has been confirmed by the tribunal, it shall have effect as from the date on which the highway authority serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) For the purpose of complying with any notice under subsection (1) of this section, the owner may, notwithstanding anything in any lease or other agreement, enter upon any land or building affected by any requirement of the notice and carry out the work required by the notice.

(4) (a) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, any

owner or tenant thereof may recover from the highway authority compensation for the damage or loss sustained by him in consequence of the compliance, and the amount of the compensation shall, in case of dispute, be determined by the tribunal.

PART IV
—cont.

(b) The provisions of rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act 1961 shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building. 1961 c. 33.

(5) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line, as immediately before the service of the notice under subsection (1) of this section, intersected, or abutted on, the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(6) Where compensation is payable under this section in right of an interest in land which is subject to a mortgage—

(a) the compensation payable in respect of the depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) no compensation under this section shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(d) the compensation payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

(7) Any person who contravenes a notice under this section—

(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and

PART IV
—cont.

(b) the highway authority may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(8) In this section “building” includes a structure.

Awnings over
footways.

51.—(1) (a) Any person who erects, or permits to be erected, over the footway of a street in the county, being a highway maintainable at the public expense, an awning which—

- (i) projects over any part of the footway which is less than 2 feet from the carriageway; or
- (ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(b) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the highway authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(3) In this section—

- “awning” includes a blind, shade or other covering; and
- “traffic sign” has the meaning assigned to it by the provisions of section 54 of the Act of 1967.

Conditional
consent under
section 146
of Act of
1959.

52.—(1) Where the highway authority determine to give a consent under the provisions of section 146 of the Act of 1959 to the temporary deposit of building materials, rubbish or other things in a street, or to the making of temporary excavation in a street, they may attach thereto such reasonable conditions as they think fit, but shall attach such conditions as may be required, to secure that the person to whom the consent is given complies with the reasonable requirements of the 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.

(2) Where it appears to the highway authority that the statutory undertakers or the railways board may be concerned

by an application for a consent under the provisions of the said section 146, they shall, before determining to give the consent, give due notice of the application to the statutory undertakers or the railways board and take into consideration any representations which may, within such reasonable time specified in the notice, be made to them by the statutory undertakers or the railways board.

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

(4) The provisions of subsection (4) of the said section 146 as amended by section 71 of the Highways Act 1971 shall apply, 1971 c. 41. in relation to a failure to comply with any condition so attached to a consent given under that section, as it applies to a failure to satisfy an obligation to which he is subject by virtue of subsection (3) of that section.

53.—(1) Subject to the provisions of this section, the highway authority shall have power in any street in the county vested in them or on any land acquired by them, for the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Protection
of trees,
grass verges
and gardens.

- (a) to plant trees or shrubs or place containers in which to grow trees or shrubs;
- (b) to attach containers for plants to posts or standards provided by the highway authority or, with the consent of the owner thereof, to any other posts or standards;
- (c) to lay out any grass verge, garden or space;
- (d) to provide guards or fences, and otherwise do anything expedient for the maintenance or protection of any such tree, shrub, container, grass verge, garden or space;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence and to alter the nature of any such grass verge, garden or space or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle, vehicles or caravans to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden or space so laid out;

PART IV
—cont.

- (g) by notice to prohibit the playing of any game on any such grass verge, garden or space as aforesaid which is likely to cause damage thereto:

Provided that any such notice as is referred to in paragraph (f) or paragraph (g) of this subsection shall not apply to—

- (a) the owner or occupier of or any person residing in any premises fronting or abutting on any such street causing or permitting any such vehicle to enter or leave those premises; or
- (b) the temporary crossing of a grass verge, garden or space during building operations if means satisfactory to the highway authority be taken to protect such grass verge, garden or space from injury and for the convenience of pedestrians.

(2) Notice of the prohibition contained in subsection (1) (f) of this section shall be indicated by such traffic signs as may be specified for the purpose in regulations made by the Secretary of State for the Environment and the Secretary of State for Wales acting jointly, or authorised by the Secretary of State for Wales, in pursuance of their powers under sections 54 and 55 of the Act of 1967.

(3) Where any grass verge, garden or space which does not form part of a street and which has been provided by a local authority in pursuance of the provisions of the Act of 1957, or by a housing association in pursuance of arrangements made with a local authority under that Act, or an enactment repealed by that Act, is maintained in an ornamental condition or mown, the highway authority may exercise the power contained in paragraph (f) or paragraph (g) of subsection (1) of this section.

(4) Any such notice, as is referred to in paragraph (f) or paragraph (g) of subsection (1) of this section, shall be conspicuously posted on, or in proximity to, the grass verge, garden or space to which it relates.

(5) Any person (except in a case of emergency) who contravenes a notice so posted in pursuance of the said paragraph (f), or any person who contravenes a notice so posted in pursuance of the said paragraph (g), shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, and the court may order the payment of such further amount as appears reasonable compensation for any damage caused by such contravention which last-mentioned amount shall be paid to the highway authority.

(6) The provisions of section 82 of the Act of 1959 shall cease to apply to highways vested in the highway authority or to any such land as is referred to in subsection (1) of this section; and anything done by the highway authority under that section or under the provisions of section 1 of the Roads Improvement Act 1925 with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section. 1925 c. 68.

(7) Nothing in this section shall affect the duty of the highway authority to provide a footway or grass or other margins under the provisions of section 67 or section 70 of the Act of 1959.

(8) (a) Where the highway authority carry out works under any enactment relating to private street works, they may, with the consent of the owners of premises fronting, adjoining or abutting on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part; and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

(9) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of a street by the railways board or so as to be a nuisance or injurious to the railways board in relation to any of their land or premises abutting on the street.

54.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the county, being a highway maintainable at the public expense, or in any street therein constructed under the powers in that behalf contained in the provisions of the Act of 1957, the Act of 1959, or the Act of 1971, or the provisions of 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 a local authority is 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: Mixing of mortar, etc., in streets.

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.

PART IV
—cont.

Interference
with trees,
etc., in streets
and in open
spaces.

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

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

(a) remove or cut any turf; or

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

(2) An adequate notice stating the effect of subsection (1) of this section shall be conspicuously posted by the local authority on, or in proximity to, the street or the open space to which it relates.

(3) Any person who fails to comply with the requirements of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

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

1949 c. 97.

Restriction
on buildings
under
footways.

56.—(1) After the passing of this Act, no part of any building (including the foundations) shall, except with the consent of the highway authority, be constructed so as to extend under the footway of any street in the county at a less depth than 6 feet below the surface of such footway.

(2) The giving of consent by the highway authority shall not relieve the owner or occupier of the building from any liability to any statutory undertaker to which he would have been subject if this section had not been enacted.

(3) Any person aggrieved by the withholding of a consent under subsection (1) of this section may appeal to a magistrates' court.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(5) Where any person is convicted of an offence under subsection (1) of this section, the court by which he was convicted may order him within such time as may be fixed by the order to remove or alter the part of the building so that it no longer

contravenes the provisions of this section; and if he fails to comply with the order—

PART IV
—cont.

- (a) he shall be guilty of a continuing offence and liable on summary conviction to a daily fine not exceeding five pounds; and
- (b) the highway authority, after giving him notice of their intention so to do, may remove the part of the building concerned and recover from him the expenses incurred by them in so doing:

Provided that he shall not be guilty of an offence for any day after that on which the highway authority have given him notice of their intention to remove the part of the building.

(6) Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by the statutory undertakers or the railways board in the exercise of their statutory powers.

(7) In their application to the county, the provisions of section 153 of the Act of 1959 shall be exercised by the highway authority and not by the local authority.

57.—(1) This section applies to any excavation in the county the vertical depth of any part of which is greater than the horizontal distance of that part in relation to the nearest highway maintainable at the public expense; but does not apply to any excavation made in the course of carrying out works for the purposes of or in connection with apparatus of the statutory undertakers. In this subsection—

“vertical depth” as applied to any part of an excavation means the distance measured vertically between the lowest level of that part of the excavation and the level represented by a horizontal line projected from the point on the lower edge of the foundations of the carriageway of the highway nearest to the excavation; and

“horizontal distance” as applied to any part of an excavation means the distance measured between the points at which such horizontal line would be intersected by vertical lines drawn from that part of the excavation and from the nearest boundary of the highway respectively.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in

PART IV
—cont.

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 and liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that 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.

(3) Proceedings for an offence under this section may be brought by the highway authority for the highway to which the proceedings relate.

For
protection
of the
railways
board.

58.—(1) The provisions of section 57 (Excavations affecting highways) of this Act shall not apply to any excavation made by the railways board in exercise of their statutory powers of which the following conditions have been fulfilled:—

- (i) not less than twenty-eight days before commencing the excavation plans are submitted to the highway authority for their reasonable approval;
- (ii) the excavation has not been commenced until the plans have been approved in writing by the highway authority or settled by arbitration:

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

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

(2) Any question arising between the highway authority and the railways board under this section shall be determined by arbitration.

(3) In this section “ plans ” include sections and particulars.

PART IV
—cont.

59.—(1) Where a contravention by any person of the provisions of section 57 (Excavations affecting highways) of this Act constitutes an offence under this Act, and is due to an act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.

Contravention due to default of other person.

(2) Where a person who is charged with an offence under this Act in respect of a contravention of a provision to which this section applies proves to the satisfaction of the court—

(a) that he exercised all due diligence to secure that the provision in question would not be contravened; and

(b) that the contravention was due to the act or default of another person;

the first-mentioned person shall, subject to the next following subsection, be acquitted of the offence.

(3) A person shall not, without the leave of the court, be entitled to rely on the defence provided by subsection (2) of this section unless, not later than seven clear days before the date of the hearing, he has served on the person bringing the prosecution a notice in writing giving such information identifying, or assisting in the identification of, the other person in question as was then in his possession.

60.—(1) The highway authority may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway in the county or upon a tree, structure or works on or in a highway in the county contrary to the provisions of 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 provisions of the said section 117 may, whether or not it imposes a fine, order the payment to the highway authority of any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to the provisions of paragraph (c) of subsection (2) of the said section or incurred by them under the provisions of subsection (1) of this section.

61.—(1) As from the appointed day, any person may, in connection with any building operations or work of demolition or in connection with the 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 hereinafter in this section referred to as “scaffolding”) in, upon or over any highway in the county

Licence to erect scaffolding.

PART IV
—cont.

if he has previously obtained a licence from the highway authority and complies with such terms and conditions as may be laid down in the licence granted to him:

Provided that the highway authority shall be entitled to refuse a licence on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such 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 a scaffolding projecting over the footway of a highway 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 2 feet from the carriageway measured horizontally.

(3) Any person who offends against the provisions of this section, or who contravenes the terms or conditions of any licence granted to him, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(4) Any person aggrieved by the refusal of the highway authority to grant a licence under this section or by the terms and conditions laid down in 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 highway authority or by the railways board for the purpose of constructing, reconstructing or maintaining any works pursuant to their statutory powers.

Decorations
in streets.

62.—(1) The highway authority may, on the occasion of any public festivity, cause flag-poles and pylons to be erected in any highway in the county for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such highway.

(2) Any person who wilfully removes a flag-pole, pylon, socket or slot erected or provided under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Milk stands
in highways.

63.—(1) Any person with the consent of the highway authority may, in proper and convenient situations in any highway, provide stands for milk churns and containers:

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

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

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

PART IV
—cont.

(4) (a) Any person who, without the consent of the highway authority, provides stands for milk churns and containers in any highway shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and the court by which a person is convicted of an offence may, whether or not it imposes a fine, order the person guilty of the offence to remove, within a period not exceeding two months after conviction the stands in respect of which the offence has been committed, and if the said stands are not removed the highway authority may themselves remove the said stands and recover the expense of so doing from the person guilty of the offence.

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

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

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

(2) Any sign provided or erected under this section shall comply with any regulations or directions made by the Secretary of State for the Environment and the Secretary of State for Wales acting jointly, or authorised by the Secretary of State for Wales, in pursuance of their powers under sections 54 and 55 of the Act of 1967.

65.—(1) The powers of a parish council under the provisions of section 46 of the Act of 1967 to provide parking places for bicycles and motor-cycles shall extend so as to authorise a parish council to provide parking places for other vehicles (whether or not consisting of buildings) in the circumstances and subject to the conditions prescribed by that section and by the provisions of section 47 of the Act of 1967. Extension of parish councils' powers to provide parking places.

(2) For the purpose of exercising the provisions of the said section 46 as extended by the foregoing subsection the following

PART IV
—cont.

provisions of the Act of 1967 shall apply to a parish council as they apply to a local authority, namely:—

Subsections (5) and (8) of section 28; subsections (1) to (3), (5) to (7) and (9) of section 29; section 30; subsections (1) to (6) of section 31; and section 96.

(3) The provisions of section 48 of the Act of 1967 shall apply to the exercise by a parish council of the powers of this section as they apply to such a council in the exercise of the powers of section 46 of the Act of 1967 and section 49 of the Act of 1967 shall have effect accordingly.

B. Private and new streets

Amendment of section 130 of Act of 1959.

66. The provisions of section 130 of the Act of 1959 (which relates to the prevention of soil, etc., being washed into streets) shall in their application to the county have effect as if in subsection (1) after the words “at the public expense” there were inserted the words “or a private street communicating with such a highway,”.

Power for rural district councils to contribute to cost of private street works.

67. A rural district council may at any time resolve to bear the whole or a portion of the expense of any street works in their district under the code of 1892, and where a rural district council so resolve the liabilities of the owners of premises in respect of those expenses shall be treated as discharged, or as proportionately reduced, accordingly.

Revocation or modification of new street orders.

68.—(1) When the appropriate council consider that the continuance of a new street order in operation in the county would be unreasonable or unnecessary in its operation they may order the modification or revocation of the said order.

(2) When the appropriate council consider that the operation of a new street order in force in the county would be unreasonable in relation to a particular case, they may order the relaxation of the requirements of the order or dispensation with compliance therewith:

Provided that the appropriate council shall give notice of any such proposed relaxation or dispensation to such persons as appear to be affected by the proposal and the appropriate council shall not so order before the expiration of one month from the date of the giving of the notice, and before so ordering shall take into consideration any objections which may have been received by them.

1925 c. 22.

(3) Any order made under the provisions of this section shall be registered in the appropriate register of local land charges pursuant to the provisions of the Land Charges Act 1925.

(4) In this section—

“appropriate council” has the same meaning as in the provisions of section 159 of the Act of 1959;

“ new street order ” means an order for the time being in force under the provisions of section 30 of the Public Health Act 1925 or under section 159 of the Act of 1925 c. 71. 1959. PART IV
—cont.

69. In their application to the county the provisions of section 174 of the Act of 1959 shall have effect as if there were inserted the following subsection:— Amendment of section 174 of Act of 1959.

“ (1A) Any resolution referred to in the preceding subsection may include several streets or parts of streets:

Provided that where the authority so resolve with respect to several streets or parts of streets the expenses shall be apportioned as if each such street or part of a street had formed the subject of a separate resolution under the said preceding subsection.”

C. Miscellaneous

70.—(1) For the purpose of—

- (a) making any new street; or
- (b) providing a parking place for vehicles under the provisions of section 28 of the Act of 1967;

Temporary stoppage of highways.

the highway authority may break up and for any reasonable time stop up, divert and interfere with any highway in the county vested in them and divert the traffic therefrom and prevent persons using it:

Provided that the highway authority shall not exercise the powers of this section—

- (i) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or
- (ii) so as to obstruct or interfere with the access to, or exit from, any colliery, coke oven (including any manufactured fuel plant), rescue station or the Caerphilly tar plant belonging to the National Coal Board or to or from any station, dock, wharf or depot of any railway, port or passenger road transport undertakers.

(2) When considering the question of exercising their powers under this section the highway authority shall have regard to the existence of alternative routes suitable for the traffic which will be affected.

(3) The provisions of Schedule 3 to the Act of 1967, so far as applicable, shall apply in respect of the exercise by the highway authority of the powers of this section as they apply in respect of the making by a highway authority of an order under the provisions of section 12 of that Act.

PART IV
—cont.

Temporary
prohibition
of traffic
during
execution
of works.

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

- (a) that traffic on any street for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be prohibited or restricted; and
- (b) that it is desirable that such prohibition or restriction should come into force without delay and that for this reason it is not expedient to effect the same by means of an order made under the provisions of subsection (1) of section 12 of the Act of 1967;

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

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

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

(2) Any prohibition or restriction referred to in subsection (1) of this section shall be indicated by such traffic signs as may be specified for the purpose in regulations made by the Secretary of State for the Environment and the Secretary of State for Wales acting jointly, or authorised by the Secretary of State for Wales, in pursuance of their powers under sections 54 and 55 of the Act of 1967.

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

(4) No prohibition or restriction on the use of any street under the powers of this section shall make it unlawful for statutory undertakers to enter upon such street in a case of emergency

with any necessary vehicles for the purpose of inspecting, repairing, maintaining, renewing or removing any apparatus of the statutory undertakers concerned which at the time of the imposition of such prohibition or restriction is in that street.

PART IV
—cont.

72.—(1) The highway authority may by order made for the Control of purposes of this section designate land, being land to which this goods service section applies, as a service area: areas.

Provided that—

(a) land shall not be so designated unless it is expedient to do so to prevent or reduce traffic congestion in a highway in the county caused by the loading or unloading of vehicles standing on any such highway;

(b) the land shall not be so designated unless either—

(i) it belongs to the highway authority; or

(ii) it has been provided as an area for the loading or unloading of vehicles pursuant to planning permission;

(c) where the land is in the curtilage of premises and used in connection with only one shop, the order shall relate only to such part of the land as is required for loading or unloading vehicles, including obtaining access to or egress from the point at which vehicles are loaded or unloaded for the purpose of the business conducted at those premises.

(2) No person shall cause or permit any vehicle to wait on a service area designated under this section between the hours of eight o'clock in the morning and six o'clock in the afternoon on a weekday otherwise than for the loading or unloading of that vehicle.

(3) Any prohibition of or restriction on the waiting of vehicles on a service area designated under this section shall be indicated by such traffic signs as may be specified for the purpose in regulations made by the Secretary of State for the Environment and the Secretary of State for Wales acting jointly, or authorised by the Secretary of State for Wales, in pursuance of their powers under sections 54 and 55 of the Act of 1967.

(4) This section applies to such part of any land in the county within the curtilage or vicinity of shop premises, as is used or intended to be used as a place where vehicles may wait for the loading or unloading of goods and includes a roadway not being a public highway.

PART IV
—cont.

(5) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds in respect of the first offence or fifty pounds in respect of subsequent offences.

(6) (a) If the highway authority consider that an order should be made under this section they shall give notice thereof to the owner and occupier of the land stating that objections to the said order may be made in writing one month after the date of service of the notice.

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

(7) (a) After considering any objections made under the last foregoing subsection the highway authority may make an order.

(b) Any such order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of subsection (8) of this section or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the highway authority may determine.

(8) When an order has been made by the highway authority under this section they shall give notice thereof and of the right to appeal to the owner and occupier of the land and any such owner or occupier who is aggrieved by the order may appeal to a magistrates' court.

1963 c. 41.

(9) In this section, "shop premises" has the meaning assigned to it by the provisions of section 1 of the Offices, Shops and Railway Premises Act 1963 and for the purposes of subsection (2) of this section the reference therein to the loading or unloading of a vehicle shall include the carrying out of any operation which is required on the occasion of any such loading or unloading for compliance with the need for hygiene in connection with the sale of ice-cream to the public.

(10) This section shall not apply to any land belonging to and primarily used by the railways board or the statutory undertakers for the purposes of their respective undertakings.

Amendment of
Glamorgan
County
Council Act
1952.
1952 c. li.

73. For the purposes of section 48 (Sale of food and articles on verges etc.) of the Glamorgan County Council Act 1952, section 4 (Interpretation) of the said Act shall have effect as if for the definition of the word "verge" in subsection (2) of the said section 4 there were substituted the following:—

" 'verge' includes any land situated between two carriageways and any part of a carriageway, whether metalled or not, used or intended for use as a lay-by, and a footway or a cycle track."

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

PART IV
—cont.

Prohibition of
parking or
camping on
highway
verges, etc.

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

(2) Any person who contravenes the provision of an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

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

(a) suitable parking facilities (whether on or off the road and whether provided by the highway authority or by some other person) for use as an alternative to those which before the making of the order have been lawfully used for that purpose; and

(b) public sanitary conveniences in convenient situations.

(4) An order made under this section shall—

(a) take effect from such date as may be specified in that behalf in the order;

(b) specify the road or roads and the unenclosed land to which it is to apply; and

(c) specify the days and the hours between nine o'clock in the evening and nine o'clock in the morning during which the prohibition applies.

(5) Before making an order under this section the highway authority shall cause to be published in one or more local newspapers circulating in the county, a notice stating the general effect of the intended order and the highway authority shall take into consideration any written objections or representations in respect of such intended order which may be made to them within twenty-eight days of the first publication of such notice.

(6) The highway authority shall also publish a notice in the London Gazette stating that they are about to make any order under this section, naming the area in which any road or land to which the order will apply is situated and giving the name and date of issue of a local newspaper in which the notice explaining the general effect of the order will be found.

PART IV
—cont.

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

- (i) any vehicle, trailer or caravan placed and left because of or in connection with mechanical breakdown;
- (ii) any vehicle, trailer, caravan or tent if it is not left for more than two hours;
- (iii) any vehicle, trailer, caravan or tent by or with the consent of the occupier of the land;
- (iv) any vehicle, trailer, caravan or tent placed and left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;
- (v) any vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining a verge or land or lay-by;
- (vi) any caravan when occupied solely by a person who is a gipsy as defined in the provisions of the Caravan Sites Act 1968;
- (vii) any caravan which is occupied by a travelling showman who is travelling for the purpose of his business;
- (viii) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertaker or the railways board in connection with or for the purposes of their undertakings or by the highway authority or the local authority, in or in connection with the exercise of their statutory functions.

1968 c. 52.

(b) No order made under this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under the provisions of section 269 of the Act of 1936 or in accordance with the terms and conditions on which permission has been given for the development by the local planning authority under the provisions of the Act of 1971, or in respect of which a site licence is for the time being in force under the provisions of Part I of the Caravan Sites and Control of Development Act 1960.

1960 c. 62.

(8) A prohibition on the parking of vehicles on the verge of any road operating by virtue of this section shall be indicated by such traffic sign as may be approved for the purpose pursuant to the provisions of sections 54 and 55 of the Act of 1967.

Cost of
providing
traffic signs
in highway.

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

Provided that the provisions of this section shall not apply in any case where any works carried out by the statutory

undertakers are required by or in consequence of anything done by, or are necessitated by works carried out by or on behalf of, the highway authority.

PART IV
—cont.

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

76.—(1) Where the commission by undertakers of an offence in the county under the provisions of subsection (2) or (4) of section 7 or the provisions of subsection (3) of section 8 of the Public Utilities Street Works Act 1950 is due to the act or default of persons executing works for the undertakers as contractors, those persons shall be guilty of the offence and may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the undertakers.

Offences under sections 7 and 8 of Public Utilities Street Works Act 1950 c. 39.

(2) In this section “undertakers” has the meaning assigned to it by the provisions of subsection (1) of section 39 of the said Act of 1950.

PART V

COMMUNITY SERVICES AND SAFETY

A. Community services

77.—(1) For the purpose of rehabilitating any family residing in the county which or any member of which requires special treatment to fit them or him to be useful members of the community the Council may—

Social rehabilitation.

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

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

PART V
—cont.

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

1948 c. 29.
1948 c. 43.
1970 c. 42.

(4) For the purposes of the provisions of the National Assistance Act 1948, the Children Act 1948, and the Local Authority Social Services Act 1970, a person in accommodation provided by the Council under this section outside the county shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily resident immediately before he was admitted to such accommodation whether or not he in fact continues to be ordinarily resident in that area.

Insurance of
certain
voluntary
workers.

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

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

1774 c. 48.

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

1958 c. 72.

(4) In this section—

1960 c. 18.

“ industrial building ” has the meaning assigned thereto by the provisions of section 21 of the Local Employment Act 1960;

1968 c. 37.

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

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

PART V
—cont.

79. The provisions of section 48 of the National Assistance Act 1948 in their application to the Council shall extend to enable the Council to take reasonable steps to prevent or mitigate damage to a house of which a person admitted or removed as mentioned in subsection (1) of that section is the owner and which was his place of residence or usual place of residence immediately before such admission or removal, to empower the Council to enter any such house at all reasonable times for the purpose of taking such action as may be reasonably necessary to prevent or mitigate damage thereto and to enable the Council to recover any reasonable expenses incurred by them for this purpose:

Extension of section 48 of National Assistance Act 1948. 1948 c. 29.

Provided that the Council shall not incur any expenditure for the purpose of preventing or mitigating damage to a house under the provisions of the said section 48 without the consent of the person admitted or removed as aforesaid, unless such consent cannot reasonably be obtained.

B. Community safety

80.—(1) Any person who sells or offers or exposes for sale shellfish within the county shall keep a record of the name and address of the person from whom he obtains the shellfish, and shall on the application of the clerk inform him of the name and address of the person from whom he obtained the shellfish.

Sale of shellfish.

(2) Any person required to keep a record or give information under this section who fails to keep such record or give such information, or who knowingly makes any misstatement in keeping such records or in giving such information shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) Nothing in this section shall require any person to preserve any record kept thereunder for a longer period than three months from the date on which he obtained the shellfish to which that record relates.

(4) In this section “shellfish” includes all kinds of molluscs and crustaceans.

PART V
—cont.

Penalty for
throwing
rubbish into
streams.
1930 c. 44.

81.—(1) Any person (except in the execution of some act which he has lawful authority to perform) who throws, casts, deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter whatsoever into any river, stream or watercourse within the county (not being a main river for the purposes of the provisions of the Land Drainage Act 1930) so as directly or indirectly and whether either singly or in combination with other similar acts of the same or any other person to obstruct or impede the flow of water in, into or out of the same shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(2) Before the Council first take any steps for the purpose of enforcing the provisions of this section they shall consult with the river authority on every occasion and with the British Waterways Board whenever their enforcement affects the canal within the county, in regard to those provisions and their enforcement by the Council.

(3) This section shall not have effect in the borough of Barry or in the borough of Port Talbot.

Repair of
damaged
buildings,
etc.

82.—(1) Where the Council are satisfied that it is expedient to execute urgent repairs to any building or structure in the county arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by flooding, gales, lightning, earthquakes or landslides the Council may at their expense execute such emergency works of repair to the building or structure as in their opinion are necessary.

(2) Before exercising their powers under this section the Council shall consult with the local authority in whose area the building or structure is situated and if it is reasonably practicable to do so give notice of their intention to the owner and occupier of the building or structure.

(3) The Council may not exercise their powers under this section in the borough of Barry or in the borough of Port Talbot.

Model
aircraft.
1960 c. 68.

83. The provisions of section 1 of the Noise Abatement Act 1960 (which applies the statutory nuisance provisions of the Act of 1936 to noise or vibration) shall have effect in the county as if the exemption in subsection (7) of that section of noise or vibration caused by aircraft did not apply to model aircraft, other than such aircraft operated in, or flown from, any part of a pleasure ground set apart by a local authority for the flying of model aircraft in accordance with byelaws made by that authority.

Police
telephone call
boxes and
shelters.

84.—(1) Subject to the provisions of this section, the Council may provide—

- (a) such police telephone call boxes and installations; and
- (b) such shelters or boxes for the use of police constables;

in such positions in any street, park or public place in the county as they think fit.

PART V
—cont.

(2) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunications conferred on the Post Office by the provisions of section 24 (1) of the Post Office Act 1969.

1969 c. 48

(3) The Council shall not exercise the powers of this section—

(a) without the consent of the highway authority (in any case in which the Council is not that authority) in any street; or

(b) without the consent of the local authority in any park or public place belonging to such local authority; or

(c) without the consent of the undertakers concerned—

(i) in or upon a bridge carrying a street over a railway or the approaches thereto, or under a bridge carrying a railway over a street; or

(ii) in a street belonging to, and maintainable by, any railway, port or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of such undertakers; or

(iii) so as to obstruct or interfere with the access to, or exit from, any station, dock, wharf or depot of any railway, port or passenger road transport undertakers; or

(d) without the consent of the owner and occupier of the premises concerned so as to obstruct the existing access to premises abutting on a street.

(4) A consent required by this section shall not be unreasonably withheld, but may be given subject to any reasonable conditions, including a condition that the Council shall remove a box or shelter either at any time, or at or after the expiration of a period, if reasonably required so to do by the person giving the consent.

(5) Any question whether a consent required by this section has been unreasonably withheld, or has been given subject to unreasonable conditions, or whether the removal of a box or shelter has been unreasonably required, shall—

(a) in the case of a consent of the Secretary of State, be referred to, and determined by, arbitration;

(b) in the case of any other consent, be referred to, and determined by, the Secretary of State.

PART V
—cont.

Offences in
respect of
telephone
boxes, fire
hydrants, etc.

85.—(1) Any person who wilfully, and without the consent of the appropriate authority—

- (a) obstructs the access to a police telephone call box in the county or to a structure provided in the county for police purposes, or to a fire alarm provided by the Council; or
- (b) interferes with equipment in such a call box, structure or fire alarm; or
- (c) removes, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, structure or fire alarm, or of a fire hydrant in the county;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds; and the appropriate authority may recover from him the expenses of removing the obstruction or of making good or replacing the equipment or mark, and the amount of such expenses in case of dispute respecting the same may be settled and determined by the county court.

(2) Any person who telephones, or causes to be telephoned—

- (a) from a police telephone call box in the county a statement which he knows to be false; or
- (b) from a call box of the Post Office telephone service in the county, a statement which he knows to be false, made for the purpose of instigating police or ambulance action;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and if the false statement is an alarm of fire, liable to a fine not exceeding fifty pounds or imprisonment for a term not exceeding three months or both.

(3) In this section—

“ structure ” includes any installation; and

“ appropriate authority ” means, in relation to a fire alarm or fire hydrant, the Council, and in any other case the police authority.

Disposal of
dangerous
containers.

86.—(1) A person shall not within the county dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of inflammable, explosive or poisonous substance or any herbicide, fungicide or insecticide and is no longer used for that purpose otherwise than within an approved area unless he takes all such steps as may be reasonably necessary to prevent danger to any person or damage to any property from the disposal or deposit of the container.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary

conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence to a fine not exceeding fifty pounds, and the Council may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing:

Provided that no proceedings shall be instituted for an offence under this section if the disposal or deposit of the container contravenes the provisions of section 19 of the Civic Amenities Act 1967.

1967 c. 69.

(3) Any person who disposes or deposits any container within an approved area shall send to the Council within fourteen days of the disposal or deposit a record as to the nature of the substance for which the container has been used and such other relevant information as the Council may require.

(4) In this section—

“poisonous substance” means a substance specified in the Poisons List for the time being in force under the provisions of section 17 of the Pharmacy and Poisons Act 1933; and

1933 c. 25.

“approved area” means an area approved by the Council for the purpose of receiving any container as defined in subsection (1) of this section.

87.—(1) Where there is on any land in the county a well, mineshaft, quarry or other excavation (whether or not filled with water) or artificial escarpment which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a source of danger to children or other persons, the Council may pay, or contribute to the payment of, any expenses incurred in the execution, by any person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger:

Protection of
dangerous
excavations,
etc.

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

1954 c. 70.

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

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

PART V
—cont.

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

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

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

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

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

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

(5) Before exercising any of the powers conferred on them by subsection (1) or subsection (2) of this section, the Council shall consult with the local authority in whose area the land is situated.

Protection of
property
broken into,
etc.

88.—(1) Where the Council are of the opinion that, by reason of damage caused thereto or as the result of unlawful breaking and entering or breaking out or attempted breaking and entering or breaking out, any house or building in the county is not effectively secured so as to prevent unlawful entry, they may themselves do such things in relation to the house or building as are reasonably required effectively to secure it against such entry:

Provided that the Council shall not exercise their powers under this section—

- (a) before consulting with the local authority in whose area the house or building is situated; or
- (b) without the consent of the owner or occupier of the house or building unless his identity or whereabouts cannot after reasonable enquiry be ascertained.

(2) The Council may delegate their powers under this section to the police authority with or without restrictions or conditions.

C. Aerodromes

89.—(1) The Council may for the purpose of the construction of works for the measurement or mitigation of aircraft noise purchase by agreement or may be authorised by means of an order made by the Council and submitted to and confirmed by the Secretary of State to acquire compulsorily land within or outside the county. Purchase of land for works for the mitigation of aircraft noise.

(2) The provisions of 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) The Council 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 provisions of 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 Council 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 Council to acquire the land, the Council

PART V
—cont.

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.

Works for
mitigation of
aircraft noise.

90. The Council may upon any land owned by them or in which they have a sufficient interest, construct and maintain works for the measurement or mitigation of aircraft noise:

Provided that the Council shall so exercise their powers under this section as not to create a nuisance.

Power to
enter land.

91.—(1) Subject to the provisions of this section any authorised officer of the Council shall, on producing if so required some authenticated document showing his authority, have a right to enter at all reasonable hours any land for the purpose of taking measurements of aircraft noise:

Provided that admission to any land shall not be demanded as of right unless at least forty-eight hours' notice of the intended entry has been given to the occupier.

(2) Nothing in this section shall empower any authorised officer of the Council to enter into any premises belonging to or used by the railways board for the purposes of their undertaking, nor to enter upon any operational land of the generating board or the electricity board without their consent which shall not be unreasonably withheld.

Byelaws as
to operation
of aircraft at
Council
aerodrome.

92.—(1) The Council may make byelaws for controlling the operation of aircraft using a Council aerodrome or the facilities of a Council aerodrome at or in the vicinity of the Council aerodrome—

- (a) for the purpose of mitigating or preventing aircraft noise;
- (b) for securing the safety of the public; and
- (c) for the efficient management of the aerodrome.

(2) Any person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that any departure from such a byelaw to the extent necessary for the purposes of securing the safety of aircraft in flight or the safety of aircraft, persons or property on the ground shall be deemed not to contravene any byelaw made under this section.

(3) (a) If the Secretary of State is satisfied that any byelaw made under this section is inconsistent with the safety of aircraft or the safety of vehicles or persons using the aerodrome or public safety or with any international obligation assumed by the Government of the United Kingdom he may for the purpose of removing such inconsistency and after consulting the Council by order revoke or modify the byelaw.

(b) Any byelaw modified by the Secretary of State under this subsection shall have effect as if it had been duly made by the Council and confirmed by the Secretary of State.

(4) In this section “ aircraft noise ” means noise or vibration attributable to aircraft using a Council aerodrome or any of the facilities provided at a Council aerodrome.

93.—(1) The Council may from time to time make agreements with the police authority for the use by the Council of any members of the police establishment of that police authority for police duty within the Council aerodrome. Power to contract for airport police.

(2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the Council shall think proper and shall agree with the police authority.

94.—(1) As from the appointed day the sections of the Act of 1967 and the Road Traffic Act 1972 mentioned in Schedule 2 to this Act, shall have effect as if the expression “ road ” and the expression “ highway ” included an aerodrome road and as if in the sections thereof mentioned in Part II of Schedule 2 to this Act the expression “ constable ” included an officer of the Council authorised in that behalf; and any person who commits an offence under any of the sections mentioned in the said Schedule 2, 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 196 of the Road Traffic Act 1972 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, the provisions of section 79 of the Act of 1967 and sections 12, 144, 164, 167, 168, 179, 188 and 196 of the Road Traffic Act 1972) shall apply accordingly. Traffic offences on aerodrome roads.
1972 c. 20.

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

(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;

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—cont.
1972 c. 20.

the provisions of sections 4, 84, 99, 143, 161 and 166 of the Road Traffic Act 1972 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on an aerodrome road.

(3) Regulations or orders made under the provisions of section 20 of the Act of 1967, or sections 40 or 66 of the Road Traffic Act 1972 and from time to time in force, shall extend and apply to aerodrome roads as they apply to roads as defined by the provisions of section 104 of the Act of 1967 or section 196 of the Road Traffic Act 1972 and the provisions of section 87 of the Act of 1967 and subsection (5) of section 40 and section 177 of the Road Traffic Act 1972 shall apply accordingly:

1971 c. 10. Provided that, if no duty is chargeable under the provisions of 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 an aerodrome road.

1968 c. 61. (4) This section shall cease to have effect on the coming into force of an order made under section 1 of the Civil Aviation Act 1968 by which the Council aerodrome becomes a designated aerodrome for the purposes of the said section.

Prohibition
of
unauthorised
hackney
carriages, etc.,
in Council
aerodrome.

95.—(1) No person shall cause or permit any vehicle to ply for hire within the Council aerodrome other than a hackney carriage licensed to ply for hire and appointed by the Council to ply for hire within the Council aerodrome.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence, to a fine not exceeding fifty pounds.

(3) Nothing in this section shall apply to a public service vehicle.

PART VI

FIRE PRECAUTIONS

A. Storage of flammable material

Interpretation
of this head
of Part VI

96. In this head of this Part of this Act—

“flammable material” means—

(a) timber;

(b) (i) firewood;

(ii) wooden boxes, crates, casks or barrels;

- (iii) paper or cardboard;
- (iv) rags;
- (v) motor tyres or cycle tyres;
- (vi) natural or synthetic rubber;

or materials of similar character; or

(c) subject to the provisions of section 103 (As to application of provisions to certain stacks) of this Act, materials of the type commonly known as plastics;

“height” in relation to any stack means the height measured from the mean level of the ground or floor on or over which it stands to its highest point;

“premises” means any premises in the county but does not include a railway wagon, container, a ship (as defined in the provisions of the Harbours Act 1964), or a mechanically or electrically propelled vehicle or any trailer designed to be attached thereto; 1964 c. 40.

“stack” includes a pile;

“street” has the same meaning as in the provisions of the Act of 1959;

“timber” includes uncut timber and wood in its natural state;

“unenclosed or partially unenclosed structure” means a shed or similar structure (whether of one or more storeys in height) having unprotected areas in its sides exceeding in the aggregate one-half of the total area of its sides, and for the purpose of calculating such areas any window, door, enclosure, shutter or opening, and any part of an external enclosure, not capable of resisting the action of fire for a period of at least half an hour, to be determined as respects such a structure in the borough in accordance with the standards for the time being prescribed by building regulations made under the provisions of the Public Health Act 1961, shall be regarded as an unprotected area. 1961 c. 64.

97.—(1) (a) The Council may give—

- (i) a general consent to the use of any premises for the formation or maintenance of any stack of flammable material; or
- (ii) a particular consent to the formation or maintenance of any such stack on any premises;

and the Council shall not refuse to give any consent applied for under this section except where they consider such a refusal to be necessary for any of the purposes mentioned in paragraph (b) of this subsection.

(b) The Council may attach to any consent given under this subsection such terms and conditions as, having regard to the

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—cont.

reasonable requirements of the undertaking, trade or business being carried on on the premises, they consider to be reasonably necessary for the purposes of preventing outbreaks of fire, lessening the danger from the spread of fire and facilitating the extinguishing of fire including terms and conditions as to the piling, stacking or storage of flammable material.

(c) Any reference in this head of this Part of this Act to the consent of the Council is a reference to a consent (whether general or particular, as the case may be) given under this subsection.

(2) Subject to the provisions of this head of this Part of this Act, no person shall, without the consent of the Council given in writing under the foregoing subsection, form or maintain a stack of flammable material on any premises.

(3) (a) Any application for the consent of the Council shall be made to the Council in writing and the applicant shall supply such plans and particulars in relation to the application as the Council may require.

(b) Applications, plans and other documents made or supplied to the Council as aforesaid shall on delivery become the property of the Council.

(c) If the Council have not notified to the applicant their decision on his application within a period of two months from the date of the receipt thereof and of such plans and particulars as they may have required him to supply (or within such longer period as may be agreed in writing between the Council and the applicant), the provisions of this head of this Part of this Act shall have effect as if the consent of the Council applied for had been given on the last day of that period without any terms or conditions being attached thereto except any such terms and conditions as may have been stipulated in such application.

(4) (a) The Council may from time to time, by notice served on any person maintaining a stack of flammable material as respects which the consent of the Council has been given, add to or vary as from the specified date any term or condition attached to such consent or may as from the specified date attach such terms and conditions or additional terms and conditions thereto as they consider to be reasonably necessary for any of the purposes mentioned in paragraph (b) of subsection (1) of this section.

(b) In this subsection "the specified date" means such date as may be specified in a notice served under this subsection (not being less than twenty-eight days after the service thereof).

(5) Where the consent of the Council, in pursuance of subsection (1) of this section, or paragraph (c) of subsection (3) of this section, has been given in respect of any premises, or where

any terms or conditions have been attached to such a consent, then (as the case may be) such a consent shall not be withdrawn, or such a term or condition shall not be added to or varied in pursuance of paragraph (a) of the last foregoing subsection, except—

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—cont.

(a) in pursuance of a request for that purpose made in writing to the Council by the occupier of the premises to which such a term or condition relates; or

(b) where, since such a consent was given or such a term or condition was so attached, there has been—

(i) a change of occupancy of the premises; or

(ii) some other material change in the circumstances affecting the fire hazards arising at or from the use of the premises.

98.—(1) Any person—

Appeals.

(a) who has applied for the consent of the Council and is aggrieved by—

(i) refusal to give such consent; or

(ii) any term or condition attached to the consent;

or

(b) who is aggrieved by the variation of any term or condition attached to any consent of the Council or by any terms or conditions or additional terms or conditions attached thereto in pursuance of a notice served under paragraph (a) of subsection (4) of the last foregoing section;

may within twenty-one days from the date on which such refusal or the attachment or variation of such term or condition is notified to him require the Council to deliver to him a certificate in writing stating the grounds for such refusal or the attachment or variation of such term or condition and the person may appeal to the Secretary of State within ten days after the receipt of the certificate.

(2) Every appeal to the Secretary of State under this section shall be made in writing asking that the consent may be granted notwithstanding the refusal of the Council, or that such term or condition may not be attached or varied or may be modified in such manner and to such extent as may be set forth in the appeal, and shall be accompanied by the certificate of the Council given under the last foregoing subsection.

(3) (a) Where an appeal is brought under this section the Secretary of State may—

(i) confirm or quash the refusal of the Council to give their consent; or

PART VI
—cont.

- (ii) confirm, vary or quash any term or condition or any variation of a term or condition which is the subject of the appeal:

Provided that the Secretary of State shall not so vary a term or condition, or variation of a term or condition, as to impose on the appellant a heavier obligation than that imposed by the term or condition appealed against or, as the case may be, the term or condition whose variation is appealed against.

(b) The decision of the Secretary of State on any appeal under the last foregoing subsection shall have effect, for the purpose of any consent for which application has been made to the Council or of any term or condition which was or might have been attached to the consent of the Council, as if it had been given or attached (as the case may be) by the Council.

(4) Before determining any appeal made to him under this section, the Secretary of State may, if he thinks it necessary or desirable, cause an inquiry and report upon the matter to be made to him by such person as he may appoint for the purpose and shall afford to the appellant and to the Council, if either so desire, an opportunity of appearing before and being heard by the person so appointed.

Stack not to contain room, etc.

99. No stack of flammable material formed or maintained on any premises shall contain any room, chamber or similar space other than a passage which, if provided, shall be kept unobstructed.

Entry and inspection of premises in connection with storage of flammable material.

100. The power to enter premises conferred by section 287 of the Act of 1936, as amended by section 174 (Application of general enactments) of this Act shall include power to take samples for analysis from any stack formed on the premises.

Offences under sections 97, 99 and 100.

101.—(1) Any person who—

- (a) forms or maintains on any premises a stack of flammable material for which the consent of the Council is required under section 97 (Consent to storage of flammable material) of this Act without first obtaining that consent;
- (b) contravenes any term or condition which, in pursuance of subsection (1) or subsection (4) of the said section 97 of this Act, is for the time being attached to a consent given by the Council under subsection (1) of the said section 97;
- (c) contravenes the provisions of section 99 (Stack not to contain room, etc.) of this Act;

(d) wilfully obstructs any person acting in the exercise of his powers under section 100 (Entry and inspection of premises in connection with storage of flammable material) of this Act;

PART VI
—cont.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds:

Provided that no offence under paragraph (b) of this subsection shall have been committed by any person—

- (a) until the end of any period within which an appeal under section 98 (Appeals) of this Act may be made by him in respect of the term or condition in question; and
- (b) if such an appeal is duly made, until seven days after the appeal has been withdrawn or determined.

(2) Where any person is guilty of an offence under paragraph (a), (b) or (c) of the foregoing subsection, the court by whom any such person is convicted may make such order as it thinks fit for the removal or modification of the stack in respect of which the offence was committed.

(3) Any person who contravenes an order of the court made under the last foregoing subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding twenty pounds.

102. Notwithstanding the provisions of section 97 (Consent to storage of flammable material) of this Act, the consent of the Council shall not be required under that section—

Consent not
required in
certain
circumstances.

- (a) as respects a stack of flammable material not exceeding 10 feet in height and 400 cubic feet in size, so long as it is separated from any other stack of flammable material on the same premises by an unobstructed space not less than 3 feet in width; or
- (b) as respects any other stack not exceeding 30 feet in height and 48,000 cubic feet in size in the case of a stack of timber, 15 feet in height and 24,000 cubic feet in size in the case of a stack which is composed only of one type of plastics material, or 15 feet in height and 16,000 cubic feet in size in the case of a stack of any other flammable material, so long as each of the following provisions is complied with:—
 - (i) the horizontal sectional area of the stack does not exceed 2,500 square feet and the stack is not more than 60 feet in length;

PART VI
—cont.

(ii) an unobstructed space not less than 12 feet in width is left around three of the four sides of the stack, or if the stack is not rectangular in shape around not less than three-quarters of the length of the perimeter of the stack, and in either case the stack is separated from any other stack of flammable material on the same premises by a distance of not less than 12 feet;

(iii) no part of the stack is nearer than 20 feet to—

(A) the nearest part of any furnace, incinerator or building;

(B) any substance having a flash point lower than 66 degrees Centigrade when tested by any standard method; or

(C) any compressed gas, including a gas liquified or dissolved under pressure;

or nearer than 15 feet to the nearest part of any street; and

(iv) unobstructed access from a street to the stack, being not less than 12 feet in width and in height, is provided and maintained for fire brigade appliances and personnel, and any gateway to such access is not less than 10 feet in width and 12 feet in height:

Provided that where any two or more stacks of timber or (as the case may be) of plastics or any other flammable material are contained within a rectangular area not exceeding 2,500 square feet and not more than 60 feet in length, those stacks shall be treated for the purposes of this paragraph as if they were one stack.

As to
application
of provisions
to certain
stacks.

103.—(1) For the purposes of this head of this Part of this Act a stack shall not be deemed to be a stack of flammable material by reason only of the fact that the material or materials of which the stack is primarily composed are—

(a) supported on wooden pallets; or

(b) contained in sacks or bulk containers.

(2) A stack of material or materials of the type commonly known as plastics shall not be deemed to be a stack of flammable material for the purposes of this head of this Part of this Act if—

(a) in the case of a stack which contains two or more types of plastics, the stack contains no material with a calorific value of 2,500 calories per gram or more; and

(b) in the case of a stack which is composed only of one type of plastics, either—

PART VI
—cont.

(i) the plastics material of which the stack is composed has a calorific value of less than 4,500 calories per gram; or

(ii) the plastics material of which the stack is composed is self-extinguishing or of very low flammability or falls within the like or any additional or substituted description which is contained in a British Standard and which is for the time being prescribed in an order made by the Council after consultation with such bodies representing the interests affected as they may think fit;

and any order made under sub-paragraph (ii) of this paragraph may be revoked or varied by a subsequent order so made.

(3) The Secretary of State, after consultation with the Council and such bodies representing the interests affected as he may think fit, may direct the Council to make an order under sub-paragraph (b) (ii) of the last foregoing subsection in such form as he may think fit, and the Council shall comply with any such direction.

(4) In subsection (2) of this section—

“ British Standard ” means a British Standard published by the British Standards Institution;

“ self-extinguishing or of very low flammability ”, in relation to plastics material, means that the material would properly be reported as self-extinguishing or (as the case may be) of very low flammability if subjected to the appropriate test for that purpose prescribed in the last published edition of British Standard 2782: Part 5: method 508.

104.—(1) The foregoing provisions of this head of this Part of this Act shall not apply to any stack of flammable material in any building, but for this purpose an unenclosed or partially unenclosed structure shall be deemed not to be a building. Savings and transitional provisions.

(2) Until 1st January, 1974, it shall not be necessary for any stack of flammable material on premises in use at the date of the passing of this Act for the piling, stacking or storage of flammable material and situated in the county to be formed or maintained in accordance with the provisions of this head of this Part of this Act.

(3) (a) Where by reason of the provisions of the last foregoing subsection a stack of flammable material on any premises is not

PART VI
—cont.

until 1st January, 1974, required to be formed or maintained in accordance with the provisions of this head of this Part of this Act, the occupier of those premises may, before 1st September, 1973, submit to the Council an application in writing that section 97 (Consent to storage of flammable material) of this Act shall not have effect in relation to those premises until such date after 1st January, 1974, but not being later than 1st January, 1975, as he may specify in that application, being a date which is in his opinion reasonable having regard to the need to modify, by reason of the passing of this Act, the operations of any undertaking, trade or business being carried on on those premises.

(b) The Council may, by notice served on the occupier of any premises who has submitted an application under the foregoing paragraph and within a period of two months from the date of the receipt of that application—

- (i) approve the application and the date specified therein;
- (ii) approve the application subject to the substitution for the date specified therein of such other date as the Council may consider to be reasonable in the circumstances; or
- (iii) refuse to approve the application if they consider such refusal to be reasonable in the circumstances;

and, if the Council have not notified the applicant of their decision on his application within the said period of two months, the foregoing provisions of this head of this Part of this Act shall have effect as if the approval of the Council applied for under this subsection had been given on the last day of that period.

(c) Any applicant aggrieved by the terms of a notice served on him by the Council under paragraph (b) of this subsection may appeal to the Secretary of State on the ground that the Council have unreasonably refused to approve the application in the form in which it was submitted by him and section 98 (Appeals) of this Act shall, with any necessary modifications, apply for the purposes of such an appeal against a refusal to give a consent under subsection (1) of section 97 (Consent to storage of flammable material) of this Act.

B. General

Underground parking places.

105.—(1) Where plans of any proposed work deposited with a local authority in pursuance of building regulations include proposals for the construction, alteration or extension of an underground parking place, or the alteration of a building for use as an underground parking place, the local authority may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as

appear to them to be satisfactory for preventing or reducing danger from fire, being proposals relating to all or any of the following matters:—

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

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

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

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

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

(4) If, after plans of any underground parking place have been passed by the local authority in consequence of any proposals made under subsection (1) of this section, it appears to the local

PART VI
—cont.

authority that any such proposal has not been carried into effect or is not being observed, the local authority may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

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

Further
provision
as to
underground
parking
places.

106.—(1) Without prejudice to the provisions of section 105 (Underground parking places) of this Act, the local authority may, by notice to the owner or occupier of any underground parking place in the district which is first brought into use after the passing of this Act, require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and, in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the local authority in pursuance of building regulations, the local authority may, by notice to the owner or occupier thereof, require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (h) of subsection (1) of the said section 105 as the local authority think fit.

(2) Any person on whom a notice under this section has been served who contravenes any requirements specified in the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

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

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

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

PART VI
—cont.

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

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

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

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

Oil-burning equipment.

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

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

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

(b) If the local authority do not, within two months from the submission of plans and specifications of any equipment

PART VI
—cont.

under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land, the local authority are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to install or place such equipment, approve the installation or the placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in the byelaws.

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

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

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

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

(7) (a) Any person who installs oil-burning equipment in any building or on any land in a district without giving notice to the local authority in accordance with subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(b) Any person who contravenes any byelaw made under subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, and if—

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

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

(8) In this section—

PART VI
—cont.

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

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

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

“apparatus” and “fittings” include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(9) Nothing in this section or any byelaw made thereunder shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying, or designed or adapted to supply, oil to the boiler has or have a total capacity not exceeding 750 gallons; or

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

1968 c. 54.

(c) the installation by the statutory undertakers or the railways board for the purposes of their respective undertakings of any oil-burning equipment in or on any building or land, other than in houses or in buildings used as offices or showrooms not being, in the case of the railways board, buildings so used which form part of a railway station.

(10) The provisions of any byelaw made under this section shall cease to apply in relation to—

(a) any office premises, shop premises or railway premises within the meaning of the Offices, Shops and Railway Premises Act 1963, or premises which are deemed to be such premises for the purposes of that Act; 1963 c. 41.

(b) any premises constituting or forming part of a factory within the meaning of the Factories Act 1961 or to which any provisions of that Act apply by virtue of section 124 (Institutions) or section 125 (Docks, etc.) thereof; 1961 c. 34.

on the coming into force in relation to those premises of regulations made under either of the Acts referred to in paragraphs (a) and (b) of this subsection and relating to the same subject-matter as this section.

PART VI
—cont.Fire
precautions
in certain
large
buildings.

109.—(1) No building of the warehouse class and no building used, or intended to be used, for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding 7,000 cubic metres, or extended to exceed that extent, unless (in accordance with plans and particulars submitted in accordance with building regulations and approved for the purposes of this section by the local authority of the district in which the building is to be erected or is situated) it is—

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

Provided that—

- (i) nothing in paragraph (a) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the Act of 1936 applies, to premises to which the Offices, Shops and Railway Premises Act 1963 applies or to premises to which building regulations imposing requirements as to the provision of means of escape in case of fire apply;
- (ii) nothing in paragraph (b) of this subsection, so far as it relates to the provision of fire alarms, shall apply to a factory to which section 48 (7) of the said Act of 1961 applies, or to premises to which section 34 of the said Act of 1963 applies, or, so far as it relates to the provision of a fire extinguishing system, shall apply to a factory to which section 51 (1) of the said Act of 1961 applies, or to premises to which the said Act of 1963 applies.

(2) (a) The person proposing to erect, or cause to be erected, or extend, or cause to be extended, any building to which subsection (1) of this section applies shall, when submitting plans and particulars in accordance with building regulations, deposit with the local authority particulars showing how it is proposed to comply with the requirements of subsection (1) (a) and (b) of this section.

(b) A local authority at any time within a period of two months after the deposit of the particulars may, irrespective of any decision under building regulations—

- (i) refuse to approve them; or
- (ii) approve them subject to such conditions (if any) as they think fit.

1961 c. 34.

1963 c. 41.

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

Provided that if within the said period of two months the local authority fail to give such notice they shall be deemed to have approved the said particulars.

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

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

(4) All means of escape provided in any building to which this section applies under the requirements of subsection (1) (a) of this section or under building regulations imposing requirements as to the provision of means of escape in case of fire, and any fire alarms and fire extinguishing systems fitted under the requirements of subsection (1) (b) of this section shall be properly maintained and kept free from obstruction.

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

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

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

(6) Any person aggrieved by—

(a) a requirement of a local authority; or

(b) a refusal by a local authority to approve particulars; or

(c) a condition subject to which approval of particulars is given by a local authority;

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

PART VI
—cont.

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

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

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

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

- (a) in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or
- (b) which is exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by section 71 (c) of that Act; or
- (c) which is divided by compartment walls or compartment floors, constructed in accordance with the Building Regulations 1972 in such a manner that no division of the building is of cubic extent exceeding 7,000 cubic metres, or, being fitted throughout with such automatic sprinkler system as accords with the requirements of those regulations, is so divided in such manner that no division of the building is of cubic extent exceeding 14,000 cubic metres.

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

(11) In this section “automatic fire alarm” means a device which, without manual intervention, originates an alarm of fire.

110.—(1) In their application to a district the provisions of section 60 of the Act of 1936 shall have effect as if—

- (a) in subsection (1), for the words “twenty feet” there were substituted the words “eighteen feet”; and
- (b) for subsection (4) there were substituted the following subsection:—

“ (4) This section applies to any building which exceeds one storey in height and in which the floor of

Provision of means of escape from fire in certain buildings.

1968 c. 54.

any upper storey is more than eighteen feet above the surface of the street or ground on any side of the building and which—

PART VI
—cont.

- (a) is used as a flat or flats or tenement dwellings; or
- (b) is used as an inn, hotel, boarding-house, hospital, nursing home, boarding school, children's home, aged persons' home or similar institution or as a restaurant, school, shop, store, office or warehouse".

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

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

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

(3) The said section 60 of the Act of 1936, as having effect in accordance with this section, shall not apply to any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

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

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

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

- (a) prescribe the space to be kept free between the bodies of any two such caravans used or intended to be used for sleeping accommodation and between the body of any such caravan so used or intended to be used and such stand, stall or structure;
- (b) prohibit or restrict the placing of any flammable material in the vicinity of any caravan;

PART VI
—cont.

(c) prohibit or restrict the storage and use of flammable gases other than for domestic purposes; and such byelaws shall in all circumstances be deemed to be properly made for the preservation of public safety:

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

Fire precautions on demolition of buildings.
1961 c. 69.

112. In their application to a district the provisions of section 29 of the Public Health Act 1961 (which relates to the demolition of buildings) shall have effect as if, in subsection (5) thereof, there were inserted the following paragraph:—

“(bb) to take such precautions as the local authority may reasonably require with regard to the burning on the site of materials or rubbish or of any structure”.

Consultation by local authorities with fire authority.

1928 c. 32.

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

(a) before granting, with or without conditions, a petroleum spirit licence under the Petroleum (Consolidation) Act 1928, except where the application is for the renewal of an existing licence without amendment;

(b) before exercising their functions under sections 59 or 60 of the Act of 1936 (which require a local authority to reject building plans for certain public and other buildings unless satisfactory exits, entrances and passages are provided and to reject building plans for certain high buildings unless means of escape from fire are provided);

(c) before issuing a site licence, with or without conditions to which this paragraph applies or altering any such conditions attached to a site licence, or providing a site for caravans under the Caravan Sites and Control of Development Act 1960;

1960 c. 62.

(d) before rejecting any plans in accordance with subsection (1) or (2) of section 117 (Building plans: access for fire brigade) of this Act;

(e) before passing any plans of a type referred to in section 105 (Underground parking places) of this Act;

(f) before approving under subsection (4) of section 108 (Oil-burning equipment) of this Act the installation or placing of equipment which does not comply with the appropriate specification contained in byelaws made under that section;

- PART VI
—cont.
- (g) before approving particulars of the matters referred to in paragraphs (a) and (b) of subsection (1) of section 109 (Fire precautions in certain large buildings) of this Act;
 - (h) before making byelaws under section 111 (Byelaws for prevention of fire at fairs and circuses) of this Act;
 - (i) before including in a notice served under section 29 of the Public Health Act 1961 relating to the demolition of any building a requirement under paragraph (bb) of subsection (5) of that section as extended by section 112 (Fire precautions on demolition of buildings) of this Act. 1961 c. 64.

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

(3) Nothing in this section shall affect the validity of any exercise by a local authority of their functions under any enactment without compliance with this section.

114.—(1) This section applies to—

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

Parts of buildings used for storage of flammable substances.

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

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 or the Celluloid and Cinematograph Film Act 1922 apply; or
- (ii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in securely closed metal containers in good condition and containing not more than 5 gallons each; or

1928 c. 32.
1922 c. 35.

PART VI
—cont.

- (iii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons.

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

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

(b) in such manner as to be liable to cause fire or explosion; they may by notice require the occupier of any part of the building to provide or fit (as the case may be), within such reasonable period as may be specified in the notice—

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

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

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

(3) The occupier of any building who—

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

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

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

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

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

- (i) any material extension or material structural alteration of the building to which the certificate relates is intended to be made; or
- (ii) it is intended materially to increase the storage in the said building of any substance to which this section applies;

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

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

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

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

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

PART VI
—cont.

(b) The result of any test of a sample taken by an authorised officer of the Council by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (9) of this section, unless the following requirements have been complied with, that is to say, the said officer shall forthwith after taking the sample notify the occupier of the building of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container, which shall be sealed up and marked, and shall—

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

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

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

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

(10) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and if that person, after conviction of the contravention, uses the building in contravention of those provisions, he shall be liable to a fine not exceeding five pounds for each day on which he so uses the building.

(11) In this section "building" where used in relation to the storage of substances therein includes the curtilage of the building, and "habitable room" includes a room or place to which the public resort.

(12) Nothing in this section shall apply to—

- (a) any office premises, shop premises or railway premises within the meaning of the Offices, Shops and Railway Premises Act 1963, or premises which are deemed to be such premises for the purposes of that Act; or

- (b) any premises constituting or forming part of a factory within the meaning of the Factories Act 1961 or to which any provisions of that Act apply by virtue of section 124 (Institutions) or section 125 (Docks, etc.) thereof; or
- (c) any building, or part of a building, by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas by the British Gas Corporation.

PART VI
—cont.
1961 c. 34.

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

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

Prescription
of signs to
be used on
certain
buildings.

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

(3) Any person who contravenes the requirements of the Council under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and if that person, after conviction of the contravention, uses the building in contravention of those requirements, he shall be liable to a fine not exceeding five pounds for each day on which he so uses the building.

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

1947 c. 41.

(5) Nothing in this section shall authorise the Council to require the generating board or the electricity board to affix to any building on operational land any sign, symbol or notice.

116.—(1) A fire officer authorised in writing by the chief fire officer of the Council may, on giving not less than forty-eight hours’ notice to the secretary of a club in the county registered under the Licensing Act 1964 and on production of his authority, enter and inspect, as regards any matter affecting fire risks, the premises occupied by the club at any reasonable time on such

Fire
precautions in
registered
clubs.
1964 c. 26.

PART VI
—cont.

day as may be specified in the notice; but the chief fire officer shall not so authorise a fire officer unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of functions in relation to any matter affecting fire risks.

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

Building
plans: access
for fire
brigade.

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

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

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

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

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

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

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Act of 1971.

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

(5) If the local authority reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of

section 64 of the Act of 1936 shall specify that the plans have been so rejected.

PART VI
—cont.

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

(7) In this section "building" includes a structure.

118.—(1) If it appears to a local authority that for the purpose of preventing fire or explosion in any such building in the district as is referred to in subsection (5) of section 59 of the Act of 1936 as amended by section 122 (Means of ingress to and egress from certain buildings) of this Act or for the purpose of preventing injury or danger to persons resorting thereto—

Preventing fire
in public or
other
buildings.

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

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

Provided that—

- (i) for the purposes of this section any fireplace, flue, chimney vent or other like part of such building which complies with building regulations for the time being in force made under section 4 of the Public Health Act 1961 1961 c. 64. shall not be deemed to have been constructed of unsuitable materials;
- (ii) this section shall not apply to premises in respect of which a licence, under Part IV of the Public Health Acts Amendment Act 1890 or the Cinematograph Acts 1909 1890 c. 59. and 1952 or the Theatres Act 1968, is for the time being 1968 c. 54. in force;
- (iii) nothing in this section shall apply to—
 - (a) any office premises, shop premises or railway premises within the meaning of the Offices, Shops and Railway Premises Act 1963, or premises which are 1963 c. 41. deemed to be such premises for the purposes of that Act; or

PART VI

—cont.

1961 c. 34.

(b) any premises constituting or forming part of a factory within the meaning of the Factories Act 1961 or to which any provisions of that Act apply by virtue of section 124 (Institutions) or section 125 (Docks, etc.) thereof.

(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 notices mentioned in subsection (1) of that section.

Fire
precautions
in certain
buildings.

119.—(1) For the purpose of preventing or reducing danger from fire in any building in the county to which this section applies and for the purpose of preventing injury or danger to persons resorting thereto, the Council, if the owner or occupier of the building fails to comply with any reasonable requirements of the Council with respect to any of the matters referred to in paragraphs (a) to (e) of this subsection, shall, by notice, require the owner or occupier of the building—

- (a) to provide satisfactory and sufficient means of ingress thereto and egress therefrom and passages and gangways including illuminated signs;
- (b) to alter any installation, apparatus and fittings for the lighting and heating of the building, or to provide any new installation, apparatus or fittings for this purpose;
- (c) to fix securely in a satisfactory position the chairs and seating accommodation;
- (d) to secure that open fires or stoves shall be suitably and adequately protected;
- (e) to provide and maintain adequate fire-fighting equipment and appliances in the building:

Provided that—

- (i) any such requirements shall have regard to the number of persons likely to resort to the building at any one time;
- (ii) a notice shall not be served under this subsection if the Council are satisfied that no such requirements are necessary;
- (iii) no requirement shall be made under—

(A) paragraph (b) of this subsection to alter any installation of oil-burning equipment as defined in section 108 (Oil-burning equipment) of this Act installed or placed in compliance with byelaws made under that section;

(B) paragraph (e) of this subsection to provide and maintain fire-fighting equipment in any boiler-house or fuel store in which such equipment is provided in compliance with byelaws made under the said section 108.

(2) A notice under the preceding subsection may require the owner or occupier of the building to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section and in their application to notices given under this section shall have effect as if the following paragraph were added to subsection (3) thereof:—

“(g) where the notice requires the owner or occupier of part of the premises in question to execute works for the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that other part ought to bear, or contribute towards, the expenses of executing the works required.”;

and subsection (5) of the said section 290 shall have effect accordingly as if after the reference to “paragraph (f)” there were included a reference to “paragraph (g)”.

(4) The person having the control of any building to which the section applies shall take steps to secure that the means of ingress thereto and egress therefrom and the passages and gangways shall, while persons referred to in subsection (7) of this section are assembled in the building, be kept free and unobstructed, except in so far as the Council may otherwise approve and, if he fails to do so, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and if that person, after conviction of the contravention, uses the building in contravention of this section, he shall be liable to a fine not exceeding ten pounds for each day on which he so uses the building:

Provided that this subsection shall not apply in relation to any building if the person having the control of that building has no control over the use of the part of the building used as a place of assembly by persons and for the purposes referred to in subsection (7) of this section.

(5) If the Council are satisfied that, for the purposes of subsection (1) of this section, immediate action should be taken in the case of a building to which this section applies, they may apply to a magistrates' court and the court may make such temporary order as it thinks fit for the closing of the building or for restricting its use.

(6) (a) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing if so required some duly authenticated document showing his authority, have a

PART VI
—cont.

right to enter at all reasonable times any building to which this section applies—

- (i) for the purpose of ascertaining whether there is, or has been, in or in connection with the building, any contravention of the provisions of this section, or of any order made by the court under this section;
- (ii) for the purpose of ascertaining whether or not circumstances exist which would authorise the Council to take any action under this section.

(b) Any person obstructing a fire officer in the exercise of the power conferred by this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(7) This section applies to any building within the county which is used, whether occasionally or not, as a place of assembly by persons (whether or not the persons are charged for admission) who are members of any club, organisation or other body (not being a club registered under the Licensing Act 1964) and which in furtherance of the objects or purposes for which the club, organisation or body was formed is used by the members thereof for the purpose of entertainment, dancing or the playing of games:

1964 c. 26.

Provided that this section shall not apply to any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described or any building to which paragraph (a) of section 71 of the Act of 1936 applies or to a private house or to premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the said Act of 1964.

(8) Nothing in this section shall apply to a building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force, provided that the provisions of the licence are complied with during the time the building is being used for the purposes described in subsection (7) of this section.

Firemen's
switches for
luminous
tube signs and
ventilation
systems.

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

(2) As from the appointed day, apparatus in the county to which this section applies shall be provided with a cut-off switch (on the low-voltage side of the transformer, if any); and the switch shall be so placed, and coloured or otherwise marked,

as to satisfy such reasonable requirements as the Council may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

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

(4) Where apparatus to which this section applies has been installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Council—

(a) in the case of apparatus already provided with a cut-off switch (on the low-voltage side of the transformer, if any), showing where the switch is placed and how it is coloured or otherwise marked;

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

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

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

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

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(10) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937, or any regulations that may be made under section 60 of the Electricity Act 1947.

PART VI
—cont.

(11) This section shall not apply to apparatus—

(a) installed on or in premises, or any part of premises, in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

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

(b) forming part of a lifting barrier installation at a railway level-crossing.

(12) This section shall not have effect in the borough of Barry.

Further precautions against fire in certain high or large buildings.

121.—(1) Within the county unless the Council consent no building shall be erected with a storey or part of a storey at a greater height than 80 feet if the area of the building exceeds 10,000 square feet:

Provided that the Council shall not withhold consent under this subsection if—

(a) they are satisfied that, having regard to the proposed use to which the building is to be put, proper arrangements will be made and maintained for preventing or reducing danger from fire in the building; or

(b) the building, being a shop or departmental store to which the British Standard Code of Practice known as CP3: Chapter IV: Part 2 (1968) or the code for the time being in force applies, will, when erected, comply with the recommendations of that part of that code of practice relating to the planning, construction and equipment of such a building.

(2) In giving their consent under this section the Council may attach thereto conditions relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Council under this section to withhold consent or to attach conditions to a consent may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) Any person who contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and if—

(a) that person after conviction of the contravention; or

(b) any other person after notice of the conviction has been served on him by the Council;

uses the building without the consent of the Council or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds.

PART VI
—cont.

(5) The measurement of the height of any such building or part of a building as is mentioned in this section shall be calculated in accordance with the provisions of the Building Regulations 1965.

(6) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by paragraph (a) or paragraph (c) of section 71 of that Act.

122.—(1) Section 59 of the Act of 1936 in its application to a district shall have effect as if—

Means of
ingress to
and egress
from certain
buildings.

(a) in paragraph (b) of subsection (5) thereof the words “covered market or sale room” were inserted after the word “warehouse” and as if the word “ten” were substituted for the word “twenty”:

Provided that nothing in this section shall apply to premises in respect of which there is a justices’ licence for the sale of intoxicating liquor for consumption on the premises or to premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; and

(b) in paragraph (d) of the said subsection (5) the words “and any premises used for giving instruction in dancing” were added at the end of that paragraph.

(2) The provisions of subsection (2) of the said section 59 in their application to a district shall be construed so as to enable the local authority to require that such first-aid fire appliances as the local authority deem necessary shall be installed in premises to which the said section applies other than premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that any notice served by the local authority under the said subsection (2) requiring the installation of first-aid fire appliances may be served on the owner or the occupier of the building.

(3) The provisions of subsection (2) of this section shall cease to apply in relation to—

(a) any office premises, shop premises or railway premises within the meaning of the Offices, Shops and Railway Premises Act 1963, or premises which are deemed to be such premises for the purposes of that Act; 1963 c. 41.

(b) any premises constituting or forming part of a factory within the meaning of the Factories Act 1961 or to which any provisions of that Act apply by virtue of section 124 (Institutions) or section 125 (Docks, etc.) thereof; 1961 c. 34.

PART VI
—cont.

on the coming into force in relation to those premises of regulations made under either of the Acts referred to in paragraphs (a) and (b) of this subsection and relating to the same subject-matter as the said subsection (2).

Saving for
Fire Services
Acts.

123. Nothing in the foregoing sections of this Part of this Act shall affect the operation of the Fire Services Acts 1947 to 1959 or any regulations or orders made thereunder.

PART VII
FINANCE

Power to
borrow.

124.—(1) The Council 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.

(2) A local authority may borrow such sums as may be necessary for any of the purposes of this Act.

(3) 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.

(4) The Council shall repay sums borrowed under subsection (1) (b) of this section within five years from the date of borrowing.

(5) It shall not be lawful to exercise the powers of borrowing conferred by subsection (1) (a) or subsection (2) 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.

Power to
raise money
by bills.

125.—(1) In addition to the methods of borrowing prescribed by the Act of 1933, the Council may raise money—

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

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

- (a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

- (b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:
- (c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:
- (d) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:
- (e) The Council may make regulations providing for—
- (i) the preparation, form, mode of issue, payment and cancellation of bills;
 - (ii) the issue of new bills in lieu of bills defaced, lost or destroyed;
 - (iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;
 - (iv) the giving of a proper discharge on the payment of a bill; and
 - (v) the amendment or revocation of any regulations previously made or deemed to have been made under this paragraph:
- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill, and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (g) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—
- (i) the sum of four million pounds; or
 - (ii) one-fifth of the amount estimated to be produced by the levying of rates in the county during the then current financial year to meet liabilities falling to be discharged by the Council;
- whichever is the greater:
- (h) Subject to the provisions of the last foregoing paragraph, the Council may renew a bill at maturity:
- (i) The Council may borrow for the purpose of repaying the principal money raised by bills but, except as

PART VII
—cont.

aforesaid, any power of the Council to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

(2) In this section—

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

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

Power to
raise money
by bearer
bonds.

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

Power to
raise money
abroad.

127.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in that enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall be exercised only with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(3) Every sum borrowed by way of mortgage by the Council in a transaction authorised by this section shall be repaid in accordance with the provisions of section 212 of the Act of 1933 or in accordance with the provisions of any consolidated loans fund scheme established by the Council under section 55 of the

1958 c. 55.

(4) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if—

(a) for any reference in those enactments to sterling, there were substituted a reference to the foreign currency; and

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

Exchange
control.

1947 c. 14.

128. It shall not be lawful to exercise the powers conferred by any of the provisions of this Act except in compliance with the Exchange Control Act 1947.

129. The provisions of section 7 of the Local Government (Financial Provisions) Act 1963 and Schedule 1 to that Act in their application to the Council shall have effect subject to the following amendment in the said schedule:—

PART VII
—cont.

Amendment
of power to
issue bonds.

For paragraph 1 thereof there shall be substituted the following paragraph:—

“ 1.—(a) Subject to the provisions of sub-paragraph (b) of this paragraph bonds issued under this Act shall—

(i) bear interest at such rate as the Council may determine at the time of the issue of the bonds;

(ii) be issued for such periods as the Council may determine being not less than a period of one year;

(iii) be issued in denominations of five pounds or multiples of five pounds.

(b) For the purposes of sub-paragraph (a) of this paragraph—

(i) bonds issued to and held continuously by building societies and persons and bodies of such other classes as the Council may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;

(ii) a bond shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.”

130.—(1) The Council may lend to any local authority, and a local authority may borrow from the Council, upon such terms and conditions as may be agreed, such money as the Council 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 Council 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
Council to
lend money
to local
authorities,
etc.

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

PART VII
—cont.

(3) Where any sum is borrowed by the Council for the purposes of this section it shall be lawful for the Council 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.

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

Provided that the Council shall ensure so far as it is reasonably practicable to do so 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 Council in respect of the loan.

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

(6) In this section "local authority" means the council of any county district in the county, the police authority and any other authority having jurisdiction within the county being a local authority as defined by section 34 of the Local Loans Act 1875, and includes any river authority or drainage board having jurisdiction within the county and any joint board if all the constituent authorities are such local authorities as aforesaid.

1875 c. 83.

Closing of registers.

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

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

Receipt in case of minors, etc.

132. If any money is payable by the Council 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 Council.

Designation of holders of authorised securities in register.

133.—(1) Where the holder of an amount of any authorised security occupies an office or official position, his official description may be entered in the register in lieu of his name and where in relation to an amount of an authorised security of any description any such official description is so entered, an instrument of transfer and an instrument containing directions with respect to

the payment of interest on that amount shall if executed by the person for the time being occupying that office or position be as effectual as if his name were entered as the holder of that amount.

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

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

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

(3) Where the official description in the register is that of trustee, the official description so entered shall not constitute notice of any trust for the purposes of section 209 of the Act of 1933.

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

134.—(1) The Council may establish a reserve fund in respect of any undertaking, department or service of the Council from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and accumulating the same until the fund so provided amounts to the maximum for the time being prescribed by the Council. Reserve funds.

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

(a) in making good any deficiency at any time happening in the income of the Council from the undertaking, department or service; or

(b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking, department or service; or

(c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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

PART VII
—cont.

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

(4) All moneys for the time being standing to the credit of a reserve fund shall (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 the Council are for the time being authorised by any enactment to invest moneys.

(5) If and when the Council establish a reserve fund under this section in respect of any such undertaking, department or service as aforesaid, any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Council in respect of that undertaking, department or service and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking, department or service.

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

Insurance
fund.

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

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

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

consider equitable and any moneys so transferred to the county fund shall be apportioned between the several accounts of that fund in such proportions as the Council consider equitable.

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

(5) All moneys for the time being standing to the credit of the insurance fund shall (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 the Council are for the time being authorised by any enactment to invest moneys.

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

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

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

(8) If and when the Council establish an insurance fund under this section any moneys standing to the credit of any insurance fund provided by the Council and in existence at the date of the passing of this Act shall be carried to and form part of the insurance fund provided under this section.

PART VII
—cont.

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

1953 c. 26.

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

(11) In this section—

“ insurance office ” means—

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

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

Research and
development
fund.

136.—(1) The Council may establish a fund to be called “ the research and development fund ” to which they may pay—

1967 c. 9.

- (a) an initial contribution, not exceeding the equivalent of the product of a rate of one new penny as ascertained or estimated for the purpose of Part II of the General Rate Act 1967;
- (b) such other sums from the revenue of the county fund as they may direct not being moneys directed by law to be applied to any other purpose, including any lump sum, if necessary, to bring the balance of the fund to an amount equal to the product of a rate of one new penny as defined under paragraph (a) of this subsection at 31st March in any year.

(2) The Council may apply the moneys in the fund to finance any research and development which they resolve to be connected with the initiation, variation, advancement, management or administration of the functions and services either actual or proposed in connection with which the Council are, or may become, responsible within the county:

Provided that the amount of any expenditure incurred by the Council under this subsection shall not in any financial year exceed the equivalent of the product of one-half new penny rate for the county.

(3) All moneys for the time being standing to the credit of the research and development fund shall (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 the Council are for the time being authorised by any enactment to invest moneys.

PART VII
—cont.

137.—(1) The Council may incur expenditure in advertising and making known the advantages, facilities and amenities afforded by the county as an industrial, commercial or tourist centre, place of architectural, historical or cultural interest or holiday resort in any manner which the Council may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

Power to advertise advantages of county.

(a) combine with any other organisation, company or person; and

(b) employ such persons, firms or companies as they think fit.

(2) Any expenditure under this section shall be separate from and additional to the expenditure, if any, of the Council under the Local Authorities (Publicity) Act 1931 or the Health Resorts and Watering Places Act 1936.

1931 c. 17.
1936 c. 48.

138. Any vehicle for the time being in the custody and control of the Council and in charge of a person in their employment or any other person for whose actions they are responsible shall be deemed to be a vehicle owned by the council of a county council for the purposes of Part VI of the Road Traffic Act 1960 (which relates to compulsory insurance or security against third-party risks arising out of the use of motor vehicles).

Certain vehicles deemed to be property of Council for third-party insurance purposes.
1960 c. 16.

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

Power to make temporary loans.

(a) any stock, bonds, bills or other property in which trustees are by law authorised to invest trust money or a certificate to bearer relating to any such stock; or

(b) Treasury bills or bills issued by any local authority in the United Kingdom or temporary loan receipts; or

(c) bills or bonds payable or guaranteed by the Treasury or secured upon the revenues of or local rates leviable by any local authority in the United Kingdom authorised to issue bills or bonds and in the securities of which trustees are by law authorised to invest; or

(d) any securities transferable by delivery issued or guaranteed by the government of any overseas territory within the Commonwealth in the securities of which trustees are by law authorised to invest.

PART VII
—cont.

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

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

Subscriptions
to associa-
tions, etc.

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

Provided that the total amount subscribed by the Council or a local authority under the provisions of this section shall not in any year exceed the equivalent of one-quarter of the product of a new penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967.

1967 c. 9.

Expenses of
public
ceremonies,
entertainment,
etc.

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

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

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

(2) Section 1 (Payment of expenses of official and courtesy visits, etc.) of the Local Authorities (Expenses) Act 1956 shall in relation to the Council have effect as if—

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

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

1956 c. 36.

Recovery of
sums paid to
officers.

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

(2) In this section—

“employee” means any officer of the Council or any officer whose salary or wages is or are payable by the Council; and

“emoluments” means in relation to an officer his salary or wages (as the case may be).

143.—(1) Where property is to be held on trust for the sole benefit of a person or persons to whom this section applies, the Council shall have power to act as a trust corporation as respects that trust for the purposes of the Law of Property Act 1925, the Settled Land Act 1925, the Trustee Act 1925, the Administration of Estates Act 1925 and the Supreme Court of Judicature (Consolidation) Act 1925.

PART VII
—cont.

Council to
be a trust
corporation.

1925 c. 20.

1925 c. 18.

1925 c. 19.

1925 c. 23.

1925 c. 49.

(2) This section applies to any child for the time being in the care of the Council under the provisions of any enactment and any person to whom paragraph (a) of subsection (1) of section 21 of the National Assistance Act 1948 applies and for whom the Council are responsible for providing accommodation in accordance with that section or would be responsible if care and attention were not otherwise provided by the Secretary of State for Health and Social Security or by an organisation referred to in section 30 of the said Act of 1948.

1948 c. 29.

PART VIII

MANAGEMENT

144. The Council may, within or outside the county, provide and maintain, or contribute to the cost of providing and maintaining, recreational, social and welfare facilities for their employees, and the Council may—

Recreational
and other
facilities for
employees.

(i) erect and maintain buildings;

(ii) make such charges as they think fit for the use of facilities provided under this section;

(iii) make regulations for the management of such buildings.

145. At any time after a period of six years from the date of the receipt by the Council of an application made to the Council for a certificate, decision, determination, grant, consent, agreement, approval or permission; the Council may destroy any documents received by them in connection with the application:

Destruction
of documents
connected
with
applications.

Provided that nothing in this section shall authorise the Council to destroy the application together with any related certificate, consent, permit or other document issued pursuant to any enactment.

146. The powers of the Council under section 134 of the Local Government Act 1948 shall extend to any information concerning the county and its neighbourhood.

Information
centres.

1948 c. 26.

PART VIII
—cont.Data
processing
equipment.

147.—(1) The Council may provide data preparation and data processing services for any local authority, statutory or other body or person, or permit any such authority, body or person to use equipment for those purposes installed by the Council, and for those purposes the Council may perform all such other acts as may be necessary or convenient and may make such charges as may be agreed for the use of the said equipment.

(2) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 1 of the Local Authorities (Goods and Services) Act 1970 it shall be made under the said section 1 and not under this section.

1970 c. 39.

Power to
require
information
as to
ownership
of premises.

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

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

require—

- (i) the occupier and any person having an interest in any land in the county, and any person who either directly or indirectly receives rent in respect of such land, 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 that land; and
- (ii) any person who has sold or otherwise disposed of, leased or let any land in the county to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the Council in pursuance of this section to give to them any information fails to give that information within twenty-eight days of being so required, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) For the purposes of this section the expression “interest” includes any legal estate or interest in the land or in any rentcharge issuing out of that land.

(4) This section shall not apply to a function under an enactment referred to in paragraph (a) or paragraph (b) of subsection (1) of this section which contains a provision to the same effect as this section.

149.—(1) Any power conferred on an officer of the Council 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 buildings or works. Power to use ladders, etc., for entry or inspection.

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

(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;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

150.—(1) The Council may pay to any of their officers who act in any of the following capacities:— Officers of Council acting as receivers, etc.

(a) as the receiver appointed by an order made under the provisions of Part VIII of the Mental Health Act 1959; 1959 c. 72.

(b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Council;

(c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

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

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

PART VIII
—cont.

(3) Where an officer is, at the passing of this Act, acting in his own name in one of the capacities described in subsection (1) of this section the appointment in that capacity shall be deemed to include his successors to that office.

Disclosure by
officers of
Council
of interest in
contracts.

151.—(1) Where an officer employed by the Council, other than the clerk, has given a general notice to the clerk which, if the officer had been a member of a council, would have been deemed to be a sufficient disclosure of his interest in any contract or proposed contract by virtue of the provisions of section 76 (4) of the Act of 1933, he shall be deemed for the purposes of the provisions of section 123 of that Act to have given notice to the Council of his pecuniary interest in that contract or proposed contract.

(2) The clerk shall record in a book to be kept for the purpose particulars of any notice given under the preceding subsection, and the book shall be open at all reasonable hours to the inspection of any member of the Council.

(3) Where the clerk records in the said book a statement of matters concerning himself which, if he had been any other officer employed by the Council, might have been the subject of a notice under subsection (1) of this section, that record shall have the same effect for the purposes of the provisions of section 123 of the Act of 1933 as a notice under subsection (1) of this section.

Public
weighing or
measuring
equipment.
1963 c. 31.

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

As to breach
of conditions
of consent of
Council.

153. Where, under any enactment, the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose, any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences, equivalent to the execution of the work or the doing of the act or thing without the required consent.

Authorisation
of appearance
of Council
officers in
legal
proceedings.

154. A resolution of the Council under the provisions of section 277 (Appearance of local authorities in legal proceedings) of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

155. The authority of the Council given by virtue of the provisions of section 11 of the Finance Act 1961 to the bringing by any constable of proceedings or any particular proceedings for an offence referred to in that section may be given on their behalf by a duly authorised officer of theirs and proved by the production of a document purporting to be the authority so given and to be signed by the officer giving it.

PART VIII
—cont.

Institution of proceedings for offences relating to certain excise duties. 1961 c. 36.

156. The Council may acquire, or make a contribution to the acquisition, for exhibition or for use as a feature in connection with any development or redevelopment scheme carried out or being carried out by them in the county 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.

Acquisition and repair of sculptures, etc.

157.—(1) The Council may enter into and carry into effect agreements or arrangements—

Acquisition of works of art produced to order.

(a) for the taking and purchase of any photograph; or

(b) for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Council when completed.

(2) The payments to be made by the Council under this section shall not in any financial year exceed the equivalent of the product of one-half of a new penny rate for the county.

158. Any specimen, work of art or other object in the possession of the Council for the purposes of any museum or art gallery provided by them may be used by them for educational purposes and circulated to schools, colleges and other educational establishments in the county or loaned to any such establishment for such period and subject to such conditions as the Council may determine:

Power to lend objects for educational purposes.

Provided that the power conferred upon the Council by this section shall not be exercised in such a manner—

(a) as to be at variance with a trust subject to which the object is held by the Council without the consent of the donor or the trustee or the Secretary of State; or

(b) as to contravene a covenant or condition subject to which a gift or loan of an object has been accepted by the Council without the consent of the donor or other person entitled in law to the benefit of the covenant or condition or the Secretary of State.

PART VIII
—cont.

Disposal of
unsuitable
specimens.

159.—(1) The Council may sell, lend, exchange or give or otherwise dispose of any specimen, work of art, book or document—

- (a) vested in them which in the opinion of the Council is not required for exhibition or use in any museum, art gallery, library or other building of the Council; or
- (b) coming into the custody of the Council after being left at any museum, art gallery, library or other building of the Council for the purpose of identification or otherwise and which has been in the possession of the Council for a period of not less than three months.

(2) The Council 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 specimen, work of art, book or document vested in the Council which in the opinion of the Council 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 Council.

(3) Where any object referred to in paragraph (a) of subsection (1) of this section has become vested in the Council by virtue of a gift or bequest—

- (a) the Council 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; and
- (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.

(4) Where any object referred to in paragraph (b) of subsection (1) of this section is left in their custody, the Council—

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

(5) Any moneys received by the Council in the exercise of the powers of this section as respects any object which has become

vested in the Council by virtue of a gift or bequest shall be applied by them in the purchase of specimens, works of art, books or documents or paid into the art fund maintained by them under section 15 of the Public Libraries and Museums Act 1964 except in a case in which such moneys exceed fifty pounds and are subject to a trust the terms of which prevent them being so applied or paid.

PART VIII
—cont.

1964 c. 75.

160.—(1) The Council may publish, prepare for publication or contribute to the publication of, and sell or dispose of works of scholarship, bulletins, journals, official guides, periodicals, leaflets and documents of historical or literary interest having a connection with the county or relating to the functions of the Council.

Publication
of works of
scholarship,
etc.

(2) Nothing in this section shall be deemed to authorise the Council to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

161.—(1) It shall be lawful for the Council—

Provision of
lectures, etc.

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that in connection with the powers contained in this section—

- (i) the sum to be expended by the Council in any one financial year on the provision of lectures; and
- (ii) the sum to be expended by the Council in any one financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of the product of one-half of a new penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967 in addition to any moneys received by the Council under the provisions of this section.

1957 c. 9.

PART VIII
—*cont.*

(2) The Council may use or allow to be used or let any part of any public library provided by them, and not at the time required for the purpose of a library, for public and other meetings and for lectures, exhibitions and performances for or in connection with the advancement of art, education, drama, science, music or literature.

(3) The Council may provide and sell or authorise the provision and sale of programmes of any lectures, exhibitions or performances given in pursuance of this section.

(4) Nothing in this section shall be taken to dispense with the consent of a Minister of the Crown to any appropriation, lease or other disposition of any lands of the Council in any case in which such consent would have been required if this section had not been enacted.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

PART IX

GENERAL

Confirming
authority for
byelaws.

162. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 (which makes provision as to the procedure for making and confirming byelaws) shall be the Secretary of State.

Local
inquiries.

163.—(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.

Restriction
on right to
prosecute.

164. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Council or the local or highway authority.

165.—(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.

PART IX
—cont.
Appeals.

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

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

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

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

166.—(1) In proceedings under any enactment, a document purporting to be certified by the 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.

Attestation and evidence of documents, proceedings, appointments, etc.

(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.

PART IX
—cont.

(5) Notwithstanding anything in any enactment any deed, grant, licence, certificate of registration or other document may be given under the hand of the clerk or his duly authorised deputy instead of under the common seal of the Council and shall be deemed to have been so given if a facsimile of his signature by whatever process reproduced is affixed to such deed, grant, licence, certificate of registration or other document.

Compensation how to be determined.

167. 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.

Apportionment of expenses in case of joint owners.

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

Liability of directors, etc.

169.—(1) Where an offence under the sections of this Act mentioned in Schedule 4 to this Act or against any byelaw made pursuant to this Act 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) In the foregoing subsection "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.

Saving for trusts, etc.

170. No power conferred upon the Council by the following provisions of this Act, namely:—

Section 21 (Disposal of land);

Section 22 (Golf courses);

Section 23 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.);

PART IX
—cont.

Section 144 (Recreational and other facilities for employees);

shall be exercised in such a manner—

- (a) as to be at variance with a trust subject to which land or a building is held, managed or controlled by the Council, 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 Council, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

171.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Council or any local authority to take, use or in any manner interfere with, any land or hereditaments or any rights of whatsoever description—

Crown rights

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

(2) Nothing in paragraph (b) of subsection (1) of this section shall prejudice or affect any statutory powers of the Council to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in or maintained by the Secretary of State. 1950 c. 39.

172. Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Trade or the Secretary of State to certain operations and contain other provisions for the safety of navigation). Saving for Coast Protection Act 1949. 1949 c. 74.

PART IX
—cont.For protection
of certain
statutory
undertakers.

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

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

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the generating board or the electricity board, or either of them, as the case may be;

(b) mains, pipes or other apparatus belonging to or maintained by the British Gas Corporation;

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

(d) mains, pipes, cables or other apparatus belonging to or maintained by the water undertakers, or any of them, as the case may be;

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

“ the authority ” means the Council, a local authority, the highway authority or a parish council as the case may require;

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

(2) Before making a trial hole in any land in exercise of the powers of section 6 (Entry on land for certain purposes) of this Act the authority shall give to the statutory undertakers not less than fourteen days' notice specifying the situation of the land in which it is proposed to make the trial hole:

(3) Nothing in the following sections of this Act shall relieve the authority or any person acting with the consent of or on the requirement of the authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:—

Section 6 (Entry on land for certain purposes);

Section 50 (Enforcement of improvement line);

Section 53 (Protection of trees, grass verges and gardens);

Section 62 (Decorations in streets);

Section 63 (Milk stands in highways);

Section 65 (Extension of parish councils' powers to provide parking places);

Section 70 (Temporary stoppage of highways);
Section 84 (Police telephone call boxes and shelters);
Section 87 (Protection of dangerous excavations, etc.):

PART IX
—cont.

- (4) Nothing in section 50 (Enforcement of improvement line) of this Act shall apply to any building or structure erected on operational land of the Post Office or which is used by the statutory undertakers for or in connection with the generation, transforming, switching, distribution, regulation or supply of electricity, for the manufacture, distribution or storage of gas or for or in connection with the use by them as a pumping station, treatment works or reservoir for water except with the consent of the statutory undertakers concerned which shall not be unreasonably withheld:
- (5) Nothing in section 53 (Protection of trees, grass verges and gardens) of this Act shall affect the rights of the statutory 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 statutory undertakers shall not cause or permit, except in a case of necessity, vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown, or any garden:
- (6) (a) Before the authority determine to give any consent pursuant to section 56 (Restriction on buildings under footways) of this Act they shall give at least fourteen days' notice to the statutory undertakers of the application therefor and any such consent, if granted, shall contain such conditions as may be required to secure that the person to whom such consent is given shall comply with the reasonable requirements of the statutory undertakers for the protection of their apparatus or for securing access thereto;
- (b) As soon as may be after the authority give consent under the said section 56 they shall give notice thereof to the statutory undertakers:
- (7) Before the authority grant any licence under section 61 (Licence to erect scaffolding) of this Act they shall give to the statutory undertakers, or to such statutory undertakers who appear to the authority to be concerned, notice of their intention to do so, and on granting any such licence shall attach thereto such conditions as the statutory undertakers may, within the period of seven days after the giving of such notice to them, reasonably require for the protection of any apparatus belonging to, or used or maintained by, the statutory undertakers or for securing access to such apparatus or any operational land:

PART IX
—cont.

- (8) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 70 (Temporary stoppage of highways) of this Act the statutory undertakers shall be at liberty at all times to execute and do all such works and things in any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus and to enter upon such street for those purposes or any of them with any necessary vehicles:
- (9) Notwithstanding anything in section 72 (Control of goods service areas) of this Act, the statutory undertakers may cause or permit their vehicles to wait at any time on any service area designated under the said section 72 for any such period as may be necessary for carrying out emergency works of placing, inspecting, repairing, maintaining, renewing or removing apparatus:
- (10) (a) Any question or difference which may arise between the authority and the statutory undertakers under this section shall be determined by arbitration in accordance with the provisions of section 179 (Arbitration) of this Act;
- (b) In settling any question or difference under this section, the arbitrator shall have regard to any duty or obligation which the statutory undertakers may be under in respect of any apparatus and may, if he thinks fit, require the authority to execute any temporary or other work so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Application
of general
enactments.

174.—(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 references 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 references to section 7 (Agreements with developers), section 24 (Provisions as to illuminations) and section 27 (Power to take bond for proper performance of conditions in connection with mineral workings) of this Act, and also to the following Parts of this Act, that is to say:—

Part IV (Highways and streets);

Part V (Community services and safety).

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

Section 50 (Enforcement of improvement line);

Section 72 (Control of goods service areas);

- Section 80 (Sale of shellfish);
- Section 81 (Penalty for throwing rubbish into streams);
- Section 82 (Repair of damaged buildings, etc.);
- Section 86 (Disposal of dangerous containers);
- Section 87 (Protection of dangerous excavations, etc.);
- Section 88 (Protection of property broken into, etc.).

PART IX
—cont.

175. The enactments specified in Schedule 6 to this Act are **Repeals.** (in so far as they are not already repealed) hereby repealed in relation to the Council to the extent mentioned in that schedule.

176. The provisions of the enactments specified in column (1) of Schedule 7 to this Act shall have effect in the county as if the maximum fine which may be imposed on summary conviction of an offence specified in that enactment were a fine not exceeding the amount specified in columns (4) and (5) of that schedule instead of a fine of or not exceeding the amount specified in columns (2) and (3) of that schedule. **Increase of penalties.**

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

178.—(1) In this section—

“ scheduled authority ” means a local authority named in column (1) of Schedule 8 to this Act; and

As to powers, etc., of certain local authorities.

“ excluded provision ” means a section of this Act mentioned in column (2) of the said Schedule 8 in relation to a scheduled authority.

(2) An excluded provision which but for this section would alter the functions of a scheduled authority shall have no effect in relation to that authority.

179. Save as otherwise expressly provided in this Act, arbitrations under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of any party (after giving notice in writing to the other party or parties), in a case where the matter arises under section 5 (Suspension of restrictive covenants) of this Act by the President of the Law Society, and in any other case by the President of the Institution of Civil Engineers. **Arbitration.**

180. The costs, charges and expenses preliminary to and incidental to the preparation of and the application for and the obtaining and passing of this Act shall be paid by the Council. **Costs of Act.**

SCHEDULES

Section 28.

SCHEDULE 1

CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

1. The vehicle must be permanently fitted with a rigid roof with or without a sliding panel.

2. The area of the vehicle to the rear of the driver's seat must—

(a) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle; and

(b) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear.

3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 2 of this schedule (or if there is more than one such row of seats the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must when the seats are ready for use be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

SCHEDULE 2

PROVISIONS APPLIED TO AERODROME ROADS

PART I

PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE COUNCIL DO NOT HAVE THE POWERS OF A CONSTABLE

1972 c. 20.

Sections of Road Traffic Act 1972—

- Section 1 (Causing death by reckless or dangerous driving);
- Section 2 (Reckless, and dangerous, driving generally);
- Section 3 (Careless, and inconsiderate, driving);
- Section 4 (Driving under age);
- Section 5 (Driving, or being in charge, when under influence of drink or drugs);

- Section 6 (Driving or being in charge with blood-alcohol concentration above the prescribed limit); SCH. 2
—cont.
- Section 8 (Breath tests);
- Section 17 (Reckless, and dangerous, cycling);
- Section 18 (Careless, and inconsiderate, cycling);
- Section 19 (Cycling when under influence of drink or drugs);
- Section 21 (Restriction on carriage of persons on bicycles);
- Section 24 (Leaving vehicles in dangerous positions);
- Section 25 (Duty to stop, and furnish particulars, in case of accident);
- Section 29 (Penalisation of tampering with motor vehicles);
- Section 30 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
- Section 84 (Drivers of motor vehicles to have driving licences);
- Section 99 (Offence of applying for or obtaining licence, or driving, while disqualified);
- Section 143 (Users of motor vehicles to be insured or secured against third-party risks);
- Section 161 (Power of constables to require production of driving licences and in certain cases statement of date of birth);
- Section 162 (Power to constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates);
- Section 166 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident).

Sections of Road Traffic Regulation Act 1967— 1967 c. 76.

- 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 78A (Speeding offences generally).

PART II

PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE COUNCIL
HAVE THE POWERS OF A CONSTABLE

Sections of Road Traffic Act 1972— 1972 c. 20

- Section 22 (Drivers to comply with traffic directions);
- Section 159 (Power of police to stop vehicles).

Section of Road Traffic Regulation Act 1967—

- Section 58 (Emergency traffic signs).

SCHEDULE 3

Section 148. ENACTMENTS MENTIONED IN SECTION 148 OF THIS ACT

1925 c. 71.	Public Health Act 1925.
1930 c. 44.	Land Drainage Act 1930.
1936 c. 49.	Public Health Act 1936.
1950 c. 28.	Shops Act 1950.
1957 c. 56.	Housing Act 1957.
1961 c. 48.	Land Drainage Act 1961.
1961 c. 64.	Public Health Act 1961.
1967 c. 9.	General Rate Act 1967.
1967 c. 69.	Civic Amenities Act 1967.

Section 169.

SCHEDULE 4

SECTIONS OF ACT TO WHICH SECTION 169 OF THIS ACT APPLIES

Section 54	(Mixing of mortar, etc., in streets);
Section 61	(Licence to erect scaffolding);
Section 72	(Control of goods service areas);
Section 86	(Disposal of dangerous containers);
Section 87	(Protection of dangerous excavations, etc.);
Section 95	(Prohibition of unauthorised hackney carriages, etc., in Council aerodrome).

Section 174.

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.
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

SCH. 5
—cont.

SECTIONS APPLIED TO SECTIONS 7, 24 AND 27 AND PARTS IV AND V OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
289	Power to require occupier to permit works to be executed by owners.
290	Provisions as to appeals against, and the enforcement of, notices requiring execution of works.
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 PART VI AND TO SECTIONS 50, 72, 80, 81, 82, 86, 87 AND 88 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

SCHEDULE 6
ENACTMENTS REPEALED

Section 175.

Session and chapter	Title or short title	Extent of repeal
3 & 4 Geo. 5 c. cxlv	Local Government Board's Provisional Order Confirmation (No. 22) Act 1913	County of Glamorgan Order 1913.
15 & 16 Geo. 6 & 1 Eliz. 2 c. li	Glamorgan County Council Act 1952	Sections 9 to 13, sections 23 and 24, sections 27, 30, 31, 33, 38, 39 and 41, sections 43 to 46, sections 49, 50, 53, 59, 72, 73, 75, 77, 85, 86 and 90, sections 94 to 101, sections 107, 108, 110, 111 and 112, section 116, sections 118 and 119 and Schedule 2.

Section 176.

SCHEDULE 7

INCREASE OF FINES

	(1) Enactment	(2) Old maximum fine	(3) Old maximum daily fine	(4) New maximum fine	(5) New maximum daily fine
1952 c. li.	<p>Glamorgan County Council Act 1952—</p> <p>Subsections (2) and (3) of section 36 (Application of building line to walls, etc.)</p> <p>Subsection (4) of section 36 (Application of building line to walls, etc.)</p> <p>Subsection (2) of section 48 (Sale of food and articles on verges, etc.)</p> <p>Paragraphs (a) and (b) of subsection (5) of section 56 (Court may prohibit movable dwellings in certain cases)</p> <p>Subsection (3) of section 115 (Restrictions on use of loudspeakers in streets)</p>	<p>£5</p> <p></p> <p>£2</p> <p>£10</p> <p>£5</p>	<p></p> <p>£1</p> <p></p> <p>£5</p> <p></p>	<p>£20</p> <p></p> <p>£20</p> <p>£20</p> <p>£20</p>	<p></p> <p></p> <p>£5</p> <p>£5</p> <p></p>

SCHEDULE 8

Section 178.

PROVISIONS OF ACT NOT TO BE EXERCISED, ETC., BY CERTAIN LOCAL AUTHORITIES

Local authority (1)	Section of Act (2)
Barry Borough Council ...	Section 52 (Conditional consent under section 146 of Act of 1959). Section 55 (Interference with trees, etc., in streets and in open spaces). Section 60 (Defacing of road surface, etc.). Section 61 (Licence to erect scaffolding). Section 62 (Decorations in streets). Section 70 (Temporary stoppage of highways). Section 71 (Temporary prohibition of traffic during execution of works). Section 72 (Control of goods service areas). Section 108 (Oil-burning equipment). Section 110 (Provision of means of escape from fire in certain buildings).
Ogmore and Garw Urban District Council	Section 50 (Enforcement of improvement line). Section 51 (Awnings over footways). Section 52 (Conditional consent under section 146 of Act of 1959). Section 56 (Restriction on buildings under footways). Section 57 (Excavations affecting highways). Section 60 (Defacing of road surface, etc.). Section 61 (Licence to erect scaffolding). Section 62 (Decorations in streets). Section 63 (Milk stands in highways). Section 66 (Amendment of section 130 of Act of 1959). Section 71 (Temporary prohibition of traffic during execution of works). Section 72 (Control of goods service areas). Section 74 (Prohibition of parking or camping on highway verges, etc.). Section 75 (Cost of providing traffic signs in highway).
Cowbridge Rural District Council	Section 54 (Mixing of mortar, etc., in streets). Section 55 (Interference with trees, etc., in streets and in open spaces). Section 68 (Revocation or modification of new street orders). Section 69 (Amendment of section 174 of Act of 1959). Section 73 (Amendment of Glamorgan County Council Act 1952).

Glamorgan County Council Act 1973

CHAPTER i

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. The appointed day.

PART II

LANDS AND BUILDINGS

5. Suspension of restrictive covenants.
6. Entry on land for certain purposes.
7. Agreements with developers.

Section

8. Recovery of deposits under Lands Clauses Acts or the Act of 1965.
9. Unauthorised games on school playing fields, etc.
10. Enforcement of restrictive covenants relating to land acquired for open spaces.
11. Compulsory acquisition of easements.
12. Agreements with adjoining owners.
13. Power to reinstate owners or occupiers of property.
14. Provision of substituted sites.
15. Compensation may be in land.
16. Acquisition of land for development.
17. Agreement with statutory undertakers for provision of works.
18. Power to lend, etc., for purchase, etc., of land, or for building purposes.
19. Power to Council to assist industry.
20. Power to Council to guarantee rents, etc., of industrial buildings.
21. Disposal of land.
22. Golf courses.
23. Power to provide facilities for hovercraft, hydrofoil vessels, etc.
24. Provisions as to illuminations.
25. Undertakings and agreements binding successive owners.
26. Covenants or restrictions affecting certain land.
27. Power to take bond for proper performance of conditions in connection with mineral workings.
28. Prohibition of parking of heavy commercial vehicles or boats at night in grounds of private houses.

PART III

HEATING UNDERTAKING

29. Interpretation of Part III of Act.
30. Supply of heat.
31. Works for provision of heat.
32. Power to buy heat in bulk.
33. Purchase of land for heating undertaking.
34. Power to lay mains, etc., and break open streets.
35. Power to lay down or erect electric lines, etc.
36. Power to supply fittings.
37. Heating charges.
38. Security for payment of accounts.
39. Power to enter premises.
40. Interference with apparatus, etc.
41. Byelaws for protection of heating undertaking.

Section

42. Discount for prompt payment.
43. Notice to be given before quitting premises supplied with heat.
44. Local authority not to be exempted from proceedings for nuisance.
45. Modification of section 26 of Public Utilities Street Works Act 1950.
46. Reserve funds for heating undertakings.
47. Separate accounts of local authority undertakings.
48. Attachment of brackets, etc.

PART IV

HIGHWAYS AND STREETS

A. Improvement and protection of streets

49. Interpretation of Part IV of Act.
50. Enforcement of improvement line.
51. Awnings over footways.
52. Conditional consent under section 146 of Act of 1959.
53. Protection of trees, grass verges and gardens.
54. Mixing of mortar, etc., in streets.
55. Interference with trees, etc., in streets and in open spaces.
56. Restriction on buildings under footways.
57. Excavations affecting highways.
58. For protection of the railways board.
59. Contravention due to default of other person.
60. Defacing of road surface, etc.
61. Licence to erect scaffolding.
62. Decorations in streets.
63. Milk stands in highways.
64. Erection of place names.
65. Extension of parish councils' powers to provide parking places.

B. Private and new streets

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67. Power for rural district councils to contribute to cost of private street works.
68. Revocation or modification of new street orders.
69. Amendment of section 174 of Act of 1959.

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70. Temporary stoppage of highways.
71. Temporary prohibition of traffic during execution of works.

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- 72. Control of goods service areas.
- 73. Amendment of Glamorgan County Council Act 1952.
- 74. Prohibition of parking or camping on highway verges, etc.
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COMMUNITY SERVICES AND SAFETY

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- 78. Insurance of certain voluntary workers.
- 79. Extension of section 48 of National Assistance Act 1948.

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- 81. Penalty for throwing rubbish into streams.
- 82. Repair of damaged buildings, etc.
- 83. Model aircraft.
- 84. Police telephone call boxes and shelters.
- 85. Offences in respect of telephone boxes, fire hydrants, etc.
- 86. Disposal of dangerous containers.
- 87. Protection of dangerous excavations, etc.
- 88. Protection of property broken into, etc.

C. Aerodromes

- 89. Purchase of land for works for the mitigation of aircraft noise.
- 90. Works for mitigation of aircraft noise.
- 91. Power to enter land.
- 92. Byelaws as to operation of aircraft at Council aerodrome.
- 93. Power to contract for airport police.
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- 95. Prohibition of unauthorised hackney carriages, etc., in Council aerodrome.

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FIRE PRECAUTIONS

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- 96. Interpretation of this head of Part VI.
- 97. Consent to storage of flammable material.

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98. Appeals.
99. Stack not to contain room, etc.
100. Entry and inspection of premises in connection with storage of flammable material.
101. Offences under sections 97, 99 and 100.
102. Consent not required in certain circumstances.
103. As to application of provisions to certain stacks.
104. Savings and transitional provisions.

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105. Underground parking places.
106. Further provision as to underground parking places.
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108. Oil-burning equipment.
109. Fire precautions in certain large buildings.
110. Provision of means of escape from fire in certain buildings.
111. Byelaws for prevention of fire at fairs and circuses.
112. Fire precautions on demolition of buildings.
113. Consultation by local authorities with fire authority.
114. Parts of buildings used for storage of flammable substances.
115. Prescription of signs to be used on certain buildings.
116. Fire precautions in registered clubs.
117. Building plans: access for fire brigade.
118. Preventing fire in public or other buildings.
119. Fire precautions in certain buildings.
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125. Power to raise money by bills.
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130. Power to Council to lend money to local authorities, etc.
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133. Designation of holders of authorised securities in register.

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- 134. Reserve funds.
- 135. Insurance fund.
- 136. Research and development fund.
- 137. Power to advertise advantages of county.
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- 139. Power to make temporary loans.
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- 144. Recreational and other facilities for employees.
- 145. Destruction of documents connected with applications.
- 146. Information centres.
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- 149. Power to use ladders, etc., for entry or inspection.
- 150. Officers of Council acting as receivers, etc.
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- 153. As to breach of conditions of consent of Council.
- 154. Authorisation of appearance of Council officers in legal proceedings.
- 155. Institution of proceedings for offences relating to certain excise duties.
- 156. Acquisition and repair of sculptures, etc.
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- 162. Confirming authority for byelaws.
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- 167. Compensation how to be determined.
- 168. Apportionment of expenses in case of joint owners.
- 169. Liability of directors, etc.
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- 173. For protection of certain statutory undertakers.
- 174. Application of general enactments.
- 175. Repeals.
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 - Part I—Provisions in respect of which certain officers of the Council do not have the powers of a constable.
 - Part II—Provisions in respect of which certain officers of the Council have the powers of a constable.
- Schedule 3—Enactments mentioned in section 148 of this Act.
- Schedule 4—Sections of Act to which section 169 of this Act applies.
- Schedule 5—Sections of Act of 1936 applied—
 - Part I—Sections applied generally.
 - Part II—Sections applied to sections 7, 24 and 27 and Parts IV and V of this Act.
 - Part III—Section applied to Part VI and to sections 50, 72, 80, 81, 82, 86, 87 and 88 of this Act.
- Schedule 6—Enactments repealed.
- Schedule 7—Increase of fines.
- Schedule 8—Provisions of Act not to be exercised, etc., by certain local authorities.