

ELIZABETH II



1973 CHAPTER xxiv

An Act to confer further powers on the mayor, aldermen and citizens of the city of Salford and to make further and better provision for the health, local government, improvement and finance of the city; and for other purposes.

[18th July 1973]

WHEREAS the city of Salford (hereinafter referred to as "the city") is a county borough under the government of the mayor, aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council of the city:

And whereas it is expedient that further and better provision should be made for the health, local government, improvement and finance of the city:

And whereas it is expedient that further powers as by this Act provided should be conferred upon the Corporation:

And whereas it is expedient that the further provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

1933 c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Salford Corporation Act 1973.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Housing and public health.
 Part IV.—District heating.
 Part V.—Finance.
 Part VI.—Miscellaneous and general.
- Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.
- (2) In this Act unless otherwise expressly provided or unless the subject or context otherwise requires—
- 1936 c. 49. “the Act of 1936” means the Public Health Act, 1936;
 “the Act of 1950” means the Public Utilities Street Works Act, 1950;
- 1950 c. 39. “the Act of 1957” means the Housing Act, 1957;
- 1957 c. 56. “the Act of 1972” means the Local Government Act, 1972;
- 1972 c. 70. “apparatus” includes, in relation to the statutory undertakers mentioned in section 38 (For protection of certain statutory undertakers) of this Act, aqueducts, mains, pipes or other apparatus belonging to or maintained by either of those undertakers and works constructed for the lodging therein of apparatus;
- “the city” means the city and county borough of Salford;
- “contravention” in relation to any enactment, byelaw, order, rule, term, condition, restriction or notice includes a failure to comply with that enactment, byelaw, order, rule, term, condition, restriction or notice and “contravene” shall be construed accordingly;

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

“ the council ” means the council of the city;

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

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

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

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

1952 c. 55.

“ open space ” has the same meaning as in the Open Spaces Act, 1906;

1906 c. 25.

“ operational land ” means, in relation to statutory undertakers, 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;

“ proper officer ” means, in relation to any purpose, an officer appointed by the council for that purpose;

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

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

PART II

LANDS

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

Agreements
with
developers.

(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;

PART II
—cont.

- (c) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land and the maintenance and cleansing of the public rights of way so dedicated, including the maintenance and cleansing of the surface and the maintenance of any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for, or in connection with, development of that land or relating to the provision or maintenance of roads required for the purposes of that development;
- (f) arrangements for the maintenance of open spaces provided in connection with the development of that land;
- (g) any other related or consequential matters.

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

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

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

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

(4) In this section "development" has the same meaning as in section 22 of the Town and Country Planning Act, 1971.

PART II
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Provision of substituted sites.

Power to reinstate owners or occupiers of property.

Reservation of easements, etc., by Corporation.

Undertakings and agreements binding successive owners.

1962 c. 37.

Recovery of deposits under Lands Clauses Acts or the Compulsory Purchase Act, 1965.
1845 c. 18.
1965 c. 56.

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

6. The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired by the Corporation under any enactment with respect to his reinstatement.

7. Where on the sale by them of land to any person there is made or imposed by the Corporation any reservation, condition or restriction, the same may be enforced by the Corporation against persons deriving title under that person in respect of that land as if the Corporation were possessed of adjacent land and as if the reservation, condition or restriction had been expressed to be made for the benefit of such land.

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

(a) given or made under seal either on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

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

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

(3) Any charge on the land constituted by any such undertaking or agreement shall for the purposes of subsection (1) of section 32 of the Building Societies Act, 1962 (which prohibits advances by building societies on second mortgage) be deemed not to be a prior mortgage within the meaning of that subsection.

9. Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, or the Compulsory Purchase Act, 1965, it shall be lawful for the High Court at any time, not being less than twelve years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the said Act of 1965 or paid by the Corporation into the Supreme Court by way of security in

PART II
—cont.

pursuance of section 85 of the said Act of 1845 or Schedule 3 to the said Act of 1965, to order upon application by the Corporation that the money so paid or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

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

PART III

HOUSING AND PUBLIC HEALTH

Securing of
unoccupied
buildings.

10.—(1) Where—

- (a) under section 16 of the Act of 1957 the Corporation have accepted an undertaking that any house will not be used for human habitation until the Corporation cancel the undertaking; or
- (b) by a closing order made under sections 17, 18, 26 or 35 of the Act of 1957, the Corporation have ordered any house or building, or any part thereof, to be closed; or
- (c) by a clearance order made under section 44 of the Act of 1957, the Corporation have ordered any building, or any part thereof, to be vacated, and in such a case it appears to the Corporation that the building or the part thereof (as the case may be) will not be, or is unlikely to be, demolished within six weeks from the date when in pursuance of the order the premises are vacated; or
- (d) any house or any building in the city is unoccupied for a period exceeding six weeks;

the Corporation may, if the premises are not effectively secured so as to prevent the entry on to the premises when unoccupied of any person other than a person authorised by the owner or the Corporation, after giving to the owner not less than forty-eight hours' notice of their intention to do so, except in an emergency when they shall give such notice as is reasonably practicable, themselves do such things in relation to the house or building or part thereof—

- (i) as will so secure the premises against entry; and
- (ii) as may from time to time be necessary to keep the premises so secure.

(2) Section 169 of the Act of 1957 (which makes provision for the service of notices on persons other than local authorities) shall, subject to any necessary modifications, apply in relation to a notice under subsection (1) of this section.

(3) Nothing in this section shall prejudice the power of the Corporation to take steps to deal with any dangerous, ruinous or dilapidated house or building under any enactment.

(4) In this section—

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

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

11.—(1) Where the Corporation are satisfied that it is expedient to execute urgent repairs to any building or structure in the city arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by natural disaster, the Corporation may, at their expense, execute such emergency works of repair to the building or structure as in their opinion are necessary. Repair of damaged houses.

(2) Before exercising their powers under this section the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building or structure.

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

(a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

(i) weatherproofing the surface of the wall;

(ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them

PART III
—cont.

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

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

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

Reduction of
dust, etc.,
from building
operations.

13.—(1) No person shall carry out in the city any engineering or building operations including works of demolition or cleansing of buildings or structures unless he takes such precautions as are reasonably adequate to reduce by as much as the best practicable means will allow the amount of dust which may be blown or deposited on to a street or on property in the vicinity of the works, either during the carrying out of the operations or in the removal of refuse or material therefrom.

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

(3) (a) In any proceedings under this section the court in determining the best practicable means shall include in their consideration, amongst other things, cost and local conditions and circumstances and the current state of technical knowledge.

(b) In this section "best practicable means" includes the provision and maintenance of suitable plant and the proper use thereof.

(4) In this section the expression "dust" includes grit, abrasives and chemicals in solution.

(5) The powers conferred upon the Corporation by this section may be exercised by the proper officer.

PART III
—cont.

(6) Nothing in this section shall apply to any works to which the provisions of the Act of 1950 apply.

14.—(1) For the purposes of this section premises shall be deemed to be used as a self-operated laundry when facilities are provided to the public on those premises on payment for washing or dry cleaning clothes or other articles by machines operated primarily by the customer. Provisions as to self-operated laundries.

(2) (a) The occupier of premises used either partly or wholly as a self-operated laundry shall—

(i) ensure that the plant and machinery installed in the premises for the purpose of the business are so fitted and maintained as to avoid risk of explosion, leakage of fluids or vapour and danger to the persons operating or in the vicinity of the plant and machinery; and

(ii) cause the same to be inspected in the matters mentioned in the foregoing sub-paragraph at least once in every fourteen months after the appointed day by a competent engineer appointed or approved by an insurance company (within the meaning of the Insurance Companies Act, 1958) or agreed between the occupier and the Corporation, and the occupier of the premises shall send to the proper officer a certificate (hereinafter called a “certificate of inspection”) by such an insurance company or by such an engineer certifying the result of the inspection: 1958 c. 72.

Provided that the duty imposed by sub-paragraph (i) of this paragraph shall not enure in relation to any premises until the date of issue of the first certificate of inspection in respect of those premises.

(b) If—

(i) before the expiration of fourteen months and fourteen days from—

(A) the appointed day; or

(B) in the case of premises which are not used as a self-operated laundry before the appointed day, the date on which the premises are first used as a self-operated laundry; or

(C) (except in the case of the first certificate of inspection to be made in respect of premises) the date on which the last certificate of inspection was sent by the occupier of the premises to the proper officer;

the occupier of the premises fails to send a certificate of inspection to the proper officer; or

PART III
—cont.

- (ii) a certificate of inspection sent to the proper officer fails to show that the plant and machinery upon the premises are so fitted and maintained as aforesaid; or
- (iii) it appears to the proper officer that at any time the duty imposed by sub-paragraph (i) of paragraph (a) of this subsection is not being complied with;

the Corporation may make application by way of complaint to a magistrates' court who may order the closing of the premises to the public until a certificate of inspection is received by the proper officer showing that the plant and machinery are so fitted and maintained as aforesaid.

(c) Any person who contravenes an order made by a court under paragraph (b) of this subsection shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) (a) Where, from and after the appointed day, any substance which in the opinion of the proper officer may be dangerous to the public is used in connection with any dry-cleaning process in any premises used as a self-operated laundry, the occupier of those premises shall, if so required by the proper officer, display on the premises such notices as in the opinion of the Corporation, after consultation with such bodies as appear to them to represent the trade or business of self-operated laundries, may be reasonably required for the purpose of safeguarding the public.

(b) As from the appointed day where any explosion of or other accident in connection with plant or machinery installed at premises used as a self-operated laundry causes injury to persons operating or in the vicinity of the plant or machinery, written notice of the accident indicating the time and place thereof and the nature of the injury suffered shall forthwith be sent to the Corporation.

(c) Any person who contravenes any provisions of this subsection shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(4) (a) In this section "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

- (i) of the passing of such resolution and of the day fixed thereby; and
- (ii) of the general effect of the provisions of this section coming into operation as from that day;

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

(c) Either—

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

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

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

(5) The provisions of this section shall not affect any requirements of the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963, or any regulations made under the said Acts or either of them, which are applicable to a self-operated laundry to which this section applies. 1961 c. 34. 1963 c. 41.

PART III
—cont.

15.—(1) Where on an information laid by or on behalf of the Corporation a person is convicted of an offence against regulations made under section 13 of the Act of 1955 and the offence includes— Closure of insanitary food premises and stalls.

(a) the carrying on of a food business at any insanitary premises or at any premises the condition, situation or construction of which is such that food is exposed to the risk of contamination; or

(b) the carrying on of a food business on, at or from an insanitary stall or on, at or from a stall which is so situated or constructed or is in such a condition that food is exposed to the risk of contamination;

then, if it has been proved or admitted that open food is stored, sold or offered or exposed for sale at the premises or on, at or from the stall and that by reason of the insanitary or defective condition of the structure or fittings or fixtures or equipment, or infestation of vermin or accumulation of refuse, the carrying on of a food business at those premises or on, at or from that stall, would be dangerous to health, the court may, on the application of the Corporation, whether or not it makes any other order, by order prohibit the storage, sale or offer or exposure for sale at those premises or on, at or from that stall of open food until the state of the premises or stall has been remedied:

Provided that an order under this subsection shall not be made unless the Corporation have, not less than fourteen days before the trial of the information, given the person against whom the information was laid written notice of their intention to apply for the order.

(2) An order under the preceding subsection is a disqualification within the meaning of section 26 (2) of the Criminal Justice Act, 1967. 1967 c. 80.

PART III
—cont.

(3) Where an information is, or has been, laid by or on behalf of the Corporation of a kind described in subsection (1) of this section and application is made by or on behalf of the Corporation for an order under this subsection, the court may, if satisfied—

- (a) by evidence tendered by or on behalf of the Corporation; and
- (b) after affording the person against whom the information is or was laid, if he appears, an opportunity to be heard and tender evidence;

that the use of the premises or stall for the storage, sale or offer or exposure for sale of open food, involves imminent risk of injury to health, make an interim order prohibiting, either absolutely or subject to conditions, the use of those premises or that stall for that purpose until the earliest opportunity for trying the information:

Provided that the court shall not entertain an application under this subsection unless it is satisfied that at least three clear days' notice in writing of the intention to make it and of the time at which it would be made has been given to the person against whom the information is or was laid and, if he is not that person, to the owner of the premises or stall, as provided in the next following subsection.

1949 c. 101.

(4) Notice for the purpose of the proviso to the last preceding subsection may be served in any way, except by post, authorised by rules made under section 15 of the Justices of the Peace Act, 1949, for the service of a summons issued by a justice of the peace; and, where the person to be served, including a corporation, is the person against whom the information is or was laid, it may as an alternative be served by leaving it for him with some person at the premises to which the information relates.

(5) The Corporation shall serve a copy of an interim order made under subsection (3) of this section, as soon as may be after it has been made, on the person against whom the information was laid and, if he is not that person, on the owner of the premises or stall and shall affix a copy of it in a conspicuous position on the premises or, if practicable, on the stall.

(6) If on the trial of an information under this section the court determines that, at the date of any interim order that may have been made under this section, the use of the premises or stall in question for the sale of open food did not involve imminent risk of injury to health, the court may order the Corporation to pay to the person against whom the information was laid and any other person who at the time when the interim order was made was carrying on a food business at those premises or on, at or from that stall and to the owner of the premises or stall, or any or them, compensation for loss occasioned by the interim order.

1952 c. 55.

(7) Without prejudice to the right of appeal against conviction or sentence under the Magistrates' Courts Act, 1952, a person

aggrieved by a decision of a magistrates' court under this section may appeal to the Crown Court; and for the purposes of this subsection a person aggrieved shall include—

- (a) a person other than the person convicted owning or carrying on business at premises or on, at or from a stall the subject of an order under subsection (1) of this section;
- (b) a person owning or carrying on business at premises or on, at or from a stall the subject of an order under subsection (3) of this section;
- (c) the Corporation, where the court refuses to make an order under subsection (1) or subsection (3) of this section;
- (d) any person, including the Corporation, complaining of the award or refusal of compensation under subsection (6) of this section or of the amount of compensation awarded;
- (e) the applicant or the Corporation where the appeal is against a decision of a magistrates' court under subsection (11) of this section.

(8) A person who contravenes an order under subsection (1) or subsection (3) of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(9) Where an order has been made under subsection (1) of this section, then, on the application of any person intending to carry on a food business at the premises or on, at or from the stall to which the order relates, the Corporation may issue a certificate that the state of the premises or stall has been remedied and such a certificate shall be conclusive evidence of that fact.

(10) Where an order has been made under subsection (3) of this section and any such certificate as aforesaid is issued before the trial of the information, the order shall cease to have effect and, if the certificate is produced to the court, the court shall dismiss any application that may have been made under subsection (1) of this section but without prejudice to the award of compensation under subsection (6) of this section.

(11) Where the Corporation, on an application for a certificate under subsection (9) of this section, refuse a certificate, the applicant may appeal to a magistrates' court and the court, if it allows the appeal, shall revoke the order under subsection (1) of this section or, as the case may be, revoke the order under subsection (3) of this section and dismiss the application under the said subsection (1).

(12) Subsection (2) of section 40 (Appeals) of this Act shall not apply to an appeal against a refusal of a certificate as aforesaid.

PART III
—cont.

(13) A magistrates' court, when exercising its jurisdiction to make an interim order under subsection (3) of this section or to dismiss an application under subsection (1) of this section, in pursuance of powers conferred by subsection (10) of this section, may consist of a single justice.

1955 c. 16
(4 & 5 Eliz. 2).

(14) In this section "the Act of 1955" means the Food and Drugs Act, 1955, and "equipment", "food business", "open food" and "stall" have the same meaning as in the relevant regulations made under section 13 of that Act.

Sanitary
conveniences
at places of
public
exhibition,
betting
offices, etc.
1963 c. 2.

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

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

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

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises; and
- (b) no proceedings shall be taken against a person who has contravened a notice served on him under this section if, on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) The provisions of section 89 of the Act of 1936 shall, in their application to the Corporation, have effect as if there were

inserted in subsection (1) of that section the words “ or refreshment-house ” for the words “ refreshment-house or place of public entertainment ”.

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

(5) This section shall not apply to—

- (a) premises or places in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act, 1961; 1961 c. 64.
- (b) premises in respect of which there is in force a licence under the Cinematograph Acts, 1909 and 1952.

(6) In this section, “ appropriate period ” means either a period of one month, or in the application of subsection (1) of this section to any temporary exhibition, performance, amusement, game or sport or place in respect of which there is such a licence or permit, a period of seven days.

(7) Section 21 (Provision of sanitary conveniences at places of public exhibitions, etc.) of the Salford Corporation Act, 1948, is 1948 c. xxxv. hereby repealed.

PART IV

DISTRICT HEATING

17. In this Part of this Act, except as otherwise expressly provided or unless the subject or context otherwise requires— Interpretation of Part IV.

“ electric line ” has the same meaning as in the Electric Lighting Act, 1882; 1882 c. 56.

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

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

“ 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 the Corporation under subsection (1) of section 25 (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;

PART IV
—cont.

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

“ main ” includes a pipe or duct for the transmission of heat whether or not that transmission is for the purpose of supplying heat and also includes mechanical and thermal protection for a main and apparatus used in connection with a main;

1878 c. 76.

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

Supply of
heat.

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

- (a) such premises in the city; and
- (b) such premises owned by them outside the city;

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 Corporation and the owners or occupiers of the premises:

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

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises, they shall give notice of their intention 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 Corporation to the owner of such premises.

Works for
provision of
heat.

19.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands in the city 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 Corporation to enable them to provide, store, transmit, distribute and supply

heat; and the Corporation may accordingly on those lands provide, store, transmit, distribute and supply heat and may produce such materials, products, matters and things:

PART IV
—cont.

Provided that—

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

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

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

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 Corporation 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 Corporation and the generating board or, in default of agreement, determined by arbitration, and the arbitrator in determining the

PART IV
—cont.

terms and conditions shall have regard to the costs which the generating board would incur in producing the equivalent amount of electricity from their own resources.

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

Power to
buy heat in
bulk.

20.—(1) The Corporation may enter into and carry into effect agreements with any persons able to supply heat for the furnishing to the Corporation by such persons 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 Corporation or for the joint user by them and any other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and
- (c) the Corporation may let any land which they may possess to any such person to enable that person to supply heat in accordance with the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of surplus heat, hot water or steam from any generating station, 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

21.—(1) The Corporation may be authorised by the Secretary of State to purchase compulsorily for the purpose of the heating undertaking land within the city.

(2) 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.

(3) (a) In this section the expression "land" includes easements and rights in respect of land and the Corporation may be

authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land.

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

(4) Where the Corporation have acquired an easement or right only in any land under this section—

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

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

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

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

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

(7) In this section “the Act of 1946” means the Acquisition of Land (Authorisation Procedure) Act, 1946.

1946 c. 49.

22.—(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, &c.);

Section 22 (Power to break open streets);

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

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

PART IV
—cont.

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

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

“main” has the meaning assigned to it by section 17 (Interpretation of Part IV) of this Act;

“service pipe” means a pipe for supplying heat from a main to any premises;

“supplying water” means supplying heat and “supply of water” shall be construed accordingly; and

“the undertakers” means the Corporation.

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

(i) giving or facilitating a supply of heat in accordance with the provisions of this Part of this Act; or

(ii) taking a supply of heat from any works or premises outside the city.

Power to lay down or erect electric lines, etc.

23.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 19 (Works for provision of heat) of this Act the Corporation may, within the city, lay down or erect electric lines and apparatus—

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

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

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

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

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

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

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

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

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

(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.

24.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating

Power to supply fittings.

PART IV
—cont.

fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may install, repair, renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation, repair, renewal or alteration.

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

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

(a) shall not be subject to distress or to the landlord's remedy for rent 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 situated or to the soil under any such premises, at all times continue to be the property of and (subject to the provisions of the Hire-Purchase Act, 1965) removable by the Corporation:

1965 c. 66.

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

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

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

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

25.—(1) The Corporation 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 Corporation to pay the same, in which case they shall be payable by the owner.

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

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

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

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

27.—(1) Subject to the provisions of this section, any authorised officer of the Corporation 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 Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises in or upon which any

Heating
charges.Security for
payment of
accounts.Power to
enter premises

PART IV
—cont.

heating fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid, for the purpose of—

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

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

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

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

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

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

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

(5) If any person who, in compliance with the provisions of this section or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any

manufacturing process or trade secret he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

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

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

Interference
with
apparatus,
etc.

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

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

Byelaws for
protection of
heating
undertaking.

(2) Byelaws under this section may include provisions—

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

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

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

(ii) reverberation in pipes; or

PART IV
—cont.

- (iii) waste, misuse or undue consumption of heat;
(c) requiring the testing of fittings and the making of charges therefor.

(3) If any person contravenes the provisions of any byelaw made under this section, the Corporation may, without prejudice to their right to take proceedings in respect of such contravention, cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

Discount for prompt payment.

30. The Corporation may, if they think fit, make an allowance by way of discount on all sums of money due to them for the supply of heat or 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 Corporation think fit to prescribe in that behalf, and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

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

Notice to be given before quitting premises supplied with heat.

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

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

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

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

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

PART IV
—cont.

Provided that this section shall not apply to the exercise by the Corporation of the powers of sections 22 (Power to lay mains, etc., and break open streets) and 23 (Power to lay down or erect electric lines, etc.) of this Act.

Corporation
not to be
exempted
from
proceedings
for nuisance.

33.—(1) In any case in which—

Modification
of section 26
of Act of
1950.

- (a) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act, or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and
- (b) either the Post Office, the generating board, the electricity board, the 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:—

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

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

(B) the measures (if any) proposed to be taken by the Corporation with respect to the securing of the safety of any apparatus of the Post Office or the generating board or the electricity board or the British Gas Corporation or the water undertakers from damage or injury arising directly or indirectly

PART IV
—*cont.*

from such works and with respect to the insulation of such works so as to prevent the escape of heat therefrom;

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

(2) In this section—

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

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

Separate
accounts of
heating
undertaking.

34.—(1) The Corporation shall keep separate accounts in respect of the heating undertaking so as to include all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the heating undertaking and so as to distinguish capital from revenue and, as to revenue, so as to show under a separate heading or division on the one side all income (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 Corporation for the purposes of or in connection with the heating undertaking or used for those purposes under any enactment;
- (c) the annual charges in respect of the repayment of the principal of any moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the heating undertaking properly chargeable to revenue;
- (e) the establishment and maintenance of a reserve fund in respect of the heating undertaking.

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

(3) In this section the expression "investment income" means so much of the income received by the Corporation 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.

PART IV
—cont.

PART V

FINANCE

35.—(1) The Corporation may borrow—

Power to
borrow.

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

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

and, subject to the provisions of this section, section 172 of, and Part I of Schedule 13 to, the Act of 1972 and any regulations made thereunder shall have effect as if money borrowed under this section were borrowed under that Part.

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

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946. 1946 c. 58.

PART VI

MISCELLANEOUS AND GENERAL

36.—(1) The Corporation may by notice prohibit persons from causing or permitting mechanically propelled vehicles to enter upon any land to which this section applies:

Prohibition
of vehicles
on gardens,
etc.

Provided that any such notice shall not apply to—

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

(b) the temporary crossing of land to which this section applies during building operations if means satisfactory to the Corporation are taken to protect such land from injury and for the convenience of pedestrians; or

PART VI
—cont.

(c) the temporary use of any vehicle on land to which this section applies by statutory undertakers in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus);

and any prohibition under this section in relation to land within the description of paragraph (c) of subsection (4) of this section shall cease to have effect after the expiration of six months (or such longer period as the owner of the land may have consented to in writing addressed to the Corporation pursuant to the proviso to subsection (4) of this section) from the posting of such notice and such prohibition may not as respects that land be renewed.

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

(3) Any sign provided or erected under this section and related to any grass verge falling within subsection (4) (a) of this section shall comply with any order or regulation made by the Secretary of State in respect of traffic signs or any general or special directions given by him in pursuance of the Road Traffic Regulation Act, 1967.

1967 c. 76.

(4) This section applies to—

(a) any grass verge laid out in any street in the district and maintained by the Corporation in an ornamental condition or mown;

(b) any recreation ground, garden or open space provided by the Corporation and so maintained; and

(c) any land which appears to the Corporation to be intended for redevelopment and to be for the time being derelict and the subject or likely to be the subject of unauthorised use by the public for the parking of vehicles:

Provided that this section shall not apply to any land referred to in paragraph (c) of this subsection except if the Corporation have obtained the prior consent of the owner of such land.

1878 c. 76.

(5) In this section “ apparatus ” includes any telegraphic line (as defined in the Telegraph Act, 1878) belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus.

Unauthorised
games on
school
playing fields.

37.—(1) If without the authority in writing of the appropriate authority any person takes part in any game of cricket, football, hockey or netball, or any other such organised game, on any land forming part of a playground or playing field under the control of or maintained by the Corporation as the local education authority, he shall be 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 and read by members of the public in such positions on or near the boundary of the playground or playing field (as the case may be) as appear to the court to be proper.

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

(3) In this section the expression “appropriate authority” means the Corporation or such other person or persons as are in accordance with the provisions of section 22 of the Education Act, 1944, entitled to control the occupation and use of the playground or playing field at the material time. 1944 c. 31.

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

(1) In this section “the undertakers” means the British Gas Corporation, the lord mayor, aldermen and citizens of the city of Manchester as statutory water undertakers authorised to supply water in that city, the North Western Electricity Board, or any of them, as the case may be:

(2) Nothing in section 16 (Sanitary conveniences at places of public exhibition, betting offices, etc.) of this Act shall relieve the Corporation or any person acting with the consent of or on the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said section and the said powers shall be so exercised as not to obstruct or render unreasonably inconvenient the access to any apparatus or operational land:

(3) (a) When the Corporation give any notice under subsection (1) of section 10 (Securing of unoccupied buildings) of this Act they shall give to the undertakers a copy of such notice;

(b) Nothing in the said section 10 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to

PART VI
—cont.

be secured under the said section 10 shall ensure that the premises are not left less secure by reason of the entry:

- (4) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration in accordance with the provisions of section 39 (Arbitration) of this Act;
- (b) In settling any difference under this section, the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus, and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

Arbitration.

39. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Section 19 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Section 23 (Power to lay down or erect electric lines, etc.)	The President of the Royal Institution of Chartered Surveyors.
Section 38 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

Appeals.

40.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act except under subsection (3) of section 15 (Closure of insanitary food premises and stalls), and sections 301 and 302 of that Act shall apply accordingly.

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

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

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

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

41. 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, the Corporation or a constable. Restriction on right to prosecute.

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

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

- (2) The provisions hereinbefore referred to are the following:—
- Section 13 (Reduction of dust, etc., from building operations);
 - Section 14 (Provisions as to self-operated laundries);
 - Section 15 (Closure of insanitary food premises and stalls);
 - Section 16 (Sanitary conveniences at places of public exhibition, betting offices, etc.).

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

44.—(1) The sections of the Act of 1936 mentioned in Part I of the schedule to this Act shall have effect as if references therein to that Act included references to this Act. Application of general provisions of Act of 1936.

PART VI
—cont.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part III (Housing and public health) and Part IV (District heating) of this Act.

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

Section 4 (Agreements with developers);

Section 10 (Securing of unoccupied buildings);

Section 11 (Repair of damaged houses);

Section 13 (Reduction of dust, etc., from building operations);

Section 14 (Provisions as to self-operated laundries);

Section 15 (Closure of insanitary food premises and stalls)

Local
inquiries.

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

(2) Subsections (2) to (5) of section 250 of the Act of 1972 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

1946 c. 31.

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

Confirming
authority for
byelaws.

46. As respects byelaws made under this Act the confirming authority for the purpose of section 236 of the Act of 1972 shall be the Secretary of State.

Costs of Act.

47. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act.

SCHEDULE

Section 44.

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.
293	Recovery of expenses, &c.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II

SECTIONS APPLIED TO PARTS III AND IV 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 owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act, 1925.

PART III

SECTION APPLIED TO SECTIONS 4, 10, 11, 13, 14 AND 15 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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Salford Corporation Act 1973

CHAPTER xxiv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

LANDS

4. Agreements with developers.
5. Provision of substituted sites.
6. Power to reinstate owners or occupiers of property.
7. Reservation of easements, etc., by Corporation.
8. Undertakings and agreements binding successive owners.
9. Recovery of deposits under Lands Clauses Acts or the Compulsory Purchase Act, 1965.

PART III

HOUSING AND PUBLIC HEALTH

Section

10. Securing of unoccupied buildings.
11. Repair of damaged houses.
12. Boundary walls.
13. Reduction of dust, etc., from building operations.
14. Provisions as to self-operated laundries.
15. Closure of insanitary food premises and stalls.
16. Sanitary conveniences at places of public exhibition, betting offices, etc.

PART IV

DISTRICT HEATING

17. Interpretation of Part IV.
18. Supply of heat.
19. Works for provision of heat.
20. Power to buy heat in bulk.
21. Purchase of land for heating undertaking.
22. Power to lay mains, etc., and break open streets.
23. Power to lay down or erect electric lines, etc.
24. Power to supply fittings.
25. Heating charges.
26. Security for payment of accounts.
27. Power to enter premises.
28. Interference with apparatus, etc.
29. Byelaws for protection of heating undertaking.
30. Discount for prompt payment.
31. Notice to be given before quitting premises supplied with heat.
32. Corporation not to be exempted from proceedings for nuisance.
33. Modification of section 26 of Act of 1950.
34. Separate accounts of heating undertaking.

PART V

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35. Power to borrow.

PART VI

MISCELLANEOUS AND GENERAL

36. Prohibition of vehicles on gardens, etc.
37. Unauthorised games on school playing fields.

Section

38. For protection of certain statutory undertakers.
39. Arbitration.
40. Appeals.
41. Restriction on right to prosecute.
42. Protection of members and officers from personal liability.
43. Liability of directors, etc.
44. Application of general provisions of Act of 1936.
45. Local inquiries.
46. Confirming authority for byelaws.
47. Costs of Act.

SCHEDULE:

Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts III and IV.

Part III—Section applied to sections 4, 10, 11, 13,
14 and 15 of this Act.