

ELIZABETH II



1982 CHAPTER xv

An Act to re-enact with amendments and to extend certain local statutory provisions in force within the county of Cumbria; to confer further powers on the Cumbria County Council and local authorities in the county; to make further provision with respect to the improvement, health and local government of the county; and for other purposes. [23rd July 1982]

WHEREAS—

(1) The county of Cumbria (hereinafter referred to as “the county”) is a non-metropolitan county comprising the following areas, described by reference to administrative areas existing immediately before the passing of the Local Government Act 1972:—

1972 c. 70.

- The county boroughs of Barrow-in-Furness and Carlisle;
- The administrative counties of Cumberland and Westmorland;
- In the administrative county of Lancaster—
 - the urban districts of Dalton-in-Furness, Grange and Ulverston;
 - the rural district of North Lonsdale;
- In the administrative county of Yorkshire, West Riding,
 - the rural district of Sedbergh:

(2) Section 262 of the said Act of 1972 provides that, subject to modifications and exceptions, local statutory provisions in force in the area of any non-metropolitan counties shall continue in force until the end of 1984, and that such provisions shall then cease to have effect:

(3) There are numerous local statutory provisions so applicable in the county and it is expedient that certain of those provisions should be re-enacted with amendments, or otherwise continued in force, and applied to the whole county or to parts of the county, and that other such provisions should be repealed:

(4) It is further expedient that new provision should be made for the improvement, health and local government of the county and to confer further powers on the Cumbria County Council, the Carlisle City Council, the councils of the boroughs of Barrow-in-Furness and Copeland, the councils of the districts of Allerdale, Eden and South Lakeland, the Lake District Special Planning Board and parish councils within the county:

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

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

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the said Act of 1972 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

Citation and commencement.

1.—(1) This Act may be cited as the Cumbria Act 1982.

(2) This Act shall come into operation on the expiration of three months after its passing, except that section 53 (Removal of unlawfully parked caravans and their occupants), and section 2 (Interpretation) and Part XI (General) so far as material for the purposes of section 53, shall come into operation on the passing of this Act.

Interpretation.
1936 c. 49.

2.—(1) In this Act unless the context otherwise requires—
“ the Act of 1936 ” means the Public Health Act 1936;

- PART I
—cont.
- “ the Act of 1971 ” means the Town and Country Planning Act 1971;
- “ the Act of 1972 ” means the Local Government Act 1972; 1971 c. 78.
- “ the Act of 1976 ” means the Local Government (Miscellaneous Provisions) Act 1976; 1972 c. 70.
1976 c. 57.
- “ the appointed day ” has the meaning given by section 3 of this Act;
- “ building operations ” has the meaning given by section 168 (5) of the Highways Act 1980; 1980 c. 66.
- “ the chief constable ” means the chief constable for the county and includes the deputy chief constable acting by virtue of section 6 (1) of the Police Act 1964; 1964 c. 48.
- “ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;
- “ the county ” means the county of Cumbria;
- “ the county council ” means the council of the county;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ district ” means a district in the county;
- “ district council ” means the council of a district;
- “ the fire authority ” has the meaning given by the Fire Services Act 1947; 1947 c. 41.
- “ food ” has the meaning given by section 135 of the Food and Drugs Act 1955; 1955 c. 16
(4 & 5 Eliz. 2).
- “ functions ” includes powers and duties;
- “ industrial building ” has the meaning given by section 66 of the Act of 1971;
- “ local authority ” means the county council or a district council and, where so provided in subsection (2) below, includes the Planning Board;
- “ open space ” has the meaning given by section 290 of the Act of 1971;
- “ owner ” has the meaning given by section 343 of the Act of 1936;
- “ parish council ” means a parish council in the county;
- “ the Planning Board ” means the Lake District Special Planning Board;
- “ premises ” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “ public service vehicle ” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981; 1981 c. 14.
- “ seashore ” has the meaning given by section 49 (1) of the Coast Protection Act 1949; 1949 c. 74.

PART I
—cont.

“statutory undertakers” means the British Gas Corporation, British Telecommunications, the Central Electricity Generating Board, the North Western Electricity Board, the water authority and the Newcastle and Gateshead Water Company, or any of them as the case may be;

1980 c. 66.

“street” has the meaning given by section 329 of the Highways Act 1980;

1967 c. 76.

“traffic sign” has the meaning given by section 54 of the Road Traffic Regulation Act 1967;

“water authority” means the North West Water Authority and the Northumbrian Water Authority or either of them.

(2) In the following provisions of this Act the expression “local authority” includes the Planning Board:—

Subsection (3) of this section;

Section 6 (Reclamation and improvement of land);

Section 7 (Control of access to lands on seashore);

Part XI (General).

(3) Any reference in this Act to a proper officer shall, in relation to any purpose and any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority or, as the case may be, for that area.

(4) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

Appointed
day.

3.—(1) In this Act “the appointed day”, in relation to any provision, means such day (not earlier than three months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, a district council.

(2) The local authority shall publish in a newspaper circulating in their area notice—

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

(b) of the general effect of the provision for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any newspaper, being a page or part of a page bearing the date of publication and containing the notice mentioned in subsection (2) above, shall be evidence of the publication of the notice and of the date of publication.

PART II

INDUSTRIAL DEVELOPMENT AND LAND

- 4.—(1) A local authority may carry out any work required— Power to assist industry.
- (a) for the preparation or improvement of the site of an industrial building;
- (b) for the provision or alteration of facilities or services required in connection with such a building.
- (2) Nothing in this section shall be construed as authorising the carrying out of works by a local authority for the provision or alteration of services which it is the function of statutory undertakers or the British Railways Board to provide or alter.
5. A local authority may guarantee the payment of— Guarantee of rents, etc., of industrial buildings.
- (a) any rent or other sum payable in respect of an industrial building; or
- (b) any sum payable to statutory undertakers in respect of the provision or maintenance of works or services in connection with an industrial building.
- 6.—(1) A local authority may acquire compulsorily land in their area which is required for the purpose of bringing into use, or improving the appearance of, other land in their area which they are or could be authorised to acquire compulsorily for the purpose of any of their functions under section 89 of the National Parks and Access to the Countryside Act 1949 as having effect in accordance with section 6 of the Local Authorities (Land) Act 1963. Reclamation and improvement of land.
1949 c. 97.
1963 c. 29.
- (2) Section 103 of the said Act of 1949 shall apply to the power conferred by this section and any acquisition thereunder as it applies to a power to acquire compulsorily conferred on a local authority by the said Act and to any acquisition thereunder.
- 7.—(1) A local authority may carry out works on any land in the county in which they have sufficient rights or interest for the purpose of controlling access to that or other land in their area with a view to preventing erosion of the seashore. Control of access to lands on seashore.
- (2) A local authority may enter into agreements with any person for the carrying out of works or the doing of other things for any purpose for which they may carry out works under subsection (1) above.
- (3) A local authority may be authorised by the Secretary of State to acquire compulsorily any land in their area for the purpose of controlling access to that or other land in their area with a view to preventing erosion of the seashore.

PART II
—*cont.*
1981 c. 67.

(4) The Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under subsection (3) above and Part II of Schedule 2 to that Act shall be incorporated in the compulsory purchase order.

(5) In carrying out works under this section the local authority shall not, without the consent of British Telecommunications, render less convenient the access to any subaqueous cable belonging to, or used by, that corporation.

(6) Before the local authority exercise powers under this section in any manner likely to affect—

- (a) any operational railway line of the British Railways Board;
- (b) any apparatus belonging to the North Western Electricity Board; or
- (c) any apparatus or installations belonging to, or repairable by, the water authority for the exercise of their statutory functions with respect to water supply, sewerage or sewage disposal or water resources;

they shall consult the board or, as the case may be, authority concerned.

(7) Before the local authority exercise powers under this section for the purpose of preventing erosion of any seashore they shall consult the following authorities in the area in which the seashore is situated:—

- (a) the land drainage authority under the Land Drainage Act 1976; and
- (b) any authority other than themselves who are the coast protection authority under the Coast Protection Act 1949.

1976 c. 70.

1949 c. 74.

Duration of sections 4, and 5.

8. The following sections in this Part cease to have effect on 31st December 1986:—

- Section 4 (Power to assist industry);
- Section 5 (Guarantee of rents, etc., of industrial buildings).

PART III HIGHWAYS

Grass verges, etc.

9.—(1) This section applies to any of the following land in a district which, being in, adjoining or accessible from a highway, is mown or otherwise maintained in an ornamental condition:—

- (a) a grass verge, garden, lawn or green managed by a local authority; or

(b) land laid out as a public garden or used for the purpose of public recreation which is vested in a person other than a local authority.

PART III
—cont.

(2) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the doing of any of the following things on land to which this section applies:—

- (a) driving, riding or leaving vehicles;
- (b) allowing horses or cattle to enter;
- (c) using any equipment provided on such land.

(3) Notice of a prohibition under subsection (2) (c) above may provide exemption from the prohibition of a child under such age as shall be specified in the notice and of any person in charge of such a child while on the land.

(4) Notice of a prohibition under subsection (2) (a) or (c) above shall not prohibit the driving or leaving of vehicles or the use of equipment on land—

- (a) by any person engaged in building operations; or
- (b) by statutory undertakers or the British Railways Board where reasonably necessary in the exercise of their statutory functions;

but this exemption is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.

(5) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(b) Where the notice is notice of a prohibition under subsection (2) (a) or (c) above and relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 99 of the Road Traffic Regulation Act 1967) it shall be a traffic sign, and the erection and display of the notice by the local authority shall be subject to, and in conformity with, general directions given under section 55 (1) of the said Act of 1967 whether or not they are also the highway authority. 1967 c. 76.

(6) A person who, without reasonable excuse, contravenes a notice displayed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) (a) If a vehicle is left on any land in contravention of a prohibition under subsection (2) (a) above, the local authority may cause the vehicle to be removed.

PART III
—cont.
1967 c. 76.

(b) For the purposes of this subsection section 20 of the Road Traffic Regulation Act 1967 and the regulations in force under that section shall have effect as if the removal of a vehicle under this subsection were authorised by those regulations.

(8) Notice of a prohibition relating to land vested in a person other than a local authority shall not be given under this section except with the consent of that person.

(9) Where land to which notice of a prohibition under subsection (2) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall limit any right of way, public or private, over land or restrict the exercise by any person of any statutory right to enter upon land.

(10) In this section “local authority” includes a parish council.

Damage to
footways, etc.,
during
building
operations.

10. The highway authority may recover from any person carrying on building operations, whether on his own account or as a contractor, the cost of making good damage caused to the grass verge or footway of a highway maintainable at the public expense, being damage caused in the course of those operations—

- (a) to the grass verge or footway by vehicles or machinery; or
- (b) to the grass verge by the loading, unloading or stacking of goods or materials.

Recovery of
expense of
fencing or
lighting
obstructions.

11.—(1) Where danger or obstruction may be caused to persons or vehicles using a highway in the county maintainable at the public expense by—

- (a) any defective gully, grid, manhole, step, area grate or other fitting or structure in the highway;
- (b) damage to the highway caused by the deposit of anything on it;
- (c) any hoarding or scaffolding erected on or over the highway; or
- (d) builders’ skips (within the meaning of section 139 (11) of the Highways Act 1980) or builders’ materials, rubble or waste, other rubbish or earth or any other thing placed or deposited on the highway;

1980 c. 66.

and the highway authority take steps to protect persons or vehicles by fencing or lighting any such source of danger or obstruction, they may recover the expenses reasonably incurred

by them in so doing from the owner of the thing giving rise to such danger or obstruction or, as the case may be, the person or persons responsible for its defective condition or for the erection or, as the case may be, the placing or depositing of that thing in the highway.

PART III
—cont.

(2) This section shall not apply to expenses incurred by the highway authority in respect of code-regulated works to which the requirements of section 8 of the Public Utilities Street Works Act 1950 apply.

1950 c. 39.

(3) This section shall have effect without prejudice to the powers of the highway authority under any other enactment to recover expenses incurred by them.

12.—(1) The highway authority shall have power to affix to any building or structure in, or having a frontage to, or constructed over, any road in the county in accordance with this section—

Affixing of
traffic signs
to walls.

(a) any traffic sign which they have power to place on or near any road under section 55 (functions of highway authorities as to placing of traffic signs) or, as the case may be, section 56A (functions of certain traffic authorities in respect of traffic signs) of the Road Traffic Regulation Act 1967; or

1967 c. 76.

(b) any apparatus required for illumination forming part of any such sign.

(2) In their application in the county subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing of apparatus to buildings for street lighting) shall have effect, with the necessary modifications, as if the street lighting authority therein referred to included the highway authority and the attachments therein specified included any sign or apparatus mentioned in subsection (1) above.

1961 c. 64.

(3) Nothing in this section shall derogate from the power of the highway authority to enter on land for the placing of traffic signs in pursuance of section 63 of the Road Traffic Regulation Act 1967, or to carry out any work for the improvement of a highway in pursuance of section 62 of the Highways Act 1980.

1980 c. 66.

(4) In exercising their powers under this section the highway authority shall be bound by the duties imposed on them by section 84 (1) (general duties with respect to road traffic) of the Road Traffic Regulation Act 1967 as if this section were included in that Act.

PART IV

PUBLIC HEALTH AND AMENITIES

Registration
of hawkers of
food and
premises.

13.—(1) In this section—

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

“ food ” means food intended for sale, or sold, for human consumption;

“ premises ” means a building or part of a building and any forecourt, yard or place of storage used in connection with the building;

“ stall ” includes any stand, mobile canteen, vehicle (whether movable or not), or barrow from which food is sold.

(2) As from the appointed day in any district—

(a) no person shall for private gain sell, offer or expose for sale in the district any food from a stall or container unless he is registered by the district council;

(b) no premises in the district shall be used as storage accommodation for any food intended for sale for private gain from a stall or container unless the premises are registered by the district council.

(3) Any person who contravenes subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(4) (a) An application for a person to be registered under this section shall be made by himself, and an application for premises to be so registered shall be made by the owner or occupier, or intending owner or occupier, thereof.

(b) Any such application shall be accompanied by such particulars as to the applicant or, as the case may be, the premises and such other particulars as the district council may reasonably require, including particulars as to any container or stall to be used by the applicant.

(c) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, the premises, and shall issue to the applicant a certificate of registration.

(5) This section does not apply to—

(a) the sale or offer or exposure for sale of food in containers of such materials and so closed as to exclude all risk of contamination;

- (b) the sale or offer or exposure for sale of food in an open shop, or to the use, in connection with such a shop, of any premises as storage accommodation for food intended for sale;
- (c) the sale or offer or exposure for sale of food by a dairyman registered under regulations in force under Part II of the Food and Drugs Act 1955, or having effect by virtue of section 136 (2) of, and Schedule 12 to, that Act as if they had been made under the said Part II, or to any dairy so registered;
- (d) the sale or offer or exposure for sale from land used for agriculture or horticulture of produce (other than meat) of that land;
- (e) the sale or offer or exposure for sale of food by any person at any market in respect of which a toll, stallage or rent is payable, or to the use of any premises in any such market as storage accommodation for food intended for sale at such market;
- (f) premises—
- (i) registered under section 16 of the Food and Drugs Act 1955;
 - (ii) used as a theatre, cinematograph theatre, music hall or concert hall; or
 - (iii) used as a canteen or refreshment room in, or in connection with, and for persons employed at, a place of work;
- or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

PART IV
—cont.

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

Examination and testing of drains, etc.
1973 c. 37.

14. In its application in a district section 48 of the Act of 1936 (which, as amended by the Water Act 1973, authorises the examination and testing of sanitary conveniences, drains, private sewers and cesspools by the water authority in the case of a drain or private sewer connecting with a public sewer and by the district council in any other case) shall have effect as if, in subsection (1A), after the words "for the area" there were inserted the words "or the local authority".

15. In its application in a district section 22 of the Public Health Act 1961 (cleansing and repair of drains) shall have effect as if—

Private drains, sewers, etc.
1961 c. 64.

(a) after the word "drains" there were inserted the words "private sewers"; and

(b) at the end there were inserted the following:—

"(2) Where, in the case of a private sewer, there

PART IV
—cont.

is more than one applicant, the charge may be recovered from the applicants in such proportions as, in case of dispute, the local authority may determine but without prejudice to the rights and obligations between themselves of the applicants and of any other owners and occupiers of the premises in question.”.

Grease traps.

16.—(1) In this section—

“grease” includes oil and any matter impregnated with grease or oil; and

“grease trap” means such apparatus as is mentioned in subsection (2) below.

(2) If it appears to a district council, after consultation with the water authority, that any drain or sewer within premises comprising any building in their district is not provided with such apparatus as may be required to prevent the passage of grease from that building into any public sewer, they may, by notice to the owner of the building, require the installation in the drainage system of the building of such apparatus as may be required for that purpose.

(3) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section as if—

(a) this section were contained in that Act; and

(b) among the grounds on which an appeal may be brought under subsection (3) of section 290 of the Act of 1936 there were added that it is not reasonably practicable to comply with the notice.

(4) (a) A grease trap provided for compliance with this section or any other statutory provision in, or in connection with, any building shall be maintained by the owner of the building in good condition and in efficient working order, and no person shall obstruct or render less efficient any such grease trap or permit the same to be obstructed or rendered less efficient.

(b) If any person, without reasonable excuse, contravenes paragraph (a) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) For the purpose of carrying out any work required to be done by the owner of a building for the provision or maintenance of a grease trap, or things to secure the efficient operation of a grease trap, it shall be lawful for the owner, notwithstanding any provision to the contrary contained or implied in any lease or

contract affecting the premises comprising the building, to enter the premises or any part thereof at all reasonable times after giving due notice to the occupier and do all such things therein or thereto as may be necessary or proper in that behalf.

PART IV
—cont.

17.—(1) In this section—

“adequate means of lighting” in reference to a room, stairway or passage means adequate means of lighting the same by electricity, and includes the provision in the room, stairway or passage of adequate electric lines connected with an electricity main, but does not include—

Artificial
lighting in
habitable
rooms, etc.

(a) the supply of electricity; or

(b) the provision of lamps;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

“habitable room” includes a room used, or intended to be used, as a living room, sleeping room, bathroom, kitchen, scullery or for a sanitary convenience, and includes any cellar or room comprised in a dwelling and used as a fuel store.

(2) Except as provided in subsection (5) below, in every dwelling in a district which is let for human habitation, and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage.

(3) If adequate means of lighting are not so provided and maintained the district council may serve on the owner a notice requiring him, within such time (not less than 21 days) as may be specified in the notice, to execute such works as may be necessary to comply with subsection (2) above and, as respects any such works which require interference with, or connection into, any electric line, electricity main or fittings belonging to the North Western Electricity Board, to make arrangements in that behalf with the board.

(4) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (3) above as if—

(a) this section were contained in that Act;

(b) among the grounds on which an appeal may be brought under subsection (3) of section 290 of the Act of 1936 there were added that, having regard to the period during which the dwelling is likely to continue to be

PART IV
—*cont.*

used for human habitation, it is unreasonable to require the execution of the works; and

(c) in subsection (6) of the said section 290 the words from “and without prejudice” to the end of the subsection were omitted.

(5) This section shall not apply to a dwelling—

(a) in an area declared by the district council to be a clearance area; or

(b) as respects which the proper officer has made an official representation under section 157 of the Housing Act 1957 either that it is unfit for human habitation or that it is in an area which should be dealt with as a clearance area, and the representation is under consideration; or

(c) as respects which notice has been served under subsection (1) or (1A) of section 9 of the said Act of 1957 on the person having control of the dwelling and the works required pursuant to the notice have not been executed; or

(d) as respects which notice has been served under section 16 of the said Act of 1957 and works required to render the dwelling fit for human habitation have not been carried out to the satisfaction of the district council.

(6) Nothing in any notice served under subsection (3) above shall be construed as authorising any person to interfere with, or connect into, any electric line, electricity main or fitting belonging to the North Western Electricity Board.

**Byelaws as to
camping
grounds.**

18.—(1) A district council may make byelaws with respect to any camping ground within the district for all or any of the following purposes:—

(a) securing the good and orderly conduct of persons resorting to the camping ground and of the occupants of movable dwellings situate thereon;

(b) securing sanitary conditions and cleanliness in, and the proper control and management of, the camping ground and movable dwellings situate thereon;

(c) preventing annoyance to residents in, or visitors to, any area by the conduct of the occupants of, or visitors to, movable dwellings situate on the camping ground.

1968 c. 52.

(2) Subject to Part I of the Caravan Sites Act 1968 an authorised officer of the district council may remove any person infringing any byelaw made under subsection (1) (a) above from the camping ground to which the byelaw applies.

(3) (a) A copy of any byelaws made by a district council under this section shall be appended to any statutory licence granted by them in respect of any camping ground to which such byelaws relate.

PART IV
—cont.

(b) On granting—

- (i) any licence under Part I of the Caravan Sites and Control of Development Act 1960 (licensing of caravan sites); or 1960 c. 62.
- (ii) any licence under section 269 of the Act of 1936 (licensing the use of movable dwellings);

the district council shall not attach to the licence any condition which is incompatible with any byelaw made by them under this section, and any condition so attached before the coming into operation of byelaws made under this section which is incompatible with any such byelaw shall cease to have effect.

(4) Byelaws made under subsection (1) above shall not apply to—

- (a) any caravan site which is managed by a district council under section 24 of the Caravan Sites and Control of Development Act 1960; or
- (b) any camping ground used exclusively for the accommodation of caravans occupied as residences under a licence or contract to which Part I of the Caravan Sites Act 1968 applies; or 1968 c. 52.
- (c) any camping ground to the extent that—
 - (i) in the circumstances specified in paragraphs 4, 5 or 6 of Schedule 1 to the said Act of 1960 it is exempt from the requirement of a site licence under that Act; or
 - (ii) it is used by an organisation holding a certificate of exemption under section 269 of the Act of 1936; or
- (d) any camping ground so long as it is used by, or for the purposes of, any club, organisation or body which is registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section.

19.—(1) A local authority may make byelaws for the following purposes with respect to any leisure centre, that is to say, any place owned or managed by them (whether alone or in conjunction with any other body) at which recreational facilities are provided:—

Byelaws as
to leisure
centres.

- (a) securing the good and orderly conduct of persons resorting to the leisure centre;

PART IV
—cont.

1960 c. 16.

- (b) regulating the movement and parking of vehicles at the leisure centre;
- (c) prohibiting or regulating the use of vehicles by the public at the leisure centre otherwise than on a road as defined in section 257 of the Road Traffic Act 1960.

(2) Byelaws made under subsection (1) (a) above may provide for the removal from the leisure centre of any person infringing any such byelaw.

Unauthorised
advertisements.

20.—(1) (a) This section applies to any area in the county which is, or is within, an area of special control defined under the Advertisement Regulations or, being outside such an area, is, or is within, a conservation area designated under section 277 of the Act of 1971.

(b) In this section “the Advertisement Regulations” means regulations made or having effect as if made under sections 63 and 109 of the Act of 1971.

(2) If any advertisement to which the Advertisement Regulations apply is displayed in any area to which this section applies in contravention of those regulations, the local planning authority may, by notice stating the provisions of this section served on—

- (a) the person who undertakes or maintains the display of the advertisement;
- (b) the owner and occupier of the land on which the advertisement is displayed; and
- (c) if the local planning authority think fit, any other person who, within the meaning of section 109 (3) of the Act of 1971, is deemed to be displaying the advertisement;

require the removal of the advertisement within such period as may be specified in the notice.

(3) Subject to subsection (4) below, if the advertisement is not removed within the period so specified, or within 14 days from the service of the last of the notices served under subsection (2) above, whichever shall be the longer, the local planning authority may remove the advertisement.

(4) If, within 14 days of the service of a notice under subsection (2) above, representations are made in writing to the local planning authority that an advertisement to which the notice relates is not displayed in contravention of the Advertisement Regulations stating the grounds for such representations, the local planning authority shall not proceed with the removal of the advertisement under subsection (3) above until they have taken into consideration those representations and have notified the person by whom the representations were made of their decision whether or not to proceed.

(5) Any advertisement, other than a bill, placard or poster, removed by the local planning authority under this section shall be retained by them until claimed by the owner thereof and, if it is not so claimed within six months after its removal by the local planning authority, may be disposed of by the authority as they think fit.

(6) (a) If an advertisement removed under this section was not, at the time of removal, displayed in contravention of the Advertisement Regulations, any person specified in paragraph (b) below shall be entitled to recover from the local planning authority compensation in respect of any loss or damage sustained by him by reason of the removal of the advertisement and, where it has been removed by him in compliance with a notice under subsection (2) above, expenses reasonably incurred by him in that behalf.

(b) The persons entitled to claim compensation under this subsection are any of the following, namely, any person who undertook or maintained the display of the advertisement, the owner or occupier of the land on which it was displayed, and any other person who, within the meaning of section 109 (3) of the Act of 1971, was deemed to be displaying it.

(c) A claimant shall not be entitled to compensation under this section unless, not more than six months after the removal of the advertisement, he gives notice of his claim in writing to the local planning authority.

(d) Where the amount claimed by way of compensation under this section does not exceed the limit for the time being imposed on the jurisdiction of the county court by paragraph (b) of section 40 (1) of the County Courts Act 1959 (money recoverable by statute), proceedings for the recovery of such compensation may be begun in the county court. 1959 c. 22.

(7) For the purposes of this section an advertisement shall be taken to be displayed in contravention of the Advertisement Regulations if displayed—

- (a) without consent granted, or deemed to be granted, under those regulations; or
- (b) in contravention of any condition relating to the removal of the advertisement.

(8) The following sections of the Act of 1971 shall have effect as if references therein to that Act included references to this section:—

Section 280 (rights of entry);

PART IV
—cont.

Section 281 (supplementary provisions as to rights of entry);

Section 283 (service of notices);

Section 284 (power to require information as to interests in land).

Recovery of
cost of
removing
advertisements.

21.—(1) Where—

(a) bills, placards or posters are displayed to advertise any event and are not removed within 14 days after the latest date of the event; and

(b) the local planning authority remove any such bills, placards or posters in pursuance of a power or right to do so;

they may recover from the organiser of the event as advertised, or from the person (if any) to whom consent for the display of such advertisements has been granted, any expenses reasonably incurred by them in removing, and reinstating the site of, any such advertisement.

(2) This section shall have effect without prejudice to any other power of a local planning authority to recover expenses incurred by them.

(3) Nothing in this section shall apply to any advertisement relating specifically to a pending parliamentary or local government election, or a referendum to be held under the Referendum Act 1975, or to advertisements required to be displayed by any enactment or by the Standing Orders of either House of Parliament.

1975 c. 33.

PART V

PUBLIC ORDER AND SAFETY

Touting,
hawking,
photographing,
etc.

22.—(1) A district council may designate, in accordance with subsection (6) below, any of the following places, or any part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:—

(a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;

(b) a street or esplanade, parade, promenade, marine drive or way to which the public commonly have access, whether or not as of right;

(c) the seashore:

Provided that the district council shall not designate—

PART V
—cont.

- (i) for the purpose of subsection (2) (b) below, any highway specified in a control order under section 7 of the Act of 1976; or
 - (ii) for the purpose of subsection (2) (c) (ii) below, any street.
- (2) Any person who, in a place designated under this section—
- (a) importunes any person by touting for a hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage or other conveyance (other than a public service vehicle) or for a ship or boat; or
 - (b) without the consent of the district council, or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale anything; or
 - (c) without the consent of the district council, or in breach of any condition subject to which the council's consent is given—
 - (i) photographs, or purports to photograph, any person by way of trade or business; or
 - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) If a police constable has reasonable cause to suspect that a person has contravened subsection (2) above, he may require him to give his name and address and, if that person refuses, or fails to do so, or gives a name or address which the constable reasonably suspects to be false, the constable may arrest him without warrant.

(4) The conditions of consent referred to in subsection (2) (b) and (c) above include conditions as to the times or period for which the consent is valid and the payment for the consent of such reasonable fee as the council may by resolution prescribe to cover their expenses in dealing with applications for such consents.

(5) Subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

PART V
—cont.**(6) A person aggrieved by—**

- (a)** the withholding by the district council of a consent referred to in subsection (2) (b) or (c) above;
- (b)** the conditions subject to which such consent is given; or
- (c)** the revocation of such consent under subsection (5) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the council.

(7) (a) Before designating any place for any of the purposes of subsection (2) above the district council shall give notice of their proposal by advertisement in a newspaper circulating in the district, and by posting it in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(b) After taking into consideration any objections made in accordance with paragraph (a) above and after consulting the chief constable, the district council may by resolution designate as places to which this section applies, for any of the purposes of subsection (2) above, all or any, or any part, of the places specified in the notice given under that paragraph.

(8) A resolution under subsection (7) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (7) (a) above, being a day not less than 28 days after the day on which the notice is given under this subsection.

(9) This section shall not prohibit—

- (a)** the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b)** the selling or offering or exposing for sale of anything to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;
- (c)** the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical,

or carries on a business which consists in, or includes, selling or supplying photographs for such publication;

PART V
—cont.

and the district council shall not withhold their consent under subsection (2) (b) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the ground that their consent has already been given to a sufficient number of other persons.

(10) Before giving consent under this section to the hawking, selling or offering or exposing for sale of anything in a highway, the district council shall consult the highway authority.

(11) Subsection (3) above shall cease to have effect on 31st December 1984.

23.—(1) This section applies to a parking place comprising or within a building which provides—

Parking
places:
safety
requirements.

(a) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or

(b) parking space for more than 20 motor vehicles;

not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.

(2) Where—

(a) plans of any proposed work are deposited with a district council in accordance with building regulations; and

(b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

the district council shall reject the plans unless they are satisfied after consultation with—

(i) the fire authority; and

(ii) in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, the licensing authority under that Act (if not the fire authority); 1928 c. 32.

that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions, specified in their consent, with

PART V
—cont.

respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

- (a) construction of the vehicular approaches;
- (b) means of access for fire brigade appliances and personnel;
- (c) means of ingress and egress, including the provision of appropriate signs;
- (d) means of ventilation;
- (e) safety of electrical, mechanical and heating equipment;
- (f) provision of an emergency lighting system;
- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

(4) If the district council consent to the construction, extension or alteration of a building subject to compliance with conditions with respect to any of the matters specified in subsection (3) above, they may impose a requirement that the building shall not be used for the parking of vehicles until the conditions have been complied with.

(5) Section 64 (2) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were contained in that Act.

(6) Any person aggrieved by the action of the district council under subsection (2) or (4) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

(7) If any conditions, subject to compliance with which plans have been passed under subsection (2) above are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit its use for the parking of vehicles until those conditions have been complied with.

(8) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;

- (b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

PART V
—cont.

they may, for the purpose of preventing or reducing danger from fire or other danger to life, by notice to the owner or occupier of the parking place, require compliance with—

- (i) such conditions with respect to any of those matters as may be specified in the notice; and
- (ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(9) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (8) above as if—

- (a) this section were contained in that Act;
- (b) for the reference in section 290 of the Act of 1936 to the court there were substituted reference to the Secretary of State; and
- (c) in subsection (6) of the said section 290 the words from “and without prejudice” to the end were omitted.

(10) Any person, on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(11) Any person, on whom notice is served under subsection (8) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) 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 fire authority as well as a district council to enforce.

PART V
—cont.
1928 c. 32.

(13) (a) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force, or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.

(b) Subject to paragraph (a) above, where plans in respect of any building have been passed subject to compliance with conditions specified under this section, no condition shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which is incompatible with the conditions so specified.

Entry to
premises used
for public
entertainment.
1890 c. 59.

24.—(1) A police constable, may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used for purposes for which a licence is required, or has been granted, under section 51 of the Public Health Acts Amendment Act 1890 for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of that section or of any term or condition on which a licence for those premises has been granted under that section.

(2) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to premises by police constables for the purposes of this section as they apply to entry to premises by authorised officers for the purposes of subsection (1) of that section.

(3) This section shall cease to have effect on 1st January 1983.

PART VI

FIRE PRECAUTIONS

Access for
fire brigade.

25.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show—

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

PART VI
—cont.

(3) Section 64 (2) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were contained in that Act.

(4) A person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

26.—(1) In this section “electrical installation” means any electrical wiring or fittings installed in a house, not being electrical wiring or fittings belonging to the North Western Electricity Board. Defective electrical installations in houses.

(2) Where it appears to the proper officer of a district council that, by reason of any defect in any electrical installation in any occupied house which is let for human habitation, or in any part of a building so let and occupied as a separate dwelling in a district, that house or, as the case may be, that part of the building is in such a state as to be dangerous, the district council may, by notice, require the owner of the house or building to carry out such work as shall be necessary to remedy the defect.

(3) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section as if—

(a) this section were contained in that Act; and

(b) among the grounds upon which an appeal may be brought under section 290 (3) of the Act of 1936 there were added that it is not reasonably practicable to comply with the notice, or that, having regard to the period during which the house or part of the building is likely to continue to be used for human habitation, it is unreasonable to require the execution of the work.

PART VI
—*cont.*

(4) This section shall not apply to a house which has been declared to be unfit for human habitation.

**Oil-burning
equipment.**

27.—(1) In this section—

“oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burners, 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, but does not include—

(a) any such equipment if the tank storage to supply oil to the boiler has a total capacity not exceeding 3,500 litres; or

(b) any such equipment for generating electricity forming part of a generating station of the Central Electricity Generating Board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957;

1957 c. 48.

“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;

and references to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(2) (a) The county council may make byelaws applicable in any district or part thereof for securing that arrangements are made for preventing or reducing danger from fire arising in connection with oil-burning equipment installed or placed in any building, or on any land, in the area to which the byelaws apply.

(b) Without prejudice to the generality of paragraph (a) above, byelaws made under this subsection may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(c) In relation to byelaws made under this subsection, section 236 of the Act of 1972 (procedure for making and confirming byelaws)

shall have effect as if in subsection (7), after "confirm" where it secondly occurs, there were inserted "or confirm with modifications".

PART VI
—cont.

(d) If the Secretary of State, on considering byelaws submitted under section 236 of the Act of 1972 as having effect in accordance with paragraph (c) above, proposes to make a modification which appears to him to be substantial, he shall inform the county council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification, and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the county council and by other persons who have been informed of it.

(3) As from the appointed day in any district, being a day not earlier than the day on which byelaws made under subsection (2) above come into operation in the district, any person intending to install or place oil-burning equipment in any building, or on any land, in the area of the district to which the byelaws apply shall give to the district council not less than 14 days' notice of his intention to do so.

(4) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and approved by, the district council shall, for the purposes only of this section, be deemed to comply with the appropriate specification for such equipment prescribed in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the district council do not, within 8 weeks after the submission of plans and specifications for any oil-burning equipment under this subsection, notify the person who submitted the plans and specifications of their disapproval of the said plans and specifications stating the reasons for their disapproval, they shall be deemed to have approved them.

(5) (a) If, on an application made by a person proposing to install or place oil-burning equipment in any building, or on any land, in their district, for waiver of the specification for such equipment prescribed in the byelaws the district council, after consultation with the county council, are satisfied that proper arrangements will be made for preventing or reducing danger from fire arising in connection with the equipment, they may dispense with, or relax, the requirements of the byelaws and approve the installation or the placing of the equipment notwithstanding that it does not comply with the specification for such equipment prescribed in the byelaws.

PART VI
—*cont.*

(b) If the district council do not, within 8 weeks after the making of an application under this subsection, or such longer period as the applicant may in writing allow, notify him of their approval of the application, they shall be deemed to have disapproved it.

(6) (a) Any person aggrieved by—

- (i) the withholding by the district council of their approval to the installation or placing of oil-burning equipment under subsection (4) above; or
- (ii) the disapproval by the district council of an application made under subsection (5) above;

may, within 21 days after the receipt of notification of the disapproval or, as the case may be, the expiration of the period of 8 weeks specified in subsection (5) (b) above, appeal to the Secretary of State stating the grounds of his appeal; and the appellant shall at the same time serve on the district council and the county council a copy of that statement.

(b) Where an appeal is brought under this subsection the Secretary of State shall take into account any representations made by the appellant, the district council and the county council within 21 days after the date of the notice of appeal, and may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(c) Except for the purposes of this subsection, the decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the district council given under subsection (4) (a) or, as the case may be, subsection (5) (a) above.

(7) Any person who installs oil-burning equipment in any building, or on any land, in the area to which byelaws made under subsection (2) above apply without giving such notice as may be required under subsection (3) above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(8) (a) Any person who contravenes any byelaw made under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(b) In any proceedings for an offence under this subsection it shall be a defence to show that the contravention occurred by reason of the installation or placing of equipment in accordance with any approval given by the district council under subsection (4) or (5) above.

(9) Nothing in this section shall apply to the installation of oil-burning equipment in any building in respect of which a licence under the Theatres Act 1968 or the Cinematograph Acts 1909 and 1952 is for the time being in force.

28.—(1) In its application in a district section 60 of the Act of 1936 (means of escape from fire in certain buildings) shall have effect as if—

PART VI
—cont.

(a) in subsection (1), for the words “ twenty feet ” there were substituted the words “ 4.5 metres ”;

Means of
escape from
fire in certain
buildings.

(b) for subsection (4) there were substituted the following:—

“ (4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than 4.5 metres above the surface of the street or ground on any side of the building and which—

(a) is let in flats or tenement dwellings; or

(b) is used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children’s home or similar institution; or

(c) is used as a restaurant, shop, store or warehouse and has on any upper floor sleeping accommodation for persons employed on the premises.”.

(2) (a) A district council may by notice require the person having control of a building to which the said section 60, as having effect in accordance with subsection (1) above, 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 £200.

(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 material 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;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made.

(3) Before giving any notice under subsection (2) above a district council shall consult the fire authority.

(4) Section 60 of the Act of 1936, as having effect in accordance with subsection (1) above, and subsection (2) above shall not apply to—

(a) any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

PART VI
—cont.

1971 c. 40.

- (b) any premises to which section 9A of the Fire Precautions Act 1971 applies.

Buildings
used for
storage of
flammable
substances.

29.—(1) This section applies to the storage of any highly flammable substance being a substance which, when tested by a method approved by the Secretary of State, gives off a flammable vapour at a temperature less than 27 degrees Celsius, other than—

1928 c. 32.

- (a) petroleum spirit as defined in the Petroleum (Consolidation) Act 1928;

- (b) any substance to which section 1 or 2 of that Act for the time being applies;

1922 c. 35.

- (c) celluloid or cinematograph film as defined in the Celluloid and Cinematograph Film Act 1922;

- (d) anything contained in a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas by the British Gas Corporation; and

- (e) substances stored in separate glass, earthenware or metal vessels, in good condition and securely closed or stoppered, containing not more than one half litre each, where the aggregate quantity of all such substances stored in any building does not exceed 14 litres.

(2) If the county council are of opinion that any highly flammable substance to the storage of which this section applies is stored in a building in the county and that the storage is of such a quantity and of such a kind as to constitute a fire hazard to persons residing or working in, or resorting to, the building, they may, by notice to the occupier of the building, or of any part of it in which the substance is stored require him—

- (a) to discontinue, after such date as shall be specified in the notice, the whole or part, as shall be so specified, of the storage constituting the hazard; or

- (b) if the storage is not to be wholly discontinued, to do within such reasonable time as may be specified in the notice one or more of the following things:—

(i) install such fire alarms and fire-fighting appliances as may be so specified;

(ii) provide such means of escape in case of fire as may be so specified;

(iii) put up such notices indicating the danger from fire as may be so specified.

(3) An occupier shall not be required under subsection (2) (b) (ii) above to make any structural alteration of a building for the purpose of providing means of escape in case of fire—

- (a) other than an alteration which might have been required under building regulations if at the time of the notice plans of the building were deposited in accordance with those regulations;
- (b) subject to subsection (4) below, in breach of any covenant or obligation relating to the building unless the person entitled to enforce the covenant or obligation consents to the alteration.

(4) (a) If it appears to the Secretary of State, on a representation made by any person, that compliance with any requirement of a notice served under subsection (2) (b) (ii) above would involve a breach of a covenant or obligation relating to the building, he shall direct that the occupier be not required to comply with that requirement until—

- (i) the Secretary of State has given the person entitled to enforce the covenant or obligation, and the occupier, an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
- (ii) the Secretary of State has made an order under paragraph (b) below.

(b) After considering the report of the person appointed under paragraph (a) above, the Secretary of State shall make an order either confirming the requirement with or without modification or quashing it, and where he confirms it the occupier shall thereupon be liable to comply with the requirement or, as the case may be, the requirement as modified.

(5) A person served with a notice under subsection (2) above may appeal to the Secretary of State on any of the following grounds:—

- (a) that the requirement is not justified by the terms of this section;
- (b) that there has been some informality, defect or error in or in connection with the notice;
- (c) that the county council have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are unreasonable in character or extent;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;

PART VI
—cont.

- (e) that the owner of the building, or any other person having an interest therein, should contribute towards the cost of the execution of the works;

and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the county council against which the appeal is made.

(6) The county council shall, as soon as a person has complied with a notice served under subsection (2) above, issue to him a certificate of compliance.

(7) The certificate issued under subsection (6) above shall, except where the storage constituting the fire hazard is wholly discontinued, be a licence to constitute a fire hazard by the storage, in the building or part of the building to which the certificate relates, of substances of such a kind and in such quantity and stored in such a manner as shall be stated in the certificate.

(8) If, while a certificate is in force in respect of a building or part of a building, the occupier applies to the county council for an alteration of the certificate, the council may amend the certificate, and, if they refuse the application in whole or in part, the applicant may appeal to the Secretary of State, and the Secretary of State may allow the appeal in whole or in part or reject it. If he allows the appeal he shall give such directions for the amendment of the certificate as he considers appropriate.

(9) A person who—

- (a) contravenes a notice under subsection (2) above, in its original form or, as the case may be, a notice under subsection (2) (b) (ii) above as modified by the Secretary of State under subsection (4) above; or
- (b) stores anything in a building or part of a building in contravention of the terms of a certificate then in force in respect of the building; or
- (c) refuses to permit a person to comply with a notice served under subsection (2) above, in its original form or, as the case may be, a notice under subsection (2) (b) (ii) above as modified by the Secretary of State under subsection (4) above; or
- (d) contravenes directions given by the Secretary of State under subsection (8) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(10) In this section references to a building are references to the building and its curtilage.

(11) The county council shall not serve a notice under subsection (2) above in respect of a building or part of a building—

PART VI
—cont.

(a) put to a use in respect of which a fire certificate is required under the Fire Precautions Act 1971; or

1971 c. 40.

(b) in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

30.—(1) This section applies to any substance likely to involve special hazard to persons engaged in operations for the purposes of extinguishing fire and the protection of life and property in case of fire.

Prescription
of signs to
be used on
certain
buildings.

(2) The fire authority may prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State indicating the nature of any substance to which this section applies.

(3) The fire authority may, by notice, require the occupier of any part of a building used for the manufacture or storage of any such 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 prescribed under subsection (2) above.

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(5) (a) Nothing in this section shall authorise the fire authority to require any electricity undertakers to affix on any building or part of a building on operational land (as defined in section 222 of the Act of 1971) any sign, symbol or notice without the consent of those undertakers, which consent shall not be unreasonably withheld.

(b) Any question whether a consent required by this subsection has been unreasonably withheld shall be determined by the Secretary of State.

PART VII

STORAGE OF FLAMMABLE MATERIAL

31.—(1) For the purposes of this Part—

Interpretation
of Part VII.

(a) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;

PART VII
—cont.

- (b) two or more stacks shall be treated as one stack if—
- (i) the space between them does not allow free passage between them or is at any point less than one metre wide; or
 - (ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

- (a) it is unobstructed; and
- (b) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

**Stacks to
which this
Part applies.**

32.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—

- (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and
- (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

(2) The materials referred to in subsection (1) (a) above are—

- (a) paper or cardboard;
- (b) plastics;
- (c) rags;
- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (b) above are—

- (a) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—
 - (i) 3 metres in height;
 - (ii) 50 cubic metres in capacity;
- (b) for stacks of any materials, not being a stack specified in paragraph (c) or (d) below, if the conditions specified in subsection (4) below are fulfilled—
 - (i) 5 metres in height;
 - (ii) 450 cubic metres in capacity;
 - (iii) 20 metres in any horizontal dimension;
 - (iv) 235 square metres in any horizontal section;

- (c) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—
- (i) 5 metres in height;
 - (ii) 750 cubic metres in capacity;
 - (iii) 20 metres in any horizontal dimension;
 - (iv) 235 square metres in any horizontal section;
- (d) for stacks consisting wholly of wood, if the conditions specified in subsection (4) below are fulfilled—
- (i) 10 metres in height;
 - (ii) 1,370 cubic metres in capacity;
 - (iii) 20 metres in any horizontal dimension;
 - (iv) 235 square metres in any horizontal section.
- (4) The conditions referred to in subsection (3) above are—
- (a) there is no other stack to which this Part applies within 4 metres;
 - (b) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;
 - (c) no street is within 5 metres;
 - (d) none of the following is on the same premises and within 6 metres, namely:—
 - (i) a furnace or incinerator;
 - (ii) a building;
 - (iii) any compressed flammable gas, including liquid gas and gas dissolved in liquid under pressure;
 - (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.
- (5) A stack is not one to which this Part applies if—
- (a) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and it is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or

PART VII
—*cont.*

- (b) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock or quay; or
- (c) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for purposes of, or in connection with, their undertaking; or
- (d) it forms the load or part of the load of a railway waggon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a waggon, vehicle or trailer.

**Unlawful
stacks.**

33.—(1) Subject to subsection (2) of section 37 (Transitional provisions for Part VII) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

(2) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire fighting, including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent under this section to the stacking of materials the county council are satisfied that, by reason of those materials the stack does not create fire risks, the county council shall give their consent unconditionally.

(3) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted on the premises) as the county council may, within 28 days from the date on which the application is made, reasonably require.

(4) Where an application has been made to the county council for their consent under this section and the council have failed, within 8 weeks, or such longer period as the applicant may allow,

after the application was made, to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

PART VII
—cont.

(5) Where the county council have given a consent under this section to the stacking of materials on any premises—

(a) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

(b) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

34. A person aggrieved by the county council's refusal of Part VII consent, or by any condition imposed on such a consent under appeals. section 33 (Unlawful stacks) of this Act, may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

35. The power to enter premises conferred upon duly authorised Powers of officers of the county council for the purposes of this Part by entry for section 287 of the Act of 1936 as applied by this Act shall include Part VII. power to take samples for analysis from any stack on the premises.

36. Where a stack is on any premises in contravention of Offences subsection (1) of section 33 (Unlawful stacks) of this Act the under owner of the stack and the occupier of the premises shall be Part VII guilty of an offence and liable on summary conviction to a fine not exceeding £500.

PART VII
—*cont.*
Transitional
provisions for
Part VII.

37.—(1) Where under subsection (5) of section 33 (Unlawful stacks) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 33 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State.

PART VIII

TAKE-AWAY CAFÉS

Interpretation
of Part VIII.

38. In this Part—

“the district” means the district of Allerdale;

“the district council” means the Allerdale District Council;

“take-away café” means, subject to section 44 (Exemption of premises) of this Act, any premises in the district which are kept open or used for the supply to the public of refreshments at any time between the hours of 11.30 p.m. and 5.00 a.m. for consumption exclusively off the premises.

Prohibition of
unregistered
take-away
cafés.

39. As from the appointed day in the district, any person, being the owner or occupier, or a person concerned in the conduct or management, of premises in the district, who—

(a) uses or permits the use of those premises as a take-away café when they are not registered under this Part; or

(b) contravenes, or permits the contravention of, a condition imposed on registration of the premises under this Part;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Offences in
connection
with take-
away cafés.

40. If a take-away café is habitually used for an unlawful purpose, or as a resort of criminals or prostitutes, any person

concerned in the conduct or management of the take-away café, who knows that the premises are so used and does not take such steps as may be necessary to prevent that use shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

PART VIII
—cont.

41.—(1) Application for registration or the renewal of registration of premises under this Part shall be made in writing to the district council by the owner or occupier of the premises, stating—

Application
for
registration.

- (a) the name and address of the applicant;
- (b) the address or situation of the premises to which the application relates; and
- (c) such other information regarding the premises, the persons concerned or intended to be concerned in the conduct or management thereof, and the manner in which the premises are to be used, as the district council may reasonably require.

(2) No fee shall be payable to the district council on an application for registration or for the renewal of registration of premises under this Part.

42.—(1) On application for the registration or the renewal of registration of premises for use as a take-away café under this Part the district council—

Registration
of take-away
cafés.

- (a) may refuse to register or renew the registration of the premises if they are satisfied that it is reasonable to do so, having regard to all the circumstances, on the ground that the intended use of the premises is likely to cause nuisance; and
- (b) shall refuse to register or renew the registration of the premises if they are satisfied that a disqualification order is for the time being in force under section 100 of the Licensing Act 1964 or under section 11 of the Late 1964 c. 26. Night Refreshment Houses Act 1969 in respect of the 1969 c. 53. premises or of any person concerned or intended to be concerned in the conduct or management thereof.

(2) The district council may, on registering or renewing the registration of premises under this Part, impose such conditions as may be reasonable, having regard to all the circumstances, as to—

- (a) the prevention of nuisance and the provision, maintenance and clearance of litter bins; and
- (b) the hours of opening and closing the premises.

PART VIII
—cont.

(3) The district council may at any time revoke a registration under this Part on any ground upon which, by subsection (1) above, they are authorised or required to refuse to register or renew the registration of the premises, or if they are satisfied that a condition imposed under subsection (2) above has not been complied with.

(4) Before refusing to register or renew the registration of premises under this Part, revoking a registration, or imposing any condition on a registration or renewal of a registration, the district council shall give to the person applying for registration or renewal of registration, or, in the case of a revocation, the person in whose name the premises are registered, an opportunity of appearing before and of being heard by a committee or sub-committee of the council and, if so required by him, the council shall within 7 days after their decision give him notice thereof containing a statement of the grounds upon which it was based.

(5) Registration under this section shall, unless revoked, remain in force for such period, not exceeding 13 months, as may be fixed by the district council on the grant of the registration or renewal thereof.

Part VIII
appeals.

43.—(1) A person aggrieved by a refusal to register or to renew a registration of premises under this Part, or by the revocation thereof, or any condition imposed thereon, may, not later than 21 days after the day on which notice is given to him under subsection (4) of section 42 (Registration of take-away cafés) of this Act, appeal to a magistrates' court.

(2) On any such appeal the court may by order—

(a) confirm or set aside such refusal or revocation and, on setting aside a refusal or revocation, impose any condition which the district council would have been entitled to impose; or

(b) confirm, vary or set aside any condition imposed on the registration;

and make directions for giving effect to its decision:

Provided that, where conditions have been imposed on a registration by the district council, the court shall not vary any such condition so as to make the conditions more onerous than those imposed by the district council.

Exemption of
premises.

44.—(1) Nothing in this Part shall apply to—

(a) premises in respect of which there is in force for the time being a justices' on licence as defined in section 1 (2)

of the Licensing Act 1964, or a Part IV licence as defined in section 93 of that Act; PART VIII
—cont.

- (b) premises while in use wholly or mainly for any purpose authorised by a licence under section 51 of the Public Health Acts Amendment Act 1890 or the Private Places of Entertainment (Licensing) Act 1967, or a licence for the public performance of stage plays or a cinematograph exhibition; 1964 c. 26.
1890 c. 59.
1967 c. 19.
- (c) premises kept open wholly or mainly in the course of carrying on the business of an hotel or boarding house keeper providing sleeping accommodation for members of the public as guests;
- (d) premises used exclusively as a canteen forming part of a factory, office or dock which is subject to any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974; or 1974 c. 37.
- (e) premises at a railway station used as a refreshment room managed by, and under the direct control of, the British Railways Board or any subsidiary (within the meaning of section 154 of the Companies Act 1948) of the board. 1948 c. 38.

(2) Notwithstanding the provisions of this Part, it shall be lawful for any person who—

- (a) immediately before the appointed day was using any premises as a take-away café and had before that day duly applied for the registration of those premises for that purpose; or
- (b) before the expiration of the period of registration of any premises for use as a take-away café had duly applied for the renewal of that registration;

to continue that use of the premises 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 60 (Suspension of proceedings pending appeal) of this Act; and, in the case of an applicant for the renewal of registration mentioned in paragraph (b) above, the registration shall be deemed to remain in force notwithstanding the expiration of the period of registration until he is so informed.

(3) (a) The district council may by resolution—

- (i) exempt from this Part premises of a class or description specified in the resolution, from a date so specified; and
- (ii) remove that exemption, in whole or as respects premises of a class or description so specified.

PART VIII
—cont.

(b) Subsections (2) and (3) of section 3 (Appointed day) of this Act shall, with any necessary modifications, apply in respect of a resolution made under this subsection and any date specified by the resolution.

(4) Notwithstanding the provisions of this Part, it shall be lawful for any person who was using any premises as a take-away café immediately before the date specified in a resolution under subsection (3) (a) (ii) above for the removal of an exemption affecting those premises, and had before that date duly applied for registration of those premises for that purpose, to continue that use of the premises until he is informed of the decision with regard to his application.

PART IX

FINANCE AND MISCELLANEOUS

Rates in respect of certain hereditaments owned by rating authority. 1967 c. 9.

45.—(1) Where a district council own any such hereditament as is referred to in section 56 of the General Rate Act 1967 (hereditaments for which rent is payable at intervals shorter than quarterly), they may, by resolution, determine that—

(a) they will undertake all or any of the obligations in respect of that hereditament which the owner may under that section undertake by agreement with the rating authority; and

(b) the amount of the general rate payable in respect of that hereditament shall be abated by such an amount as may under that section be allowed to the owner in any such agreement in respect of any such undertaking given by him.

(2) A resolution under subsection (1) above may be varied or rescinded by a subsequent resolution.

Payment of rates by direct debit.

46. A district council may allow discounts on the amount due in respect of any rate payable to them where the person liable to pay any such amount authorises payment of the net amount payable directly out of a banking or similar account on or before such date as the district council may specify:

Provided that such discounts shall be at the same rate under like circumstances to all persons and shall not in any case exceed 5 per cent. of the amount due.

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

47. Any market carried on by a district council within their district which was not established or acquired under section 49 of the Food and Drugs Act 1955 or any of the enactments mentioned in subsection (2) of that section shall be deemed to have been acquired by the district council under the said section 49.

PART X

PROVISIONS APPLICABLE ONLY TO PART OF CUMBRIA

South Lakeland

48. The South Lakeland District Council may make byelaws prescribing—

Pleasure boats:
Lake
Windermere.

(a) the classes of pleasure boats and pleasure vessels; and

(b) the number of such boats and vessels of any such class;

which may be licensed under section 94 of the Public Health Acts Amendment Act 1907 to be let for hire, or to be used for the carrying of passengers for hire, on Lake Windermere. 1907 c. 53.

49.—(1) In this section—

Bellman
Landing, Lake
Windermere.

“Bellman Landing” means the area of land on the eastern shore of Lake Windermere known as Bellman Landing in the parish of Windermere in the district of South Lakeland registered as common land (Register Unit CL145) in the register maintained by the county council under the Commons Registration Act 1965, being the land shown coloured green on the plan marked “Cumbria: Bellman Landing, Lake Windermere” one copy of which was, on or before 20th November 1980, deposited in the office of the Clerk of the Parliaments in the House of Lords, one in the Private Bill Office of the House of Commons and one in the office of the Secretary of the District Council; 1965 c. 64.

“boat” means every description of water craft and includes an amphibious vehicle;

“the District Council” means the South Lakeland District Council;

“the 1804 award” means the grant and confirmation of enclosure by the Special Court Baron and Customary of the Manor of Undermilbeck in the Barony of Kendal dated 17th August 1804 whereunder there was reserved—

(a) through and in Bellman Landing and adjoining land a public right of passage and way; and

(b) the public use of Bellman Landing for the laying of timber, stone, coal and other commodities for the purpose of importing or exporting the same up, down or across Lake Windermere.

(2) As from the appointed day, except as provided in subsection (3) below—

(a) no public rights over Bellman Landing, whether of passage or way or for the storage or loading or unloading of materials or commodities, conferred under the 1804 award or by custom, or in exercise of

PART X
—cont.

any purported right of navigation or otherwise, shall be exercised by any person bringing on to Bellman Landing any boat; and

- (b) Bellman Landing shall not be used as a public launching or landing place, or be subject to any public rights for the launching or landing of boats, or be used for the storage or loading or unloading of materials or commodities.

(3) The management, regulation and control of Bellman Landing shall continue to be vested in the District Council who may permit boats of such classes as they think fit to be launched from, or landed on, Bellman Landing, or to be brought on to Bellman Landing, whether for launching or otherwise.

(4) Any permission granted by the District Council under subsection (3) above may be granted subject to such conditions as they think fit.

(5) The District Council may make byelaws for the regulation after the appointed day of the exercise of public rights in Bellman Landing (including the exercise of rights under a permission granted by the District Council under subsection (3) above), being byelaws—

- (a) for prohibiting the launching or landing of boats except in accordance with such a permission;
- (b) for prohibiting or regulating the bringing on to Bellman Landing, or permitting to remain thereon, of any vehicle, bicycle, tricycle or similar machine, or any caravan;
- (c) for prohibiting or regulating camping on Bellman Landing and the erection of tents thereon;
- (d) for prohibiting or regulating any act or thing tending to the damage or disfigurement of Bellman Landing; and
- (e) generally for the preservation of order and for securing that persons resorting to Bellman Landing will so behave themselves as to avoid undue interference with the enjoyment thereof by other persons.

(6) Nothing in this section shall affect public rights of passage or way under the 1804 award over any land other than Bellman Landing.

Copeland

Whitehaven
Harbour:
differential
rating.
1925 c. 90.

50.—(1) On and from 1st April 1983 the scheme made by the Whitehaven Corporation on 27th July 1927 and approved, subject to modification, on 9th May 1928 under section 64 (2) of the Rating and Valuation Act 1925 shall cease to have effect.

PART X
—cont.

(2) In the year ending 31st March 1984 and in each following financial year, the portion of the general rate poundage which is attributable to the rate-borne expenditure of the Copeland Borough Council due on the rateable value of the hereditaments within the existing limits of the harbour of Whitehaven referred to in article 27 of the Borough and Harbour of Whitehaven Scheme 1894, so long as those hereditaments are occupied by the Whitehaven Harbour Commissioners as harbour authority for the said harbour, shall be reduced by 65 per cent.

Order in
Council 18988.

(3) The sum allowed in each year by way of reduction of the general rate under subsection (2) above shall, as between the county council and the Copeland Borough Council, be borne by the borough council.

Barrow-in-Furness

51. Notwithstanding the repeal by this Act of section 6 of the Barrow-in-Furness Corporation Act 1925, the Barrow-in-Furness Borough Council shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930.

Barrow-in-Furness
transport
undertaking.
1925 c. cvii.
1930 c. 43.

52.—(1) Notwithstanding the provisions of sections 6 (8) and 18 of the Barrow-in-Furness Corporation Act 1904 the county council shall not be required to open the bridge across the Walney Channel in the borough of Barrow-in-Furness (Jubilee Bridge) for the purpose of providing passage for the navigation of vessels at any time between the beginning of November in any year and the end of the next following April, or at any time other than one referred to in subsection (2) below in the period between the beginning of May and the end of October in any year.

Jubilee
Bridge,
Barrow.
1904 c. ci.

(2) Except as may be otherwise agreed in writing between the county council and the Royal Yachting Association or any similar body appearing to the county council to represent the interests of persons using Walney Channel for sailing or other recreations, the times in the period between the beginning of May and the end of October in any year at which the county council may be required so to open Jubilee Bridge are—

(a) except as provided in paragraph (b) below, any time between the beginning of two hours before high water next occurring after 1859 hours on Friday in any week

PART X
—cont.

and the expiration of two hours after high water last occurring before—

(i) 0301 hours on the next following Monday unless that day is a bank holiday;

(ii) where the said next following Monday is a bank holiday other than the Spring Bank Holiday, 0301 hours on the next following Tuesday; and

(iii) where the said next following Monday is the Spring Bank Holiday, 0301 hours on the Monday next following that holiday; and

(b) any time between the beginning of two hours before high water next occurring after 1859 hours on the Friday last preceding the fortnight designated as Vickers Annual Holiday and the expiration of two hours after high water last occurring before 0301 hours on the Monday next following that fortnight;

all times so specified being Greenwich Mean Time, the times of high water being those shown as the times of high tide at Barrow Docks in the Tide Tables issued by the British Transport Docks Board for the ports of Barrow and Silloth, and the Spring Bank Holiday being the last Monday in May of any year or such other day as may be declared to be a bank holiday in that year in place of the last Monday in May.

1904 c. ci.

(3) Except as otherwise expressly provided by the Barrow-in-Furness Corporation Act 1904 and this section, nothing therein shall prejudice or affect the rights, powers and jurisdiction of the British Transport Docks Board in, or in connection with, any part of the Walney Channel and, if the Docks Board find it necessary for the purpose of controlling the regime of the Channel to carry out dredging operations in the Channel north of the bridge, they may, by giving not less than one week's notice that passage for the navigation of a vessel is required for that purpose, require the county council to open the bridge at or about the time stated in the notice as the intended time of passage.

(4) (a) Provision may be made by a scheme made by the county council and confirmed by the Secretary of State to modify subsections (1) and (2) above or any local statutory provision in force at the commencement of this Act relating to Jubilee Bridge.

1980 c. 66.

(b) Parts II and III of Schedule 1 to the Highways Act 1980 shall apply and have effect as to the making of a scheme under this subsection as if it were a scheme under section 106 (3) of that Act for the construction of a bridge; and section 107 (1) and (4) of that Act (consideration of requirements of navigation and application of special parliamentary procedure) shall apply to any such scheme as if it were a scheme for the construction of a bridge.

(5) This section shall have effect from 1st November 1982.

PART X
—cont.

Carlisle

53.—(1) A magistrates' court may, on a complaint made by the Carlisle City Council, and if satisfied that—

(a) a caravan is unlawfully stationed on land within that authority's area;

(b) the occupation of the caravan on that land is likely to cause prejudice to health or a nuisance; and

(c) accommodation for the caravan is available on other land within that authority's area and within the vicinity of such first-mentioned land;

Removal of
unlawfully
parked
caravans and
their
occupants.

make an order requiring any caravan (whether or not identified in the order) which is unlawfully stationed on the land to be removed together with any person residing in it.

(2) An order under this section may authorise the city council to take such steps as are reasonably necessary to ensure that the order is complied with and, in particular, may authorise that authority, by its officers and servants—

- (a) to enter upon the land specified in the order; and
- (b) to take, in relation to any caravan to be removed pursuant to the order, such steps for securing entry and rendering it suitable for removal as may be so specified.

(3) The city council shall not enter upon any occupied land in pursuance of the order unless they have given to the owner and occupier at least 24 hours' notice of their intention to do so, or unless after reasonable inquiries they are unable to ascertain their names and addresses.

(4) Where a complaint is made under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed—

- (a) to the occupant of a particular caravan stationed on the land in question; or
- (b) to all occupants of caravans stationed there;

without naming him or them.

(5) Where it is impracticable to serve such a summons on a person named in it, it shall be treated as duly served on him if a copy of it is fixed in a prominent place to the caravan concerned; and where such a summons is directed to the unnamed occupants of caravans it shall be treated as duly served on those occupants if a copy of it is fixed in a prominent place to every caravan stationed on the land in question at the time when service is thus effected.

PART X
—*cont.*

(6) The city council shall take such steps as may be reasonably practicable to secure that a copy of any such summons is displayed on the land in question (otherwise than by being fixed to a caravan) in a manner designed to ensure that it is likely to be seen by any person camping on the land.

(7) Notice of any such summons shall be given by the city council to the owner of the land in question and to any occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the owner or occupier; and the owner of any such land and any occupier of any such land shall be entitled to appear and to be heard in the proceedings.

1980 c. 43.

(8) Section 55 (2) of the Magistrates' Courts Act 1980 (warrant for arrest of defendant failing to appear) does not apply to proceedings on a complaint made under this section.

1968 c. 52.

(9) In this section "caravan" has the meaning given by section 16 of the Caravan Sites Act 1968.

(10) This section shall cease to have effect on 31st December 1984.

PART XI

GENERAL

Penalty for
obstruction.

54. Any person who intentionally obstructs any officer of a local authority acting in execution of this Act, or of any byelaws made thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Saving for
conduct of
business
or use of
premises.

55. Where under any provision of this Act the licence or consent of a local authority for the carrying on of any business or for the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who—

(a) immediately before that day was carrying on the business, or using any premises for the purpose; and

(b) had before that day duly applied for the licence or consent required by that provision;

to continue to carry on that business or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application, and if the decision is adverse, during such further time as is provided under section 60 (Suspension of proceedings pending appeal) of this Act.

56. A 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, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

PART XI
—cont.

Local
inquiries.

57. Where under this Act any question or difference is to be determined by arbitration, then, unless otherwise provided, the question or difference shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Arbitration.

58. Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

Appeals to
magistrates'
court.

59.—(1) On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

Appeals to
Secretary of
State.

(2) The provisions referred to in subsection (1) above are the following:—

In section 23 (Parking places: safety requirements), subsections (6) and (9);

In section 27 (Oil-burning equipment), subsection (6);

In section 29 (Buildings used for storage of flammable substances), subsection (5);

Section 34 (Part VII appeals);

In section 37 (Transitional provisions for Part VII), subsection (3).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and in the case of an appeal under the said section 34, may give directions for the granting of a consent unconditionally or subject to such conditions as the county council would have been entitled to impose under section 33 (Unlawful stacks) of this Act.

(4) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.

PART XI
—cont.

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

1925 c. 49.

(6) In this section “ decision ” includes a direction, and references to the giving of a decision shall be construed accordingly.

Suspension of proceedings pending appeal.

60. Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

then, until the time for appealing has expired or, if an appeal is lodged, until it 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 to take the action, nor shall the local authority themselves execute the work or take the action; and
- (ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

Restriction on right to prosecute.

61. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, a parish council or a police constable.

Liability of directors, etc.

62.—(1) Where an offence under this Act, or against any byelaw made under 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, a 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 the offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

63.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below, or any byelaw made under any such provision, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. Defence of due diligence.

(2) The provisions referred to in subsection (1) above are the following:—

Section 13 (Registration of hawkers of food and premises);

Section 18 (Byelaws as to camping grounds);

Section 22 (Touting, hawking, photographing, etc.);

Section 23 (Parking places: safety requirements);

Part VI (Fire precautions);

Part VII (Storage of flammable material);

Section 39 (Prohibition of unregistered take-away cafés);

Section 40 (Offences in connection with take-away cafés).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice giving such information as was then in his possession identifying, or assisting in the identification of, that other person.

64.—(1) The sections of the Act of 1936 mentioned in Schedule 1 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.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

Section 9 (Grass verges, etc.);

Section 13 (Registration of hawkers of food and premises);

PART XI
—cont.

Section 16 (Grease traps);

Section 17 (Artificial lighting in habitable rooms, etc.);

Section 18 (Byelaws as to camping grounds);

Section 23 (Parking places: safety requirements);

Part VI (Fire precautions);

Part VII (Storage of flammable material);

Section 53 (Removal of unlawfully parked caravans and their occupants):

Provided that, before entry on any operational railway line of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in a case of emergency, be given to that board; and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of the British Railways Board for the protection of their undertaking.

Crown rights.

65.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises a local authority to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

- (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; or
- (b) belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said Duchy; or
- (c) 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) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

(3) Nothing in this section shall prejudice or affect any statutory powers of a local authority 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.

PART XI
—cont.

1950 c. 39.

- 66.—(1) In the Health and Safety at Work etc. Act 1974—
- (a) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;
- (b) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

Saving for
Health and
Safety at
Work etc.
Act 1974.
1974 c. 37.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

Section 27 (Oil-burning equipment);

Section 29 (Buildings used for storage of flammable substances).

67. Subsection (2) of section 30 of the Fire Precautions Act 1971 (avoidance of duplication by local Act provisions) shall apply to this Act as if passed before the coming into operation of that subsection.

Saving for
Fire
Precautions
Act 1971.
1971 c. 40.

68.—(1) Section 262(9) of the Act of 1972 shall not apply to the proviso to section 4 of the Kendal Corporation Act 1907 so far as it relates to section 44 (Certain Lands set apart for Recreation, Sites of Public Buildings, &c.), section 45 (Serpentine Walks to be preserved for public Recreation) and section 48 (Public Rights to be provided for) of the Kendal Fell Act 1861, and Part II of the Schedule to the said Act of 1907 so far as it sets out the said sections 44, 45 and 48.

Provisions
continued.
1907 c. lxxxii.

1861 c. xxvi.

(2) The statutory provisions specified in Schedule 2 to this Act are provisions for the benefit of the British Railways Board excluded from repeal by section 69(2) of this Act but nothing in this subsection shall prejudice other persons who may derive benefit under those provisions.

PART XI
—cont.

Transitional
provisions,
savings and
repeals.

69.—(1) The transitional provisions and savings in Schedule 3 to this Act shall have effect.

(2) Subject to the provisions of the said Schedule 3 the statutory provisions specified in columns (1) and (2) of Schedule 4 to this Act are hereby repealed to the extent specified in column (3) of that Schedule.

(3) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(4) The inclusion in this Act of any express transitional provision or saving shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (effect of repeals).

1978 c. 30.

SCHEDULES

SCHEDULE 1

Section 64(1).

SECTIONS OF ACT OF 1936 APPLIED TO 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.
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be done.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

SCHEDULE 2

Section 68(2).

STATUTORY PROVISIONS FOR THE BENEFIT OF THE BRITISH RAILWAYS
BOARD EXCLUDED FROM REPEAL

Chapter (1)	Short title (2)	Provision excluded (3)
29 & 30 Vict. c. ccxlv.	In the Maryport Improvement and Harbour Act 1866.	Section 152.
44 & 45 Vict. c. cxxi.	In the Barrow-in-Furness Corporation Act 1881.	Section 77.
48 & 49 Vict. c. cxxv.	In the Whitehaven Town and Harbour (Incorporation) Act 1885.	Section 18.
50 & 51 Vict. c. xix.	In the Carlisle Corporation Act 1887.	Section 278.
62 & 63 Vict. c. cclx.	In the Workington Corporation Act 1899.	Sections 55 and 56.
1 Edw. 7. c. ccxviii.	In the Barrow-in-Furness Corporation Act 1901.	Section 19.
4 Edw. 7. c. ci.	In the Barrow-in-Furness Corporation Act 1904.	Section 60.
7 Edw. 7. c. lxxxviii.	In the Penrith Urban District Council Act 1907.	Sections 35 and 197.
24 & 25 Geo. 5. c. xxvi.	In the Workington Corporation Act 1934.	Section 17.
26 Geo. 5 & 1 Edw. 8. c. cxii.	In the Dalton-in-Furness Urban District Council Act 1936.	Section 31.

Section 69(1).

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

General provisions

1. In so far as anything done under a statutory provision in force in any area which is repealed by this Act could have been done under any provision of this Act or of any public general Act relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned provision.

2.—(1) Where any period of time specified in, or having effect in relation to, a statutory provision repealed by this Act is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if it were in force when that period began to run.

(2) References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between a statutory provision in force in any area which is repealed by this Act and any provision of this Act relating to the same matter in the same area, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

3. For the purpose of any provision of this Act specifying penalties for a second or subsequent offence, a previous conviction under a statutory provision repealed by this Act creating the like offence shall be taken as an offence under that provision of this Act.

4. The repeal by this Act of any statutory provision shall not affect the operation of any byelaw made under that provision if the byelaw is one which could be made under or by virtue of any corresponding provision of this Act or of a public general Act, and any such byelaw shall have effect as if made under that last-mentioned provision.

5. Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from the repeal, the repeal shall not affect the interpretation of the excepted provision.

Provisions affecting water authorities

1973 c. 37.

6.—(1) Notwithstanding the repeal by this Act of any statutory provision continued in force by or under the Water Act 1973 relating to functions exercisable by a water authority for the supply of water within their area—

(a) the water authority may continue and maintain all waterworks

authorised by that provision as if this Act had not been passed; and—

SCH. 3
—cont.

(i) for the purposes of section 3 of Schedule 3 to the Water Act 1945, the said waterworks shall be deemed to be authorised, and the lands on which those works are constructed shall be deemed to be specified, in an enactment which is for the time being in force; and 1945 c. 42.

(ii) for the purposes of section 36 of the Water Resources Act 1963, the said waterworks shall be deemed to be authorised by virtue of such an alternative statutory provision as is therein referred to; 1963 c. 38.

(b) the water authority may take any water which may be taken or intercepted by any of the said waterworks under and in accordance with any licences granted under Part IV of the Water Resources Act 1963 and expressed by reference to any provision so repealed.

(2) Notwithstanding the repeal by this Act of any statutory provision continued in force by the Water Act 1973 relating to any other functions exercisable by a water authority, the water authority may continue and maintain all works authorised by any such provision as if this Act had not been passed.

(3) Nothing in sub-paragraphs (1) and (2) above shall prejudice or affect any provision made, or which may be made, in any order under section 254 of the Act of 1972 as extended by section 34 of the Water Act 1973.

Section 69(2).

SCHEDULE 4
STATUTORY PROVISIONS REPEALED

PART I
LOCAL ENACTMENTS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
3 & 4 Vict. c. xlv (1840).	An Act for paving, cleansing, watching, and otherwise improving the Town of Workington in the County of Cumberland.	The whole Act except section 31.
29 & 30 Vict. c. ccxlv.	Maryport Improvement and Harbour Act 1866.	Sections 27 to 80, 125 to 150, 169 to 217 and 219.
31 & 32 Vict. c. civ.	Barrow-in-Furness Corporation Act 1868.	The whole Act except section 24 and Schedule 2.
35 & 36 Vict. c. cxiii.	Barrow-in-Furness Corporation Extension and Amendment Act 1872.	The whole Act except sections 9, 10 and 14 and the Schedule.
36 & 37 Vict. c. cx.	Barrow-in-Furness Corporation Act 1873.	The whole Act except sections 6 to 9, 13 and 22 and the Schedule.
36 & 37 Vict. c. clxxiii.	Carlisle Improvement Act 1873.	The whole Act except section 20.
37 & 38 Vict. c. cliv.	Ulverston Local Board Act 1874.	The whole Act except sections 19, 20, 83, 87, 101 and 102 and Schedule 1.
38 & 39 Vict. c. lxxxi.	Millom Gas and Water Act 1875.	Part III except the proviso to section 40.
38 & 39 Vict. c. cciv.	Barrow-in-Furness Corporation Act 1875.	The whole Act except sections 20 to 24, 28, 39 and 40 and Schedule 1.
39 & 40 Vict. c. cv.	Whitehaven Harbour and Town Improvement Act 1876.	Sections 43 to 47, 54, 55 and 60.
41 & 42 Vict. c. lxxiii.	Cockermouth and Workington Water Act 1878.	The whole Act except sections 8, 9 and 16 to 19.
41 & 42 Vict. c. cliii.	Maryport Improvement Act 1878.	The whole Act except sections 52 and 54.
42 & 43 Vict. c. clxxxv.	Whitehaven Town and Harbour Act 1879.	The whole Act except sections 36 to 38 and 40.
44 & 45 Vict. c. cxxi.	Barrow-in-Furness Corporation Act 1881.	The whole Act except sections 61, 62, 65 and 77.
48 & 49 Vict. c. cxxv.	Whitehaven Town and Harbour (Incorporation) Act 1885.	Sections 2, 3, 5, 7 to 10, 22 to 29, 30 to 32 and 77 and Schedule 1.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
50 & 51 Vict. c. xix. 57 & 58 Vict. c. xxxi. —	Carlisle Corporation Act 1887. Millom Local Board Act 1894. The Borough and Harbour of Whitehaven Scheme 1894 (Or- der in Council 18988).	The whole Act except sections 12 and 278. Part III except sections 11, 13 and 14. Articles 4, 5, 25, 30 and 31, Part I of Schedule 1 and Parts I and II of Schedule 2.
57 & 58 Vict. c. lxxviii. 58 & 59 Vict. c. xlv.	Kendal Corporation Gas and Water Act 1894. Ambleside Urban District Council (Gas and Water) Act 1895.	Sections 37, 38 and 49. Sections 30 and 49.
61 & 62 Vict. c. ccxxv.	Carlisle Corporation (Water) Act 1898.	The whole Act except sections 13, 21 to 25, 29, 30 and 48.
62 & 63 Vict. c. cc.	Whitehaven Corporation Act 1899.	The whole Act except sections 6, 10, 13 and 16.
62 & 63 Vict. c. cclx.	Workington Corporation Act 1899.	The whole Act except sections 21, 26 (4), 38, 40, 43 to 46, 53, 55 and 56 and Part II of Schedule 2.
1 Edw. 7. c. lvii.	Aspatria Silloth and District Water Act 1901.	Sections 27 and 28.
1 Edw. 7. c. ccxviii.	Barrow-in-Furness Corporation Act 1901.	The whole Act except sections 5, 8, 10, 18, 19, 21, 22, 26, 27 and 36 and Schedule 3.
4 Edw. 7. c. ci.	Barrow-in-Furness Corporation Act 1904.	The whole Act except sections 5 to 9, 11 to 18, 60 and 64.
4 Edw. 7. c. ccxlv.	Carlisle Corporation Act 1904.	The whole Act.
6 Edw. 7. c. xii.	Carlisle Corporation Act 1906.	The whole Act.
7 Edw. 7. c. xxvii.	Keswick Urban District Council (Water) Act 1907.	The whole Act except section 18.
7 Edw. 7. c. lxxxii.	Kendal Corporation Act 1907.	The whole Act except the proviso to sec- tion 4, Part I of the Schedule and Part II of the Schedule so far as it sets out sections 44, 45 and 48 of the Kendal Fell Act 1861.
7 Edw. 7. c. lxxxviii.	Penrith Urban District Council Act 1907.	The whole Act except sections 6, 8, 9, 17, 35, 36, 44, 67, 69 and 197 and Schedule 1.

SCH. 4
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
2 & 3 Geo. 5. c. xvi.	Egremont Urban District Water Act 1912.	The whole Act except sections 11, 13 to 16, 24, 25 and 29.
15 & 16 Geo. 5. c. cvii.	Barrow-in-Furness Corporation Act 1925.	The whole Act except section 61.
24 & 25 Geo. 5. c. xxvi.	Workington Corporation Act 1934.	The whole Act except sections 6, 9, 15 and 17.
26 Geo. 5 & 1 Edw. 8. c. cxii.	Dalton-in-Furness Urban District Council Act 1936.	The whole Act except sections 15 and 31 and the Schedule.
1 & 2 Geo. 6. c. xciv.	Lancashire County Council (Rivers Board and General Powers) Act 1938.	The whole Act so far as applying to the county except section 100.
11 & 12 Geo. 6. c. xliii.	Cumberland County Council Act 1948.	The whole Act.
11 & 12 Geo. 6. c. lii.	West Riding County Council (General Powers) Act 1948.	The whole Act so far as applying to the county.
14 Geo. 6. c. xix.	Carlisle Extension Act 1950.	The whole Act.
14 & 15 Geo. 6. c. xxxv.	Lancashire County Council (General Powers) Act 1951.	The whole Act so far as applying to the county.
14 & 15 Geo. 6. c. xliii.	West Riding County Council (General Powers) Act 1951.	The whole Act so far as applying to the county.
8 & 9 Eliz. 2. c. xxxiii.	Lancashire County Council (Industrial Development etc.) Act 1960.	The whole Act so far as applying to the county.
9 & 10 Eliz. 2. c. xiv.	Lancashire Quarter Sessions Act 1961.	The whole Act so far as applying to the county.
1964 c. xxxiv.	Cumberland County Council Act 1964.	The whole Act.
1964 c. xxxix.	West Riding County Council (General Powers) Act 1964.	The whole Act so far as applying to the county.
1968 c. xxix.	Lancashire County Council (General Powers) Act 1968.	The whole Act so far as applying to the county.
1970 c. xxv.	West Riding County Council Act 1970.	The whole Act so far as applying to the county.
1970 c. xlv.	Cumberland County Council Act 1970.	The whole Act except section 20 and so much of section 21(1) as relates to that section.
1971 c. xxxii.	Lancashire County Council (General Powers) Act 1971.	The whole Act so far as applying to the county.

PART II

OTHER PROVISIONS

SCH. 4
—cont.

Chapter and S.I. number (1)	Short title (2)	Extent of repeal (3)
31 & 32 Vict. c. lxxxiv.	Local Government Act 1868 (No. 2).	The Order relating to Kendal.
31 & 32 Vict. c. cliii.	Local Government Act 1868 (No. 6).	The Order relating to Keswick.
32 & 33 Vict. c. cxxiv.	Local Government Supplemental Act 1869.	The Order relating to Bowness.
38 & 39 Vict. c. lxxv.	Local Government Board's Provisional Orders Confirma- tion Act 1875 (No. 2).	The Order relating to Cleator Moor.
39 & 40 Vict. c. xiii.	Local Government Board's Provisional Orders Confirma- tion (Arundel, &c.) Act 1876.	The Order relating to Carlisle.
39 & 40 Vict. c. ccii.	Local Government Board's Provisional Orders Confirma- tion (Birmingham, &c.) Act 1876.	The Order relating to Keswick.
41 & 42 Vict. c. xxxvii.	Local Government Board's Provisional Orders Confirma- tion (Abington, &c.) Act 1878.	The Order relating to Dalton-in-Furness.
41 & 42 Vict. c. clxii.	Local Government Board's Provisional Orders Confirma- tion (Bournemouth, &c.) Act 1878.	The Order relating to Workington.
43 & 44 Vict. c. lxxxvi.	Local Government Board's Provisional Orders Confirma- tion (Aberavon, &c.) Act 1880.	The Order relating to Cleator Moor.
44 & 45 Vict. c. xv.	Local Government Board's Provisional Orders Confirma- tion (Bath, &c.) Act 1881.	The Order relating to Bowness.
44 & 45 Vict. c. xvii.	Local Government Board's Provisional Orders Confirma- tion (Poor Law) Act 1881.	The Order relating to the Townships of Kendal and Nether Graveship.
45 & 46 Vict. c. xcvi.	Local Government Board's Provisional Orders Confirma- tion (No. 11) Act 1882.	The whole Act.
46 & 47 Vict. c. xlii.	Education Department Pro- visional Orders Confirmation (Cummersdale, &c.) Act 1883.	The Order relating to Cummersdale.
47 & 48 Vict. c. ccxi.	Local Government Board's Provisional Orders Confirma- tion (No. 5) Act 1884.	The Order relating to Carlisle.
50 Vict. c. xv.	Local Government Board's Provisional Orders Confirma- tion (No. 7) Act 1886.	The Order relating to Maryport.
54 & 55 Vict. c. clviii.	Local Government Board's Provisional Orders Confirma- tion (No. 12) Act 1891.	The Barrow-in-Furn- ess Order 1891.

SCH. 4
—cont.

Chapter and S.I. number (1)	Short title (2)	Extent of repeal (3)
56 & 57 Vict. c. cx.	Local Government Board's Provisional Order Confirma- tion (No. 3) Act 1893.	So much of the Act as relates to Cockermouth.
56 & 57 Vict. c. cxv.	Local Government Board's Provisional Orders Confirma- tion (No. 4) Act 1893.	The Order relating to Carlisle.
57 & 58 Vict. c. xx.	Local Government Board's Provisional Orders Confirma- tion (No. 2) Act 1894.	So much of the Act as relates to Penrith.
58 & 59 Vict. c. lxxxix.	Local Government Board's Provisional Orders Confirma- tion (No. 9) Act 1895.	The County of Westmorland (Dalton) Order 1895.
59 & 60 Vict. c. ci.	Local Government Board's Provisional Orders Confirma- tion (No. 6) Act 1896.	So much of the Act as relates to Carlisle and the Carlisle Order 1896.
60 & 61 Vict. c. lxxi.	Local Government Board's Provisional Orders Confirma- tion (No. 6) Act 1897.	The Carlisle Rural Order 1897.
60 & 61 Vict. c. cxliii.	Local Government Board's Provisional Orders Confirma- tion (No. 16) Act 1897.	The Barrow-in-Furn- ess Order 1897.
61 & 62 Vict. c. xxxv.	Local Government Board's Provisional Orders Confirma- tion (No. 3) Act 1898.	The Keswick Order 1898.
1 Edw. 7. c. xl.	Local Government Board's Provisional Orders Confirma- tion (No. 1) Act 1901.	The Carlisle Order 1901.
2 Edw. 7. c. cxci.	Local Government Board's Provisional Orders Confirma- tion (No. 4) Act 1902.	The Carlisle Rural Order 1902.
3 Edw. 7. c. lix.	Local Government Board's Provisional Orders Confirma- tion (No. 2) Act 1903.	The Penrith Order 1903.
7 Edw. 7. c. cliii.	Local Government Board's Provisional Orders Confirma- tion (No. 3) Act 1907.	The Appleby Joint Cemetery Order 1907.
9 Edw. 7. c. clvi.	Local Government Board's Provisional Orders Confirma- tion (No. 9) Act 1909.	The Maryport Order 1909.
10 Edw. 7. & 1 Geo. 5. c. lxxxvi.	Local Government Board's Provi- sional Orders Confirmation (No. 9) Act 1910.	The Carlisle Order 1910.
2 & 3 Geo. 5. c. cxxxvii.	Local Government Board's Provisional Orders Confirma- tion (No. 11) Act 1912.	The Carlisle (Exten- sion) Order 1912.
3 & 4 Geo. 5. c. xxv.	Local Government Board's Provisional Orders Confirma- tion (No. 3) Act 1913.	The Ulverston Order 1913.
3 & 4 Geo. 5. c. cxvii.	Education Board Provisional Orders Confirmation (Cardi- gan &c.) Act 1913.	The Order relating to Cumberland.

SCH. 4
—cont.

Chapter and S.I. number (1)	Short title (2)	Extent of repeal (3)
3 & 4 Geo. 5. c. cxxviii.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1913.	The Workington Order 1913.
3 & 4 Geo. 5. c. cxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1913.	The County Borough of Carlisle Order 1913.
4 & 5 Geo. 5. c. cxxv.	Education Board Provisional Orders Confirmation (Cams. &c.) Act 1914.	The Order relating to Cumberland.
7 & 8 Geo. 5. c. lvii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1917.	The Aspatria Silloth and District Order 1917 and the Carlisle Order 1917.
8 & 9 Geo. 5. c. xxxiv.	Local Government Board's Provisional Order Confirmation (No. 5) Act 1918.	The whole Act.
16 & 17 Geo. 5. c. liii.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1926.	The Keswick Order 1926 except sections 2 to 4.
18 & 19 Geo. 5. c. lvii.	Ministry of Health Provisional Orders Confirmation (No. 10) Act 1928.	The Maryport Order 1928.
25 & 26 Geo. 5. c. v.	Ministry of Health Provisional Order Confirmation (Cumberland and Lancaster) Act 1935.	The whole Act so far as applying to the county.
S.I. 1948/1517.	Workington Water (No. 3) Order 1948.	The whole Order except section 5.
S.I. 1953/275.	Wigton Water Order 1952.	The whole Order.
S.I. 1954/201.	Workington and Ennerdale Water Order 1954.	The whole Order.
S.I. 1956/1325.	Carlisle Water Order 1956.	The whole Order except section 7.
S.I. 1958/615.	Carlisle Water Order 1958.	The whole Order.
S.I. 1960/1872.	Carlisle Water Order 1960.	The whole Order except sections 11, 12 and 18 and the Schedule.
S.I. 1960/2350.	Furness Water Board Order 1960.	The whole Order except section 32 and Schedules 4 and 5.
S.I. 1960/2448.	West Cumberland Water Board Order 1960.	The whole Order except section 24 and Schedules 4 and 5.
S.I. 1961/1754.	South Cumberland Water Board Order 1961.	The whole Order except sections 3 and 24 and Schedules 2, 4 and 5.

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—cont.

Chapter and S.I. number (1)	Short title (2)	Extent of repeal (3)
S.I. 1962/36.	Lakes and Lune Water Board Order 1961.	The whole Order except sections 3 and 23 and Schedules 2 and 4.
S.I. 1962/611.	West Cumberland Water Board Order 1962.	The whole Order except section 13 and the Schedule.
S.I. 1963/568.	West Cumberland Water Board Order 1963.	The whole Order.
S.I. 1964/752.	West Cumberland Water Board (Silloth Airfield Pipeline) Order 1964.	The whole Order.
S.I. 1964/1272.	West Cumberland Water Board Order 1964.	The whole Order except section 7.
S.I. 1965/907.	Carlisle Water (Extension of operation of byelaws) Order 1965.	The whole Order.
S.I. 1965/1109.	Carlisle Water Order 1965.	The whole Order.
S.I. 1966/764.	Keswick Waterworks Order 1966.	The whole Order except section 7.
S.I. 1966/1209.	West Cumberland Water Board Order 1966.	The whole Order except sections 8 and 9.
S.I. 1969/118.	West Cumberland Water Board Order 1969.	The whole Order except section 13 (a) and (b).
S.I. 1969/1762.	Lakes and Lune (Burneside Water Mains) Order 1969.	The whole Order.
S.I. 1970/127.	West Cumberland Water Board (Crofton Estates Pipeline) Order 1970.	The whole Order.
S.I. 1970/921.	Furness Water Board Order 1970.	The whole Order.
S.I. 1970/929.	West Cumberland Water Board (Charges) Order 1970.	The whole Order.
S.I. 1971/1311.	Furness Water Board (No. 2) Order 1971.	The whole Order.
S.I. 1973/1725.	West Cumberland Water Board (Extension of operation of byelaws) Order 1973.	The whole Order.

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