

# Kingston upon Hull Act 1984

## CHAPTER xxvi

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**ELIZABETH II**



**1984 CHAPTER xxvi**

An Act to re-enact with amendments certain local enactments in force within the city of Kingston upon Hull; to authorise the Kingston upon Hull City Council to construct works and to confer further powers on the Council; to make further provision with regard to the environment, local government, improvement, health and finances of the city; and for other purposes.

[31st October 1984]

**W**HEREAS by virtue of the Local Government Act 1972 1972 c. 70. (hereinafter referred to as "the Act of 1972") the city of Kingston upon Hull was constituted on 1st April 1974 so as to consist of an area comprising the former county borough of Kingston upon Hull:

And whereas numerous local enactments were in force in the said former county borough and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before 1st April 1974:

And whereas it was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984, a period since extended by order of the Secretary of State so as to expire at the end of 1986:



And whereas it is expedient that certain of the said enactments should be re-enacted with amendments:

And whereas it is expedient at the same time to extend and enlarge in various respects the powers of the Kingston upon Hull City Council:

And whereas it is expedient that the Kingston upon Hull City Council should be authorised to construct the works described in this Act:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

And whereas a plan and sections showing the lines and levels of the works by this Act authorised and the lands which may be used for the purposes thereof, and a book of reference to the said plan containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands and describing the same, were deposited in the month of November 1982 in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Humberside County Council, and such plan, sections and book of reference are respectively referred to in this Act as the deposited plan, sections and book of reference:

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 Kingston upon Hull Act 1984.

(2) This Act shall come into operation on the expiration of three months after the passing of this Act.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—  
“A.B. Ports” means Associated British Ports;

- “the Act of 1936” means the Public Health Act 1936; PART I  
—cont.
- “the Act of 1961” means the Public Health Act 1961; 1936 c. 49.
- “the Act of 1972” means the Local Government Act 1972; 1961 c. 64.
- “the Act of 1980” means the Highways Act 1980; 1972 c. 70.
- “the Act of 1984” means the Road Traffic Regulation Act 1984; 1980 c. 66.
- 1984 c. 27.
- “the appointed day” has the meaning assigned to that expression by section 3 of this Act;
- “the city” means the city of Kingston upon Hull;
- “contravention” includes a failure to comply, and “contravene” shall be construed accordingly;
- “the Council” means the Kingston upon Hull City Council;
- “the county council” means the Humberside County Council;
- “daily fine” means a fine for each day on which an offence is continued after conviction thereof;
- “the level of high water” means the level of mean high-water springs;
- “officer” includes servant;
- “the river” means so much of the river Hull as lies within the boundary of the city as for the time being constituted;
- “statutory undertakers” means the operator of a telecommunications code system as defined in paragraph 1 (1) of Schedule 4 to the Telecommunications Act 1984, the British Gas Corporation, the Central Electricity Generating Board, the water authority and the Yorkshire Electricity Board, or any of them, as the case may be; 1984 c. 12.
- “the water authority” means the Yorkshire Water Authority.

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

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 Council. Appointed day.

(2) The Council shall publish in a newspaper circulating in the city notice—

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



PART I  
—cont.

(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 one month 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 bearing the date of its 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

## WORKS, ETC.

Interpretation  
of Part II.

4.—(1) In this Part, unless there be something in the subject or context repugnant to such construction—

“the bridge” means the bridge in the city carrying Wellington Street over the entrance lock to Humber Dock and the bridge carrying Railway Street over the entrance lock to Railway Dock, or either of them, as the case may be;

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

“the limits of deviation” means the limits of deviation authorised by section 8 (Power to deviate) of this Act;

“the marina” means the area shown edged green on the deposited plan;

“tidal work” means so much of any work authorised by this Part as is on, under or over tidal waters or tidal lands below the level of high water;

“the Trinity House” means the Corporation of Trinity House of Deptford Strond;

“vessel” includes any thing (howsoever propelled or moved) constructed or used to carry persons or goods by water and (without prejudice to the generality of the foregoing) includes in particular a hovercraft, a hydrofoil vessel and, except for the purpose of levying rates, any seaplane on or in the water;

“the works” means the works authorised by section 5 (Power to construct works) of this Act and any works constructed under section 7 (Subsidiary works) of this Act for or in connection with, or subsidiary to, any of those works and includes those works as extended, enlarged, altered, replaced or relaid under subsection (2) of the said section 5 and “work” shall be construed accordingly.

(2) (a) In this Part, "the appropriate authorities" means the Secretary of State and A.B. Ports, or either or both of them, as the case may require.

PART II  
—cont.

(b) If there shall be any inconsistency between a requirement of A.B. Ports and a requirement of the Secretary of State under this Part, the requirement of the Secretary of State shall prevail.

(3) This Part shall be read as if the words "or thereabouts" were inserted after each distance mentioned in section 5 (Power to construct works) of this Act.

(4) Any reference in this Part to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Part.

5.—(1) Subject to the provisions of this Part, the Council may make and maintain in the lines and situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited sections the following works in the city and on the bed of the river Humber that is to say:—

Power to  
construct  
works.

Work No. 1 A pier (being a reconstruction of Minerva Pier) commencing at National Grid reference point TA 509918 428105, extending in a south-south-easterly direction for a distance of 40 metres, thence in a west-south-westerly direction for a distance of 71 metres and there terminating;

Work No. 2 A pier (to be known as "Island Wharf Pier") commencing at National Grid reference point TA 509825 428057, extending in a south-easterly direction for a distance of 22 metres and there terminating.

(2) The Council may, within the limits of deviation for the said works, extend, enlarge, alter, replace or relay the same.

(3) Subject to the provisions of this Act, the Council may by means of Work No. 1 and Work No. 2 enclose and reclaim from the foreshore and bed of the river Humber and may hold and use as part of the marina so much of the foreshore and bed of the river Humber as is included within the limits of deviation and is required for or in connection with the said works.

6. Subject to the provisions of this Act, the Council may, for the purposes of constructing and maintaining the works or otherwise for the purposes of the marina from time to time deepen, dredge, scour, cleanse, alter and improve the foreshore and bed of the river Humber within the limits of deviation and

Power to  
dredge.



PART II  
—cont.

1894 c. 60.

may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) from time to time dredged by them:

Provided that—

- (a) the Council shall not exercise the foregoing powers except with the consent of A.B. Ports, such consent not to be unreasonably withheld and any question whether consent has been unreasonably withheld shall be determined by arbitration;
- (b) no materials so dredged by the Council shall be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State and by A.B. Ports.

Subsidiary  
works.

7. Subject to the provisions of this Act, the Council may from time to time within the limits of deviation erect, construct and maintain whether temporarily or permanently all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance or use of the works authorised by section 5 (Power to construct works) of this Act.

Power to  
deviate.

8. In the construction of the works the Council may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

Power to take  
water from  
river Humber.

9.—(1) The Council may from time to time for the purposes of the marina take, impound and use water from, and discharge water to, the river Humber at the entrance lock to Humber Dock.

1971 c. 60.

(2) Nothing in this section shall exempt the Council from the provisions of the Prevention of Oil Pollution Act 1971.

Tidal works  
not to be  
executed  
without  
approval of  
Secretary of  
State.

10.—(1) A tidal work shall not be constructed, extended, enlarged, altered, replaced or relaid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

(2) If a tidal work is constructed, extended, enlarged, altered, replaced or relaid in contravention of this section or of any condition or restriction imposed under this section—

- (a) the Secretary of State may by notice require the Council at their own expense to remove the tidal work

or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

PART II  
—cont.

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work, or part of it, and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

11.—(1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Council shall forthwith notify A.B. Ports and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as A.B. Ports shall from time to time direct.

Provision  
against  
danger to  
navigation.

(2) If the Council fail to notify A.B. Ports as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

12.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the appropriate authorities may by notice require the Council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the appropriate authorities think proper.

Abatement  
of works  
abandoned  
or decayed.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the appropriate authorities may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Council, they have failed to comply with the requirements of the notice, the appropriate authorities may execute the works specified in the notice and any expenditure incurred by the appropriate authorities in so doing shall be recoverable from the Council.

13. The appropriate authorities may at any time, if they deem it expedient, order a survey and examination of a tidal

Survey of  
tidal works.



PART II  
—cont.

work constructed by the Council, or of the site upon which it is proposed to construct the work, and any expenditure incurred by the appropriate authorities in any such survey and examination shall be recoverable from the Council.

Permanent  
lights on  
tidal works.

14.—(1) After the completion of a tidal work, the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as A. B. Ports shall from time to time direct.

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

Lights on  
tidal works  
during  
construction.

15.—(1) The Council shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, replacement or relaying thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the appropriate authorities shall from time to time direct.

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

Power to  
make byelaws.

16.—(1) The Council may from time to time make such byelaws as they think fit for all or any of the following purposes, that is to say:—

- (a) for regulating the admission of vessels to the marina and their removal therefrom;
- (b) for regulating the navigation of vessels within the marina, including regulation of the speed and manner of navigation of vessels within the marina and for preventing obstruction to vessels using the marina;
- (c) for regulating or prohibiting the mooring, careening, beaching or anchoring and keeping of vessels in the marina;
- (d) for regulating or prohibiting the placing, laying down, maintaining or using of moorings in the marina and for prescribing the patterns and specification of moorings in the marina;
- (e) for regulating the launching of vessels within the marina and the use of pontoons, slipways and landing places;



- (f) for securing the safety of vessels and persons using and of property within the marina;
- (g) for regulating the removal or disposal of rubbish (including ballast, earth, clay or other refuse) and sewage from vessels in the marina;
- (h) for the prevention of the disposal of such rubbish and sewage as aforesaid in the marina;
- (i) for regulating the movement, speed and parking of vehicles in the marina;
- (j) for preventing and removing obstructions in the marina;
- (k) for regulating the opening of the bridge.

PART II  
—cont.

(2) Not less than three months before making byelaws under paragraph (a) of subsection (1) above, the Council shall submit a draft thereof to A.B. Ports.

(3) No byelaw made under this section shall apply to any lifeboat or the crew thereof while engaged on a life-saving mission or to any vessel belonging to the Trinity House or to A.B. Ports or to any officer of the Trinity House or of A.B. Ports while engaged in carrying out his duties as such an officer.

(4) The byelaws which may from time to time be made by the Council in exercise of the powers in that behalf conferred on them by subsection (1) above may provide for the imposition on summary conviction for the contravention of any of the byelaws of a fine not exceeding level 2 on the standard scale and of a daily fine not exceeding £5.

17. Unless otherwise agreed in writing between the Council and A.B. Ports, the provisions of this section shall have effect for the protection of A.B. Ports—

(1) In this section—

“the designated area” means the area shown on the signed plan and thereon hatched red and bounded by the revised limits of deviation provided by paragraph (2) (a) of this section or, (as the case may be) by a broken red line; and

“the signed plan” means the plan signed in triplicate by Arthur Basil Wood on behalf of the Council and by Kenneth Ernest Bantock on behalf of A.B. Ports, one copy of which has been deposited at the offices of the Council, one copy at the offices of A.B. Ports and one copy at the offices of the Secretary of State:

PART II  
—cont.

## (2) Notwithstanding anything in this Act or the deposited plan—

(a) the limit of deviation for Work No. 1 shall be the line shown in green on the signed plan; and

(b) no part of the works (other than temporary subsidiary works authorised by section 7 (Subsidiary works) of this Act) shall be erected, constructed, made or maintained anywhere within the designated area at a greater distance than 0.5 metres from the southern or riverward face of the Minerva Pier as existing at the date of the passing of this Act and any permanent works in the designated area shall as far as practicable follow the profile of the said existing pier:

(3) (a) For the purposes of this paragraph, references to the construction of a tidal work shall include the execution, placing, alteration and removal of any such work; and “construct” and “constructed” shall be construed accordingly;

(b) Before commencing to construct a tidal work the Council shall submit to A.B. Ports for their reasonable approval plans, sections and particulars of the work showing the general mode of construction and such work shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by A.B. Ports or as may be determined by the Secretary of State as hereinafter provided, and all such work shall be executed to the reasonable satisfaction of A.B. Ports:

Provided that if there shall be any inconsistency between any plans, sections and particulars approved by A.B. Ports under this section and the plans and sections approved by the Secretary of State under section 10 (Tidal works not to be executed without approval of Secretary of State) of this Act or any conditions or restrictions imposed by him under that section, the work shall be executed in accordance with the plans and sections approved by the Secretary of State and subject to the conditions or restrictions imposed by him;

(c) If it appears to the Council that A.B. Ports have unreasonably withheld their approval to any plans, sections and particulars under sub-paragraph (b) of this paragraph they may appeal to the Secretary of State whose decision shall be binding on both parties;

- (d) After the purpose of any temporary structure has been accomplished the Council shall with all reasonable dispatch or after a reasonable period of notice in writing from A.B. Ports requiring them so to do remove any such temporary structure or any materials for the same which may have been placed below the level of high water by or on behalf of the Council and on their failing so to do within a reasonable period after receiving such notice A.B. Ports may remove the same charging the Council with the reasonable expense of so doing and the Council shall repay to A.B. Ports such expense;
- (e) In the event of A.B. Ports failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted;
- (f) If, during the construction of tidal work or within 12 months after the completion of such work and in consequence of the construction of such work any accumulation of silt or other material shall be created in the vicinity of such work which shall cause impediment to navigation the Council if so requested by A.B. Ports within the period of 12 months after such completion, shall remove such accumulation of silt or other material and if they refuse or fail so to do A.B. Ports may themselves cause the work to be done and may recover from the Council the reasonable cost thereof:
- (4) Nothing in this Act shall affect prejudicially any statutory or other rights, powers or privileges vested in, or enjoyed by, A.B. Ports at the commencement of this Act or any title of A.B. Ports in, to or over any lands or foreshore held or acquired by them:
- (5) Any difference arising between the Council and A.B. Ports under the foregoing provisions of this section (other than a difference as to the construction of those provisions or as to the approval under paragraph (3) of this section of plans, sections and particulars) shall be determined by arbitration.



## PART III

## PUBLIC HEALTH

Dust, etc.,  
from building  
operations.

**18.—**(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air, except any work of demolition in respect of which a notice may be served under section 29A of the Act of 1961.

(2) Except as provided in subsection (6) below, the Council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this section applies in the city requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the Council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications.

1974 c. 37.

(4) Any person aggrieved by a notice under subsection (2) above may appeal to the county court and the judge may make such order, either confirming or quashing or varying the notice, as he thinks fit but shall not so vary the notice that it is more onerous than the notice given by the Council.

(5) (a) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £20.

(b) In any proceedings under this subsection it shall be a defence to show that the quantity of dust emitted into the open air was not materially greater than would have been emitted if the notice had been complied with.

(6) (a) If, before the carrying out of any operation to which this section applies, the person who intends to carry it out applies to the Council for their consent to the operation giving particulars of—

- (i) the operation and the method by which it is to be carried out; and
- (ii) the steps proposed to be taken to reduce the emission of dust from the operation;

and the Council consider that, on the carrying out of the operation in accordance with the application, they would not serve a notice under subsection (2) above in respect of that operation, the Council may give their consent to the operation for the purposes of this section, either unconditionally or subject to such conditions as may be specified in the consent.

(b) In acting under this subsection the Council shall have regard to the matters specified in subsection (3) above.

(c) If the Council do not, within 21 days from the receipt of an application under this subsection, give to the applicant a consent, with or without conditions, which is acceptable to the applicant, he may appeal to the county court.

(d) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions as he thinks fit but shall not so vary any conditions that they are more onerous than those specified by the Council.

(7) In this section “dust” includes chemicals in solution and grit.

19.—(1) If, upon a complaint by the Council under this section, a magistrates’ court is satisfied that any gas, vapour or fumes from a chimney of a building in the city is injurious, or is likely to be injurious, to health or a nuisance, the court may make an order requiring the owner of the chimney within such time as may be specified in the order—

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

(2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—

- (a) in the case of a single private dwelling-house, £500; and
- (b) in any other case, £1,500;

or, in any case, such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Any person who, without reasonable excuse, fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.



PART III  
—cont.

1979 c. 46.

1971 c. 78.

(4) Unless the Secretary of State has granted scheduled monument consent under sections 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the Town and Country Planning Act 1971 for the alteration of any chimney in a scheduled monument or listed building no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building.

1961 c. 34.

1906 c. 14.

1974 c. 37.

(5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation Act 1906 or to any class of premises prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974.

(6) In this section "chimney" includes structures, openings and ducts of any kind from which any gas, vapour or fumes may be emitted whether or not as the product of combustion and reference to a chimney of a building includes reference to a chimney of a building which serves the whole or a part of a building but is structurally separate therefrom.

Power to  
examine and  
test flues  
believed to  
be defective.

20.—(1) Where it appears to the Council that there are reasonable grounds for believing that a flue in a building in the city is in such a state as to be prejudicial to health or a nuisance to the occupants of the building or of any adjoining building, they may apply any smoke or smell test, and, if as a result of such test they deem it necessary, open such flue for the purpose of examining it internally.

(2) If on examination the flue is found to be in proper condition the Council shall as soon as possible reinstate the same and shall make good any damage done by them.

(3) In this section "flue" means a passage for conveying the products of combustion from an appliance to the open air and for this purpose "appliance" means—

- (a) a heat-producing appliance (including a cooker) which is designed to burn solid fuel, oil or gaseous fuel; and
- (b) an incinerator;

but does not include any appliance consuming electricity or any electrical incinerator.

(4) This section does not apply to—

- (a) premises which are subject to the Alkali, &c. Works Regulation Act 1906 or any class of premises prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974; or



(b) premises which are within the definition of "factory" in section 175 of the Factories Act 1961 unless the building comprising the factory or in which the factory is situate either contains or immediately adjoins a dwelling. PART III  
—cont.  
1961 c. 34.

(5) Nothing in this section shall apply to a flue in any premises in respect of which there is in force for the time being—

- (a) a licence for the public performance of stage plays;
- (b) a licence for public music or dancing or other entertainment of the like kind;
- (c) a licence for a cinematograph exhibition;
- (d) 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; 1964 c. 26.
- (e) a bingo club licence as defined in paragraph 2 (2) of Schedule 2 to the Gaming Act 1968; 1968 c. 65.

unless the premises either contain or adjoin a dwelling.

(6) Nothing in this section shall apply to a flue in a building used by the British Gas Corporation for the manufacture of gas.

21.—(1) The power of the Council under sections 221 and 222 of the Act of 1936 (power to provide and charge for use of baths, etc.) to provide, and charge for the use of, public baths extends to medicated, sauna and other baths including baths the efficient properties of which are due to agencies other than water. Medicated,  
sauna and  
other baths.

(2) The Council may make byelaws for the purpose of securing—

- (a) the cleanliness of premises at which medicated, sauna and other baths are provided by any person other than the Council for use by members of the public or of any club, organisation or body and of the towels, materials and equipment used therein; and
- (b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(3) Any person who contravenes any byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

22.—(1) As from the appointed day a person shall not in the city carry on the business of a hairdresser or barber unless he is registered by the Council under this section and, except as Hairdressers  
and barbers.

PART III  
—cont.

provided in subsection (2) below, he shall not carry on that business on premises occupied by him unless the premises are so registered.

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.

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

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the Council under section 77 of the Act of 1961 displayed in the premises, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

Control of  
rats and  
mice.

23.—(1) The Council may with the consent of the owner or occupier of land take any steps for the destruction of rats or mice on the land, or otherwise for keeping it free from rats or mice, and recover from him any expenses reasonably incurred by them in doing so.

1949 c. 55.

(2) Expressions used in subsection (1) above and in the Prevention of Damage by Pests Act 1949 have the same meaning as in that Act.

(3) Section 294 of the Act of 1936 (limitation of liability of owners receiving rent as agent or trustee) shall apply to expenses incurred under this section as if they were expenses incurred under section 5 of the said Act of 1949.

Powers of  
entry for  
Prevention of  
Damage by  
Pests Act  
1949.

24. Section 22 of the Prevention of Damage by Pests Act 1949 (powers of entry) shall have effect in the city as if after subsection (1) there were inserted the following subsections:—

“(1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any land has been refused or that refusal is apprehended; or



- (b) that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;

and, in either case, that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section, the justice may by warrant under his hand authorise the local authority, by any person duly authorised by them in writing, to enter upon the land, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the circumstances are as mentioned in paragraph (b) above.

(1B) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary and on leaving any unoccupied land upon which he has so entered shall leave it as effectually secured against trespassers as he found it.

(1C) Every warrant issued under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.”.

#### PART IV

##### PUBLIC ORDER AND PUBLIC SAFETY

25.—(1) The Council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

- (a) allowing horses or cattle to enter land to which this section applies;
- (b) driving or riding a vehicle on such land;
- (c) using any equipment provided on such land:

Provided that in the case of such prohibition as is mentioned in paragraph (c) above the Council may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.



PART IV  
—cont.

(2) The land to which this section applies is—

- (a) land vested in the Council and laid out as a public garden or used for the purpose of public recreation, or a disused burial ground provided by the Council and maintained as a public garden or for those purposes or as a disused burial ground, as the case may be;
- (b) other land vested in the Council and mown or otherwise maintained in an ornamental condition;
- (c) land vested in a person other than the Council and laid out, used, mown or maintained in an ornamental condition:

Provided that notice shall not be given in respect of land such as is mentioned in paragraph (c) above, except with the consent of the person concerned or his representatives.

(3) A prohibition under subsection (1) (b) above shall not extend to going on foot or on or in a vehicle—

- (a) in the course of building operations; or
- (b) by statutory undertakers or the British Railways Board where reasonably necessary for the exercise of their statutory powers:

Provided that the exemption afforded by paragraph (a) above shall be conditional upon means being taken to the satisfaction of the Council to minimise injury to the land and to protect persons on the land.

(4) 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.

(5) Notice of a prohibition contained in subsection (1) (b) above if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Act of 1984) shall be indicated by a traffic sign (as defined in section 64 of the Act of 1984) and subsection (1) of section 65 of the Act of 1984 shall have effect as respects the erection and display of the notice by the Council.

(6) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) Where land to which a prohibition contained in subsection (1) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of

grazing horses and cattle, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

- (a) limit any right of way, public or private, over land;
- (b) restrict the exercise by any person of any statutory right to enter upon land;
- (c) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Act of 1980 (provision of margins for horses and livestock).

26.—(1) The Council may seize and impound any animal to which this section applies which is trespassing on land of which they are the occupier or on any other land in the city with the consent of the owner and occupier of such land. Seizure of horses, etc.

(2) The Council shall, within 24 hours after impounding any animal under this section, give notice of the impounding to the officer in charge of a police station and also to the owner of the animal if his identity be known to them.

(3) The Council shall keep one or more registers of all animals seized by them under this section. The register shall contain a brief description of each animal, the date of seizure and particulars as to the manner in which each such animal is disposed of and every such register shall be open to public inspection at all reasonable times.

(4) If after 7 clear days from the date of impounding the owner has not claimed an animal and paid all reasonable expenses incurred in seizing and impounding it, the Council may sell or otherwise dispose of the animal otherwise than by destruction and if after 14 clear days from the said date the owner has not claimed the animal and paid all such expenses, the Council may destroy the animal in a manner to cause as little pain or distress as possible.

(5) Where the Council dispose of any animal otherwise than by destruction under subsection (4) above, they shall be accountable to the owner of the animal for any money arising from the disposal after deducting all such expenses as are mentioned in that subsection.

(6) Whilst any animal is impounded by the Council under this section the Council shall cause it to be properly fed and maintained.

(7) This section applies to horses, ponies, mules, asses and goats.



## PART IV

—cont.

Extension of  
section 25  
of Local  
Government  
(Miscellaneous  
Provisions)  
Act 1976.

27.—(1) This section applies to any watercourse in the city which is accessible to the public from a highway or a place of public resort and which, by reason of its being unenclosed or inadequately enclosed, is in the opinion of the Council a danger to the public.

(2) In this section “watercourse” means any river, stream, ditch, drain, pond, well or reservoir or any part thereof.

1976 c. 57.

(3) The Council may, in relation to a watercourse to which this section applies, carry out such works of repair or enclosure as may be necessary in accordance with section 25 of the Local Government (Miscellaneous Provisions) Act 1976 (powers with respect to dangerous excavations) as if that watercourse were such an excavation as is mentioned in paragraph (a) of subsection (1) of that section and section 26 of that Act shall have effect accordingly.

1976 c. 70.

(4) Nothing in this section shall authorise the Council—

(a) to carry out any works otherwise than in accordance with byelaws made under section 34 of the Land Drainage Act 1976; or

(b) except as provided in this paragraph or in any such byelaws, to carry out works affecting any watercourse under the jurisdiction or control of the water authority or the Beverley and North Holderness Internal Drainage Board without their consent, which shall not be unreasonably withheld, any question whether it is so withheld being determined by arbitration:

Provided that, in any case to which paragraph (b) (ii) of subsection (1) of the said section 25 applies, this paragraph shall not prevent the Council from carrying out without the consent of the water authority or the said drainage board, as the case may be, works under this section affecting any watercourse (other than a reservoir belonging to or occupied by the water authority), but in any case as aforesaid the Council shall notify the water authority or the said drainage board before, or, if that is not reasonably practicable, as soon as possible after, the carrying out of the works.

(5) Nothing in this section shall apply to the river Humber or to the river.

## PART V

## MISCELLANEOUS

Super-  
annuation  
of telephone  
service  
employees.  
1972 c. 11.

28. For the removal of doubt it is hereby declared that the provisions of the Superannuation Act 1972 shall not apply to the officers employed by the Council in connection with their telephone undertaking (in this section referred to as “telephone

service employees”) during such period as those officers are entitled to participate in the benefits of the Kingston upon Hull Telephone Staff Superannuation Scheme established under a trust deed dated 27th January 1925 and made between the former Kingston upon Hull Corporation of the one part and Edwin Ombler, Thomas Hayes Toogood and Thomas George Milner of the other part or any amendment or modification thereof or any new trust deed substituted therefor; and the said Scheme shall continue to be an approved scheme for the purposes of regulations made or having effect as if made under section 7 of the said Act of 1972.

PART V  
—cont.

29.—(1) The powers in section 96 of the Act of 1980 with respect to a highway maintainable at the public expense shall in the city be exercisable with respect to any street that is a highway, whether or not maintainable at the public expense. Provision of trees and shrubs.

(2) The power in the said section 96 (as extended by this section) to plant trees and shrubs in the highway, and the power in section 142 of the Act of 1980 to license the planting of trees or shrubs in the highway, shall in the city include power to provide or, as the case may be, license the provision of trees or shrubs planted in tubs or other containers; and any such tub or other container may be attached to a post or standard with the consent of the owner thereof.

(3) The highway authority or the Council shall not exercise the powers of section 96 of the Act of 1980 as it has effect by virtue of this section in relation to any street belonging to or repairable by the British Railways Board except with the consent of that board, which consent shall not be unreasonably withheld and any question whether consent is unreasonably withheld shall be determined by arbitration.

(4) Without prejudice to the code in Part II of the Public Utilities Street Works Act 1950 (which regulates the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) paragraph 23 of the telecommunications code contained in Schedule 2 to the Telecommunications Act 1984 (which provides a procedure for certain cases where works involve the alteration of telecommunications apparatus) shall apply, for the purposes of any works which may be done in exercise of the powers conferred by this section, to the highway authority or the Council, as the case may be. 1950 c. 39.  
1984 c. 12.

30. Notwithstanding the repeal by this Act of article 1 (Power to run omnibuses) of the Kingston-upon-Hull Order 1921 and section 41 (Omnibuses in connexion with tramways) of the Kingston-upon-Hull Corporation Act 1906, the Council Power to run public service vehicles.  
1921 c. xcvi.  
1906 c. clxxxix.



PART V  
—cont.  
1930 c. 43.

shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

Power to  
provide  
information.

**31.—**(1) The information which may be made available pursuant to arrangements which the Council make, or assist in making, under section 142(1) of the Act of 1972 shall include any information with regard to the city and its neighbourhood.

(2) The Council may incur expenditure in advertising and making known the advantages, facilities and amenities afforded or to be afforded by the city for commerce and industry in any manner which the Council may think fit, and without prejudice to the generality of the foregoing provisions of this subsection they may for that purpose—

- (a) combine with any other organisation, company or person; and
- (b) employ such persons, firms or companies as they think fit.

(3) The expenditure of the Council under subsection (2) above shall not in any financial year exceed the product of a rate of 1p in the pound for the city for that year which shall be computed in the manner prescribed by subsection (8) of section 137 of the Act of 1972.

Prohibition of  
parking of  
goods vehicles  
in front  
gardens.

**32.—**(1) In this section—

“front garden” means so much of the curtilage of a dwelling-house fronting on a street as lies between that street and—

(a) any building line within the curtilage prescribed under section 74 of the Act of 1980 or any other enactment; or

(b) if there is no such building line, a line, parallel to the street, which passes through the forwardmost part of any wall of the dwelling-house nearest to the street;

“goods vehicle” means a vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods and has a maximum gross weight which exceeds 3.5 tonnes;

“maximum gross weight” has the meaning given to it by article 4 (c) of the Traffic Signs (Amendment) Regulations 1982;

“residential street” means a street predominantly fronted either by residential or mainly residential buildings or by such buildings and schools or public open spaces.

PART V  
—cont.

(2) (a) If, after the appointed day it appears to the Council whether in consequence of a representation made to the Council in accordance with paragraph (b) below or otherwise, that the amenities of any part of the city are prejudicially affected by the habitual use of any land within the front garden of any dwelling-house in a residential street in the city for the parking in the open of one or more goods vehicles, the Council may, by an order made in accordance with this section, prohibit the use of land within the front gardens of the dwelling-houses in the street, or any part thereof specified in the order, for the parking in the open of goods vehicles.

(b) A representation under paragraph (a) above shall be made in writing and signed by local government electors residing in not less than five dwelling-houses, being dwelling-houses in the street concerned, or dwelling-houses in any other residential street which are within 100 metres of the land in question.

(3) (a) If the Council propose to make an order under this section, they shall—

- (i) publish a notice stating the effect of the proposal in a newspaper circulating in the city; and
- (ii) post copies of the notice in a conspicuous position at each end of each street or part thereof to which the proposal relates; and
- (iii) serve a copy of the notice and a statement of the nature of the representations (if any) made under subsection (2) above on the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates.

(b) The notice under paragraph (a) above shall state where the proposal can be inspected and copies purchased and that objections to the order may be made in writing to the Council before such day, not earlier than 12 weeks after the Council have complied with paragraph (a) above, as shall be specified in the notice.

(c) Before making the order the Council shall—

- (i) consider all objections made as provided in paragraph (b) above and the availability of parking facilities;



PART V  
—cont.

- (ii) consult the chief officer of police, the highway authority (if any) for the street in question and, if the county council are not the highway authority or if the street is not a highway, the county council; and
- (iii) afford to the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the Council.

(4) If, after considering objections made under subsection (3) above, the Council determine to make the order, they may make the order in the terms of the draft, or in those terms as modified to meet in whole or in part all or any of the objections but if the Council consider that any person may be adversely affected by any such modification they shall, before making the order, take such steps as appear to them to be appropriate for informing the persons likely to be so affected of the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the Council.

(5) When an order has been made by the Council under this section they shall publish notice of it, and of the right of appeal under subsection (9) below, in the manner required by subsection (3) (a) (i), (ii) and (iii) above for notice of a proposal.

(6) (a) Any order made under this section shall come into operation at the expiration of the period of three months after the Council have published notice of the making of the order pursuant to subsection (5) above or, if an appeal is lodged under subsection (9) below, when the appeal is disposed of or withdrawn or fails for want of prosecution and the Council shall publish notice of the date of coming into operation of any such order in the manner required by subsection (3) (a) (i), (ii) and (iii) above as soon as may be after that date is known.

(b) Any such order shall have effect for such period, not exceeding five years, as the Council may determine, but this paragraph does not prejudice the power of the Council to make a further order.

(7) The Council may revoke an order made under this section and may vary an order so made so as to diminish the scope thereof.

(8) An order under this section shall be a local land charge.

(9) (a) A person who is aggrieved by an order under this section may, within 28 days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

(b) On an appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order that it is more onerous than the order made by the Council.

(10) Nothing in any order made under this section shall prevent the waiting of a goods vehicle on any land within the front garden of a dwelling-house for such period as is reasonably necessary for loading or unloading or for dealing with a breakdown or other emergency.

(11) This section shall not apply to a vehicle having an unladen weight exceeding 1,525 kilograms in which there is installed freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which but for the installation of that equipment would have had an unladen weight of 1,525 kilograms or less—

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

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

(12) If any person uses land within the front garden of a dwelling-house in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**33.** The Council shall continue to have power to appoint a harbour master to exercise jurisdiction in respect of the river. Council to appoint harbour master.

**34.—(1)** The Council may exercise the powers and shall perform the obligations transferred to the former Kingston upon Hull Corporation by section 27 (Dock Company's powers as to River and Port of Hull to be transferred to Corporation) of the North Eastern Railway (Hull Docks) Act 1893 and extended to the whole of the river by section 28 (Extension of powers over River Hull) of the Kingston upon Hull Corporation Act 1922 and the enactments whereby those powers and obligations were conferred and imposed shall continue to have effect as if where reference is made to a part of the river the whole of the river were referred to. Continuation of powers over river. 1893 c. cxcviii. 1922 c. lxxxvi.

(2) Nothing in this section contained shall prejudice or affect the rights, powers, claims or privileges of the water authority with respect to the cleansing and preserving of the channel of the river.



PART V  
—cont.  
Removal of  
exemptions  
from dues.  
1964 c. 40.  
1847 c. 27.  
1894 c. 60.

**35.**—(1) In this section “statutory provision” has the meaning given by section 57(1) of the Harbours Act 1964 and “vessel” means every description of vessel used in navigation.

(2) It is hereby declared for the avoidance of doubt that nothing in any statutory provision affecting the river (other than section 28 of the Harbours, Docks, and Piers Clauses Act 1847 and section 732 of the Merchant Shipping Act 1894) shall be taken as providing for freedom from dues or in any other manner prohibiting the levying of a due on vessels entering or using the river but not entering any dock or basin or using any quay or wharf of A.B. Ports.

Provisions as  
to dues.

**36.** In case of any vessel entering or using the river (not being waters within the jurisdiction of A.B. Ports) and remaining in the river for more than three months after the time of entering the same the Council shall be entitled to charge dues for every week or fraction of a week during which such vessel remains in the river beyond the three months not exceeding—

- (a) if the vessel has a registered tonnage, 20p per gross ton;
- (b) if the vessel has no registered tonnage but has a registered length, £1 per metre;
- (c) if the vessel has no registered tonnage and no registered length, 20p per ton burden;

and such dues shall be recoverable by the Council from the owner of the vessel.

Removal  
of sunk,  
stranded or  
abandoned  
vessels.

**37.**—(1) Whenever any vessel is sunk, stranded or abandoned in any part of the river or in or near any approach thereto (not being waters within the jurisdiction of A.B. Ports) the Council may if they think fit cause the vessel or any part thereof to be raised, removed, blown up or destroyed.

(2) The Council may cause any such vessel and the furniture and tackle and apparel thereof or any part thereof respectively which shall be raised or salvaged and also all or any part of the cargo, goods, chattels and effects which may be raised or salvaged from any such vessel to be sold in such manner as they may think fit and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking, buoying, watching, lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of the sale in trust for the persons entitled thereto:

Provided that the Council shall before selling any such cargo, goods, chattels or effects as aforesaid pay any duties of customs or excise which may be payable in respect of the cargo, goods, chattels or effects to be sold and they may retain the amount of



the duties of customs or excise so paid out of the proceeds arising from the sale of such cargo, goods, chattels or effects.

PART V  
—cont.

(3) If the proceeds of the sale are insufficient to reimburse the Council for the aforesaid expenses and duties of customs or excise the Council may recover the deficiency, or, in case of an appeal under subsection (4) below, such sum as is awarded by the arbitrator to be payable in respect of the deficiency, from the owner of any such vessel.

(4) If on demand being made under this section for payment of any deficiency the owner of the vessel is dissatisfied with the amount demanded, he may within 14 days after the receipt of the demand appeal to the Secretary of State who shall appoint an arbitrator to determine and award whether any and if so what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Secretary of State that no sum is payable or as to the sum payable, as the case may be, shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party as a simple contract debt.

(5) The Council shall (except in any case which in their opinion is a case of emergency) before raising, removing, blowing up or destroying any vessel under the provisions of this section give to the owner of the vessel 24 hours' notice of their intention so to do and if within 12 hours after the expiration of such notice the owner gives to the Council notice of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Council:

Provided that if the owner gives any such notice under this subsection—

(a) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Council for the purpose of preventing interference with navigation; and

(b) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within 7 days after the giving of such notice by the owner such notice shall be null and void and the Council shall be at liberty to cause the vessel to be raised, removed, blown up or destroyed in accordance with the provisions of this section as if the owner had not given such notice.

PART V  
—cont.

(6) The Council shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel or any part thereof or any part of the cargo, goods, chattels and effects thereof under the provisions of this section give to the owner 7 days' notice of their intention so to do.

(7) Any notice given by the Council pursuant to subsection (5) or subsection (6) above shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Council then by exhibiting such notice at the Guildhall in the city for 24 hours in the case of a notice given under subsection (5) above or for 7 days in the case of a notice given under subsection (6) above.

(8) In this section the expression—

“duties of customs and excise” includes any tax, levy, surcharge or other sum to the collection of which the general provisions of the Customs and Excise Management Act 1979 relating to customs or excise have been applied by statute;

“owner” in relation to any vessel sunk, stranded or abandoned as aforesaid means the owner of the vessel at the time of the sinking, stranding or abandonment thereof;

“vessel” includes a seaplane and other aircraft.

(9) The powers conferred on the Council by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks.

(10) Except for the purpose of removing any obstruction to the river nothing in this section shall entitle the Council to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Act of 1894, and if the Council shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) above in accordance with such directions (if any) as may be given to them by the said receiver.

(11) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her

1979 c. 2.

1894 c. 60.



Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or re-insurer under a contract of insurance or re-insurance for any expenses incurred by the Council except where such consent is given as is provided for in section 38 (As to vessels in which the Crown have an interest) of this Act and the vessel was not such a vessel as aforesaid at any such time as is mentioned in subsection (8) above.

PART V  
—cont.

(12) This section shall not apply to that part of the river which is comprised within the distance of 50 yards (45.72 metres) of the centre of the entrance from the old harbour of the Victoria Dock referred to in section 82 (Limits of Dockmaster's Authority) of the Hull Docks Act 1861.

1861 c. lxxix.

**38.—**(1) The Council shall before taking possession of, raising, removing, blowing up or destroying any vessel sunk, stranded or abandoned under the powers conferred upon them by this Act or by any other enactment give to the Secretary of State for Defence and to the Secretary of State for Transport notice of their intention so to do and if within 14 days after the receipt of such notice the Secretary of State for Defence or the Secretary of State for Transport gives to the Council—

As to vessels in which the Crown have an interest.

- (a) a certificate that the vessel was sunk, stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer of the Crown acting in the course of his duty as such and that it is not in the national interest that the Council should take possession of the vessel or that the vessel should be raised, removed, blown up or destroyed; or
- (b) a notice that the exercise by the Council of the rights of recovery conferred by subsection (2) of section 37 (Removal of sunk, stranded or abandoned vessels) of this Act would render the Crown liable directly or indirectly otherwise than as an insurer or re-insurer under a contract of insurance or re-insurance for all or a substantial proportion of the expense incurred by the Council;

the Council shall not without the consent in writing of the authority by whom the certificate or the notice was given take possession of, raise, remove, blow up or destroy such vessel:

Provided that in any case which in their opinion is a case of emergency the Council may take possession of, raise, remove, blow up or destroy any vessel without giving notice of their intention so to do to the Secretary of State for Defence or to the Secretary of State for Transport and in that event the Council

PART V  
—cont.

shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

(2) If the Council shall mark, light, watch, buoy, control or give warning to shipping of the presence of any vessel in respect of which the Secretary of State for Defence or the Secretary of State for Transport have refused their consent under subsection (1) above the Council shall not be entitled to recover the expenses of so doing from the owner of the vessel.

(3) In this section “owner” and “vessel” have the same respective meanings as in the said section 37.

Prevention of  
overflow of  
river.

**39.**—(1) The Council may by notice require the owner of any land within the city adjoining the river to execute within such period as may be specified in the notice not being less than one month from the service thereof, such works (including works of repair) upon such land as they may consider necessary to prevent the overflow of the river.

(2) If the owner of any such land shall fail to comply with the requirements of a notice under subsection (1) above the Council may do such things as may be necessary to comply therewith and all expenses incurred by them under or in pursuance of this subsection shall be recoverable by them from such owner.

(3) The Council shall not serve any notice under subsection (1) above requiring the owner of any such land to raise the height of any bank of the river above a level ascertained by drawing an imaginary line between a point 4.88 metres above ordnance datum (Newlyn) at the barrier (being Work No. 1 authorised by the Hull Tidal Surge Barrier Act 1973) and a point 4.42 metres above ordnance datum (Newlyn) where the river enters the city on the north.

1973 c. xiv.

(4) (a) The Council shall not serve any notice under subsection (1) above upon the owners of land within the jurisdiction of the water authority until they have informed the water authority in writing of their intention to serve such notice and the water authority have for one month from the receipt of such information failed to serve a notice upon the owners concerned to execute the necessary works or unless having served such notice the water authority have failed within a reasonable time to enforce compliance with such notice or themselves to execute the works in default of the person or persons liable.

(b) Within the said period of one month the water authority shall inform the Council in writing whether or not they are proceeding to serve a notice on the owners concerned.



(5) Nothing in this section shall empower the Council to require A.B. Ports to raise the levels of their existing dock walls and dock entrances.

PART V  
—cont.

(6) (a) The Council shall not nor shall any other person under the powers of this section construct on, under or over tidal waters or tidal lands below the level of high water any work without the consent of the Secretary of State and otherwise than in accordance with such plan and subject to such conditions and restrictions as he may approve or impose and where any such work has been constructed neither the Council nor any other person shall alter or extend the same without the like consent.

(b) If any work is carried out contrary to the provisions of this subsection the Secretary of State may abate and remove the same and restore the site thereof to its former condition and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the owner of the work.

40. No person shall be guilty of an offence or subject to any penalty under the Sunday Observance Act 1780 by reason of his having managed, conducted, assisted at, or otherwise taken part in, or attended or advertised the Hull Show, or by reason of his being the keeper of any place opened and used on Sundays for the purpose of the Show.

Power to charge for admission to Hull Show on Sundays.  
1780 c. 49  
(21 Geo. 3).

41.—(1) In this section “the Act of 1957” means the Housing Act 1957 and “clearance area”, “house” and “land” have the same meanings as in the Act of 1957.

Temporary retention of unfit houses for other purposes.  
1957 c. 56.

(2) Notwithstanding anything in Part III of the Act of 1957, where the Council have under that Part declared any part of the city to be a clearance area, the Council may postpone, for such period as they may determine—

(a) the acquisition of any house within that area if the owner so requests; or

(b) the demolition of any house within that area;

being in either case a house which in their opinion is or can be rendered capable of being used for purposes other than housing purposes, and may carry out such works as may from time to time be required for rendering or keeping the house capable of being used as aforesaid:

Provided that the Council shall not—

(i) postpone the demolition of a house under paragraph (b) above in a case in which they have already postponed the acquisition of that house under paragraph (a) above;

PART V  
—cont.

- (ii) postpone the demolition of a house under paragraph (b) above for longer than five years from the date on which they purchase the land on which it is situated;
- (iii) carry out any works on land under this subsection without obtaining the consent of the owner of the land or, in a case in which such consent is not obtained, until they have taken possession of the land under section 11 of the Compulsory Purchase Act 1965.

1965 c. 56.

(3) Where the acquisition or demolition of a house in a clearance area is postponed under subsection (2) above, the Council may also postpone the taking of any proceedings under section 43 of the Act of 1957 in respect of any building other than a house within that area.

Street  
numbers.

**42.—**(1) The Council may allocate to the buildings in a street in the city such numbers as they think fit.

1847 c. 34.

(2) Where a number has, or numbers have, been allocated to a building under this section or under section 64 of the Towns Improvement Clauses Act 1847, the Council may serve on the owner or occupier of the building a notice requiring him within such period, not less than three weeks, as may be specified in the notice to mark the building with that number, or those numbers, in such a way as to make the mark legible from the street.

(3) The owner or occupier of a building shall—

- (a) maintain the mark in such a way that it remains legible from the street; and
- (b) keep the view of the mark from the street unobstructed to such extent as is practicable.

(4) The Council may alter the number or numbers allocated to a building, and where they do so subsections (2) and (3) above shall apply to the altered number or numbers.

(5) The Council may, instead of requiring a building to be marked with a number or numbers under this section, require it to be marked with such other means of identification as they may, at the request of the owner or occupier, allow; and subsections (2) and (3) above shall have effect accordingly.

(6) An owner or occupier of a building who without reasonable excuse—

- (a) fails to comply with a notice served on him under subsection (2) above; or
- (b) contravenes subsection (3) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.



(7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the city:—

PART V  
—cont.  
1847 c. 34.

(a) in the words introducing sections 64 and 65, the words “and numbering the houses”;

(b) in section 64 the words from “shall from time to time” to “think fit, and”, and the words “number or” wherever occurring;

(c) section 65.

**43.—**(1) Subject to subsection (2) below, the Council may by notice prohibit persons, either entirely or at such times or on such days as may be specified in the notice, from driving a mechanically propelled vehicle on to any vacant land in the city which is accessible from a highway. Prohibition of vehicles on certain vacant land.

(2) The Council shall not without the consent of the owner give a notice under subsection (1) above in respect of land not vested in them.

(3) 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.

(4) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) A prohibition under this section shall cease to have effect after six months, or such longer period as the Council may by resolution prescribe, after the date when the notice referred to in subsection (1) above was first displayed.

**44.—**(1) If any person uses, in connection with any trade, business, calling or profession, the armorial bearings of the Council, or an emblem or device closely resembling those armorial bearings, in such a manner as to be calculated to lead to the belief that he is entitled to use those bearings as his own, he may at the suit of the Council be restrained by injunction from continuing to use them. Restriction on use of armorial bearings.

(2) If any person without the consent of the Council uses, in connection with any trade, business, calling or profession, any part of the armorial bearings of the Council, or any emblem or device closely resembling any such part, in a manner calculated to lead to the belief that he displays the part, emblem or device with the approval of the Council, he may at the suit of the Council be restrained by injunction from continuing to use that part, emblem or device.

(3) Nothing in this section shall affect any right of the proprietor to the continued use of any trade mark in existence at the commencement of this Act.

PART V  
—cont.Victoria Pier.  
1872 c. xlv.

1934 c. lxxxii.

**45.**—(1) In this section “the Order” means the Provisional Order dated 19th May 1871 and confirmed by the Local Government Supplemental Act 1872 and “the Scheme” means the Kingston upon Hull Corporation (Victoria Pier) Scheme 1934 confirmed by the Public Works Facilities Scheme (Kingston upon Hull Corporation Victoria Pier) Confirmation Act 1934.

(2) The Council may continue and maintain the Victoria Pier, as extended by virtue of section 4 (Power to construct landing stage and works) of the Scheme, together with all subsidiary and incidental works constructed in connection therewith.

(3) Articles 6 and 9 to 15 of the Order and section 13 (Survey of works by Board of Trade), section 14 (Abatement of work abandoned or decayed), section 16 (Permanent lights on works) and section 17 (Provision against danger to navigation) of the Scheme shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to them.

Saving in  
respect of  
certain  
watercourses.1952 c. xliii.  
1967 c. xxxiii.

**46.** Subsection (1) (a) and subsection (3) of section 100 (Transfer of certain watercourses to Corporation) of the Kingston upon Hull Corporation Act 1952 and subsections (1) and (3) of section 75 (Transfer of part of Foredyke Stream) of the Kingston upon Hull Corporation Act 1967 shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to them.

Saving for  
Humber  
Bridge.

1959 c. xlvi.

**47.** The Humber Bridge Act 1959 shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to that Act.

## PART VI

## GENERAL

Local  
inquiries.

**48.** 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.

Saving for  
conduct of  
business  
or use of  
premises.

**49.** Where under any provision of this Act the carrying on of a specified business or the use of premises for a specified purpose is subject to a requirement for registration with the Council, it shall be lawful for any person who—

(a) immediately before the day on which the requirement comes into operation is carrying on any such business or using premises for any such purpose; and



(b) has before that day duly applied for the registration required by that provision;

PART VI  
—cont.

to carry on that business or, as the case may be, to use those premises for that purpose pending the issue of a certificate of registration.

50. 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.

51. Where a requirement, refusal or other decision of the Council against which a right of appeal is conferred by this Act—

Suspension of  
proceedings  
pending  
appeal.

(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; and

(ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

52. Where under this Act any question is to be determined by arbitration, then, unless otherwise provided, the question 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.

53. 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, the Council or a constable.

Restriction  
on right to  
prosecute.

54.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown

Crown rights.

PART VI  
—cont.

and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises the Council 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 the Council to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

1950 c. 39.

Liability of  
directors, etc.

**55.**—(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.

Penalty for  
obstruction.

**56.** Any person who intentionally obstructs any officer of the Council 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 level 3 of the standard scale.

Defence of  
due diligence.

**57.**—(1) In proceedings for an offence under section 18 (Dust, etc., from building operations) of this Act 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.

PART VI  
—cont.

(2) 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 in writing giving such information as was then in his possession identifying, or assisting in the identification of, that other person.

**58.**—(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 18 (Dust, etc., from building operations);

Section 20 (Power to examine and test flues believed to be defective);

Section 39 (Prevention of overflow of river):

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 case of emergency, be given to that board and that 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.

**59.** Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (powers of entry) shall have effect with respect to the following provisions of this Act as that section has effect with respect to section 16 of the said Act of 1982:—

Application  
of section  
17 of Local  
Government  
(Miscellaneous  
Provisions)  
Act 1982.  
1982 c. 30.

Section 19 (Power to order alteration of chimneys);

Section 22 (Hairdressers and barbers):

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 17 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to

PART VI  
—cont.

that board and that 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.

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

**60.**—(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 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 byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

(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 16 (Power to make byelaws);

Section 18 (Dust, etc., from building operations);

Section 19 (Power to order alteration of chimneys);

Section 27 (Extension of section 25 of Local Government (Miscellaneous Provisions) Act 1976).

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

**61.** 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 this Act had been passed before the coming into operation of that subsection.

Repeals.

**62.**—(1) The Acts specified in Schedule 2 to this Act are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions contained in Schedule 3 to this Act shall have effect.



## SCHEDULES

## SCHEDULE 1

Section 58.

## 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 notice, &c.
285	Service of notices, &c.
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.

Section 62.

SCHEDULE 2  
ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
6 Edw. 7. c. clxxxix.	Kingston-upon-Hull Corporation Act 1906.	Section 41 (Omnibuses in connexion with tramways).
1 & 2 Geo. 5. c. lxxxvi.	Kingston-upon-Hull Corporation Act 1911.	Section 52 (Corporation to appoint harbour master).
11 & 12 Geo. 5. c. xcvi.	Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921.	Article 1 (Power to run omnibuses), article 2 (Amendment of subsection (3) of s. 41 of Local Act), article 3 (sections 51 and 56 of Tramways Act 1870 to apply to omnibuses) and article 4 (Fares and charges) of the Kingston-upon-Hull Order 1921.
12 & 13 Geo. 5. c. lxxxvi.	Kingston upon Hull Corporation Act 1922.	Section 28 (Extension of powers over River Hull).
14 & 15 Geo. 5. c. lvi.	Kingston upon Hull Corporation Act 1924.	Section 21 (Provisions as to old harbour dues and charges); and Section 24 (Turkish medicated and other baths).
15 & 16 Geo. 5. c. xxx.	Kingston upon Hull Corporation Act 1925.	Section 13 (Prevention of overflow of River Hull); and Section 17 (For the protection of navigation and other public rights below high water mark).
23 & 24 Geo. 5. c. lxxvii.	Kingston upon Hull Corporation Act 1933.	Section 58 (Power to establish information bureaux).
15 & 16 Geo. 6 & 1 Eliz. 2. c. xliii.	Kingston upon Hull Corporation Act 1952.	Section 42 (Trees, grass verges and gardens); Section 54 (Power to order alteration of domestic chimneys); Section 83 (Superannuation of telephone service employees); Section 90 (Removal of sunk, stranded or abandoned vessels); Section 91 (As to vessels in which the Crown have an interest); Section 97 (Information centres); and Section 99 (Restriction on use of city armorial ensigns).
1967 c. xxxiii.	Kingston upon Hull Corporation Act 1967.	Section 37 (Power to examine and test flues believed to be defective); Section 73 (Hairdressers and barbers); Section 74 (Fencing of open drains and watercourses); and Section 77 (Byelaws as to use of telephone system, etc.).



SCHEDULE 3

Section 62.

TRANSITIONAL AND SAVING PROVISIONS

1.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of such repeal, any provision of this Act relating to the same matter shall have effect as if that period began to run under that provision.

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 an enactment in force in any area which is repealed by this Act and any enactment in 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. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

4. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 16 and 17 of the Interpretation Act 1978.

1978 c. 30.

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