

**ELIZABETH II**



**1985 CHAPTER v**

An Act to re-enact with amendments certain local enactments in force within the borough of Bournemouth; to confer further powers on the Bournemouth Borough Council; and for other purposes. [4th April 1985]

**WHEREAS—**

(1) The borough of Bournemouth (hereinafter referred to as “the borough”) is under the management and local government of the Bournemouth Borough Council (hereinafter referred to as “the Council”):

(2) The borough was constituted on 1st April 1974 by virtue of the Local Government Act 1972 (hereinafter referred to as “the Act of 1972”) and comprises the former county borough of Bournemouth: 1972 c. 70.

(3) Certain local statutory provisions were in force in the said former county borough and by virtue of section 262 of the Act of 1972 and the Non-metropolitan and Welsh Counties

S.I. 1983/619. (Local Statutory Provisions) Order 1983 such local statutory provisions cease to have effect at the end of 1986 subject to certain exceptions:

(4) It is expedient that certain of the said local statutory provisions should be re-enacted with amendments:

1957 c. 56.

(5) It is expedient to extinguish rights of turbary over certain land in the borough of Poole in the county of Dorset which has been acquired by the Council under the Housing Act 1957 and that the Council should be enabled to use that land for the purposes of their functions under the said Act of 1957 free from any beneficial interest or any other right therein of the public or the inhabitants at large:

(6) It is expedient to confer further powers on the Council and that the other provisions contained in this Act should be enacted:

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

(8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

(9) A plan showing the land to be used or dealt with in accordance with the provisions of this Act and a book of reference relating thereto were duly deposited in the office of the Clerk of the Parliaments, and in the Private Bill Office, House of Commons and with the proper officer of the Dorset County Council which plan and book of reference are in this Act referred to respectively as the deposited plan 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 Bournemouth Borough Council Act 1985.

(2) This Act shall come into operation at the end of three months beginning with the date on which it is passed.

- PART I  
—cont.
- 2.—(1) In this Act unless the context otherwise requires—
- “the Act of 1936” means the Public Health Act 1936; Interpretation.
- “the Act of 1971” means the Town and Country Planning Act 1971; 1936 c. 49.  
1971 c. 78.
- “the Act of 1972” means the Local Government Act 1972; 1972 c. 70.
- “the Act of 1980” means the Highways Act 1980; 1980 c. 66.
- “the borough” means the borough of Bournemouth;
- “the Boscombe Pier” means the existing pier and works authorised and constructed under the Boscombe Pier Orders;
- “the Boscombe Pier Orders” mean the Boscombe Pier Orders made and confirmed in the years 1887, 1889 and 1891;
- “the Bournemouth Pier” means the existing pier and works authorised, constructed, widened and extended under the Bournemouth Pier enactments;
- “the Bournemouth Pier enactments” means the Bournemouth Improvement Act 1856, the Order for altering that Act confirmed by the Local Government Board’s Provisional Orders Confirmation (Bournemouth, &c.) Act 1878 and the Bournemouth Pier Order 1892; 1856 c. xc.  
1878 c. clxii.  
1892 c. ccvi.
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “the Council” means the Bournemouth Borough Council;
- “fire authority” has the meaning given by section 43 of the Fire Precautions Act 1971; 1971 c. 40.
- “the level of high water” means the level of mean high-water springs;
- “owner” has the meaning given by section 343 of the Act of 1936;
- “the piers” means the Boscombe Pier and the Bournemouth Pier or either of them, as the case may be;
- “premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “the Public Health Acts” means the Public Health Act 1875 and any Acts amending or extending the same; 1875 c. 55.
- “public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981; 1981 c. 14.
- “seashore” has the meaning given by section 49 (1) of the Coast Protection Act 1949; 1949 c. 74.

PART I  
—cont.

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

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

(2) Any reference in this Act to a proper officer shall, in relation to any purpose be construed as a reference to an officer appointed for that purpose by the Council.

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

## PART II

## PUBLIC ORDER AND PUBLIC SAFETY

Safety of  
stands.

3.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

(a) comprising a work of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or

(b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.

1961 c. 64.

(2) No person shall in the borough make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the Council under the following provisions of this section.

(3) Any person who intends to erect in the borough a stand to which this section applies for the accommodation of 20 or more persons shall—

(a) give to the Council notice of his intention, stating the period for which the stand is intended to remain erected; and

(b) submit for approval by the Council such particulars of the intended stand as the Council may require.

(4) On receipt of a notice under subsection (3) (a) above the Council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the Council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.



(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the Council may give to the person by whom the particulars, plan or section were submitted notice specifying—

- (a) such modifications of any plan, section and particulars submitted to them as they may require; and
- (b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the Council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or, as the case may be, the said period of four weeks, the Council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the Council under this section may appeal to a magistrates' court, which may dismiss or allow the appeal, or may vary any requirement of the Council, and may make directions for giving effect to its decision.

(9) If any person—

- (a) contravenes subsection (2) above; or
- (b) contravenes such requirements as are mentioned in subsection (6) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Where it appears to the Council that any stand to which this section applies has been erected or is in use in the borough in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

- (a) to remedy the condition of the stand; or
- (b) to prevent the continued use of the stand until its condition has been remedied; or
- (c) to dismantle the stand;

PART II  
—cont.

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(11) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.

Touting,  
offering for  
hire,  
photographing,  
etc.

4.—(1) The Council may designate, in accordance with subsection (5) below, any of the following places, or any part of such places, in the borough as places to which this section applies for any of the purposes of subsection (2) below:—

- (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of the Council;
- (b) a street, precinct, or esplanade, parade, promenade, marine drive, or way to which the public commonly have access, whether or not as of right;
- (c) the seashore:

Provided that the Council shall not designate for the purposes of subsection (2) (b) (ii) below any street.

(2) Any person who, in a place designated under this section—

- (a) importunes any person by touting for an hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage or other conveyance, not being a public service vehicle, or for a ship or boat; or
- (b) without the consent of the Council or in breach of any condition subject to which the Council's consent is given—
  - (i) photographs any person by way of trade or business; or
  - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The conditions of consent referred to in paragraph (b) of subsection (2) above include conditions as to the times or period for which the consent is valid, the display of a certificate of the consent and the payment for the consent of such reasonable fee to cover the expenses of the Council in administering this section in relation to that paragraph as the Council may by

resolution prescribe; and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

PART II  
—cont.

(4) A person aggrieved by—

- (a) the withholding by the Council of consent referred to in subsection (2) above;
- (b) the conditions subject to which the Council give such consent; or
- (c) the revocation of such consent under subsection (3) above;

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

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

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

(6) A resolution under subsection (5) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (5) (a) above, being a day not less than 28 days after the day on which notice is given under this subsection.

(7) This section shall not prohibit—

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier;
- (b) the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

5. Section 231 of the Act of 1936 shall have effect in its application to the borough as if in subsection (1) after paragraph (f) there were added the following paragraph:—

Regulation of  
bathing and  
surfing.



PART II  
—cont.

“(g) regulate for preventing danger to bathers the areas in which and the hours during which surfing by means of surf boards measuring more than 1.5 metres in length and by means of circular surf boards shall be permitted and bathing shall not be permitted.”.

## PART III

## NIGHT CAFÉS

Interpretation  
of Part III.

6. In this Part “night café” means, subject to section 13 (Exemption of premises) of this Act, any premises which are kept open or used for the supply to the public of refreshments at any time between the hours of 11.00 p.m. and 5.00 a.m. for consumption on or off the premises and includes premises to which the public are not admitted but from which refreshments are supplied to the public.

Prohibition of  
unregistered  
night cafés.

7. Any person, being the owner or occupier, or a person concerned in the conduct or management, of premises in the borough, who—

- (a) uses or permits the use of those premises as a night café when they are not registered under this Part; or
- (b) contravenes, or permits the contravention of, a condition imposed on registration of the premises under this Part;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Offences in  
connection  
with night  
cafés.

8. If a night café is habitually used for an unlawful purpose, or as a resort of criminals or prostitutes, any person concerned in the conduct or management of the night café who knows that the premises are so used and does not take such steps as may be necessary to prevent that use shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Application  
for  
registration.

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

- (a) the name and address of the applicant, and his trade or calling during the six months preceding the application;
- (b) the address or situation of the premises to which the application relates; and



(c) such other information regarding the premises, the persons concerned or intended to be concerned in the conduct or management thereof, and the manner in which the premises are to be used, as the Council may reasonably require;

PART III  
—cont.

and the applicant shall supply such plans of the premises as the Council may reasonably require.

(2) (a) With his application for registration or for the renewal of registration of premises under this Part the applicant shall pay such fee as the Council consider reasonable; and different fees may be prescribed for applications of different kinds.

(b) The Council may dispense with, or reduce, a fee chargeable under this subsection.

(3) An applicant for registration or for the renewal of registration of premises under this Part shall, upon making his application, give notice of the application to the fire authority and to the chief constable; and shall give public notice of the application, (identifying the premises) in such form as the Council may, by resolution, prescribe—

(a) by displaying the notice in a conspicuous position on or near the premises for 14 days beginning with the date of the application; and

(b) except in the case of application for the renewal of registration, by advertisement in a newspaper circulating in the borough published not later than 7 days after the date of application.

(4) An application for registration, or for the renewal of registration, of premises under this Part shall not be entertained by the Council unless they are satisfied that the applicant has complied with subsection (3) above in respect of the application.

10.—(1) (a) The Council shall, on considering an application for the registration of premises under this Part, take into account the suitability of the premises for use as a night café having regard to the matters referred to in subsection (3) below and shall, on considering an application for the renewal of registration, take those matters into account if in their opinion there has, since the last registration or renewal, been a material change of circumstances affecting any of those matters.

Registration of  
night cafés.

(b) Before considering an application for the registration or the renewal of registration of premises under this Part, the Council shall consult the fire authority.

PART III  
—cont.

(2) On considering an application for the registration or the renewal of registration of premises under this Part the Council shall take into consideration any objection made against the application of which notice in writing has, not later than 21 days after the date of the application, been sent to the Council and to the applicant, stating in general terms the grounds of the objection.

(3) The Council—

(a) may refuse to register or renew the registration of premises under this Part if they are satisfied that it is reasonable to do so, having regard to all the circumstances, on any of the following grounds:—

(i) the premises are not structurally suitable for the intended use, or are not provided with satisfactory means of lighting, sanitation and ventilation;

(ii) satisfactory means of ingress and egress, and suitable fire-fighting appliances, are not available on the premises;

(iii) proper precautions against fire on the premises have not been taken;

(iv) the intended use of the premises is likely to cause nuisance or public disorder having regard to the situation of the premises or the character of adjacent premises; and

(b) shall refuse to register or renew the registration of any premises under this Part if they are satisfied that a disqualification order is for the time being in force under section 100 of the Licensing Act 1964 or section 11 of the Late Night Refreshment Houses Act 1969 in respect of the premises or of any person concerned or intended to be concerned in the conduct or management thereof.

1964 c. 26.

1969 c. 53.

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

(a) the taking of proper precautions against fire, and the maintenance in proper order of all means of ingress and egress and fire-fighting appliances;

(b) the prevention of nuisance and the provision, maintenance and clearance of litter bins;

(c) the number of persons who may be allowed to be on the premises at any time;

(d) the hours of opening and closing the premises.

(5) The Council may at any time revoke a registration under this Part on any ground upon which, by subsection (3) above, they are authorised or required to refuse to register or renew the registration of the premises, or if they are satisfied that a condition imposed under subsection (4) above has not been complied with.

PART III  
—cont.

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

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

11.—(1) A person aggrieved by a refusal to register or to renew a registration of premises under this Part, or by the revocation thereof, or any condition imposed thereon, may, not later than 21 days after the day on which notice is given to him under subsection (6) of section 10 (Registration of night cafés) of this Act, appeal to a magistrates' court.

Part III  
appeals.

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

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

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

and make directions for giving effect to its decision:

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

12.—(1) An authorised officer of the Council or any officer of the fire authority, in either case on producing if so required a duly authenticated document showing his authority, or any police constable, may at all reasonable times enter upon, inspect and examine any premises registered under this Part for

Part III  
powers of  
entry,  
inspection,  
and  
examination.



PART III  
—cont.

the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this Part or of any condition imposed on registration under this Part.

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

Exemption of  
premises.

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

(a) premises in respect of which there is in force for the time being a justices' on licence as defined in section 1 (2) of the Licensing Act 1964, not being a Part IV licence as defined in section 93 of that Act;

(b) premises in respect of which there is in force for the time being a Part IV licence as so defined if they are not kept open for public refreshment at any time between the expiration of 30 minutes immediately following the end of the permitted hours in those premises or 11.00 p.m. whichever is the later, and 5.00 a.m.;

(c) premises while in use wholly or mainly for any purpose authorised by a licence under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 or the Private Places of Entertainment (Licensing) Act 1967, or a licence for the public performance of stage plays or a cinematograph exhibition;

(d) premises kept open wholly or mainly in the course of carrying on the business of an hotel or boarding-house keeper providing sleeping accommodation for members of the public as guests;

(e) premises used exclusively as a canteen forming part of premises which are subject to any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

(2) Notwithstanding the provisions of this Part, it shall be lawful for any person who before the expiration of the period of registration of any premises for use as a night café had duly applied for the renewal of that registration to continue that use of the premises until he is informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 61 (Suspension of proceedings pending appeal) of this Act; and the registration shall be deemed to remain in force notwithstanding the expiration of the period of registration until he is so informed.

1964 c. 26.

1982 c. 30.

1967 c. 19.

1974 c. 37.

(3) The Council may by resolution—

PART III  
—cont.

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

(4) The Council shall publish in a newspaper circulating in the borough notice—

- (a) of the passing of any resolution under subsection (3) above and of the day fixed thereby; and
- (b) of the general effect of the provision for the purposes of which the day has been fixed;

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

(5) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any newspaper, being a page or part of a page bearing the date of publication and containing the notice mentioned in subsection (4) above, shall be evidence of the publication of the notice and of the date of publication.

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

14. The Late Night Refreshment Houses Act 1969 shall cease to apply to premises in the borough and any premises in the borough registered under the said Act of 1969 shall be deemed to be registered for use as a night café under this Part.

Late Night Refreshment Houses Act 1969.  
1969 c. 53.

#### PART IV

##### FIRE PRECAUTIONS

15.—(1) Where plans for the erection or extension of a building are deposited with the Council in accordance with building regulations, the Council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show—

Access for fire brigade.

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

PART IV  
—cont.

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

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

(b) No requirement concerning means of access to a building shall be made under this section in the case of a building in respect of which a condition mentioned in subsection (2) (d) of section 18 (Fire precautions in high buildings) of this Act may be imposed under that section.

1984 c. 55. (3) Section 16 (6) and (7) of the Building Act 1984 shall apply to plans mentioned in subsection (1) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act.

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

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

Parking  
places: safety  
requirements.

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

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

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

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

(2) Where—

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

(b) the plans show that the proposed work will include or consist of the construction, extension or alteration of



a building for the purpose of using all or part of it as a parking place to which this section applies;

PART IV  
—cont.

the Council shall reject the plans unless they are satisfied, after consultation with the fire authority and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority), that they may properly consent to the construction, extension or alteration of the building, either unconditionally or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

1928 c. 32.

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

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

(4) Section 16 (6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act.

1984 c. 55.

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

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

(7) If it appears to the Council, after consultation with the fire authority, that any building or part of a building in the borough—

PART IV  
—cont.

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

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

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

1984 c. 55.

(8) The provisions of sections 99 and 102 of the Building Act 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall apply in relation to any notice under subsection (7) above as if—

- (a) references in those provisions to that Act included a reference to that subsection;
- (b) in section 99 (2) the words from “and (b) without prejudice” to the end were omitted; and
- (c) for the reference in section 102 to the court there were substituted a reference to the Secretary of State.

(9) Any person on whom notice is served under subsection (6) above in respect of any parking place owned or occupied by him, who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) For the purposes of section 95 (1) (a) of the Building Act 1984 as applied by this Act, the provisions of this section shall

be provisions which it is the duty of the fire authority as well as the Council to enforce.

PART IV  
—cont.

(12) (a) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force, or in respect of which application for such a licence has been made before the deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence. 1928 c. 32.

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

17.—(1) In this section—

Fire  
precautions in  
certain large  
buildings.

(a) reference to the use of a building for a purpose to which this section applies is a reference to the use of any building for the purpose of trade or manufacture or storing or depositing goods or materials where more than 7,000 cubic metres of the building are so used, not being the use for the parking of vehicles of a parking place to which section 16 (Parking places: safety requirements) of this Act applies;

(b) a change of use of a building from use for the storage of goods or materials of the kind specified in any condition imposed in relation to that building under subsection (3) (d) below, to use for the storage of goods or materials of another kind, shall be taken to be a material change of use of the building.

(2) Where—

(a) plans are deposited with the Council in accordance with building regulations in respect of any proposed work or material change of use of a building; and

(b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building used, or to be used, for a purpose to which this section applies or, as the case may be, the change of use is for use for a purpose to which this section applies;

the Council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or change of use of the building, either unconditionally or subject to



PART IV  
—cont.

compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to any of the following matters relating to the building in respect of which those plans are deposited:—

- (a) the division of the building or any part of the building into compartments with a cubic extent not exceeding 7,000 cubic metres by compartment walls or compartment floors, or by both such walls and floors (including any openings in such walls and floors), being walls and floors having a fire resistance of not less than two hours for the purposes of building regulations;
- (b) the provision of not less than two hours' fire resistance for any external wall of the building which encloses the storage space within the building used for the purpose to which this section applies, or is at a distance from that space less than the height of that space as ascertained in accordance with subsection (11) (a) below, due allowance being made for unprotected areas of the wall permitted for the purposes of building regulations;
- (c) the vertical extension of any such walls as are referred to in paragraph (a) or (b) above to such height above the roof of the building as may be required to prevent the spread of fire from a building of which the roof has a fire resistance of less than two hours for the purposes of building regulations;
- (d) the kind of goods or materials to be stored in any such storage space in respect of which consent is given;
- (e) except where the first use to which any premises constituting or comprised in the building or, as the case may be, the building as extended or altered, will be put, after the proposed work or change of use has been carried out, will be a use in respect of which a fire certificate is for the time being required under the Fire Precautions Act 1971, the means of ingress to, and egress from, the building or any part of the building, including provision for safe ingress and egress in case of emergency;
- (f) the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the Council to be necessary:—

(i) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;

(ii) fire extinguishing systems;

(iii) effective means of removing smoke in case of fire;

(iv) adequate means of access for fire brigade appliances and personnel.

(4) (a) To the extent to which any conditions imposed by the Council in relation to any building in respect of the matters specified in subsection (3) (e) above conflict with the requirements of section 9A of the Fire Precautions Act 1971, those conditions shall not have effect; and to the extent to which any conditions imposed by the Council under this section in relation to any building in respect of the matters specified in subsection (3) (f) above conflict with any conditions imposed in relation to that building in respect of the matters specified in subsection (2) of section 18 (Fire precautions in high buildings) of this Act, those conditions imposed under this section shall not have effect. 1971 c. 40.

(b) Sub-paragraphs (i) and (ii) of paragraph (f) of subsection (3) above shall not apply to any building in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974. 1974 c. 37.

(5) Section 16 (6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act. 1984 c. 55.

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

(7) If it appears to the Council, after consultation with the fire authority, that any building in the borough—

(a) has been first brought into use after the commencement of this Act for a purpose to which this section applies;

(b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited in accordance with building regulations; and

(c) is not so constructed or equipped that, if plans of the work consisting of, or including, the building had been so deposited, the Council would have passed the plans

PART IV  
—cont.

without specifying conditions with respect to any of the matters specified in subsection (3) above; they may, for the purpose of preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building, by notice to the owner or occupier of the building require compliance with—

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

1984 c. 55.

(8) The provisions of sections 99 and 102 of the Building Act 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall apply in relation to any notice under subsection (7) above as if—

- (a) references in those provisions to that Act included a reference to that subsection;
- (b) in section 99 (2) (b) the words from “and to a further fine” to the end were omitted; and
- (c) for the reference in section 102 to the court there were substituted a reference to the Secretary of State.

(9) For the purposes of section 95 (1) (a) of the Building Act 1984 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the Council to enforce.

(10) If any person, without reasonable excuse, obstructs any means of ingress or egress provided in pursuance of a condition imposed under subsection (3) (e) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) (a) For the purpose of paragraph (a) of subsection (1) above, the aggregate cubic extent of a building, or part of a building, used for any purpose mentioned in that paragraph (hereafter in this subsection referred to as “the relevant purpose”) shall be ascertained by measuring the volume of the space therein so used contained within—

- (i) the inner finished surfaces of the external walls of the building and any internal enclosing wall which (including any openings therein) has a minimum fire resistance of two hours for the purpose of building regulations, or, on any side where there is no such wall, a vertical plane at the limit of the space used for the relevant purpose;



- (ii) the upper surface of the lowest floor used for the relevant purpose in the building; and
  - (iii) the under surface of the roof of the building, or any floor over the space used for the relevant purpose which has a minimum fire resistance of two hours for the purpose of building regulations.
- (b) For the purpose of this subsection—
- (i) no deductions shall be made for any space which is used for ingress or egress or for placing or removing contents of the building, or for any space less in width than the height between the floor and roof specified in paragraph (a) (ii) and (iii) above which is between that used for the relevant purpose and an external wall of the building; and
  - (ii) where the part of the space used for the relevant purpose, when ascertained in accordance with paragraph (a) above, consists of a number of separate spaces, those spaces and any intervening spaces used for any other purpose shall, except as provided in sub-paragraph (iii) below, be taken as one space wholly used for the relevant purpose; but
  - (iii) there shall be excepted from sub-paragraph (ii) above any space which is separated from another space by a distance, or by walls or floors, adequate to prevent a spread of fire to or from that other space.

(12) In the case of a building or part of a building used only by the operator of a telecommunications code system as defined in paragraph 1 (1) of Schedule 4 to the Telecommunications Act 1984 for purposes which include use for the accommodation or support (other than by way of storage only) of apparatus used for the operation of such telecommunications code system, a condition imposed under this section with respect to automatic fire alarms or fire extinguishing systems shall be of no effect if it conflicts with the precautions described in a code of practice (including appendices) issued by the Property Services Agency of the Department of the Environment which is then applicable to any such use of the building or part of the building.

1984 c. 12.

**18.—(1) Where—**

- (a) plans are deposited with the Council in accordance with building regulations in respect of any proposed work or material change of use of a building; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of, or, as the case may be, that the building is, a building

Fire  
precautions  
in high  
buildings.

PART IV  
—cont.

of which the floor of any storey is more than 18.3 metres above the surface of the ground on any side of the building;

the Council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or, as the case may be, the change of use of the building, either unconditionally or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (2) below for preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(2) The conditions subject to compliance with which plans may be passed under subsection (1) above are conditions with respect to the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the Council to be necessary:—

- (a) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;
- (b) fire extinguishing systems;
- (c) effective means of removing smoke in case of fire;
- (d) adequate means of access for fire brigade appliances and personnel.

(3) Paragraphs (a) and (b) of subsection (2) above shall not apply to any building in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(4) Section 16 (6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (1) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act.

1984 c. 55.

(5) A person aggrieved by the action of the Council under subsection (1) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

(6) For the purposes of section 95 (1) (a) of the Building Act 1984 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the Council to enforce.

(7) In the case of a building or part of a building used only by the Post Office or, as the case may be, the operator of a telecommunications code system as defined in paragraph 1 (1) of Schedule 4 to the Telecommunications Act 1984 for

1984 c. 12.

purposes which include use as a postal sorting office or for the accommodation or support (other than by way of storage only) of apparatus used for the operation of such telecommunications code system a condition imposed under this section with respect to automatic fire alarms or fire extinguishing systems shall be of no effect if it conflicts with the precautions described in a code of practice (including appendices) issued by the Property Services Agency of the Department of the Environment which is then applicable to any such use of the building or part of the building.

PART IV  
—cont.

19.—(1) Section 72 of the Building Act 1984 shall have effect in its application to the borough as if—

Amendment  
of section 72  
of Building  
Act 1984.  
1984 c. 55.

(a) in subsections (1) and (6) thereof the words “4.5 metres” were substituted for the words “twenty feet”;

(b) in the said subsection (6)—

(i) in paragraph (a) for the words “let in flats or” there were substituted the words “used in whole or in part as flats or”;

(ii) the following paragraph was added:—

“(d) is used for the holding of dancing classes other than any premises in respect of which a licence has been granted under Part I (Licensing of Public Entertainments) of the Local Government (Miscellaneous Provisions) Act 1982.”.

1982 c. 30.

(2) (a) The Council may by notice require the person having control of a building to which the said section 72, as amended by subsection (1) above, applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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

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



PART IV  
—cont.

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made and may make directions for giving effect to its decision.

1984 c. 55.

(3) Section 72 of the Building Act 1984, as having effect in accordance with this section, shall not apply to—

(a) any building in respect of which a licence under the Cinematograph Acts 1909 to 1982 is for the time being in force; or

1971 c. 40.

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

## PART V

## PUBLIC HEALTH

Hairdressers  
and barbers.

20.—(1) A person shall not carry on the business of a hairdresser or barber in the borough unless he is registered by the Council under this section and, except as 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 part of the premises is occupied by a hairdresser for the purpose of attending to persons employed at the 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.

1961 c. 64.

(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 or deemed to have been made by the Council under section 77 of the Public Health Act 1961 (byelaws as to hairdressers and barbers) displayed conspicuously 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.

1982 c. 30.

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

21.—(1) A duly authorised officer of the Council may exercise the powers under section 3 of the Dogs Act 1906 with respect to the seizure, detention and disposal of stray dogs in the borough and for the purposes of that section, as it applies to the borough, a dog shall be treated as a stray if it appears not to be in the charge of any person.

PART V  
—cont.  
Control of  
stray dogs.  
1906 c. 32.

(2) In consequence of subsection (1) above, section 3 of the Dogs Act 1906 shall have effect in the borough subject to the following modifications:—

(a) the substitution for subsection (1) of the following:—

“(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention;”;

(b) in both subsections (2) and (4), the substitution for “the chief officer of police, or any person authorised by him in that behalf,” of the words “the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf”;

(c) in subsection (6), the substitution for “of a police area” of the words “and the district council” and for “in that area” of the words “by him or them respectively”; and

(d) in subsection (7), the substitution for “The police shall not dispose of any dog seized under this section” of the words “A dog seized under this section shall not be disposed of”, and the insertion after “inspection” of the words “at all reasonable times”.

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Schedule 1 to this Act.

22. The Council may at the request of the owner or occupier of any premises within the borough provide and maintain at such premises a bulk refuse container on such terms and conditions and at such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Council.

Provision of  
bulk refuse  
containers by  
Council.

23.—(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container, or where the Council at the request of the owner or occupier provide a bulk refuse container, the Council may by notice require him to provide and maintain to the satisfaction of the Council a good

Maintenance  
of and access  
to bulk refuse  
containers.

PART V  
—cont.

and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Council such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Council constructed to convey bulk refuse containers to and from refuse vehicles.

(2) A notice under subsection (1) above may require the owner or occupier of the premises to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section, and subsection (3) (f) of that section as so applied shall have effect as if—

- (a) references to premises included references to parts of premises;
- (b) the reference to work for the common benefit of the premises in question and other premises included a reference to work for the sole benefit of those other premises; and
- (c) the reference to contribution towards the cost of the works included a reference to undertaking the whole of that cost.

Power to provide dustbins for trade refuse.

24.—(1) The Council may, as respects any premises in the borough, provide and maintain such number of dustbins or other receptacles for the reception of trade refuse as they may consider necessary.

(2) The Council may make a charge for any dustbin or other receptacle provided in pursuance of this section.

## PART VI

## PARKS AND AMENITIES

Definition of "five parks".

25. In this Part and in Schedule 2 to this Act "the five parks" means the parks in the borough specified in column 1 of Part I of the said Schedule 2 (the approximate area of each of which is specified in that column beneath the name of the park to which it relates) being those park lands to which the conveyances mentioned in column 2 of that Schedule relate and which until the commencement of this Act were subject to the Bournemouth Park Lands Act 1889 and the Bournemouth Corporation Act 1900.

1889 c. clxi.  
1900c.cclxxxvi.



26.—(1) The Council may, in any park, pleasure ground or open space provided by them or under their management and control, provide and manage a botanical garden.

PART VI  
—cont.

Provision of  
botanical  
gardens.

(2) The Council may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any botanical garden under this section and references in the following provisions of this section to a botanical garden so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such building is equipped.

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

(4) The Council may make such charges as they think fit for admission to any botanical garden provided under this section.

(5) For the purposes aforesaid the Council may enclose any part of any park, pleasure ground or open space provided by them or under their management and control and may exclude the public from the part so enclosed:

Provided that nothing in this section shall empower the Council to enclose more than one-hundredth of the total area of all the parks and pleasure grounds or open spaces provided by them or under their management and control or more than one hectare of any of the five parks.

(6) No power conferred upon the Council by this section shall be exercised in such a manner—

(a) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Council, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(b) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Council, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

27.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control the Council may set apart an area (not exceeding the prescribed area) of the open space for use for the parking of vehicles and provide parking places and facilities in connection therewith.

Provision of  
parking places  
in parks, etc.

PART VI  
—cont.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

(3) The Council shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

(4) The Council shall consult the British Railways Board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated—

(a) over; or

(b) elsewhere within a distance of 15 metres (measured in any direction) from;

any railway of that board.

(5) In this section “the prescribed area” means—

(a) where the total area of the park, pleasure ground or open space does not exceed 4 hectares, one-eighth of that area;

(b) where such area exceeds 4 hectares but does not exceed twelve hectares, one-half hectare;

(c) in any other case, one hectare.

Provisions  
relating to five  
parks.

28.—(1) Each of the five parks shall—

(a) subject to the provisions of this Act be deemed to be a park belonging to and provided by and under the management and control of the Council within the meaning of the Public Health Acts and the Act of 1972;

(b) for the purpose of the making of byelaws for the regulation thereof, be deemed to be public walks and pleasure grounds, purchased, laid out and maintained by the Council for the purpose of being used as such under section 164 of the Public Health Act 1875.

1875 c. 55.

(2) (a) Without prejudice to subsection (1) above the Council may, in connection with the exercise by the Council of any of the powers contained in Part II of Schedule 2 to this Act, make byelaws for regulating the use of the five parks and for securing that persons resorting to the same will so behave themselves as to avoid undue interference with the enjoyment by other persons of the five parks and the buildings erected thereon or any part thereof, for regulating the use of the roads in the five parks and generally for the purposes of Part II of Schedule 2 to this Act.

(b) Byelaws made under this subsection may contain provisions imposing upon a person offending against a byelaw a fine not exceeding level 2 on the standard scale.

PART VI  
—cont.

(3) (a) The Council shall not (except as in this Act provided) sell, demise or otherwise alienate any part of the five parks.

(b) The Council shall, subject to the provisions of this Act—

(i) at all times keep the five parks and each of them unbuilt on as open spaces for the recreation and enjoyment of the public; and

(ii) preserve so far as possible the natural aspect and state of the same.

(c) The Council may exercise in relation to the five parks and each of them the powers contained in Part II of Schedule 2 to this Act but subject to the conditions and restrictions therein specified.

29.—(1) In this section—

“the indenture” means the indenture dated 12th August 1873 and made between Owen John Augustus Fuller Meyrick and the Reverend Edward Harland of the first part Sir George Elliott Meyrick Tapps Gervis of the second part and the Bournemouth Commissioners of the third part;

Powers relating to Lower Central Gardens.

“the Lower Central Gardens” means the public gardens or pleasure grounds in the borough known as the Lower Central Gardens to which the indenture relates;

“the owner” means the person in whom the freehold of the Lower Central Gardens is for the time being vested;

“the signed map” means the map signed in triplicate by the Right Honourable the Lord Nugent the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office, House of Commons; and

(c) the office of the chief executive and town clerk of the Council;

“the specified part of the Lower Central Gardens” means that part of the Lower Central Gardens which is shown coloured pink on the signed map.

(2) Notwithstanding anything in the indenture the Council may use, control and manage, and with the consent of the owner develop the Lower Central Gardens and with the like



PART VI  
—cont.

consent provide such facilities and erect and maintain such buildings as the Council consider necessary or desirable:

Provided that only the specified part of the Lower Central Gardens shall be used for the erection of buildings under this section.

(3) Without prejudice to the generality of subsection (2) above the Council may—

- (a) provide public amenities, facilities for entertainment and recreation, buildings and shops;
- (b) hire caterers and erect or permit the erection of such accommodation as the caterers consider necessary;
- (c) by themselves or any other person appointed by them in that behalf apply for and hold licences for the sale of beer or intoxicating liquors for the purposes of this paragraph;
- (d) exercise in respect of the Lower Central Gardens and the said buildings the powers conferred upon the Council by the Public Health Acts in respect of public walks and pleasure grounds.

(4) The Council and the owner may enter into an agreement with any person with respect to the provision of facilities and the erection and maintenance of buildings in the Lower Central Gardens authorised by this section on such terms and conditions (but in the case of a lease for a term not exceeding 99 years) and for such consideration as the Council and the owner think fit:

Provided that the Council shall obtain the consent of the Charity Commissioners in the case of a lease ending more than 22 years after it is granted or for a consideration less than the best that can be reasonably obtained.

(5) Any surplus revenue derived by the Council from the exercise of the powers contained in subsection (4) above shall be applied by the Council towards the maintenance and improvement of the Lower Central Gardens.

Grass verges,  
etc.

30.—(1) This section applies to—

- (a) any grass verge in any street being a verge vested in the Council and mown or otherwise maintained in an ornamental condition;
- (b) any garden, lawn or green vested in the Council in any street and mown or maintained as aforesaid;
- (c) land accessible from a highway and vested in a person other than the Council being land laid out as a public garden or used for the purpose of public recreation

and in either case mown or maintained in an ornamental condition by the Council.

PART VI  
—cont.

(2) 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 such land;
- (b) driving or riding a vehicle on such land;
- (c) using any equipment provided on such land.

(3) In the case of any prohibition by virtue of paragraph (c) of subsection (2) 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.

(4) A prohibition under subsection (2) (b) or (c) above shall not extend to driving or riding a vehicle or using any equipment—

- (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.

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

(b) Notice of a prohibition contained in subsection (2) (b) or (c) 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 Road Traffic Regulation Act 1984) shall be indicated by a traffic sign within the meaning of section 64 of the said Act of 1984, and section 65 (1) of the said Act of 1984 shall have effect as respects the placing of traffic signs under this section. 1984 c. 27.

(6) A person who without reasonable excuse contravenes a notice posted 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.

(7) Notice shall not be given in respect of such land as is mentioned in subsection (1) (c) above except with the consent of the person concerned or his representatives.

(8) Where land to which a prohibition contained in subsection (2) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of

PART VI  
—cont.

grazing cattle and horses, 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).

(9) In this section “statutory undertakers” means—

- (a) any person authorised by any enactment to carry on any undertaking for the supply of electricity, gas or water; and
- (b) any person to whom a licence has been granted under section 7 of the Telecommunications Act 1984 and to whom the telecommunications code, as defined in that Act, is applied by that licence.

1984 c. 12.

Extinguish-  
ment of rights  
of cutting  
turves on  
specified land.

31.—(1) On the coming into force of this Act all rights under the Inclosure Act, the award or otherwise to cut and take turves for fuel on the specified land shall cease and be extinguished and the Council may appropriate and use the specified land free from any beneficial interest or any other right therein of the public or the inhabitants at large.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Council compensation, to be determined, in case of dispute, under, and in accordance with, the Land Compensation Act 1961.

1961 c. 33.

(3) As soon as may be after the coming into force of this Act the Council shall—

- (a) publish a notice stating the effect of subsection (2) above in two consecutive weeks in a local newspaper circulating in the borough; and
- (b) display a notice to the said effect in a conspicuous position on the specified land.

(4) The exchange land shall be held for ever by the Council for the charitable purpose of an open space for the recreation and enjoyment of the public.

(5) In this section—

“the award” means the award of 1822 made in pursuance of the Inclosure Act;

“the exchange land” means the land provided in exchange for the specified land and shown coloured green on the signed plan;



“the Inclosure Act” means the Act 45 Geo. 3 cap. xcii intituled “An Act for inclosing Lands in the Parish of Great Canford, in the County of Dorset, and in the Town and County of the Town of Poole”;

PART VI  
—cont.  
1805 c. xcii.

“the signed plan” means the plan signed in triplicate by the Right Honourable the Lord Nugent the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office, House of Commons; and

(c) the office of the chief executive and town clerk of the Council;

“the specified land” means the land delineated on the deposited plan and described in the deposited book of reference and therein numbered 1 being land for the time being belonging to the Council.

## PART VII

### TRANSPORT

32.—(1) Except as provided in subsection (2) below, there shall not be displayed in the borough on or from any motor vehicle constructed or adapted to seat more than two and less than 9 passengers, not being a hackney carriage or public service vehicle—

Signs on  
vehicles.

(a) any sign, notice, mark, illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a hackney carriage that the vehicle is used for the purpose of carrying passengers for hire or reward;

(b) without prejudice to the generality of paragraph (a) above in the case of a private hire vehicle any sign or notice which consists of or includes—

(i) the word “taxi”, “tax” or “cab” (whether in the singular or plural) or “hire” or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or

(ii) any telephone number or address, or any number or words which appear to be, or resemble, a telephone number or address.

PART VII  
—cont.

1976 c. 57.

(2) Subsection (1) above shall not apply to—

(a) a sign displayed on or from a private hire vehicle prescribed or expressly permitted by condition attached to the grant of a licence for that vehicle under section 48 of the Local Government (Miscellaneous Provisions) Act 1976; or

(b) a sign displayed on or from a vehicle when it is stationary—

(i) which contains no words or numbers other than the name and address of the person owning or operating the vehicle or the name under which he carries on his business and its address and, in either case, the name of a passenger to be carried in the vehicle; and

(ii) is displayed in pursuance of a prior arrangement made for the carriage of the passenger named on the sign.

(3) No advertisement—

(a) indicating that motor vehicles can be hired on application to a specified address or telephone number being the address or telephone number of premises in the borough; or

(b) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the words “taxi”, “tax” or “cab”, whether in the singular or plural and whether alone or as part of another word, unless the vehicles offered for hire are licensed hackney carriages or the advertisement makes it clear that they are not.

(4) If any person knowingly—

(a) drives a vehicle in respect of which this section is contravened; or

(b) causes or permits this section to be contravened in respect of any vehicle; or

(c) subject to subsection (5) below, issues, or causes to be issued, an advertisement which contravenes subsection (3) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) When a person is charged with an offence under paragraph (c) of subsection (4) above, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no

reason to suspect that its publication would amount to an offence under that paragraph.

PART VII  
—cont.

(6) In this section—

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly;

“private hire vehicle” has the meaning given by section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

1976 c. 57.

33. Notwithstanding the repeal by this Act of section 104 (Power to provide and run omnibuses) of the Bournemouth Corporation Act 1930, the Council 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).

Omnibus  
undertaking.  
1930 c. clxxxi.  
1930 c. 43.

## PART VIII

### PIERS

34.—(1) In this Part “the Act of 1847” means the Harbours, Docks, and Piers Clauses Act 1847.

Interpretation  
of Part VIII  
and incorpo-  
ration of Act  
of 1847.  
1847 c. 27.

(2) The Act of 1847 (except sections 6 to 23, 84 to 90, 95 to 99 and 101) so far as applicable to the purposes and not inconsistent with the provisions of this Part is hereby incorporated with this Part.

35. The limits within which the Council shall have authority and within which the powers of their pier-master may be exercised shall comprise the piers and an area below the level of high water within a distance of 100 metres from any part of either of the piers which limits are in this Part termed “the limits of the piers”.

Limits.

36. Subject to the provisions of section 70 (Tidal works) of this Act the Council may maintain, improve, extend, enlarge, alter, replace or reconstruct the piers as they think fit.

Maintenance,  
etc., of piers.

37. Subject to the provisions of section 70 (Tidal works) of this Act the Council may in connection with the piers, construct and maintain, whether temporarily or permanently, all such works and conveniences as may be requisite or expedient for

Subsidiary  
works.



PART VIII  
—cont.

the purposes of or in connection with the maintenance, improvement, extension, enlargement, alteration, replacement or reconstruction and use of the piers.

Power to  
dredge.

**38.**—(1) Subject to the provisions of section 51 (Crown rights) of this Act the Council may within the limits of the piers deepen, dredge, scour, excavate, alter and improve any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the piers for vessels using the same.

(2) All sand, mud and materials dredged up under the powers contained in subsection (1) above shall be the property of the Council who may sell or otherwise dispose of, remove or deposit the same within the limits of the piers:

Provided that no sand, mud or other materials shall be laid down or deposited in any places below the level of high water except in such a position and subject to such conditions and restrictions as may be approved by the Secretary of State.

(3) All moneys arising from any sale or other disposition of sand, mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the pier revenue.

Byelaws as to  
piers.

**39.**—(1) The Council may without prejudice to the power to make byelaws under section 83 of the Act of 1847 make byelaws for all or any of the following purposes, that is to say:—

- (a) for the management and regulation of the piers and for the regulation of persons using the same for pleasure or business;
- (b) for the prevention of nuisance and annoyance by smoke or noise caused by steam or other vessels, or the machinery and appliances thereof;
- (c) for the prevention of refuse of any kind being thrown or suffered to fall into the sea within 100 metres of either of the piers;
- (d) for prescribing the particular portions of either of the piers or landing stages at which vessels and boats may lie for embarking or disembarking passengers and their luggage; and
- (e) for regulating and preventing the mooring of boats and vessels to the piers.

(2) Byelaws made by the Council under section 83 of the Act of 1847 or under this section may contain provisions imposing upon a person offending against a byelaw a fine on summary conviction not exceeding level 3 on the standard scale.

40. Nothing in this Part shall entitle any person to ship or unship at either of the piers any animals, minerals, goods or merchandise, or to ship or unship there anything which in the judgment of the Council might in any manner interfere with the use of the piers for recreation, or for the embarking or landing of passengers.

PART VIII  
—cont.  
Restriction on use of piers.

41. Any person who without either reasonable excuse or the consent of the Council or their pier-master, causes a vessel to be anchored within a distance of 100 metres measured in any direction from any part of either of the piers shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Vessels not to anchor within 100 metres of piers.

42. The Council may demand, take and recover such charges as they think fit for entry to the piers by members of the public for walking for exercise, pleasure or any other similar purposes.

Charges.

43. Officers of the Department of Transport in the execution of their duty shall have at all times free ingress, passage and egress to, or along and from the piers without payment.

Exemption of Department of Transport.

44. All persons going to or returning from any lifeboat or using any apparatus for saving life, being either persons belonging to the crew of the lifeboat or to the coastguard or persons for the time being actually employed in saving life or in using the lifeboat or the apparatus for saving life, and all persons brought ashore from any vessel in distress, shall have at all times free ingress, passage and egress to, or along and from the piers without payment.

Exemption of lifeboat crew.

45.—(1) The Council may grant pass tickets or family tickets to passengers and promenaders or others for the use of either of the piers, either inclusive or exclusive of admission to any building or room for the time being thereon, at such rates, on such terms and for such periods not exceeding one year as the Council may determine and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

Pass and family tickets.

(2) The Council may prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom those tickets may be used.

(3) (a) A pass ticket shall not be used by any person except the person to whom it is granted.

PART VIII  
—cont.

(b) A pass or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions on which the same is issued.

(5) If any person without reasonable excuse contravenes subsection (3) above or a condition imposed under subsection (2) above or uses or attempts to use any false or counterfeit ticket he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Power to enter into compositions.

46. The Council may confer, vary or extinguish exemptions from, and compound with any person with respect to the payment of, any charges authorised to be taken under this Part provided that no preference be in any case given to any person over any other person using the piers under the like circumstances.

Lifesaving apparatus may be attached to piers.

47. The officers of the coastguard and all other persons for the time being actually employed in connection with any lifeboat or apparatus for saving life may, either permanently or temporarily, without payment, attach or cause to be attached, to any part of either of the piers, spars and other apparatus for saving life, and may also either in course of using or of exercising the apparatus for saving life, fire rockets over either of the piers.

Power to sell or lease pier or to transfer related powers.

48.—(1) The Council may at any time sell or lease (subject to such terms and conditions as may be agreed) the undertaking or transfer any power conferred upon them for the purposes of the undertaking (including the power to levy any charges) and in that event the purchaser, lessee or transferee, as the case may be, shall have and may exercise to the extent authorised by his conveyance, lease or instrument of transfer, all or any of the powers conferred upon the Council by or under this Part in relation to the undertaking but shall be subject to all the restrictions, liabilities and obligations in respect thereof to which the Council are subject.

(2) In this section “the undertaking” means the undertaking of the Council in connection with the piers or any part thereof.

Local lighthouse authority.  
1894 c. 60.

49. The Council shall within the limits of the piers be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Piers to be within borough.

50. The piers shall be deemed to be for all purposes within the borough and the petty sessional division of Bournemouth.



51.—(1) Nothing in this Part affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Part 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) 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.

PART VIII  
—cont.  
Crown rights.

(2) A consent under subsection (1) above may be given unconditionally, or subject to such conditions and upon such terms as may be considered necessary or appropriate.

PART IX  
MISCELLANEOUS

52. For the purposes of section 61 of the General Rate Act 1967 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

Recovery of rates from tenants and lodgers.  
1967 c. 9.

53.—(1) In connection with any proposed development of land in the borough in order to achieve appropriate provision for the parking of vehicles, the Council may at the request of any person interested in that land enter into an agreement with such persons as they consider appropriate providing for a payment to the Council towards the cost to them of the provision of public car-parking spaces reasonably accessible to the development.

Agreements as to parking places.

(2) Any agreement made under this section may contain positive and negative covenants and also such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement and shall—

- (a) be binding without any limit of time not only upon the original covenantor but also (where the original covenantor had an estate or interest in that land) upon any person deriving title by, through or under him;
- (b) be a local land charge;

and any person upon whom such an agreement is binding shall be entitled to require a copy thereof from the Council.

(3) The power conferred by this section shall be additional to and not in derogation of the powers contained in section 52

PART IX  
—cont.  
1982 c. 30.

of the Act of 1971 or section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or otherwise.

(4) In this section—

“appropriate provision” means such provision as would in the opinion of the Council be appropriate having regard to the nature of the proposed development; “development” has the same meaning as in the Act of 1971.

Power to  
provide  
information.

**54.—**(1) The Council may incur expenditure in advertising and making known the advantages, facilities and amenities afforded or to be afforded in the borough for commerce or industry or as a tourist centre, place of historical or cultural interest or holiday resort in any manner which the Council may think fit, and without prejudice to the generality of the foregoing provisions of this 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.

(2) The Council may supply information about any of the matters referred to in subsection (1) above with regard to both the borough and its neighbourhood in any way they think fit, including the provision of information bureaux, and may, if they think fit, make reasonable charges therefor.

Placing  
registers on  
computer, etc.

**55.—**(1) Where the Council are under a statutory obligation to keep a register they shall not be in default of any such obligation by reason of the register being kept by means of a computer, word processor, microfilm equipment or other similar apparatus.

(2) Any duty imposed on the Council to allow inspection of, or to furnish a copy of, a register or any part of it shall as respects any register so kept be treated as a duty to allow inspection of, or to furnish, a reproduction of that register or of the relevant part of it in a legible form.

1975 c. 76.

(3) This section shall not apply in relation to the local land charges register kept by the Council under section 3 of the Local Land Charges Act 1975.

Recording of  
documents.

**56.** Section 229 of the Act of 1972 (photographic copies of documents) in its application to the Council shall have effect as if—

- (a) at the end of subsection (1), there were inserted the

words "or a recording in non-legible form from which a facsimile of the document may be reproduced";

PART IX  
—cont.

(b) in subsections (2) and (4) to (7), there were inserted after the words "photographic copy" the words "or a facsimile produced from a recording"; and

(c) in subsection (6) the words "or facsimile" were added.

57.—(1) In this section—

Russell-Cotes  
Art Gallery  
and Museum.

"the art gallery" means the messuage and premises situate on the East Cliff and adjoining Russell-Cotes Road in the borough and known as East Cliff Hall the freehold of which was conveyed to the Corporation by a conveyance dated the twenty-ninth day of October, nineteen hundred and eighteen and made between Dame Annie Nelson Russell-Cotes of the one part and the Corporation of the other part;

"the art collection" means the collections of paintings, engravings, prints, pieces of statuary art, treasures, ornaments, bric-à-brac and other objects of art and vertu given or assigned to the Corporation by the Russell-Cotes indentures or referred to therein;

"the Corporation" means the mayor, aldermen and burgesses of the former county borough of Bournemouth;

"the 1908 conditions" means the conditions set out in the 1908 indenture;

"the 1908 indenture" means the indenture dated the first day of February, nineteen hundred and eight and made between Merton Russell-Cotes and Annie Nelson Cotes of the first part, the said Annie Nelson Cotes of the second part and the Corporation of the third part;

"the 1920 indenture" means the deed of trust dated the eleventh day of November, nineteen hundred and twenty and made between the said Sir Merton Russell-Cotes of the one part and the Corporation of the other part;

"the Russell-Cotes indentures" means—

(a) the 1908 indenture;

(b) the conveyance dated the twenty-ninth day of October, nineteen hundred and eighteen and made between Dame Annie Nelson Russell-Cotes of the one part and the Corporation of the other part;

(c) the deed of gift dated the first day of February, nineteen hundred and nineteen and made between Sir Merton Russell-Cotes and the said Dame Annie



PART IX  
—cont.

Nelson Russell-Cotes of the one part and the Corporation of the other part; and

(d) the 1920 indenture;

or any of them.

(2) Notwithstanding anything contained in the Russell-Cotes indentures—

(a) the Council may remove either temporarily or permanently from the art gallery any objects forming part of the art collection and may exhibit, retain, store or preserve the same in any building owned by, or for the time being under the control of, the Council:

Provided that no such building shall be used by the Council in breach of any trusts upon which the building is held; and

(b) the Council may lend any part of the art collection to any person being the owner of a museum or art gallery for such period as they may think fit or for an indefinite period; and

(c) the Council may sell any objects forming part of the art collection which in their opinion are damaged or in poor condition or not required for exhibition or use in the art gallery and the proceeds of any such sale shall be used to purchase works of art to be added to the art collection.

(3) Subject to the provisions of subsection (2) above the Russell-Cotes indentures shall have effect as if—

(a) the following were substituted for clause 2 of the 1908 conditions:—

“Committee  
of  
management  
to control

2.—(a) The Corporation shall manage, regulate, control and deal with the trust, premises and property by means of a committee (hereinafter called ‘the management committee’) appointed by them in accordance with section 102 of the Local Government Act 1972.

(b) Sir George Meyrick Baronet (or the person for the time being in the enjoyment of the title) shall be a member of the management committee.”;

(b) the following were substituted for clause 7 of the 1908 conditions:—

“Appointment  
of curator

7. The management committee shall appoint and pay the salary of a competent person to act as curator who shall be responsible for labelling, arranging and cataloguing the collection and keeping the same in good order and act under the direction of the management committee.”;

(c) the following were substituted for clause 8 of the 1908 conditions:—

PART IX  
—cont.

"Hours during  
which art  
gallery shall  
be open

8. The art gallery and museum shall be open on such days and between such hours as the management committee may from time to time determine.";

(d) clause 9 of the 1908 conditions (which requires turnstiles to be fixed in the portico) were omitted;

(e) in clause 10 of the 1908 conditions (which relates to the holding of exhibitions and sales) for the words "annual or half-yearly" there were substituted the words "at such times as they may think fit";

(f) clause 3 of the 1920 indenture (which requires the holding of a garden party on the fifteenth day of July in each year in commemoration of the birthday of the late Annie Nelson Russell-Cotes) were omitted;

(g) wherever they appear in the Russell-Cotes Indentures for the words "Museums and Gymnasiums Act 1891", "Public Libraries Act 1892" or "Free Libraries Act 1892" or any or all of them there were substituted the words "the Public Libraries and Museums Act 1964".

1891 c. 22.

1892 c. 53.

1964 c. 75.

(4) Without prejudice to any other provision of the Russell-Cotes indentures and any public or charitable trust arising therefrom the Council shall hold and deal with the art gallery and museum as if it had been provided and was being maintained under section 12 of the Public Libraries and Museums Act 1964 and not under the Museums and Gymnasiums Act 1891, and the Public Libraries Act 1892.

## PART X

### GENERAL

58. 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.

Local  
inquiries.

59. 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.

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

Appeals to  
Secretary  
of State.

PART X  
—cont.

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

In section 16 (Parking places: safety requirements) subsection (5);

In section 17 (Fire precautions in certain large buildings) subsection (6);

In section 18 (Fire precautions in high buildings) subsection (5).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination.

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

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

1981 c. 54.

Suspension of  
proceedings  
pending appeal.

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

(a) involves the execution of any work or the taking of any action; or

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

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

(i) no proceedings shall be taken in respect of any failure to execute the work, or to take the action, nor shall the Council themselves execute the work or take the action; and

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



62. 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 police officer.

PART X  
—cont.  
Restriction  
on right to  
prosecute.

63.—(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.

Liability of  
directors, etc.

(2) Where the affairs of a body corporate are managed by its members, the foregoing subsection 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.

64. 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 on the standard scale.

Penalty for  
obstruction.

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

Defence of  
due diligence.

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

- Section 3 (Safety of stands);
- Section 4 (Touting, offering for hire, photographing, etc.);
- Section 7 (Prohibition of unregistered night cafés);
- Section 8 (Offences in connection with night cafés);
- Part IV (Fire precautions);
- Section 20 (Hairdressers and barbers).

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

PART X  
—cont.

Application  
of general  
provisions of  
Act of 1936  
and of Building  
Act 1984.  
1984 c. 55.

**66.**—(1) The sections of the Act of 1936 mentioned in Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) Sections 95 and 96 of the Building Act 1984 (powers of entry) shall have effect as if references therein to that Act included a reference to Part IV (Fire precautions) of this Act:

Provided that, before entry on any operational railway of the British Railways Board in pursuance of Part IV of this Act and of the said section 95 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 any person entering on any such railway 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 Fire  
Precautions  
Act 1971.  
1971 c. 40.

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

Saving for  
Health and  
Safety at Work  
etc. Act 1974  
and Building  
Act 1984.  
1974 c. 37.

**68.**—(1) Subsection (1) of section 80 (repeal or modification of certain provisions by regulations) of the Health and Safety at Work etc. Act 1974 shall apply to any provision of this Act and to any regulation and byelaw made under it as it applies to any provision to which it applies.

(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 17 (Fire precautions in certain large buildings);

Section 18 (Fire precautions in high buildings);

Section 34 (Interpretation of Part VIII and incorporation of Act of 1847) in so far as it incorporates section 83 of the Harbours, Docks, and Piers Clauses Act 1847;

Section 39 (Byelaws as to piers).

(3) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Building Act 1984 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that sub-paragraph applies to any enactment mentioned therein.

1847 c. 27.

Saving for  
Control of  
Pollution  
Act 1974.  
1974 c. 40.

**69.**—(1) Section 108 (3) of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to the provisions of this Act mentioned in

subsection (2) below as if this Act had been passed before the Control of Pollution Act 1974.

PART X  
—cont.  
1974 c. 40.

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

Section 22 (Provision of bulk refuse containers by Council);

Section 23 (Maintenance of and access to bulk refuse containers).

70.—(1) The following provisions in this section shall apply to tidal works, that is to say, works on, under or over tidal waters or tidal lands below the level of high water, being—

(a) the Boscombe Pier;

(b) the Bournemouth Pier;

(c) the bridge comprised in Tramroad No. 1 authorised by the Bournemouth Corporation Act 1904;

1904 c. cliii.

in substitution for enactments repealed by this Act relating to the lighting, survey, abandonment or decay of, and injury to, those works, each of which is in this section referred to as “tidal work”.

(2) (a) In case of injury to or destruction or decay of a tidal work, or any part thereof, the owners of the work shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(b) If the owners fail to notify Trinity House as required by this subsection or to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) (a) The owners of a tidal work shall exhibit every night from sunset to sunrise in such positions on or near the tidal work as may be directed from time to time by Trinity House such lights, if any, as may be so directed; and shall take such other steps for the prevention of danger to navigation as may be so directed.

(b) If the owners fail to comply in any respect with a direction given under this subsection, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4) (a) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the owners of the work at their own expense either to repair and restore the work or any part thereof, or to remove the



PART X  
—cont.

work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(b) Where a work 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 Secretary of State may include that part of the work or any portion thereof in any notice under this subsection.

(c) If, on the expiration of 30 days from the date when a notice under this subsection is served upon the owners, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the owners.

(5) The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the owners of the work.

Repeals and  
savings.

71.—(1) The Acts specified in Part I of Schedule 4 to this Act and the confirmation Acts and Orders specified in Part II of that Schedule are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions in Schedule 5 to this Act shall have effect in relation to repeals effected by this Act.

## SCHEDULES

### SCHEDULE 1

Section 21.

#### SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 21 (CONTROL OF STRAY DOGS) OF THIS ACT

1906 c. 32.

3.—(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within 7 clear days after the service of the notice.

(3) A notice under this section may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for 7 clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for 7 clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the district council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them respectively which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public on payment of a fee of 5p.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public on payment of a fee not exceeding 5p.

SCH. 1  
—cont.

(8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

(9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

Sections 25  
and 28.

## SCHEDULE 2

### PROVISIONS RELATING TO THE FIVE PARKS

#### PART I

#### CONVEYANCES

1. Name of park	2. Conveyance
Meyrick Park, 46.5 hectares (115 acres).	Conveyance dated 11th December 1883 made between Sir George Elliott Meyrick Tapps Gervis Meyrick George Augustus Elliott Tapps Gervis Meyrick of the one part and the Bournemouth Commissioners of the other part.
King's Park, 25.92 hectares (64 acres).	Conveyance dated 7th November 1900 made between Sir George Augustus Elliott Tapps Gervis Meyrick of the first part Frederick Hussey Daniel Eyre and Reginald Gervis Hargreaves of the second part James Drummond of the third part and the mayor aldermen and burgesses of the county borough of Bournemouth of the fourth part.
	Deed of Exchange dated 5th April 1905 made between the mayor aldermen and burgesses of the borough of Bournemouth of the one part and James Edward Cooper-Dean of the other part.
	Deed of Exchange dated 5th April 1905 made between the mayor aldermen and burgesses of the county borough of Bournemouth of the first part James Edward Cooper-Dean of the second part and James Edward Cooper and Henry Walter King Rawlings of the third part.
Queen's Park, 55.08 hectares (136 acres).	Conveyance dated 7th November 1900 made between Sir George Augustus Elliott Tapps Gervis Meyrick of the first part Frederick Hussey Daniel Eyre and Reginald Gervis Hargreaves of the second part James Drummond of the third part and the mayor aldermen and burgesses of the county borough of Bournemouth of the fourth part.
Redhill Park, 18.63 hectares (46 acres). Seafield Gardens, 0.717 hectares (1.77 acres).	Conveyance dated 19th October 1906 made between Sir George Augustus Elliott Tapps Gervis Meyrick of the one part and the mayor aldermen and burgesses of the county borough of Bournemouth of the other part.



PART II

POWERS

SCH. 2  
—cont.

1. The Council may from time to time exercise the following powers with respect to the five parks:—

- (1) they may set apart and use or permit the use of the five parks and each of them or any part thereof for the purposes of shows, games, competitions, recreations and entertainments or similar purposes and at such times may close such park or part to the public or may restrict public access thereto and may demand or take or permit to be demanded or taken such reasonable sums for the exclusive occupation of such park or part or for the admission of persons, vehicles, goods and things thereto as they may think fit and may exclude therefrom all persons, vehicles, goods and things unless payment be made of the reasonable sum demanded:

Provided that the Council shall not exercise the powers of closure under this sub-paragraph—

(a) in relation to any of the five parks—

(i) on more than 15 days in any year; or

(ii) on more than 3 Sundays in any year; or

(iii) on more than 6 consecutive days;

(b) at one and the same time over more than one-quarter of the total area of the five parks;

- (2) without prejudice to their powers under sub-paragraph (1) above or otherwise they may erect fences on the five parks and each of them or any part thereof for the necessary protection of the public and for any purpose for which the park or part thereof may lawfully be used provided that the public is not thereby denied reasonably convenient admission to the said park or part thereof;
- (3) they may in the five parks and each of them or any part thereof erect pavilions, refreshment rooms, buildings and conveniences which may be required or convenient for the purposes of the public resorting to the said parks and may charge for admission to such pavilions, refreshment rooms, buildings and conveniences or any of them or in respect of the use thereof;
- (4) they may let such pavilions, refreshment rooms, buildings and conveniences or any of them for such consideration and on such terms and conditions as they think fit;
- (5) they may for the purpose of improving the boundaries of the five parks dispose of small portions of the same or purchase lands adjoining the same;
- (6) they may in the five parks and each of them or any part thereof provide or arrange for the provision of facilities (whether indoor or outdoor) for sports and recreations for the benefit of the public at large with facilities and amenities ancillary thereto;

SCH. 2  
—cont.

- (7) they may provide or arrange for the erection of such buildings and execute or arrange for the execution of such works as may be necessary or expedient in connection with the provision of facilities under this Schedule;
- (8) they may make any facilities provided by them in pursuance of this Schedule available for use by such persons as the Council think fit either without charge or on payment of such charges as the Council think fit;
- (9) in pursuance of this Schedule they may enter into an agreement for the provision by any person of the said facilities or for the erection of the said buildings on such terms and conditions (but in the case of a lease for a term not exceeding 99 years) and for such consideration as they think fit:

Provided that the consent of the Charity Commissioners shall be required in the case of a lease ending more than 22 years after it is granted or for a consideration less than the best that can be reasonably obtained.

2. Nothing in this Schedule shall empower the Council or any other person to build upon more than 2 hectares of any of the five parks and nothing in sub-paragraphs (6) or (7) of paragraph 1 above shall empower the Council to build upon more than one-fiftieth of the total area of the five parks.

Section 66.

### SCHEDULE 3

#### 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.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
294	Limitation of liability of certain owners.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
1925 c. 22. 329	Saving for certain provisions of the Land Charges Act 1925.
341	Power to apply provisions of Act to Crown property.

## SCHEDULE 4

## ENACTMENTS REPEALED

## PART I—LOCAL ACTS

Chapter (1)	Short title (2)	Extent of repeal (3)
19 & 20 Vict. c. xc.	Bournemouth Improvement Act 1856.	The whole Act.
44 & 45 Vict. c. iv.	Tuckton Bridge Act 1881.	The whole Act.
52 & 53 Vict. c. clxi.	Bournemouth Park Lands Act 1889.	The whole Act.
54 & 55 Vict. c. clxxii.	Bournemouth East Cemetery Act 1891.	The whole Act.
55 & 56 Vict. c. clxxiii.	Bournemouth Improvement Act 1892.	The whole Act.
60 & 61 Vict. c. xcii.	Bournemouth Corporation Act 1897.	The whole Act.
63 & 64 Vict. c. cclxi.	Christchurch and Bournemouth Tramways Act 1900.	The whole Act in so far as it relates to Bournemouth.
63 & 64 Vict. c. cclxxxvi.	Bournemouth Corporation Act 1900.	The whole Act.
1 Edw. 7 c. ccix.	Bournemouth Corporation Act 1901.	The whole Act.
3 Edw. 7 c. clxviii.	Christchurch and Bournemouth Tramways Act 1903.	The whole Act in so far as it relates to Bournemouth.
3 Edw. 7 c. clxxviii.	Bournemouth Corporation Tramways Act 1903.	The whole Act.
4 Edw. 7 c. cliii.	Bournemouth Corporation Act 1904.	The whole Act.
20 & 21 Geo. 5 c. clxxxii.	Bournemouth Corporation Act 1930.	The whole Act.
8 & 9 Eliz. 2 c. xliii.	Bournemouth Corporation Act 1960.	The whole Act.
1969 c. vi.	Bournemouth Corporation Act 1969.	The whole Act.
1971 c. lxiv.	Bournemouth Corporation Act 1971.	The whole Act except section 16.

## PART II—CONFIRMATION ACTS AND ORDERS

32 & 33 Vict. c. cxxiv.	Local Government Supple- mental Act 1869.	Order relating to Bournemouth.
38 & 39 Vict. c. xi.	Pier and Harbour Orders Con- firmation Act 1875 (No. 1)	The Bournemouth Promenade Pier Order 1875.
39 & 40 Vict. c. cciii.	Local Government Board's Provisional Orders Confir- mation (Bilbrough, &c.) Act 1876.	Order relating to Bournemouth.



SCH. 4  
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
41 & 42 Vict. c. clxii.	Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act 1878.	Sections 2 and 3 and the Order relating to Bournemouth.
43 & 44 Vict. c. lxii.	Local Government Board's Provisional Orders Confirmation (Ashford, &c.) Act 1880.	Order relating to Bournemouth.
47 & 48 Vict. c. ccxii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1884.	Order relating to Bournemouth.
48 & 49 Vict. c. cvii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885.	Order relating to Bournemouth.
50 & 51 Vict. c. clviii.	Pier and Harbour Order Confirmation (No. 2) Act 1887.	The Boscombe Pier Order 1887.
50 & 51 Vict. c. clxxx.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1887.	Order relating to Bournemouth.
53 & 54 Vict. c. clxxix.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890.	Order relating to Bournemouth.
55 & 56 Vict. c. ccvi.	Pier and Harbour Order Confirmation (No. 5) Act 1892.	The Bournemouth Pier Order 1892.
59 Vict. c. x. Session 2.	Local Government Board's Provisional Orders Confirmation (No. 16) Act 1895 Session 2.	The Borough of Bournemouth Order 1895.
59 & 60 Vict. c. cv.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896.	Bournemouth Order (No. 1) 1896.
62 & 63 Vict. c. cxlix.	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1899.	The Borough of Bournemouth Order 1899.
63 & 64 Vict. c. ccviii.	Tramways Orders Confirmation (No. 5) Act 1900.	The Bournemouth Corporation Tramways Order 1900.
1 Edw. 7 c. clxviii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1901.	The Bournemouth (Extension) Order 1901.
3 Edw. 7 c. cxxxi.	Pier and Harbour Orders Confirmation (No. 5) Act 1903.	The Boscombe and Bournemouth Piers Order 1903.
4 & 5 Geo. 5 c. cxxix.	Local Government Board's Provisional Order Confirmation (No. 8) Act 1914.	The whole Act.
4 & 5 Geo. 5 c. cxxxvi.	Local Government Board's Provisional Orders Confirmation (No. 16) Act 1914.	The Bournemouth Order 1914.
11 & 12 Geo. 5 c. lxiii.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1921.	The Bournemouth Order 1921.
15 & 16 Geo. 5 c. lxxxiii.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1925.	The Bournemouth Order 1925.

SCH. 4  
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
15 & 16 Geo. 5 c. cxxviii.	Ministry of Health Provisional Order Confirmation (Bourne- mouth Order) Act 1925.	The whole Act.
17 & 18 Geo. 5 c. xxvii.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1927.	The Bournemouth Order 1927.
—	Bournemouth and Portsmouth Order 1932.	The whole Order in so far as it relates to Bournemouth.
1 & 2 Geo. 6 c. xxi.	Bournemouth Corporation (Trolley Vehicles) Order Confirmation Act 1938.	The whole Act.
4 & 5 Eliz. 2 c. v.	Bournemouth Corporation (Trolley Vehicles) Order Confirmation Act 1955.	The whole Act.

## SCHEDULE 5

Section 71.

## SAVING PROVISIONS

1. In so far as any byelaw made or any other thing done under an enactment in force which is repealed by this Act could have been made or done under any public general Act, relating to the same matter, it shall not be invalidated by the repeal but shall have effect as if made or done under that public general Act.

2.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act or in any public general Act relating to the same matter as if begun under either of those last-mentioned provisions.

(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 the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

3. References in this Act to things done, left undone, suffered or occurring shall, so far as the context requires for the continuity of operation between an enactment in force which is repealed by this Act and any enactment in this Act relating to the same matter, be construed as including references to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

4.—(1) Notwithstanding the repeal by this Act of the enactments mentioned in sub-paragraph (2) below which have enured for the benefit of the British Railways Board and which relate to a former tramway undertaking and trolley vehicle undertaking, the Council shall remain liable to the British Railways Board under those

SCH. 5  
—cont.

enactments in respect of any damage or expense incurred by the British Railways Board in consequence of any failure to maintain any apparatus or works comprised in those undertakings.

(2) The enactments referred to in sub-paragraph (1) above are the following:—

- |                  |             |   |
|------------------|-------------|---|
| 1900 c. ccviii.  | Section 7   | (For the protection of the London and South Western Railway Company) of the Bournemouth Corporation Tramways Order 1900;        |
| 1900 c. cclxi.   | Section 34  | (For the protection of the London and South Western Railway Company) of the Christchurch and Bournemouth Tramways Act 1900; and |
| 1930 c. clxxxii. | Section 131 | (For protection of Southern Railway Company) of the Bournemouth Corporation Act 1930.   |

5. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

- |             |  |
|-------------|--|
| 1978 c. 30. | 6. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978. |
|-------------|--|

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# Bournemouth Borough Council Act 1985

## CHAPTER v

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