

ELIZABETH II



1987 CHAPTER vii

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Mid Glamorgan; to confer further powers on the county council of Mid Glamorgan and the councils of the boroughs of Ogwr, Rhondda, Cynon Valley, Merthyr Tydfil and Taff-Ely and the district of Rhymney Valley; to make further provision in regard to the environment, local government, public health and improvement of the county and those boroughs and district; for the management and improvement of Porthcawl Harbour; and for other purposes. [2nd March 1987]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter 1972 c. 70. referred to as the “Act of 1972”) the county of Mid Glamorgan (hereinafter referred to as “the county”) was constituted on 1st April 1974 so as to consist of an area comprising the following districts described by reference to administrative areas existing immediately before the passing of the Act of 1972:—

District (1)—

The borough of Ogwr—

In the administrative county of Glamorgan—

the urban districts of Bridgend, Maesteg, Ogmore and Garw and Porthcawl;

the rural district of Penybont:

District (2)—

The borough of Rhondda—

In the administrative county of Glamorgan—
the borough of Rhondda:

District (3)—

The borough of Cynon Valley—

In the administrative county of Glamorgan—
the urban districts of Aberdare and Mountain Ash;
in the rural district of Neath, the parish of Rhigos:

In the administrative county of Brecon—
in the rural district of Vaynor and Penderyn, the
parish of Penderyn:

District (4)—

The borough of Merthyr Tydfil—

The county borough of Merthyr Tydfil—

In the administrative county of Glamorgan—
in the urban district of Gelligaer, the Bedlinog
ward:

In the administrative county of Brecon—
in the rural district of Vaynor and Penderyn, the
parish of Vaynor:

District (5)—

The district of Rhymney Valley—

In the administrative county of Glamorgan—
the urban district of Caerphilly except the Taff's
Well ward;
the urban district of Gelligaer except the Bedlinog
ward;
in the rural district of Cardiff, the parishes of
Llanfedw, Rhydygwern, Rudry and Van:

In the administrative county of Monmouthshire—
the urban districts of Bedwas and Machen and
Rhymney;
in the urban district of Bedwellty, the Aberbargoed,
Cwmsyfiog, New Tredegar and Phillipstown
wards:

District (6)—**The borough of Taff-Ely—****In the administrative county of Glamorgan—**

the urban district of Pontypridd;

the rural district of Llantrisant and Llantwit Fardre;

in the urban district of Caerphilly, the Taff's Well ward;

in the rural district of Cardiff, the parishes of Llanilterne and Pentyrch;

in the rural district of Cowbridge, the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem.

(2) Numerous local enactments were in force in parts of the said area and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

(3) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984; but the Non-metropolitan and Welsh Counties (Local Statutory Provisions) Order 1983 and the Non-metropolitan and Welsh Counties (Local Statutory Provisions) Order 1986 made pursuant to the Act of 1972 have subsequently provided that such local statutory provisions in certain areas including the county shall cease to have effect at the end of 1987.

S.I. 1983/619.

S.I. 1986/2106.

(4) It is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole of the county or to parts of the county:

(5) It is expedient at the same time to extend and enlarge in various respects the powers of the county council of Mid Glamorgan and the councils of the boroughs of Ogwr, Rhondda, Cynon Valley, Merthyr Tydfil and Taff-Ely and the district of Rhymney Valley and to further provide for the improvement of Porthcawl Harbour:

(6) It is expedient 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:

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 Mid Glamorgan County Council Act 1987.
- (2) This Act shall come into operation on the expiry of a period of three months beginning with the date on which it is passed.
- Interpretation. 2.—(1) In this Act unless the context otherwise requires—
- 1936 c. 49. “the Act of 1936” means the Public Health Act 1936;
- 1971 c. 78. “the Act of 1971” means the Town and Country Planning Act 1971;
- 1972 c. 70. “the Act of 1972” means the Local Government Act 1972;
- 1976 c. 57. “the Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976;
- 1984 c. 55. “the Act of 1984” means the Building Act 1984;
- “appointed day” has the meaning assigned to that expression by section 3 (Appointed day) of this Act;
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “the county” means the county of Mid Glamorgan;
- “the county council” means the council of the county;
- “daily fine” means a fine for each day on which an offence is continued after conviction thereof;
- “district” means the boroughs of Ogwr, Rhondda, Cynon Valley, Merthyr Tydfil, Taff-Ely or the district of Rhymney Valley or any one or more than one of them;
- “the district council” means the council of a district;
- 1947 c. 41. “fire authority” means the authority discharging in the county the functions of fire authority under the Fire Services Act 1947;
- “owner” has the meaning given to it by section 343 of the Act of 1936;
- 1986 c. 44. “statutory undertakers” means a public gas supplier within the meaning of Part I of the Gas Act 1986, the Central Electricity Generating Board, the South Wales Electricity Board or any supplier authorised by virtue of the Energy Act 1983 and the Welsh Water Authority, or any one of them;
- 1983 c. 25.

“telecommunications operator” means a 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.

PART I
—cont.
1984 c. 12.

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

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

Appointed
day.

(2) A district council shall publish in a newspaper circulating in their district notice—

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

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

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

(3) (a) 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 its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication.

(b) The reference in this subsection to “the proper officer” is a reference to an officer appointed for the purpose of this subsection by the district council.

PART II

COUNTY COUNCIL POWERS

4. The provisions of section 48 of the National Assistance Act 1948 in their application to the county council shall extend to—

Extension of
section 48 of
National
Assistance Act
1948.

(a) enable the county council to take reasonable steps to prevent or mitigate damage to a house of which a person admitted or removed as mentioned in subsection (1) of that section is the owner and which was his place of residence or usual place of residence immediately before such admission or removal;

1948 c. 29.

PART II
—cont.

(b) empower the county council to enter any such house at all reasonable times for the purpose of taking such action as may be reasonably necessary to prevent or mitigate damage thereto; and

(c) enable the county council to recover any reasonable expenses incurred by them for this purpose:

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

Fire precautions in registered clubs.
1964 c. 26.

5.—(1) A fire officer authorised in writing by the chief fire officer of the fire authority may on giving (except in a case of emergency) not less than 48 hours' notice to the secretary of a club in the county registered under the Licensing Act 1964, on production of his authority, enter and inspect as regards any matter affecting fire risks the premises occupied by the club at any reasonable time on such day as may be specified in the notice.

1968 c. 65.

(2) Nothing in this section shall apply to any premises occupied by a club licensed under the Gaming Act 1968.

1971 c. 40.

(3) This section shall cease to have effect upon the designation by order under section 1 or regulations made under section 12 of the Fire Precautions Act 1971 of the use of premises for purposes of a registered club as a use for which a fire certificate is required.

Coal-mining operations: performance bonds.

6.—(1) Planning permission under the Act of 1971 for development in the county which consists of or includes the winning and working of coal (including the extraction of coal from a mineral-working deposit), or other operations in, on, over or under land for or in connection with such winning and working of coal, may be granted subject to the requirement that any of the following persons, other than the National Coal Board, namely:—

(a) the applicant for the planning permission, or, as the case may be, the appellant against an enforcement notice; or

(b) any other person who carries out the development authorised by the planning permission;

shall provide, to the satisfaction of the mineral planning authority, before commencing, or, as the case may be, proceeding with, the development, security for the performance of any conditions subject to which the planning permission is granted relating to landscaping or the preservation, restoration

or reinstatement of the land forming the site of the development, including any restoration condition or aftercare condition.

PART II
—cont.

(2) The security for the performance of conditions of a planning permission which may be required under subsection (1) above may be provided—

- (a) by a bond, guaranteed by a guarantor approved by the mineral planning authority, for payment to the mineral planning authority, in default of such performance, of such a sum as may be required to secure compliance with those conditions; or
- (b) by such other means as may be approved by the mineral planning authority to secure compliance with those conditions.

(3) Where the costs incurred by the mineral planning authority in carrying out works or operations to perform, or complete the performance of, conditions of a planning permission for which security is required under subsection (1) above, exceed the sum for which security is provided in accordance with the foregoing provisions of this section, the mineral planning authority may recover the excess from the persons specified in subsection (1) (a) or (b) above.

(4) Where in pursuance of the foregoing provisions of this section a person is required to provide security for the performance of conditions of a planning permission and before the completion of the development authorised by that planning permission the right to carry out that development becomes vested in some other person, then—

- (a) upon being notified by the National Coal Board for the purposes of this subsection that the right to carry out that development has become vested in it; or
- (b) upon being satisfied that some other person in whom for the time being the right to carry out that development is vested has provided security for the performance of conditions of the planning permission;

the mineral planning authority shall, in either case, upon the request of the person who, before such vesting had been required to provide security for the performance of conditions of the planning permission, release that last-mentioned person from all liability in respect of the security provided by him.

(5) This section shall not apply to any planning permission granted after the coming into operation in the county of any other enactment providing means to secure the performance of such conditions as are mentioned in subsection (1) above.

PART II
—cont.

(6) In this section—

- (a) “coal” means bituminous coal, cannel-coal or anthracite; and
- (b) expressions to which meanings are assigned by the Act of 1971 have the same respective meanings.

Division of
county
super-
annuation
fund.
S.I. 1986/24.

7.—(1) In this section expressions to which meanings are assigned by the Local Government Superannuation Regulations 1986 as for the time being amended shall have the same respective meanings; and references to regulations are to those regulations.

(2) (a) In its application to the county council regulation P1 shall have effect so as to enable the county council to establish and administer a further superannuation fund to be known as “the Admission Agreement, etc. Superannuation Fund” (hereinafter in this section referred to as “the second fund”).

(b) The regulations shall with necessary modifications apply to the second fund as they apply to the Mid Glamorgan County Council Superannuation Fund (hereinafter in this section referred to as “the main fund”).

(3) (a) Upon the establishment under subsection (2) above of the second fund that fund shall be the appropriate superannuation fund for all such pensionable employees and other persons who prior to such establishment have been entitled to participate in the benefits of the main fund by virtue of the operation of regulations B3 or B4 (admission agreements for employees of other bodies) or who thereafter are admitted by virtue of the operation of any of the said regulations.

(b) Following the establishment and during currency of the second fund, any employee admitted by the county council under an agreement to which regulation B3 or B4 applies shall be admitted to participate in that fund and not in the main fund.

(4) (a) Upon the establishment of the second fund the main fund shall be apportioned and the provisions of Schedule 19 of the regulations shall apply for such apportionment and for the transfer of assets from the main fund to the second fund as those provisions apply where such a change of employment occurs as is mentioned in regulation Q2 (6); and the provisions of Schedule 19 shall apply as if—

- (i) the fund to be apportioned under that schedule were the main fund and the fund of the new fund authority were the second fund;

- (ii) paragraph 7 and, in paragraph 8, the words "Subject to paragraph 7" were omitted; and
- (iii) under paragraph 14, it had been agreed that the assets to be transferred should be solely money.

PART II
—cont.

(b) The county council shall bear the costs of the apportionment required by this subsection.

(5) The county council may in connection with the second fund and out of the moneys of that fund, insure pensionable employees in the second fund against death in service to an amount not exceeding pensionable remuneration for one year payable by way of death gratuity under regulation E11.

(6) The county council may if they think fit wind up the second fund and transfer the assets thereof to the main fund, and thereupon—

- (a) the pension rights in the second fund of all pensionable employees and persons entitled to participate in that fund shall be transferred to and become rights in and entitlements to participate in the main fund;
- (b) the main fund shall become the appropriate superannuation fund for those employees and persons; and
- (c) the foregoing provisions of this section shall cease to have effect.

8.—(1) Where property is to be held on trust for the sole benefit of a person or persons to whom this section applies, the county council shall have power to act as a trust corporation as respects that trust for the purposes of the Law of Property Act 1925, the Settled Land Act 1925, the Trustee Act 1925, the Administration of Estates Act 1925 and the Supreme Court Act 1981.

Council to
be trust
corporation.
1925 c. 20.
1925 c. 18.
1925 c. 19.
1925 c. 23.
1981 c. 54.

(2) This section applies to—

- (a) any child for the time being in the care of the county council under the provisions of any enactment and any person to whom paragraph (a) of subsection (1) of section 21 of the National Assistance Act 1948 applies and for whom the county council are responsible for providing accommodation in accordance with that section or would be responsible if care and attention were not otherwise provided by the Secretary of State or by an organisation referred to in section 30 of the said Act of 1948; and

1948 c. 29.

PART II
—cont.

- (b) any class of beneficiaries of a charitable trust in respect of which the settlor has named in the instrument appointing the trust the county council as a trustee of the trust.

PART III

DISTRICT COUNCIL POWERS

Access for
fire
brigade.

9.—(1) As from the appointed day in a district, except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, in respect of proposed works under section 47 of the Act of 1984, a district council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show—

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

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

(3) Section 16 and 36 of the Act of 1984 shall (so far as material) have effect as though this section were a section of Part I of that Act.

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

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

Dust, etc.,
from building
operations.

10.—(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air

or carried out in such circumstances that dust from the operation is emitted into the open air, except any work of demolition in respect of which a notice may be served under section 81 of the Act of 1984.

PART III
—cont.

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

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the district council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications. 1974 c. 37.

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

(5) (a) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £100.

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

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

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

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

PART III
—cont.

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

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

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

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

Dust from
movement
of coal.

11.—(1) A district council may give notice to any person who carries out operations in their district involving the movement of coal on a public highway in the district requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from such movement of coal.

(2) Subsections (3) to (5) of section 10 (Dust, etc., from building operations) above shall apply in relation to a notice under this section as they apply in relation to a notice under that section and as though the references therein to subsection (2) of that section were references to subsection (1) above.

(3) (a) If before carrying out any such operations as are referred to in subsection (1) above, the person who intends to carry them out applies to the district council for their consent to the operations, giving particulars of the steps proposed to be taken to reduce the emission of dust from the movement of coal, and the district council consider that if those steps were taken they would not serve a notice under subsection (1) above, the district council may give their consent to the operations for the purposes of this section, either conditionally or subject to such conditions as may be specified in the consent.

(b) In acting under this subsection, the district council shall have regard to the matters specified in subsection (3) of section 10 above.

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

(d) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or

varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions, as he thinks fit, but shall not so vary any conditions that they are more onerous than those specified by the district council.

PART III
—cont.

12.—(1) Where a district council demolish a building on land in their ownership they may with the consent of the owner of the adjoining building, weatherproof the surfaces of, or make good damage to, an adjacent building.

Costs of
weather-
proofing
walls.

(2) The district council may as they determine—

- (a) enter into any financial arrangement with the owner of that adjacent building as to payment or apportionment of the expenses incurred in any such action; or
- (b) make a contribution towards any expenses, or part thereof, incurred by the owner or occupier in carrying out such works as the district council may carry out under subsection (1) above.

13.—(1) In this section “retaining wall” means a wall which—

Retaining
walls.

- (a) serves or is intended to serve as a support for earth or other material on one side only so that the top level of that earth or material is at any point not less than 1.5 metres above the level of the ground adjoining the other side; and
- (b) does not form part of a permanent building.

(2) After the commencement of this Act no retaining wall shall be erected otherwise than in accordance with plans, sections and specifications approved by the district council; and if any person erects such a wall in contravention of this subsection he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Any person aggrieved by the refusal of the district council to approve any plans, sections and specifications submitted to them in pursuance of subsection (2) above may appeal to the Secretary of State.

(4) If any retaining wall—

- (a) is in such disrepair as to be dangerous; or

PART III
—cont.

- (b) being a wall erected before the passing of this Act or erected in contravention of subsection (2) above, is so constructed as to be dangerous;

the district council may by notice to the owner or occupier require him to execute such work as may be necessary to obviate the danger and the provisions of section 290 of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to—

- 1980 c. 66.
- (a) any length of a retaining wall to which section 167 of the Highways Act 1980 (retaining walls near streets) applies or for the maintenance of which the county council are responsible;
- (b) a retaining wall erected on land belonging to any transport undertakers within the meaning given by section 331 of the said Act of 1980, so long as that land is used by those undertakers primarily for the purpose of their railway, dock, canal or inland navigation undertaking;
- (c) a retaining wall erected on operational land, as defined in section 222 of the Act of 1971, of any statutory undertakers.

Plans, etc., of
new sewers.

14.—(1) As from the appointed day in any district, where planning permission is granted under the Act of 1971 for development in the county which consists of or includes the construction of a sewer, no work shall be carried out in, or for the purpose of, the construction of the sewer until either—

- (a) an agreement—
- (i) for the adoption of the sewer; and
- (ii) for the adoption of any pumping stations and sewage treatment stations associated with the sewer; has been entered into under section 18 of the Act of 1936; or
- (b) where such an agreement has not been entered into—
- (i) plans, sections and particulars showing the location and level of, and specifications for, the sewer (including any intended connections with other sewers or drains) and of any associated pumping stations and sewage treatment stations have been submitted to the relevant authority and approved by them; and
- (ii) the person depositing the said plans, sections and particulars with the district council, has entered

into a bond guaranteed by a guarantor approved by the district council for payment to the district council of such sums as may be agreed between the district council and the aforesaid person in default of the construction of the sewer to the satisfaction of the district council.

PART III
—cont.

(2) Plans, sections, particulars or specifications submitted in accordance with subsection (1) (b) above shall—

- (a) be in writing;
- (b) in the case of plans and sections, be to such scale not being greater than 1:100 nor less than 1:1250 as may be specified in any case by the relevant authority and indicated on the document in question;
- (c) in the case of block plans and key plans, indicate the north point;
- (d) be signed by or on behalf of the person intending to carry out the work, and if signed on his behalf shall state the name and address of that person;
- (e) be deposited in duplicate with the relevant authority.

(3) Where plans, sections and particulars of, and specifications for, a sewer have been submitted in accordance with subsection (1) (b) above and approved by the relevant authority, the sewer (including any such connections as are mentioned in that paragraph) shall not be constructed otherwise than in accordance with the plans, sections, particulars and specifications so approved and in compliance with such conditions as may be imposed under this section.

(4) Within 10 weeks from the receipt of plans, sections, particulars and specifications in accordance with subsections (1) (b) and (2) above the relevant authority may give to the person by or on whose behalf they were submitted notice that they require—

- (a) modifications of any plan, section, particulars or specifications; and
- (b) compliance with conditions as to—
 - (i) the giving of notice and the deposit of plans, sections and particulars during the carrying out of the work;
 - (ii) the inspection of the work, the carrying out of tests and the taking by the authority of samples of the materials used in the carrying out of the work;

being such reasonable modifications and conditions as may be specified in the notice.

(5) If the relevant authority do not give notice under subsection (4) above, they shall be deemed to have approved unconditionally the plans, sections, particulars and specifications as submitted.

PART III
—cont.

(6) Any question arising as to whether—

- (a) modification of plans, sections, particulars and specifications is reasonably required; or
(b) conditions imposed are reasonable;

shall in default of agreement between the relevant authority and the person by whom or on whose behalf the plans, sections, particulars and specifications were submitted be determined by arbitration.

(7) (a) If a person carries out, or knowingly causes or permits work to be carried out in, or for the purposes of, the construction of a sewer in contravention of subsection (1) or (3) above, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £100.

(b) Where the person undertaking the work, not being the owner or occupier of the land on which it is carried out, is charged with an offence under this subsection in respect of contravention of a requirement for the submission of plans, sections, particulars or specifications, it shall be a defence for him to prove that he had reasonable grounds for believing that they had been submitted by the owner or occupier of the land and approved by the relevant authority.

(c) Proceedings under this subsection shall not be taken by any person other than the relevant authority.

(8) The execution of any works under this section shall not relieve any person from any liability under any statutory provision relating to sewers or any byelaw requiring the provision of separate sewers for foul water drainage and surface water drainage.

(9) In case of failure to agree the amount of the bond required under subsection (1) above the matter shall be determined by arbitration.

(10) In this section “the relevant authority” has the meaning given by section 15 of the Water Act 1973.

1973 c. 37.

Seizure of
stray
animals.

15.—(1) A district council may seize and impound any animal to which this section applies, which is on land in the district without the consent of the occupier of the land, but shall not do so, unless they are themselves the occupier, except at the request, or with the consent, of the occupier of the land.

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

(3) The district council shall—

- (a) keep a register of all animals seized by them under this section containing a brief description of each animal, the date of seizure and a statement as to whether the animal was sold or otherwise disposed of or destroyed;
- (b) make the register available for public inspection at all reasonable times.

PART III
—cont.

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

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

(6) If any sums received on disposal of the animal are less than the expenses of the district council in seizing and maintaining the animal the district council may recover from the owner of the animal the difference.

(7) Where the district council dispose of any animal under subsection (4) above, they shall be accountable to the owner of the animal for any money arising from the disposal after deducting all expenses incurred by reason of its seizure, impounding, maintenance and disposal; but nothing in this subsection shall render the district council so accountable if they have accounted to any other person whom they reasonably believed to be the owner.

(8) The animals to which this section applies are cattle, horses (including ponies, mules, jennets), sheep, goats and pigs.

16. Any expenses of demolition adjudged to be payable to a district council consequent upon the exercise of their powers under section 271 of the Housing Act 1985 (demolition of premises) shall, until recovered, be a charge on all estates and interests in the land whereon the premises the subject of the demolition were erected.

Expenses of
executing
demolition
orders.
1985 c. 68.

17.—(1) In this section—

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

Prohibition of
parking of
certain
vehicles in
residential
streets.

PART III
—cont.

- S.I. 1982/1879.
- “heavy vehicle” means either a goods vehicle or a passenger vehicle;
- “maximum gross weight” has the meaning given to it by regulation 4 (c) of the Traffic Signs (Amendment) Regulations 1982;
- “passenger vehicle” means a vehicle adapted to carry 12 or more passengers;
- “prescribed hours” means the hours between 9.00 p.m. and 8.00 a.m.;
- “residential street” means a street predominantly fronted by—
- (a) residential or mainly residential buildings;
 - (b) by such buildings and schools; or
 - (c) such buildings and public open spaces;
- and which is not a trunk road within the meaning of section 329 of the Highways Act 1980.
- 1980 c. 66.

(2) (a) If, after the appointed day, it appears to a district council in consequence of a representation made to the district council in accordance with paragraph (b) below that amenities of any part of their district are prejudicially affected by the use during the prescribed hours of any residential street in their district as a place for parking by one or more heavy vehicles, the district council may by an order made in accordance with this section, prohibit the use for parking by heavy vehicles during the prescribed hours of the residential street to which the representation relates.

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

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

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

(b) The notice under paragraph (a) above shall state where the draft order can be inspected and copies purchased and that

objections to the order may be made in writing to the district council before such day, not earlier than 28 days after the district council have complied with paragraph (a) above, as shall be specified in the notice.

PART III
—cont.

(c) Before making the order the district council shall—

- (i) consider all objections made as provided in paragraph (b) above;
- (ii) consult the chief officer of police and either the highway authority (if any) for the street in question or if the street is not a highway, the county council; and
- (iii) afford to the owner or occupier of every dwelling-house in the street to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the district council.

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

(5) When an order has been made by the district council under this section they shall publish notice of it, and of the right of appeal under subsection (7) below in the manner required by subsection (3) (a) above for notice of a proposal.

(6) (a) Any order made under this section shall come into operation at the expiration of the period of 28 days after the district council have published notice of the making of the order under subsection (5) above or if an appeal is lodged under subsection (7) below when the appeal is disposed of or withdrawn or fails for want of prosecution and the district council shall make the order in the manner required by subsection (3) (a) above as soon as may be after that date is known.

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

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

PART III
—cont.

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

(9) If any person parks a heavy vehicle in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

1986 c. 44.

(10) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a goods vehicle during the prescribed hours in any residential street for the purpose of holding that vehicle ready for use in an emergency by a public gas supplier within the meaning of Part I of the Gas Act 1986:

Provided that the vehicle does not have a maximum gross weight exceeding 5.6 tonnes, but nothing in this subsection shall be taken to prejudice any rule of law or other enactment.

(11) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a heavy vehicle during the prescribed hours in any residential street for any period not exceeding one hour or for such period as is reasonably necessary for dealing with a breakdown or other emergency.

(12) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a passenger vehicle only for so long as is necessary for the setting down or picking up of passengers by the vehicle.

(13) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a heavy vehicle in a residential street for so long as may be necessary to enable the vehicle, if it cannot reasonably be used for such purpose without parking in that street, to be used in connection with the erection, laying, placing, maintenance, testing, alteration, repair, renewal or removal of—

(a) any structure, works or apparatus in, on, under or over the street; or

(b) any structure, works or apparatus of the British Railways Board, statutory undertakers or a telecommunications operator in land adjacent to the street in any case where it is reasonably necessary to carry out those operations during the prescribed hours.

(14) A notice of the effect of an order made under this section shall be placed by the council on or near the relevant residential street: any such notice shall be a notice authorised by the

Secretary of State as a traffic sign under section 64 of the Road Traffic Regulation Act 1984 and the placing of it shall be subject to such directions (if any) as may be given by the Secretary of State.

PART III
—cont.
1984 c. 27.

18.—(1) As from the commencement of this Act in the borough of Rhondda and as from the appointed day in any other district, a person who places anything to which this section applies—

Restriction on
use of
dustbins, etc.

(a) in a dustbin or receptacle used for the reception of refuse to be removed by or on behalf of a district council; or

(b) in a receptacle for refuse or litter provided by a district council under section 5 (1) of the Litter Act 1983;

1983 c. 35.

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

(2) This section applies to—

(a) any corrosive or explosive substance;

(b) anything that gives rise to a substantial risk of injury to a person removing refuse.

(3) A person shall not be guilty of an offence under this section in respect of anything other than a corrosive or explosive substance if that thing was placed in the dustbin or receptacle so packed or otherwise treated as to avoid substantial risk of injury to the persons removing the refuse.

(4) 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 this section as if this Act had been passed before the said Act of 1974.

1974 c. 40.

19.—(1) In this section “wall” includes a fence other than a hedge and also includes a door in the wall.

Repair of
walls, etc., of
yards.

(2) If by reason of—

(a) a party or boundary wall of a court, garden, yard or passageway usually enjoyed with, and adjacent to, a house or other building having collapsed or being in danger of collapsing or being otherwise ruinous; or

(b) the removal or demolition of such a wall or part of a wall;

serious inconvenience is caused to any of the following:—

(i) where the building is a house, which is let, the tenants in occupation;

PART III
—cont.

- (ii) in any case, the occupants of any house adjacent to the building;

a district council may by notice to the owner of the building, require him to carry out such works (including the repair, rebuilding, reinstatement or removal of the wall) as are reasonably necessary to prevent that inconvenience.

(3) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works apply to notices under this section.

(4) No works shall be required under this section on any property in respect of which, either—

1957 c. 59. (a) there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act 1957 unless the works are specified in that notice or are emergency works within the meaning of section 1 (5) of the said Act of 1957; or

1975 c. 56. (b) (i) a claim has been made against the National Coal Board in respect of coal-mining subsidence damage under the Coal Industry Act 1975 or otherwise than under the Coal-Mining (Subsidence) Act 1957, liability for which has been admitted by the board; or
(ii) the property has suffered coal-mining subsidence damage and is owned by the National Coal Board; and it appears to the board to be probable that further damage will occur to that property within such a period as would make it unreasonable that all or any works should be executed on that property for the time being.

Signs on
vehicles.

20.—(1) Except as provided in subsection (2) below, as from the commencement of this Act in the borough of Rhondda and as from the appointed day in any other district, there shall not be displayed in the district on or from any motor vehicle constructed or adapted to seat more than two and less than 8 passengers, not being a hackney carriage or public service vehicle—

(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” 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 III
—cont.

(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 Act of 1976 or any corresponding local enactment for the control by licensing of private hire vehicles; 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 the 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 this sign.

(3) 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;

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

(4) In this section “private hire vehicle” has the meaning given by section 80 of the Act of 1976.

PART IV

OGWR BOROUGH COUNCIL POWERS

21. In this Part—

“the borough” means the borough of Ogwr;

“the council” means the Ogwr Borough Council.

Interpretation
of Part IV.

22.—(1) The council may—

(a) cleanse the seashore within their borough and adjoining land (including land below the level of mean low-water springs) by removing therefrom oil or any

Protection of
seashore and
adjoining land
from
pollution.

PART IV
—cont.

other polluting, offensive or injurious substance or carcass deposited by the action of tidal or other waters; and

(b) for the purpose of preventing the pollution of the seashore within the borough and such adjoining land as aforesaid spray with chemicals or other substances tidal or other waters, or do any other thing which in their opinion is likely to achieve that purpose.

1966 c. 38.
1975 c. 51.
1974 c. 40.
1971 c. 60.

(2) Nothing in this section or done thereunder shall prejudice or affect the operation of the provisions of the Sea Fisheries Regulation Act 1966, the Salmon and Freshwater Fisheries Act 1975, Part II of the Control of Pollution Act 1974 or the Prevention of Oil Pollution Act 1971, or any byelaws from time to time in force made under any of those enactments, or authorise the doing of any act which would be unlawful under any of those enactments or any such byelaw.

(3) The council shall take into account the likely effects on the environment of the exercise of the powers of subsection (1) above and shall before spraying with chemical dispersants consult the Nature Conservancy Council.

(4) In this section "oil" has the same meaning as in the provisions of the Prevention of Oil Pollution Act 1971 and includes any mixture containing oil.

Power to
employ
lifeguards.

23. The council may employ and pay boatmen or lifeguards for the purpose of protecting persons bathing in or sailing on the sea or in or on any river estuary and may for that purpose provide boats or any type of amphibious craft.

PART V

PORTHCAWL HARBOUR

Interpretation
of Part V.

24. In this Part, except where the context otherwise requires—

"the council" means the Ogwr Borough Council;

"the harbour" means the area specified in section 27 (Limits of harbour) of this Act;

"the harbour plan" means the plan showing the limits of the harbour marked "Porthcawl Harbour Plan" and prepared in quadruplicate, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office, House of Commons, one in the office of the Chief Executive Officer of the council and one with the Department of Transport;

“the harbour undertaking” means the undertaking associated with the harbour;

“the harbourmaster” means the harbourmaster appointed by the council and includes his authorised deputies and assistants and any person authorised by the council to act in that capacity;

“the level of high water” means the level of mean high-water springs;

“Trinity House” means the master, wardens and assistants of the guild, fraternity or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the Corporation of the Trinity House of Deptford Strond;

“vessel” means every description of vessel, however propelled or moved, and without prejudice to the generality of the foregoing includes—

(a) a hovercraft or hydrofoil vessel on, in or over the water;

(b) a seaplane whether on or in the water; and

(c) anything constructed or used to carry persons or goods by water.

25.—(1) The council shall continue to be the harbour authority for the harbour.

Council to be
harbour
authority.

(2) The harbour undertaking shall remain vested in the council.

(3) The council may maintain, manage and where necessary improve the harbour and the facilities afforded therein or in connection therewith.

(4) In the exercise of their power, and without prejudice to subsection (3) above, the council may—

(a) regulate, manage, mark and light the harbour;

(b) alter, demolish and reconstruct structures and works in the harbour; and

(c) do all other things which in their opinion are expedient to facilitate the proper carrying on or development of the harbour.

26. The Harbours, Docks, and Piers Clauses Act 1847 (except sections 6 to 27, 31, 32, 42, 43, 48 to 50 and 79 to 101) so far as applicable to the purposes and not inconsistent with the provisions of this Part, is incorporated with this Part and the term “special Act” in that Act shall be construed to mean this Part and the term “the undertakers” shall be construed to mean the council.

Incorporation
of enactments.
1847 c. 27.

PART V
—cont.

PART V
—cont.
Limits of
harbour.

27. The limits of the harbour within which the council shall have jurisdiction as harbour authority and within which the powers of the harbourmaster shall be exercised shall be the area coloured pink on the harbour plan.

Powers to
provide
moorings, etc.

28.—(1) The council may provide, place, maintain and use moorings for vessels on land owned or leased by the council or in which they hold an appropriate interest and on any other land with the consent in writing of the owner and lessee thereof in the harbour or on banks belonging to the council adjoining the harbour.

(2) The council may demand, receive and recover in respect of any vessel using any of the moorings provided by the council under this section or moored to land owned or leased by the council such reasonable charges as the council may determine.

(3) The council may compound with any person with respect to the payment of the charges determined by the council under subsection (2) above.

(4) The council may give notice in writing to the person having the control of any vessel using any mooring in the harbour at the commencement of this Act requiring him within one calendar month to remove the mooring so as to enable the council to provide or place moorings in accordance with subsection (1) above:

Provided that the council shall offer to make available to the person having the control of the vessel referred to in the notice a mooring provided by them under subsection (1) above as soon as such mooring has been laid down.

(5) If any person fails to comply with a notice given by the council under this subsection the council may at any time after the expiration of one calendar month from the date of the giving of the notice remove the mooring referred to in that notice.

Power to
license
moorings.

29.—(1) The council may grant licences to any person to place, lay down, maintain and use existing and future moorings, for vessels in the harbour:

Provided that—

(a) nothing in any such licence shall entitle a person to place, maintain, or use any mooring on land not owned or leased by him or by the council;

(b) the council shall not unreasonably refuse to grant a licence—

(i) to an owner or lessee of any land not leased by the council with respect to a mooring on that land;
or

(ii) with respect to a mooring which is positioned above the level of high water and existing at the commencement of this Act.

PART V
—cont.

(2) It shall not be unreasonable for the council to refuse to grant a licence with respect to a mooring to which subsection (1) (b) (ii) above applies which could by its position interfere with navigation.

(3) Any licence granted under subsection (1) above shall be valid only for a period of one year commencing with its date.

(4) The council may charge for a licence granted under subsection (1) above such reasonable fee as they may determine.

30.—(1) Any person who—

Obstruction of
moorings, etc.

- (a) intentionally obstructs any person acting under the authority of the council in placing, laying down, maintaining or using moorings; or
- (b) intentionally pulls up or removes any moorings or any poles or stakes driven into the ground for the purpose of such moorings; or
- (c) places, lays down, maintains or uses any mooring not provided or licensed by the council under section 28 (Powers to provide moorings, etc.) and section 29 (Power to license moorings) of this Act; or
- (d) without reasonable excuse causes a vessel to be moored at a place other than a quay, jetty, slipway or other work, knowing that the place is not a mooring provided or licensed by the council under the said sections 28 and 29 of this Act;

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

(2) If—

- (a) any person places, lays down or maintains a mooring in contravention of subsection (1) (c) above the council may remove the mooring in question and recover from that person the expenses incurred in so doing;
- (b) any vessel is moored at a mooring in contravention of subsection (1) (d) above the council may remove that vessel to another mooring and such removal shall be carried out at the expense and risk of the owner of the vessel.

31.—(1) The council may make byelaws for all or any of the following purposes:—

- (a) for regulating the exercise of the powers vested in the harbourmaster;

PART V
—cont.

- (b) for preventing and removing obstructions or impediments in the harbour;
- (c) for regulating the launching of vessels in the harbour;
- (d) for regulating or preventing the use in the harbour or on board any vessel therein of fires, lights or any other equipment, tools or appliances which the council consider involves a risk of fire;
- (e) for requiring the use of effectual silencers and the control of noise generally on vessels in the harbour;
- (f) for the prevention of nuisances in the harbour;
- (g) for regulating vessels in the harbour and their entry into and departure from the harbour and, without prejudice to the generality of the foregoing, to prescribe rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring in the harbour;
- (h) for regulating the ballasting of vessels in the harbour and the order and manner in which they shall be supplied with ballast and the removal and discharging of such ballast;
- (i) for prescribing the lights and signals to be exhibited or made—
 - (i) by vessels aground in the harbour;
 - (ii) by devices used for marking obstructions in the harbour;
 - (iii) at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels in the harbour;
- (j) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons in the harbour;
- (k) for regulating the conduct of all persons in the harbour, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (l) for regulating the use of warehouses, sheds, depots or quays in the harbour;
- (m) for prohibiting the use of or regulating the movement, speed and parking of vehicles in the harbour;
- (n) for preventing the exhibiting or placing in or on the harbour of any goods for sale other than such goods as the council permit to be sold there:
Provided any perishable goods loaded in the harbour may within 48 hours of being loaded be sold in the harbour;

(o) for regulating fishing including angling in the harbour and the use of piers or quays for such purposes.

PART V
—cont.

(2) Byelaws made under subsection (1) above may provide that persons contravening any byelaw shall be liable on summary conviction to a maximum fine of any amount not exceeding level 3 on the standard scale.

(3) In this section “signals” includes sound signals and different byelaws may be made under this section in relation to different classes of vessels.

(4) In its application to byelaws made under this section, subsection (7) of section 236 of the Act of 1972 shall have effect as if after “confirm” where it first appears there were inserted the words “with or without modifications” and as if at the end were added the following proviso:—

“Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the council and by other persons who have been informed of it.”

32. The council may deepen, dredge, scour, cleanse, alter and improve the bed and foreshore of the harbour:

Power to dredge.

Provided that no materials taken up or collected in the exercise of the powers of this section shall be deposited below the level of high water except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose.

33.—(1) The council may contract for or hire and use dredgers, tugs, hoppers, barges or other powered craft—

Council may provide dredgers, tugs, etc.

(a) as may be necessary or expedient for or in relation to any of the purposes mentioned in section 32 (Power to dredge) of this Act; and

(b) for the use and accommodation of vessels within the harbour, and for this purpose they may let such craft.

(2) In addition to the said purposes the council may purchase, hire, provide and may maintain and use all such dredging and other machines, engines, machinery and appliances as may be necessary or expedient.

34.—(1) Subject to subsection (2) below, and to any enactment for the time being in force limiting his liability, the council may recover from the owner of any vessel sunk,

Powers with respect to disposal of wrecks.

PART V
—cont.

1894 c. 60.

stranded or abandoned whether before or after the passing of this Act in relation to which they have exercised their powers under section 530 or section 532 of the Merchant Shipping Act 1894, any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

(2) Except in a case which is in the opinion of the council a case of emergency, subsection (1) above shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530, other than the power of lighting and buoying, the council have given to the owner of the vessel not less than 48 hours' notice of their intention to do so; and if before the notice expires the council receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of section 35 (Protection of Crown interests in wrecks) of this Act, he shall be at liberty to do so, and the council shall not exercise the powers aforesaid in relation to that vessel until the expiration of 7 days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the council.

(3) Notice under subsection (2) above to the owner of any vessel may be served by the council either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the council or is not in the United Kingdom, by displaying the notice at the office of the principal officer of the council at or nearest to the harbour for the period of its duration.

(4) In this section the expression "owner" in relation to any vessel includes the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

Protection of
Crown
interests in
wrecks.

1906 c. 48.

35.—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty) as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906 the powers conferred on the council by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

(a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on

behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

PART V
—cont.

- (b) except with the consent of the Secretary of State for Defence, which may be given with or without such a direction as is referred to in subsection (2)(b) below, in relation to any vessel which, at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State for Defence, of Her Majesty's ships of war.

(2) Subject to subsection (3) below the council shall give notice in writing to the Secretary of State for Defence and to the Secretary of State for Transport of any decision of the council to exercise in relation to any vessel referred to in subsection (1)(b) above any of the powers under sections 530 and 532 of the Merchant Shipping Act 1894 other than the power of lighting and buoys and, except in a case which is in the opinion of the council a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State for Defence and the Secretary of State for Transport before the expiration of a period of 14 days from the giving of the notice; or

(b) if before the expiration of the said period there is served on the council a direction by the Secretary of State for Defence or the Secretary of State for Transport that those powers shall not be exercised in relation to that vessel;

and where, in any such case as aforesaid, the council proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) above or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if, before the expiration of the period aforesaid such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (1) of section 34 (Powers with respect to disposal of wrecks) of this Act.

(3) (a) The council shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under subsection (2) above, but any direction such as is referred to in paragraph (b) of subsection (2) above accompanying that consent shall be deemed for the purposes of that paragraph and of subsection (2) of section 34 of this Act to have been duly served under paragraph (b) of subsection (2) above.

PART V
—cont.

(b) The prohibition on the use of explosives imposed by subsection (2) above shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for Transport for the purposes of this subsection.

(4) Without prejudice to the powers of sale conferred on the council by the said section 530, the council shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions (if any) as may be given to them by the receiver of wreck; and on exercising the said power of sale in the case of any property the council shall discharge any sums payable in respect of that property by way of duties of customs or excise, and any sums so discharged shall be deemed to be expenses incurred by the council under that section.

(5) Any limitations on the powers of the council in relation to any vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on Trinity House by section 531 of the said Act of 1894.

Permanent
lights on tidal
works.

36.—(1) The council shall at the outer extremity of any tidal work in the harbour exhibit every night from sunset to sunrise such lights, if any, and take such other steps, if any, for the prevention of danger to navigation as Trinity House may direct.

(2) If the council fail to comply in any respect with a direction given under this section 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.

Parking places.

37. The council may provide facilities for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences and may make reasonable charges for the use of such facilities.

Removal of
vehicles, etc.

38.—(1) If a vehicle or boat is left without the permission of the council—

(a) in any place above the level of mean water springs where it is likely to obstruct or interfere with the use of the harbour; or

(b) in any part of the harbour above the level of mean water springs where the parking of vehicles or boats is prohibited by notice erected by the council;

the council may remove the vehicle or boat or cause it to be removed.

(2) Any notice erected under subsection (1) (b) above shall be conspicuously posted in or close to the place to which it relates.

PART V
—cont.

(3) (a) Where the council in exercise of the powers of this section remove a vehicle or boat or cause it to be removed they shall as soon as practicable inform the police.

(b) The expense of and incidental to the removal of a vehicle or boat under this section shall be recoverable by the council from any person responsible.

(4) For the purposes of subsection (3) above "person responsible" shall have the same meaning as in section 102 (8) of the Road Traffic Regulation Act 1984.

1984 c. 27.

(5) If the council in exercise of the powers of this section remove a vehicle to a place not readily visible from the place whence it is so removed they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1971 or any other regulations having the like effect for the time being in force at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this section and of the place to which the vehicle has been removed.

S.I. 1971/450.

(6) A notice stating the general effect of subsection (1) above shall be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the harbour.

39. The council may demand, take and recover such reasonable charges for services and facilities provided by them at the harbour as they may determine.

Charges for services or facilities.

40.—(1) The several charges which the council are for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment shall be payable before the removal from the harbour of any vessel or goods in respect of which they are payable, and may be demanded, taken and recovered by such persons, at such places, at such times and under such conditions as the council may specify in their published list of charges.

Payment of charges.

(2) An officer, as defined in the Customs and Excise Management Act 1979, may refuse clearance of any vessel if he is satisfied that any charges payable to the council in respect of that vessel or any goods therein have not been paid.

1979 c. 2.

41. Nothing in this Part shall prejudice or derogate from the powers, rights and privileges of Trinity House.

Saving for Trinity House.

PART V
—cont.
Exemption
for certain
fishing
vessels.

42. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from ship or harbour dues leviable by the council.

Exemption
of lifeboat
crew from
dues.

43. 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, on, into, from, over, along, through and out of the harbour without payment.

Crown rights.

44. Nothing in this Part shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular nothing herein contained shall authorise the council to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of the commissioners.

PART VI GENERAL

Local
inquiries.

45. 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.

Appeals to
magistrates'
court.

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

Suspension of
proceedings
pending
appeal.

47. Where a requirement, refusal or other decision of the county council or a district council as the case may be 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—

PART VI
—cont.

- (i) no proceedings shall be taken in respect of any failure to execute the work or to take the action, nor shall the county council or a district council as the case may be 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.

48.—(1) On an appeal to the Secretary of State under subsection (3) of section 13 (Retaining walls) of this Act, the Secretary of State may at his discretion afford to the appellant and the district 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.

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

(3) Where the Secretary of State gives a decision in proceedings on such appeal, the appellant or the county council or a district council, as the case may be, may appeal to the High Court against the decision on a point of law.

(4) 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.

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

49. 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 county council or, as the case may be, a district council or constable.

Restriction on
right to
prosecute.

50.—(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

Liability of
directors, etc.

PART VI
—cont.

of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

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

Penalty for
obstruction.

51. Any person who intentionally obstructs any officer of the county council or, as the case may be, a district 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.

Defence of
due diligence.

52.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (5) 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.

(2) If in any case the defence provided by 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.

1980 c. 43.

(3) Notwithstanding anything in section 127 (1) of the Magistrates' Courts Act 1980, in any case where a court accepts a defence put forward under this section which involves an allegation that the commission of the offence was due to the act or default of another person, a magistrates' court may try any information which is laid against that person for an offence under the sections specified in subsection (5) below arising from the same set of circumstances if the information was laid at any time within six months of the final determination of the case of the first defendant.

(4) Where an information against any person is tried in accordance with subsection (3) above the information shall not be tried by any of the same justices as tried the earlier information arising from the commission of the same offence.

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

Section 10 (Dust, etc., from building operations);

Section 11 (Dust from movement of coal);

- Section 13 (Retaining walls);
 Section 14 (Plans, etc., of new sewers).

PART VI
 —cont.

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

Application of
 general
 provisions of
 Act of 1936.

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

- Section 19 (Repair of walls, etc., of yards);
 Section 22 (Protection of seashore and adjoining land from pollution).

54.—(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.

Saving for
 Health and
 Safety at
 Work etc. Act
 1974 and Act
 of 1984.

(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:

1974 c. 37.

- Section 10 (Dust, etc., from building operations);
 Section 11 (Dust from movement of coal);
 Section 18 (Restriction on use of dustbins, etc.).

(3) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Act of 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.

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

Arbitration.

56.—(1) The Acts and Orders specified in Schedule 2 to this Act are hereby repealed to the extent specified in column (3) of that Schedule.

Repeals.

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

SCHEDULES

Section 53.

SCHEDULE 1

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be done.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

Section 56.

SCHEDULE 2

ENACTMENTS REPEALED

PART I

OBSOLETE LOCAL ACTS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
30 Geo. 3. c. 82.	The Glamorganshire Canal Act 1790.	The whole Act.
36 Geo. 3. c. 69.	The Glamorganshire Canal Act 1796.	The whole Act.
10 Geo. 4. c. viii (1829).	An Act to provide for the Repair and Maintenance of the County Hall in the County of Monmouth.	The whole Act in so far as it extends to the county.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
10 Geo. 4. c. xcv (1829).	An Act to provide for the more effectual Execution of the Office of a Justice of the Peace within the Parishes of Merthyr Tydvil, Gellygare and Aberdare, in the County of Glamorgan.	The whole Act.
4 & 5 Will. 4. c. xl (1834).	An Act to repeal an Act of the Forty-ninth Year of King George the Third, for the more easy and speedy Recovery of Small Debts within the Parish of Merthyr Tydfil and other Places therein mentioned in the Counties of Glamorgan, Brecon, and Monmouth.	The whole Act in so far as it extends to the county.
5 & 6 Will. 4. c. liii (1835).	An Act for removing the Markets held in the Town and Borough of Neath in the County of Glamorgan, and for providing a new Market Place in the said Town in lieu thereof.	The whole Act in so far as it extends to the county.
6 & 7 Vict. c. xlv (1843).	An Act to provide for the more effectual Execution of the Office of a Justice of the Peace within the Parish of Merthyr Tidvil and certain adjoining Parishes.	The whole Act.
31 & 32 Vict. c. xxxvi (1868).	An Act to extend the Limits of the Act for appointing a Stipendiary Justice of the Peace for the Parish of Merthyr Tidvil and adjoining Places; and for other Purposes.	The whole Act.
45 & 46 Vict. c. clxxvi.	The Glamorganshire Canal Act 1882.	The whole Act.
53 & 54 Vict. c. cxxv.	Pontypridd (Mill Street and Rhondda Road &c.) Improvements Act 1890.	The whole Act except section 10.
55 & 56 Vict. c. clxxxvii.	Pontypridd Burial Board Act 1892.	The whole Act.
57 & 58 Vict. c. xxvii.	Merthyr Tydfil Stipendiary Justice Act 1894.	The whole Act.
57 & 58 Vict. c. xcv.	Pontypridd Waterworks (Tramroad) Act 1894.	The whole Act.
3 Edw. 7 c. cxiv.	Merthyr Tydfil Urban District Council Act 1903.	The whole Act except Parts II and III and sections 36, 37, 39, 41, 42 and 44.

SCH. 2
—cont.

SCH. 2
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
3 Edw. 7. c. cxv.	Pontypridd Urban District Council Act 1903.	The whole Act except Part IV and sections 23 and 24.
5 Edw. 7. c. xlvi.	Aberdare Urban District Council Act 1905.	The whole Act except Part IV.
7 Edw. 7. c. cxxviii.	Merthyr Tydfil Stipendiary Justice Act 1907.	The whole Act.
8 Edw. 7. c. lxi.	Merthyr Tydfil Corporation Act 1908.	The whole Act.
1 & 2 Geo. 5. c. cix.	Aberdare Urban District Council Act 1911.	The whole Act.
2 & 3 Geo. 5. c. 1.	Bedwelty Urban District Council Act 1912.	The whole Act in so far as it extends to the county except Parts II to IV.
2 & 3 Geo. 5. c. lxxxviii.	Rhymney Valley Sewerage Board Act 1912.	The whole Act except sections 47, 48, 50 and 84 to 87.
3 & 4 Geo. 5. c. xxii.	Mynyddislwyn Urban District Council Act 1913.	The whole Act except Parts II to IV.
4 & 5 Geo. 5. c. clxiii.	Porthcawl Urban District Council Act 1914.	The whole Act except Parts II to III and sections 3, 38 to 40 (1), 41, 42, 44, 45, 50, 51, 53, 102, 129 and First Schedule.
5 & 6 Geo. 5. c. lvii.	Aberdare Urban District Council Act 1915.	The whole Act except section 31.
10 & 11 Geo. 5. c. lxxvii.	Pontypridd Urban District Council Act 1920.	The whole Act except Part V and section 31.
10 & 11 Geo. 5. c. lvi.	Gelligaer Urban District Council Act 1920.	The whole Act except Part IV and sections 17, 25, 28 and 29.
10 & 11 Geo. 5. c. cxli.	Merthyr Tydfil Corporation Act 1920.	The whole Act except Part III and section 20.
12 & 13 Geo. 5. c. lxxxii.	Neath Corporation Act 1922.	The whole Act in so far as it extends to the county except Parts III, IV and V.
15 & 16 Geo. 5. c. liv.	Bedwelty Urban District Council Act 1925.	The whole Act except Part II.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
17 & 18 Geo. 5. c. lxi.	Aberdare Urban District Council Act 1927.	The whole Act except sections 3, 112 (2) and 122 and Parts V and VI.
18 & 19 Geo. 5. c. i.	Caerphilly Urban District Council Act 1928.	The whole Act except Parts III, V and VI.
23 & 24 Geo. 5. c. lxi.	Rhondda Passenger Transport Act 1933.	The whole Act.
25 & 26 Geo. 5. c. cxii.	Gelligaer Urban District Council Act 1935.	The whole Act except Part V.
26 Geo. 5 & 1 Edw. 8. c. xxix.	Rhymney Valley Sewerage Board Act 1936.	The whole Act.
26 Geo. 5 & 1 Edw. 8. c. xxxvii.	Bedwelty Urban District Council Act 1936.	The whole Act except Part III.
2 & 3 Geo. 6. c. lxi.	Merthyr Tydfil Corporation Act 1939.	The whole Act.
11 & 12 Geo. 6. c. xlii.	Merthyr Tydfil Corporation Act 1948.	The whole Act except section 25.
15 & 16 Geo. 6 & 1 Eliz. 2. c. li.	Glamorgan County Council Act 1952.	The whole Act in so far as it extends to the county.
4 & 5 Eliz. 2. c. xxxi.	Monmouthshire County Council Act 1956.	The whole Act in so far as it extends to the county.
7 & 8 Eliz. 2. c. xi.	Glamorgan County Council Act 1959.	The whole Act in so far as it extends to the county.
1970 c. lxxvii.	Monmouthshire County Council Act 1970.	The whole Act in so far as it extends to the county.
1972 c. vii.	Neath Corporation Act 1972.	The whole Act in so far as it extends to the county.
1973 c. i.	Glamorgan County Council Act 1973.	The whole Act in so far as it extends to the county.
1973 c. xxiii.	Rhondda Corporation Act 1973.	The whole Act.

SCH. 2
—cont.

SCH. 2
—cont.

PART II

OBSOLETE CONFIRMATION ACTS AND ORDERS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
17 & 18 Vict. c. 53.	Public Health Supplemental Act 1854.	Section 5 and the Order relating to Aberdare dated 4th January 1854.
29 & 30 Vict. c. 106.	Local Government Supplemental Act 1866 (No. 3).	The Order relating to Aberdare dated 19th March 1866.
33 & 34 Vict. c. clxv.	Local Government Supplemental Act 1870 (No. 2).	The whole Act.
34 & 35 Vict. c. 1.	Local Government Supplemental Act 1871.	The Order relating to Merthyr Tydfil dated 6th July 1870.
36 & 37 Vict. c. cxxxix.	Education Department Provisional Order Confirmation Act (No. 6) 1873.	The whole Act.
37 & 38 Vict. c. cliii.	Education Department Provisional Order Confirmation Act (No. 2) 1874.	The Order relating to Aberdare dated 3rd June 1874.
38 & 39 Vict. c. clxxv.	Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) Act 1875.	The Order relating to Aberdare dated 20th May 1875.
39 & 40 Vict. c. lxxxvii.	Local Government Board's Provisional Orders Confirmation (Aberavon, &c.) Act 1876.	The Order relating to Merthyr Tydfil dated 22nd May 1876.
39 & 40 Vict. c. cxcix.	Local Government Board's Provisional Orders Confirmation (Chelmsford, &c.) Act 1876.	The Order relating to Merthyr Tydfil dated 13th June 1876.
40 & 41 Vict. c. lxxv.	Education Department Provisional Order Confirmation (Cardiff, &c.) Act 1877.	The Order relating to Merthyr Tydfil dated 23rd April 1877.
44 & 45 Vict. c. clxii.	Local Government Board's Provisional Orders Confirmation (Acton, &c.) Act 1881.	The Order relating to Monmouth dated 9th May 1881 in so far as it extends to the county.
45 & 46 Vict. c. xxxiii.	Local Government Board's Provisional Orders Confirmation Act 1882.	The Order relating to Merthyr Tydfil dated 22nd March 1882.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
48 & 49 Vict. c. cvii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885.	The Order relating to Ystradyfodwg and Pontypridd Main Sewerage District dated 4th June 1885 in so far as it extends to the county.
50 & 51 Vict. c. cxii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1887.	The Order relating to the Local Government District of Garw and Ogmoredated 7th June 1887.
53 & 54 Vict. c. lxxxii.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1890.	The Order relating to Ogmored and Garw dated 11th April 1890 in so far as it extends to the county.
53 & 54 Vict. c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1890.	The Order relating to Neath dated 16th May 1890.
55 & 56 Vict. c. lxx.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1892.	The Order relating to Bridgend dated 2nd April 1892.
55 & 56 Vict. c. lxxii.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1892.	The Order relating to Merthyr Tydfil dated 13th April 1892.
56 & 57 Vict. c. cxv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1893.	The Order relating to Neath dated 22nd March 1893 in so far as it extends to the county.
57 & 58 Vict. c. xx.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1894.	That part of Schedule A to the Act as relates to Merthyr Tydfil.
59 & 60 Vict. c. ciii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1896.	The Ystradyfodwg and Pontypridd Main Sewerage Order 1896 in so far as it extends to the county.
59 & 60 Vict. c. clxvii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1896.	Caerphilly Order 1895.

SCH. 2
—cont.

SCH. 2
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
60 & 61 Vict. c. lxxiv.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1897.	Ogmore and Garw Order 1897.
61 & 62 Vict. c. lxxx.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1898.	County of Brecon Order 1898 and County of Monmouth Order 1898 in so far as they extend to the county.
62 & 63 Vict. c. cxlvi.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1899.	Pontypridd Order 1899.
1 Edw. 7. c. clxxiii.	Education Board Provisional Orders Confirmation (Barnes &c.) Act 1901.	The Order relating to Merthyr Tydfil dated 6th February 1901.
2 Edw. 7. c. lxxix.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1902.	Pontypridd Order 1902.
2 Edw. 7. c. lxxxv.	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1902.	Caerphilly Order 1902.
3 Edw. 7. c. lxxviii.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1903.	Vaynor and Penderyn Order 1903.
5 Edw. 7. c. lxxxiv.	Municipal Corporations (Merthyr Tydfil Scheme Confirmation) Act 1905.	The whole Act.
7 Edw. 7. c. clviii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1907.	County Borough of Merthyr Tydfil Order 1907.
8 Edw. 7. c. cl.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1908.	Monmouth Order 1908 in so far as it extends to the county.
10 Edw. 7 & 1 Geo. 5. c. lxxxii.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1910.	Merthyr Tydfil Order 1910.
10 Edw. 7 & 1 Geo. 5. c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1910.	Caerphilly Order 1910.
2 & 3 Geo. 5. c. cxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1912.	Caerphilly Order 1912 except article 2.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
3 & 4 Geo. 5. c. cxvii.	Education Board Provisional Orders Confirmation (Cardigan &c.) Act 1913.	The Order relating to Aberdare dated 7th April 1913.
3 & 4 Geo. 5. c. cxxxiii.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1913.	Gelligaer Order 1913.
9 & 10 Geo. 5. c. cxiv.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1919.	Rhymney Valley Sewerage Board Order 1919.
12 & 13 Geo. 5. c. xl.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1922.	Rhymney Valley Sewerage Board Order 1922 in so far as it extends to the county.
21 & 22 Geo. 5. c. lxxvii.	Ministry of Health Provisional Order Confirmation (Rhymney Valley Joint Sewerage District) Act 1931.	The whole Act in so far as it extends to the county.
1 Edw. 8 & 1 Geo. 6. c. cvii.	Ministry of Health Provisional Order Confirmation (Rhymney Valley Sewerage District and Western Valleys (Monmouthshire) Sewerage District) Act 1937.	The whole Act in so far as it extends to the county.

SCH. 2
—cont.

PART III

CONSEQUENTIAL REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
4 & 5 Geo. 5. c. clxiii.	Porthcawl Urban District Council Act 1914.	Sections 3, 38, 39, 41, 42, 44, 45, 50 and 51.
1973 c. i.	Glamorgan County Council Act 1973.	Sections 27, 70, 76, 116, 117 and 143.
1973 c. xxiii.	Rhondda Corporation Act 1973.	Sections 21, 32, 43 and 45.

Section 56.

SCHEDULE 3

SAVING PROVISIONS

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

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

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

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

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

5. 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.

1978 c. 30.

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Mid Glamorgan County Council Act 1987

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