# ELIZABETH II



# 1987 CHAPTER viii

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

[5th March 1987]

# WHEREAS—

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

1972 c. 70.

The county borough of Swansea;

In the administrative county of Glamorgan—

the boroughs of Neath and Port Talbot; the urban districts of Glyncorrwg and Llwchwr; the rural districts of Gower and Pontardawe; the rural district of Neath except the parish of Rhigos: c. viii

- (2) As it now has effect section 262 of the said Act of 1972 provides that, subject to modifications and exceptions, local statutory provisions in force in the area of any nonmetropolitan counties shall continue in force until the end of 1986:
- (3) There are numerous local statutory provisions applicable in the county and it is expedient that certain of those provisions should be re-enacted with amendments, or otherwise continued in force, and applied to the whole county or to parts of the county, and that other such provisions should be repealed:
- (4) It is further expedient that new provision should be made for the improvement, health and local government of the county and to confer further powers on the West Glamorgan County Council, the Swansea City Council, and the Port Talbot, Lliw Valley and Neath Borough Councils within the county:
- (5) It is expedient that the other provisions in this Act should be enacted:
- (6) The purposes of this Act cannot be effected without the authority of Parliament:
- (7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the said Act of 1972 have been observed:

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

#### PART I

#### Preliminary

Citation and commencement.

- 1.—(1) This Act may be cited as the West Glamorgan Act 1987.
- (2) This Act shall come into operation on the expiration of three months after its passing.

Interpretation.	2.—(1) In this Act, unless the context otherwise requires—
	"the Act of 1971" means the Town and Country Planning
1971 c. 78.	Act 1971;
1972 c. 70.	"the Act of 1972" means the Local Government Act 1972;
	"the Act of 1976" means the Local Government
1976 c. 57.	(Miscellaneous Provisions) Act 1976;
	"the Act of 1982" means the Local Government
1982 c. 30.	(Miscellaneous Provisions) Act 1982;

"the appointed day" has the meaning given by section 3 of PART I this Act; -cont. "building operations" has the meaning given by section 168 (5) of the Highways Act 1980; 1980 c. 66. "the city" means the city of Swansea; "community council" means the community council of a community in the county; "contravention" includes a failure to comply and "contravene" shall be construed accordingly; "the county" means the county of West 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 a district in the county; "district council" means the council of a district; "fire authority", in relation to any premises, means the authority discharging in the area in which the premises are situated the functions of a fire authority under the Fire Services Act 1947; 1947 c. 41. "local authority" means the county council or a district council; "maritime district" has the meaning given by section 49 (1) of the Coast Protection Act 1949; 1949 c. 74. "open space" has the meaning given by section 290 of the Act of 1971; "owner" has the meaning given by section 343 of the 1936 c. 49. Public Health Act 1936; "premises" includes messuages, buildings, lands, easements and hereditaments of any tenure; "public place" has the meaning given by section 9(1) of the 1936 c. 6 (1 Edw. 8 & 1 Public Order Act 1936; Geo. 6). "railways board" means the British Railways Board; "seashore" means the bed and shore of the sea, and of every channel, creek, bay or estuary, and of every river as far up that river as the tide flows, and any cliff, bank, barrier, dune, beach, flat or other land adjacent to the shore;

of them, as the case may be;
"street" has the meaning given by section 329 of the
Highways Act 1980;

"statutory undertakers" means a public gas supplier within

Electricity Generating Board, the South Wales

Electricity Board, the Welsh Water Authority or any

the meaning of Part I of the Gas Act 1986, the Central 1986 c. 44.

Part I —cont. 1980 c. 66.

1984 c. 12.

"street works authority" has the meaning given by section 203(3) of the Highways Act 1980;

"telecommunication apparatus" has the meaning given by Schedule 2 to the Telecommunications Act 1984;

- "telecommunications operator" means the operator of a telecommunications code system; and "operator" and "telecommunications code system" have the respective meanings given by paragraph 1 of Schedule 4 to the Telecommunications Act 1984.
- (2) Any reference in this Act to a proper officer shall in relation to any purpose and any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority or, as the case may be, for that area.
- (3) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

Appointed day.

- 3.—(1) In this Act "the appointed day", in relation to any provision, means such day (not earlier than three months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, a district council.
- (2) The local authority shall publish in a newspaper circulating in their area notice—
  - (a) of the passing of any such resolution and of the day fixed thereby; and
  - (b) of the general effect of the provision for the purposes of which the day has been fixed;

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

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

# PART II HIGHWAYS AND STREETS

Provision of trees and shrubs in private streets, etc.

4.—(1) The powers conferred on local authorities by section 96 of the Highways Act 1980 shall in the county be exercisable by them with respect to any street that is a highway, whether or not maintainable at the public expense.

(2) The powers conferred by the said section 96 (as extended by this section) to plant trees and shrubs in highways and by section 142 of the said Act of 1980 to license the planting of trees or shrubs in highways shall in the county include power to provide or, as the case may be, license the provision of trees or shrubs planted in tubs or other containers; and any such tub or

other container may be attached to a post or standard with the consent of the owner thereof.

PART II -cont.

5.—(1) As from the appointed day fixed by the county Plans, etc., council in any district, where planning permission is granted of new under the Act of 1971 for development in the district which streets. consists of, or includes, the laying out or construction of a new street to which this section applies, no work shall be carried out in, or for the purposes of, the construction of the street except—

- (a) in accordance with plans, sections and particulars submitted to and approved, or deemed to have been approved, by the street works authority in accordance with subsections (2) and (3) below; and
- (b) in compliance with reasonable conditions specified by the street works authority as to—
  - (i) the giving of notices and the deposit of plans; and
  - (ii) the inspection of work, the testing of sewers and the taking by the authority of samples of the materials used in the execution of work of constructing the street, including the sewers and drains in or serving the street.
- (2) (a) The plans, sections and particulars to be submitted shall comprise plans, sections and reasonable particulars with respect to the level and width of, and specifications for, the proposed street, including the sewers and drains in or serving the street.
- (b) Plans, sections, particulars or specifications submitted in accordance with paragraph (a) above shall—
  - (i) be in writing;
  - (ii) 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 street works authority and indicated on the document in question;
  - (iii) in the case of block plans and key plans, indicate the north point;
  - (iv) 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;
  - (v) be deposited in duplicate with the street works authority.
- (3) (a) Before the expiration of eight weeks from the receipt by them of plans, sections and particulars under subsection (2) (a) above the street works authority may give to the person by or on whose behalf they were submitted notice specifying such modifications of the plans, sections and particu-

Part II —cont.

lars submitted to them as they reasonably require to secure the satisfactory construction of the street and, in the case of sewers and drains in or serving the street, the stability of the street as constructed.

- (b) Unless the street works authority give notice under paragraph (a) above they shall be deemed to have approved the plans, sections and particulars as submitted without conditions.
  - (c) Any question arising as to whether—
    - (i) modification of plans, sections and particulars is reasonably required; or
- (ii) conditions imposed are reasonable; shall in default of agreement between the street works authority and the person by whom or on whose behalf the plans, sections and particulars were submitted be determined by arbitration.
- (4) On the completion of a street in accordance with subsection (1) above the street works authority shall—
  - (a) where a sum has been paid or secured under section 219 of the Highways Act 1980 in respect of the cost of the construction of the street, make such a refund or, as the case may be, release as they are empowered to make under section 221 (1) of that Act in respect of those street works; and
  - (b) by notice to the owner of the land on which the street has been constructed offer to undertake the maintenance of the street if dedicated as a public highway.
- (5) An offer to adopt a street under subsection (4) (b) above shall not prejudice a determination as to the adoption of any sewer or drain.
- (6) (a) If work is done in contravention of subsection (1) above the owner of the land on which the street is to be constructed and, if he is a different person, the person undertaking the construction of the street shall be guilty of an offence and shall 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 construction of the street, not being the owner of the land on which it is to be constructed, is charged with an offence under this subsection in respect of the contravention of subsection (1)(a) above, it shall be a defence for him to prove that he had reasonable grounds for believing that the plans, sections and particulars had been submitted by the owner of the land and approved as mentioned in the said subsection (1)(a).
- (c) Proceedings under this subsection shall not be taken by any person other than the street works authority.

1980 c. 66.

(7) Nothing in this section shall apply with respect to—

PART II --cont.

- (a) any new street which is the subject of an agreement for adoption of the street under section 38 of the Highways Act 1980 or which is otherwise exempt 1980 c. 66. from the application of section 219 of that Act (advance payments by owners of new buildings in respect of street works) by virtue of subsection (4) (e), (f) or (k) of the said section 219;
- (b) any new street constructed by the railways board in pursuance of their statutory functions.
- **6.**—(1) (a) Any person who executes works for the making Excavations of an excavation in the county of which the vertical depth of any affecting part is greater than the horizontal distance of that part from the highways. nearest point of any highway maintainable at the public expense shall take such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway.

- (b) In this subsection "vertical depth" in reference to any part of an excavation means the distance measured vertically to the lowest level of that part of the excavation from the level of the lower edge of the foundations of the carriageway of the highway at the point nearest to that part of the excavation.
- (2) (a) If the making of any such excavation, or the execution of works for the making of any such excavation, causes the withdrawal of any such support for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight), the person responsible for making the excavation shall, without prejudice to any obligation or liability to which he or any other persons may be subject apart from this section, be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (b) Paragraph (a) above shall not apply for so long as there is in force in respect of the highway (or part of the highway in respect of which support is withdrawn) an order made under section 14 (1) of the Road Traffic Regulation Act 1984.

1984 c. 27.

- (3) Proceedings for an offence under this section may be brought by the highway authority for the highway to which the proceedings relate.
- (4) The provisions of this section shall not apply to any excavation made—
  - (a) in the course of carrying out undertakers' works as defined in section 1 (2) of the Public Utilities Street

c. viii

-cont. 1950 c. 39.

Works Act 1950 or (whether or not within that definition) any works of the Welsh Water Authority in respect of any of their functions; or

- (b) by the railways board in exercise of their statutory powers subject to the following conditions:—
  - (i) not less than 28 days before the commencement of the excavation plans, sections and other particulars shall be submitted to the highway authority for their approval which shall not be unreasonably withheld;
  - (ii) any question arising between the highway authority and the railways board under paragraph (i) above shall be determined by arbitration;
  - (iii) the excavation shall not be commenced until such particulars have been approved in writing by the highway authority or settled by arbitration:

Provided that if the highway authority do not within 28 days after the submission to them of any such particulars signify in writing their disapproval thereof they shall be deemed to have approved thereof;

- (iv) the excavation shall be carried out in accordance with the particulars approved, deemed to have been approved or settled by arbitration.
- (5) In this section "vehicles of excessive weight" means any vehicle which, if it had passed along the highway, could reasonably be expected for the purposes of section 59 of the Highways Act 1980 to have given rise to extraordinary expenses in maintaining the highway, by reason of damage caused by excessive weight.

1980 c. 66.

Extension of Highways Act 1980.

7. The provisions of section 151 of the Highways Act 1980 section 151 of (prevention of soil, etc., being washed into streets) shall in the county have effect as if, in subsection (1), after the words "at the public expense" there were inserted the words "or a private street (within the meaning of Part XI of this Act) communicating with such a highway,".

Street numbers.

8.—(1) A district council may allocate to the buildings in a street in their district such numbers as they think fit.

(2) Where a number has, or numbers have, been allocated to a building under this section or under section 64 of the Towns Improvement Clauses Act 1847, the district council may serve 1847 c. 34. on the owner or occupier of the building a notice requiring him within such period, not less than three weeks, as may be specified in the notice to mark the building with that number, or those numbers, in such a way as to make the mark legible

from the street.

- (3) Where on any building there is an existing mark—
  - (a) which has ceased to be legible from the street; or
  - (b) the view of which from the street has become obstructed;

the district council may serve on the owner or occupier of the building a notice requiring him within such period, not less than three weeks, as may be specified in the notice—

- (i) to make the mark legible from the street; or
- (ii) to remove the obstruction to such extent as is practicable.
- (4) A district council may alter the number or numbers allocated to a building, and where they do so subsections (2) and (3) above shall apply to the altered number or numbers.
- (5) A district council may, instead of requiring a building to be marked with a number or numbers under this section, require it to be marked with such other means of identification as they may, at the request of the owner or occupier, allow; and subsections (2) and (3) above shall have effect accordingly.
- (6) An owner or occupier of a building who without reasonable excuse fails to comply with a notice served on him under subsection (2) or (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the county:— 1847 c. 34.
  - (a) in the words introducing sections 64 and 65, the words "and numbering the houses";
  - (b) in section 64 the words from "shall from time to time" to "think fit, and", and the words "number or" wherever occurring;
  - (c) section 65.

### PART III

#### OPEN SPACE AND MUNICIPAL PROPERTY

- 9.—(1) This section applies to any of the following land in Protection of the county in, adjoining or accessible from a highway:—

  grass verges, open space,
  - (a) a grass verge, garden, or green owned or managed by a etc. local authority and mown or otherwise maintained in an ornamental condition; or
  - (b) land laid out as a public garden or used for the purpose of public recreation and mown or so maintained.
- (2) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the

PART II —cont.

PART III —cont.

notice, the doing of any of the following things on land to which this section applies:—

- (a) driving, riding or leaving vehicles;
- (b) allowing horses or cattle to enter.
- (3) Notice of a prohibition under subsection (2) (a) above shall not prohibit the driving or leaving of vehicles on land—
  - (a) by any person engaged in building operations; or
  - (b) by statutory undertakers, the highway authority or the railways board where reasonably necessary in the exercise of their statutory functions; or
  - (c) by a telecommunications operator in connection with or for the purposes of establishing and running his telecommunications code system;

but the exemption given by paragraph (a) above is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.

- (4) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.
- (b) Where the notice is notice of a prohibition under subsection (2) (a) above and relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Road Traffic Regulation Act 1984) it shall be a traffic sign, and the erection and display of the notice by the local authority shall be subject to, and in conformity with, general directions given under section 65 (1) of the said Act of 1984 whether or not they are also the highway authority.
- (5) A person who, without reasonable excuse, contravenes a notice displayed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) (a) If a vehicle is left on any land in contravention of a prohibition under subsection (2) (a) above, the local authority may cause the vehicle to be removed.
- (b) For the purposes of this subsection section 99 of the said Act of 1984 and the regulations in force under that section shall have effect as if the removal of a vehicle under this subsection were authorised by those regulations.
- (7) Notice of a prohibition relating to land vested in a person other than the local authority shall not be given under this section except with the consent of that person.
- (8) Where land to which notice of a prohibition under subsection (2) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle

1984 c. 27.

and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall limit any right of way, public or private, over land or restrict the exercise by any person of any statutory right to enter upon land.

PART III --cont.

- (9) In this section "local authority" includes a community council.
- 10.—(1) Subject to subsection (2) below, a local authority Prohibition may by notice prohibit persons, either entirely or at such times of vehicles on or on such days as may be specified in the notice, from driving certain vacant a mechanically propelled vehicle on to any vacant land accessible from a highway.
- (2) A local authority shall not without the consent of the owner give a notice under subsection (1) above in respect of land not vested in them.
- (3) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.
- (4) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A prohibition under this section shall cease to have effect after six months, or such longer period as the local authority may by resolution prescribe, after the date when the notice referred to in subsection (1) above was first displayed.
- 11.—(1) A local authority may provide and maintain motor Provision of or other conveyances or vehicles, including miniature railways vehicles in and boats, for the conveyance of passengers in any park, parks, etc. pleasure ground, zoological garden or open space under their management and control.

- (2) The local authority may, on such terms and conditions as they think fit, carry passengers on any conveyances or vehicles provided under subsection (1) above, and may demand and take for any passengers so carried such fares as they may from time to time determine.
- (3) The operation of conveyances or vehicles in pursuance of this section shall not, for the purpose of section 101 (1) of the Road Traffic Act 1930 (running of public service vehicles by 1930 c. 43. local authorities), be regarded as the operation of a light railway, trolley vehicle or omnibus undertaking.
- (4) A local authority may make arrangements for any vehicles which they have power to provide, maintain and operate under this section to be provided, maintained and operated by some other person, including arrangements authorising that person to demand and take fares for passengers carried thereon.

Part III
—cont.

Parking places in parks, etc.

- 12.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area (not exceeding the prescribed area) of the park, pleasure ground or open space for use for the parking of vehicles and provide parking places and facilities in connection therewith.
- (2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.
- (3) A local authority shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.
- (4) A local authority shall consult the railways board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated over or within a distance of 15 metres (measured in any direction) from any railway of that board.
- (5) The powers of this section shall, so far as reasonably practicable, be so exercised as not to obstruct or render less convenient the access to any telecommunication apparatus in existence prior to the provision of parking places or facilities under this section.
  - (6) In this section "the prescribed area" means—
    - (a) where the total area of the park, pleasure ground or open space does not exceed four hectares, one-eighth of that area;
    - (b) where such area exceeds four hectares but does not exceed six hectares, one-half hectare;
    - (c) in any other case, one-twelfth of such area.

Interference with municipal property.

- 13.—(1) No person shall without lawful authority or reasonable excuse remove or otherwise interfere with any property placed in any street or public place within the county, being property to which this section applies.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) This section applies to property of the following descriptions, namely:—
  - (a) traffic signs;

(b) bollards, lights or other things (not being traffic signs) placed on, over or along the highway, or land adjoining the highway, for the purpose of assisting, warning or directing traffic;

PART III -cont.

- (c) lifebelts or other equipment for preventing drowning;
- (d) temporary barriers and other devices placed in, on, over or along the highway, or any park or open space, for the purpose of crowd control;
- (e) fire-fighting equipment or safety devices for use in connection with fire;
- (f) refuse bins; and
- (g) coin operated equipment provided at any car park; which is vested in a local authority, a community council or the police authority.
- 14.—(1) A local authority may make byelaws for all or any Byelaws as of the following purposes:—

to leisure

- (a) the good and orderly conduct of persons resorting to any leisure centre;
- (b) regulating the movement and parking of vehicles at any leisure centre;
- (c) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road as defined in section 142 (1) of the Road Traffic Regulation Act 1984.

1984 c. 27.

- (2) Byelaws made under subsection (1) (a) above may provide for the removal from the leisure centre of any person infringing any such byelaw.
- (3) A person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) In this section "leisure centre" means any place owned or managed by a local authority (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976 are provided.
- 15.—(1) A local authority may for such time as they may Power to think fit use land within their area and under their management provide and control as a terminal for hovercraft, hydrofoil vessels and facilities for hovercraft, similar craft or vessels or helicopters, and may erect or adapt on hydrofoil any such land, and may maintain and manage buildings, véssels, etc. structures, slipways and other works for use in connection with such craft, vessels or helicopters and may make reasonable charges in respect of the use of such works.

PART III —cont.

- (2) The local authority may at any such terminal provide such plant, facilities, appliances and conveniences as may be requisite or expedient for the operation, equipment, inspection, maintenance, repair and use of such hovercraft, hydrofoil vessels and similar craft or vessels or helicopters.
- (3) The local authority may let to any person buildings, structures or facilities provided by them under this section.
- (4) The local authority may make byelaws for the regulation of any terminal provided under this section, the maintenance of order and the regulation of the use of premises used in connection with any such terminal.
- (5) Nothing in this section authorises the construction of a harbour.
  - (6) In this section—

"harbour" has the same meaning as in the Harbours Act 1964;

"hovercraft" has the same meaning as in the Hovercraft Act 1968;

"hydrofoil vessel" means a vessel, however propelled, designed to be supported on foils.

# PART IV

#### PUBLIC HEALTH AND AMENITIES

Hairdressers and barbers.

- 16.—(1) As from the appointed day in any district a person shall not in that district carry on the business of a hairdresser or barber unless he is registered by the district council under this section and, except as provided in subsection (2) below, he shall not carry on that business on premises occupied by him unless the premises are so registered.
- (2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.
- (3) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.
- (4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the

1964 c. 40.

1968 c. 59.

premises and of any byelaws made by the district council under section 77 of the Public Health Act 1961 displayed in the premises, and if without reasonable excuse he fails to do so, he 1961 c. 64. shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £10.

PART IV -cont.

17.—(1) This section applies to any building operation, Dust, etc., including any work of demolition or the cleansing of any from building building or structure, which is either carried out in the open air operations. 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 Building Act 1984.

1984 c. 55.

(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 1974 c. 37. implications.
- (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

PART IV —cont.

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.

- (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.

Power to order alteration of chimneys.

- 18.—(1) If, upon a complaint by a district council under this section, a magistrates' court is satisfied that any gas, vapour or fumes from a chimney of a building in the district is injurious or likely to be injurious to health or a nuisance, the court may make an order requiring the owner of the chimney within such time as may be specified in the order—
  - (a) to cause it to be raised to a height so specified; or
  - (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.
- (2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—
  - (a) in the case of a single private dwelling-house £800; and
  - (b) in any other case £2,400;

or, in any case, such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section. (3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

PART IV —cont.

- (4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed 1979 c. 46. building consent under section 55 of the Act of 1971 for the alteration of any chimney in a scheduled monument or listed building, no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building.
- (5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation <sup>1961</sup> c. 34. Act 1906 or to any class of premises prescribed for the purposes <sup>1906</sup> c. 14. of section 1 (1) (d) of the Health and Safety at Work etc. Act <sup>1974</sup> c. 37.
- (6) In this section "chimney" includes structures, openings and ducts of any kind from which any gas, vapour or fumes may be emitted, whether or not as the product of combustion, and reference to a chimney of a building includes reference to a chimney of a building which serves the whole or a part of a building but is structurally separate therefrom.
- 19.—(1) No person shall in any street or public place in any Carrying or district carry waste food by way of trade otherwise than in a storage of suitably covered container suitable for the purpose.
- (2) No person shall deliver by way of trade to any premises in any district for the purpose of use for the storage of waste food a sack, bin or container which is in an offensive condition or not proof against escape of the waste food, or the exterior of which is not free of the waste food.
- (3) Any person who contravenes a provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) In this section the expression "waste food" means a substance which is not intended for human consumption and which has been, or has been part of, food intended for human consumption, and includes waste food which is mixed with other refuse.
- 20.—(1) As from the appointed day in any district, a person Restriction on who places anything to which this section applies—

  use of dustbins, etc.
  - (a) in a dustbin or receptacle used for the reception of dustbins, etc. refuse to be removed by or on behalf of a district council; or

Part IV — cont.
1983 c. 35.

- (b) in a receptacle for refuse or litter provided by a district council under section 5 (1) of the Litter Act 1983; 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) It shall be a defence for a person charged with an offence under this section to prove that he did not know and had no reasonable means of knowing that the dustbin or receptacle contained a thing to which this section applies.

Power of inspector inspecting building work.

- 21.—(1) If the proper officer of a district council, on inspecting any work to which building regulations for the enforcement of which they are responsible are applicable, finds that the work is so far advanced that he cannot ascertain whether any provision of building regulations has been contravened by, or by anything done in connection with that work, the officer may, within 24 hours of such inspection, give to the owner of the work notice requiring him within a reasonable time not less than 48 hours after the giving of the notice to cut into or lay open so much of the work as prevents the officer from ascertaining whether any of the building regulations has been contravened.
- (2) Where the proper officer has power to serve a notice under subsection (1) above on the owner of any work, he may in addition or instead give such a notice to one or more of the following persons, namely the occupier and any builder or other person appearing to the officer to have control over the work.
- (3) If a person to whom a notice has been given under subsection (1) or (2) above fails without reasonable excuse to comply with the notice before the expiration of the time specified in the notice or such longer time as a magistrates' court may on his application allow, the district council may cut into or lay open so much of the work in question as is necessary for compliance with the notice and execute such additional work as they deem necessary, and, subject to subsection (5) below, may recover from him the expenses reasonably incurred by them in so doing:

Provided that where a notice under subsection (1) above is given to two or more persons in pursuance of subsection (2) above, then—

PART IV --cont.

- (a) if they are given the notices on different dates, the time for compliance specified in the notices shall for each of them run from the later or latest of those dates; and
- (b) if the notice is not complied with before the expiration of the said time or such longer time as a magistrates' court may on the application of any of them allow, any expenses recoverable as aforesaid may be recovered from any of them.
- (4) Any person who fails to comply with a notice under subsection (1) or (2) above shall be guilty of an offence as if he had failed to comply with a provision contained in building regulations; and section 35 of the Building Act 1984 (as to 1984 c. 55. contravention of building regulations) shall apply accordingly.

- (5) If it shall appear—
  - (a) on any inspection carried out under the powers of subsection (1) above that there has not been any contravention of any building regulations;
  - (b) that after giving notice under subsection (1) or (2) above, the proper officer has failed or omitted, within three days after the cutting into or laying open of the work or part thereof in compliance with the notice, to inspect the work to ascertain whether any of the building regulations has been contravened; or
  - (c) that the occasion of giving such notice was the failure or omission of the proper officer to inspect the work after opportunity therefor had been given in accordance with building regulations;

the reasonable expense incurred by any person in such cutting into or laying open and of reinstating the work, together with reasonable compensation for the unnecessary delay occasioned by the notice in the carrying out of the work, may be recovered by that person from the district council.

22.—(1) In this section "plans" includes sections, Approval of specifications and written particulars.

plans to be of no effect

(2) Any notice given to, or plans deposited with, the district after certain council in accordance with building regulations, or an initial interval. notice given under section 47 of the Building Act 1984, shall be of no effect if the work specified in such notice or, as the case may be, plans is not commenced within three years from the date of such notice or deposit or, in the case of an initial notice, from the acceptance of the notice; and at the expiration of that period fresh notice or, as the case may be, plans shall, unless the district council otherwise determine, be requisite.

Part IV —cont.

- (3) The district council shall—
  - (a) attach notice of the provisions of this section to every approval of plans deposited in accordance with building regulations; and
  - (b) in the case of an initial notice which is not rejected by them, within the prescribed period give notice of the provisions of this section to each of the persons by whom the initial notice was given.
- (4) Subsections (2) and (3) above shall have effect in relation to plans submitted under section 5 (Plans, etc., of new streets) and section 29 (Plans, etc., of new sewers) of this Act as if references to the district council were for the purposes of the said section 5 references to the street works authority and as if the reference to building regulations were a reference to the said section 5 or, as the case may be, section 29.
- (5) Where, on the occasion of the deposit of plans or the giving of an initial notice for the erection of a building, the amount to be paid or secured under section 219 of the Highways Act 1980 has been determined under section 220 of that Act, and subsequently the plans become of no effect under subsection (2) above, section 223 of the Highways Act 1980 shall have effect as if—
  - (a) in subsection (1) (a) the reference to the local authority, under section 32 of the Building Act 1984, declaring the deposit of the plans to be of no effect included a reference to plans or notices becoming of no effect under the said subsection (2); and
  - (b) in subsection (6) (a) the reference to the making of a declaration that the deposit of plans is of no effect included a reference to plans or notices becoming of no effect under the said subsection (2).

Cellars and rooms liable to flood.

- 23. Section 74 (1) of the Building Act 1984 (cellars and rooms below subsoil water level) shall have effect in any district as if—
  - (1) after the word "office" where it first occurs there were inserted "(a)";
  - (2) at the end there were inserted the following:—

"or

(b) if upon deposit with the local authority of plans of the cellar or room in accordance with building regulations, the local authority give notice to the person by whom the plans were deposited that the site of the cellar or room is liable to be flooded.".

1980 c. 66.

1984 c. 55.

24.—(1) In this section—

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

Part IV
—cont.
Artificial
lighting in
habitable
rooms, etc.

- (a) the supply of electricity; or
- (b) the provision of lamps;
- "dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling;
- "habitable room" includes a room used, or intended to be used, as a living room, sleeping room, bathroom, kitchen, scullery or for a sanitary convenience, and includes any cellar or room comprised in a dwelling and used as a fuel store.
- (2) Except as provided in subsection (5) below, in every dwelling in a district which is let for human habitation, and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage.
- (3) If adequate means of lighting are not so provided and maintained the district council may serve on the owner a notice requiring him, within such time (not less than 21 days) as may be specified in the notice, to execute such works as may be necessary to comply with subsection (2) above, and as respects any such works which require interference with, or connection into, any electric line, electricity main or fittings belonging to the South Wales Electricity Board, to make arrangements in that behalf with that board.
- (4) The provisions of Part XII of the Public Health Act 1936 1936 c. 49. with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (3) above as if—
  - (a) this section were contained in that Act;
  - (b) among the grounds on which an appeal may be brought under subsection (3) of section 290 of the said Act of 1936 there were added that, having regard to the period during which the dwelling is likely to continue to be used for human habitation, it is unreasonable to require the execution of the works; and
  - (c) in subsection (6) of the said section 290 the words from "and without prejudice" to the end of the subsection were omitted.

PART IV —cont.

1957 c. 56.

- (5) This section shall not apply to a dwelling—
  - (a) in an area declared by the district council to be a clearance area; or
  - (b) as respects which the proper officer has made an official representation under section 157 of the Housing Act 1957 either that it is unfit for human habitation or that it is in an area which should be dealt with as a clearance area, and the representation is under consideration; or
  - (c) as respects which notice has been served under subsection (1) or (1A) of section 9 of the said Act of 1957 on the person having control of the dwelling and the works required pursuant to the notice have not been executed; or
  - (d) as respects which notice has been served under section 16 of the said Act of 1957 and works required to render the dwelling fit for human habitation have not been carried out to the satisfaction of the district council.
- (6) Nothing in any notice served under subsection (3) above shall authorise any person to interfere with, or connect into, any electric line, electricity main or fittings belonging to the South Wales Electricity Board.

Weatherproofing of property. 1984 c. 55.

1957 c. 56.

25. Where a district council—

- (a) serve a notice under section 81 of the Building Act 1984 (requirements on demolition of buildings) in respect of a building for the demolition of which they have made an order under section 17 of the Housing Act 1957 (duty of local authority to make demolition order where no undertaking accepted); and
- (b) enter and demolish that building under section 23 (1) of the said Act of 1957 (enforcement of demolition orders);

they may take any action required by the notice to weatherproof the surfaces of, or make good damage to, an adjacent building and the expenses incurred in taking any such action shall be recoverable in accordance with the provisions of section 83 of the said Act of 1984.

Retaining walls.

- 26.—(1) In this section "retaining wall" means a wall which—
  - (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 or the revetment of a trench.

PART IV -cont.

- (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
    - (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 Public Health Act 1936 with respect to appeals against, and the 1936 c. 49. 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—
  - (a) any length of a retaining wall to which section 167 of the Highways Act 1980 (retaining walls near streets) 1980 c. 66. applies or for the maintenance of which the highway authority 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.
- (6) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.
- (7) For the purposes of subsection (5) (c) above "operational" land" shall be construed in accordance with section 222 of the Act of 1971 and as though a telecommunications operator were a statutory undertaker; and includes any land on or in which there is any work or apparatus used by the Welsh Water Authority for any of their functions.

PART IV **--**cont. Repair of walls, etc., of yards.

- 27.—(1) In this section "wall" includes a fence other than a hedge and also includes a door in the wall.
  - (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, its occupants;
- (ii) in any case, the occupants of any house adjacent to the building;

the 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.

1936 c. 49.

- (3) The provisions of Part XII of the Public Health Act 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 there is in force a notice served by the British Coal Corporation 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.

1957 c. 59.

Separate water and surface water.

- 28.—(1) In this section "separate system of drainage" means drains for foul a separate system of drains for the conveyance of—
  - (a) soil water and waste water; and
  - (b) rainwater;

respectively.

- (2) (a) Where plans—
  - (i) of a building;
  - (ii) of an extension of a building; or
  - (iii) of an alteration of a building which show that it is intended to provide in the building five or more additional water closets;

are in accordance with building regulations deposited with the district council, the district council may, notwithstanding anything in section 16 of the Building Act 1984, reject the plans, unless the plans show that the building or the extension

1984 c. 55.

or the building as proposed to be altered (as the case may be) will be provided with a separate system of drainage; and where plans of an alteration of a building already provided with a separate system of drainage are so deposited, the district council may reject the plans unless they show that such a system will continue to be provided.

PART IV —cont.

- (b) Section 16 (6), (7), (8), (10) and (12) and section 36 (2) to (6) of the said Act of 1984 shall have effect as if this section were a section of Part I of that Act; but for the purposes of this section section 16 (10) of that Act shall have effect as set out in section 16 (13) of that Act notwithstanding that an order has been made appointing a day under the said section 16 (13).
- 29.—(1) As from the appointed day in any district, where Plans, etc., of planning permission is granted under the Act of 1971 for new sewers. 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 for the adoption of the sewer has been entered into under section 18 of the Public Health Act 1936; or

1936 c. 49.

- (b) plans, sections and particulars showing the location and level of, and specifications for, the sewer (including any intended connections with other sewers or drains) have been submitted to the relevant authority and approved by them.
- (2) Plans, sections, particulars or specifications submitted in accordance with subsection (1) (b) above shall—
  - (i) be in writing;
  - (ii) 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;
  - (iii) in the case of block plans and key plans, indicate the north point;
  - (iv) 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;
  - (v) 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.

PART IV —cont.

c. viii

- (4) Within ten 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.
  - (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.

PART IV --cont.

(9) In this section "the relevant authority" has the meaning given by section 15 of the Water Act 1973.

1973 c. 37.

# 30.—(1) A district council may—

(a) cleanse the seashore within their district and adjoining land (including land below the level of mean lowwater springs) by removing therefrom oil or any other pollution. polluting, offensive or injurious substance deposited by the action of tidal or other waters; and

Protection of seashore and adjoining land from

- (b) for the purpose of preventing the pollution of the seashore within the district 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.
- (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 1966 c. 38. 1975, Part II of the Control of Pollution Act 1974, the 1975 c. 51. Prevention of Oil Pollution Act 1971 or Part II of the Food and 1974 c. 40. Environment Protection Act 1985, or any licence granted or 1971 c. 60. byelaws from time to time in force made under any of those 1985 c. 48. enactments, or authorise the doing of any act which but for this section would be unlawful under any of those enactments or any such licence or byelaw.
- (3) 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.
- (4) The district council shall take into account the likely effects on the environment of the exercise of the powers of subsection (1) above and will before spraying with chemical dispersants consult the Nature Conservancy Council.
- (5) The powers conferred by this section shall not be exercised on land held or used by Associated British Ports for the purposes of their undertaking without their consent but such consent shall not be unreasonably withheld, and any question whether it is unreasonably withheld shall be determined by arbitration.
- (6) It shall be the duty of the district council to consult the Welsh Water Authority from time to time as to the general manner in which they propose to exercise the powers conferred by this section.

PART IV —cont.
Sale of shellfish.

- 31.—(1) Any person who sells or offers or exposes for sale shellfish within any district shall keep, or secure that he has access to, a record of the name and address of the person from whom he obtains the shellfish, and shall on the application of the proper officer of the district council inform him of the name and address of the person from whom he obtained the shellfish.
- (2) Any person required to keep a record or give information under this section who without reasonable excuse fails to keep such record or give such information, or who knowingly makes any misstatement in keeping such records or in giving such information shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Nothing in this section shall require any person to preserve any record kept thereunder for a longer period than three months from the date on which he obtained the shellfish to which that record relates.
- (4) In this section "shellfish" includes all kinds of molluscs and crustaceans.

Control of rats and mice.

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

1949 c. 55.

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

1936 c. 49.

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

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

- 33. Section 22 of the Prevention of Damage by Pests Act 1949 (powers of entry) shall have effect in a district as if after subsection (1) there were inserted—
  - "(1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
    - (a) that admission to any land has been refused or that refusal is apprehended; or
    - (b) that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;

and, in either case, that there is reasonable ground for entry upon the land for any such purpose as is mentioned in

subsection (1) of this section, the justice may by warrant under his hand authorise the local authority by any person duly authorised by them in writing to enter upon the land, if need be by force: PART IV —cont.

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

- (1B) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary, and on leaving any unoccupied land upon which he has so entered shall leave it as effectually secured against trespassers as he found it.
- (1C) Every warrant issued under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.".
- 34.—(1) (a) As from the appointed day in any district, a Control of person duly authorised by the district council may exercise the stray dogs. powers in section 3 of the Dogs Act 1906 with respect to the 1906 c. 32. seizure, detention and disposal of stray dogs in their district; and the powers of that section shall be exercisable at the request or with the consent of the occupier of any land in the district where a dog is on that land without the consent of the occupier.

(b) For the purposes of the said section 3 as it applies to a district, a dog shall be treated as a stray if it appears not to be in the charge of any person.

- (2) Where subsection (1) above applies in any district, section 3 of the Dogs Act 1906 shall have effect in the district subject to the following modifications:—
  - (a) the substitution for subsection (1) of the following:—
    - "(1) Where it appears to a police officer or a person duly authorised by the district council that any dog found in a highway or place of public resort, or on any land without the consent of the occupier of that land, is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its seizure or detention:

Provided that a dog which is on land without the consent of the occupier shall not be seized under this section unless either the district council are themselves the occupier of the land or the seizure is at the request or with the consent of the occupier of the land.";

PART IV —cont.

- (b) in both subsections (2) and (4), the substitution for "the chief officer of police, or any person authorised by him in that behalf" of the words "the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf,";
- (c) in subsection (6) the substitution for "of a police area" of the words "and the district council" and for "in that area" of the words "by him or them respectively" and the deletion of the words "on payment of a fee of one shilling"; and
- (d) in subsection (7), the substitution for "The police shall not dispose of any dog seized under this section" of the words "A dog seized under this section shall not be disposed of" and the insertion after "inspection" of the words "at all reasonable times" and the deletion of the words "on payment of a fee not exceeding one shilling".

1906 c. 32.

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

### PART V

# PUBLIC ORDER AND SAFETY

Seizure of stray animals.

- 35.—(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 keep a register of all animals seized by them under this section containing a brief description of each animal, the date of seizure and particulars as to the manner in which each such animal is disposed of; and the register shall be open to public inspection at all reasonable times.
- (4) If after 7 clear days from the date of impounding the owner has not claimed an animal and paid all 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.

PART V --cont.

- (6) 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.
- (7) The animals to which this section applies are cattle, horses, sheep and pigs.
- 36.—(1) As from the appointed day in any district, where Policing and there is in the district a way or place laid out or otherwise control of suitable for public use on foot, but not subject to a public right pedestrian of way, the district council may by resolution, with the consent ways. in writing of all persons interested in the land comprising that way or place, declare it to be a pedestrian way.

- (2) For the purposes of, or relating to, criminal law, and the jurisdiction of the justices and of the police, a pedestrian way shall be deemed to be a highway.
- (3) The district council may make byelaws for regulating the following matters in relation to all pedestrian ways within the district or in relation to any such pedestrian way or any part thereof:—
  - (a) the times at which a pedestrian way may be closed to the public;
  - (b) the conduct of persons using a pedestrian way;
  - (c) the use of invalid chairs or other wheeled vehicles on a pedestrian way;
  - (d) the placing or retention of anything (including any structure or projection) which may lawfully be placed or retained in, on or over any pedestrian way:

Provided that not less than two months before making byelaws in relation to any pedestrian way, or any part thereof, under this section, not being byelaws in relation to all pedestrian ways within the district, the district council shall display in a conspicuous position on or adjacent to the pedestrian way a notice of their intention to consider the making of such byelaws, and such notice shall specify the place where a copy of the proposed byelaws may be inspected and the date by which any representations should be made to the district council (not being less than six weeks after the date on which the notice was first displayed as aforesaid), and the Part V

--cont.

c. viii

district council shall take into consideration any representations so made.

- (4) The enactments specified in Schedule 2 to this Act shall apply and have effect for the purpose of this section as if each of those enactments were re-enacted in this Act, subject to the modifications set out opposite thereto in the said Schedule.
- (5) Nothing in this section or any byelaw made or resolution passed under this section shall affect the powers of a telecommunications operator, the South Wales Electricity Board or the Welsh Water Authority.

Pedal cycles.

37.—(1) In this section—

1972 c. 20.

"cycle" has the meaning given by section 196 (1) of the Road Traffic Act 1972;

"pedestrian area" means any place, other than a footway, over which the public have a right of way on foot only or, in the case of land not dedicated to public use, to which the public are permitted to have access on foot only; and includes any such place in, under or over any building.

- (2) A district council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the riding of cycles in any pedestrian area in the district.
- (3) A prohibition shall not be imposed under this section except with the consent of—
  - (a) the highway authority, as respects any place over which the public have a right of way; or
  - (b) the owner of the land, as respects any other place.
- (4) For the purpose of subsection (2) above notice shall be given by displaying it in a conspicuous position on or near the pedestrian area to which it relates.
- (5) Any person who without reasonable excuse contravenes a notice given under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) In any case in which proceedings can be taken either under this section or under a byelaw made under section 35 (6) of the Highways Act 1980 (creation of walkways by agreement) those proceedings shall be taken under that byelaw and not under this section.

1980 c. 66.

38.—(1) The power to make orders under section 21 of the Town Police Clauses Act 1847 (prevention of obstruction in

Extension of section 21 of Town Police Clauses Act 1847.

1847 c. 89.

streets during public processions, etc.) shall in the county include power to make orders—

PART V —cont.

- (a) directing particular routes to be taken by particular classes of traffic; or
- (b) directing or prohibiting the passage or stopping of vehicles along or in particular streets.
- (2) Section 66 of the Road Traffic Regulation Act 1984 1984 c. 27. (traffic signs for giving effect to local traffic regulations) shall apply to orders made under the said section 21 as having effect in the county as if the reference in that section to traffic signs included reference to bollards or other obstructions.
- 39. The council of any maritime district in the county may Power to employ and pay boatmen or lifeguards for the purpose of employ protecting persons bathing in or sailing on the sea or in or on lifeguards, any river estuary and may for that purpose provide boats or any type of amphibious craft.
- 40.—(1) (a) The owner of any boat which is on any part of Removal of the seashore which is owned by, leased to or under the control boats from of a district council, or on the Swansea promenade and lands, seashore, etc. shall, if so required by the district council by notice in writing, remove such boat from the seashore or, as the case may be, promenade and lands within 14 days from the date of the notice.
- (b) Any person who without reasonable excuse fails to comply with a requirement made in pursuance of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £10.
- (2) (a) If any person upon whom a notice is served under subsection (1) above fails to comply with the notice, the district council may remove the boat to which the notice relates and may sell or otherwise dispose of it in such manner as they think fit and may recover the expenses of so doing from that person.
- (b) Where in exercise of the powers of this subsection the district council sell a boat, they may reimburse themselves out of the proceeds of sale and shall hold any surplus in trust for the person entitled thereto.
- (3) If the owner of the boat is unknown and cannot after diligent inquiry be found, the district council may apply to a magistrates' court for an order empowering them to remove and dispose of the boat; and the court may order the removal of the boat, its disposal and manner of disposal and the reimbursement to the district council out of any proceeds of sale of the expenses of removal and disposal and the costs of

PART V —cont.

applying for and obtaining the order, and may give directions as to the disposal by the district council of the surplus (if any) of such proceeds of sale.

- (4) Nothing in this section shall—
  - (a) apply to a boat kept on the seashore or the Swansea promenade and lands under and in accordance with a licence granted by the district council or otherwise in accordance with any right; or
  - (b) affect any statutory powers conferred upon any person in relation to any wrecked, stranded or abandoned vessel.
- (5) In this section—
  - "owner" in relation to any boat in respect of which a notice is served under subsection (1) above means the owner of that boat at the time of the service of the notice;
  - "the Swansea promenade and lands" means the promenade at Mumbles and any other place in the city owned by, leased to or under the control of the Swansea City Council and to which the public commonly have access whether or not as of right, and includes the Village Lane Boat Park, the Southend Boat Park, the former Swansea Bay Association Boat Park and the Knab Rock Boat Park and such other areas as may for the time being be used for the keeping, storage or laying up of boats.

Byelaws as to temporary structures.

- 41.—(1) A district council may, after consultation with the fire authority, make byelaws with regard to structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—
  - (a) the provision of safe and adequate means of ingress to and egress from the structure;
  - (b) the provision of first-aid fire-fighting equipment;
  - (c) the provision of proper and sufficient passages or gangways in the structure and between the structure and another structure or any building;
  - (d) the stability of the structure;
  - (e) the proper arrangement of any seating accommodation to be provided in the structure; and
  - (f) where artificial lighting is provided in the structure, the provision of an adequate service of secondary or emergency lighting.
- (2) A person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary

conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

PART V --cont.

- (3) (a) An authorised officer of the district council or any officer of the fire authority, in either case on producing, if so required, a duly authenticated document showing his authority, or any police constable may at all reasonable times enter upon, inspect and examine any structure to which this section applies and any land giving access thereto for the purpose of ascertaining whether there is, or has been, in or in connection with the structure, a contravention of the provisions of any byelaw made under this section.
- (b) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 shall apply in respect of entry to a structure 1936 c. 49. and any land giving access thereto for the purposes of this subsection as they apply to entry to premises for the purpose of subsection (1) of that section.

(4) In any proceedings for contravention of a byelaw made under this section it shall be a defence to prove that the act complained of was required for compliance with a certificate issued under the Safety of Sports Grounds Act 1975.

1975 c. 52.

(5) This section applies to any tent, marquee or other similar structure which is erected in a district and to which the public are admitted, whether with or without any charge for admission, for the purposes of or in connection with any fair, show, exhibition, game, sport or athletic or other contest or public entertainment or any political, religious or other public meeting, not being a tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Public Health Act 1961.

1961 c. 64.

42.—(1) This section applies to a stand for the accommo- Safety of dation of spectators of, or participants in, any sport or other stands. competitive activity or any entertainment, exhibition or public gathering, not being a stand—

(a) the erection of which involves the carrying out of any building work within the meaning of the Building Regulations 1985; or

S.I. 1985/1065.

- (b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.
- (2) As from the appointed day in any district no person shall in the district make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

Part V — cont.

- (3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of 20 or more persons shall—
  - (a) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and
  - (b) submit for approval by the district council such particulars of the intended stand as the council may require.
- (4) On receipt of a notice under subsection (3) (a) above the district council shall consult the fire authority.
- (5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the district council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.
- (6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the district council may give to the person by whom the particulars, plan or section were submitted notice specifying—
  - (a) such modifications of any plan, section and particulars submitted to them as they may require; and
  - (b) such conditions as to maintenance and removal of the stand as they may require;

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

- (7) Unless before the expiration of the said period of five weeks or, as the case may be, the said period of four weeks, the district council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.
- (8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the district council under this section may appeal to a magistrates' court, which may dismiss or allow the appeal, or may vary any requirement of the district council, and may make directions for giving effect to its decisions.

(9) If any person—

PART V -cont.

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

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

- (10) Where it appears to a district council that any stand to which this section applies has been erected or is in use in the district in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—
  - (a) to remedy the condition of the stand; or
  - (b) to prevent the continued use of the stand until its condition has been remedied; or
  - (c) to dismantle the stand;

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

- (11) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.
- 43.—(1) This section applies to a parking place comprising Parking places: or within a building which provides—

safety requirements.

- (a) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or
- (b) parking space for more than 20 motor vehicles; not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.
  - (2) Where—
    - (a) plans of any proposed work are in accordance with building regulations deposited with a district council; and
    - (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

the district council shall reject the plans, unless they are satisfied, after consultation with the fire authority, and, in a case where a licence under the Petroleum (Consolidation) Act 1928 1928 c, 32.

PART V --cont.

c. viii

will be required in respect of the building after consultation with the licensing authority under that Act (if not the fire authority), that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

- (3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—
  - (a) construction of the vehicular approaches;
  - (b) means of access for fire brigade appliances and personnel;
  - (c) means of ingress and egress, including the provision of appropriate signs;
  - (d) means of ventilation;
  - (e) safety of electrical, mechanical and heating equipment;
  - (f) provision of an emergency lighting system;
  - (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
  - (h) prevention of the admission to drains of flammable substances.

1984 c. 55.

- (4) Section 16 (6), (7), (8) and (12) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of Part I of that Act.
- (5) Any person aggreeved by the action of the district council under or by virtue of subsection (2) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.
- (6) If any conditions imposed under or by virtue of subsection (2) above have not been or are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit or, as the case may be, require the cessation of its use for the parking of vehicles until those conditions are complied with.
- (7) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—
  - (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
  - (b) has been so brought into use in circumstances not involving the carrying out of any building work within

the meaning of the Building Regulations 1985 or the making of a material change of use within the meaning of those regulations; and

PART V —cont. S.I. 1985/1065.

(c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited as mentioned in subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

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

- (i) such conditions with respect to any of those matters as may be specified in the notice; and
- (ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.
- (8) The provisions of Part XII of the Public Health Act 1936 1936 c. 49. with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (7) above as if—
  - (a) references in those provisions to that Act included reference to this subsection;
  - (b) for the reference in section 290 of that Act to the court there were substituted reference to the Secretary of State; and
  - (c) in section 290 (6) the words from "and without prejudice" to the end were omitted.
- (9) Any person on whom notice is served under subsection (6) above in respect of any parking place owned or occupied by him, who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) For the purposes of section 287 (1) (a) of the Public Health Act 1936 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the district council to enforce.

PART V —cont.

1928 c. 32.

- (12) (a) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.
- (b) Subject to paragraph (a) above, where plans in respect of any building have been passed or an initial notice or public body's notice accepted subject to compliance with conditions specified under or by virtue of this section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

#### PART VI

#### STORAGE OF FLAMMABLE MATERIAL

Interpretation of Part VI.

- 44.—(1) For the purpose of this Part—
  - (a) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;
  - (b) two or more stacks shall be treated as one stack if—
    - (i) the space between them does not allow free passage between them or is at any point less than one metre wide; or
    - (ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.
- (2) For the purposes of this Part access for the fire brigade is inadequate unless—
  - (a) it is unobstructed; and
  - (b) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

Stacks to which this Part applies.

- 45.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—
  - (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and
  - (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.
  - (2) The materials referred to in subsection (1)(a) above are—
    - (a) paper or cardboard;
    - (b) plastics;

(c) rags;

PART VI —cont.

- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.
- (3) The measurements referred to in subsection (1)(b) above are—
  - (a) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—
    - (i) 3 metres in height;
    - (ii) 50 cubic metres in capacity;
  - (b) for stacks of any materials, not being stacks specified in paragraph (c) or (d) below, if the conditions specified in subsection (4) below are fulfilled—
    - (i) 5 metres in height;
    - (ii) 450 cubic metres in capacity;
    - (iii) 20 metres in any horizontal dimension;
    - (iv) 235 square metres in any horizontal section;
  - (c) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—
    - (i) 5 metres in height;
    - (ii) 750 cubic metres in capacity;
    - (iii) 20 metres in any horizontal dimension;
    - (iv) 235 square metres in any horizontal section;
  - (d) for stacks consisting wholly of wood, if the conditions specified in subsection (4) below are fulfilled—
    - (i) 10 metres in height;
    - (ii) 1,370 cubic metres in capacity;
    - (iii) 20 metres in any horizontal dimension;
    - (iv) 235 square metres in any horizontal section.
  - (4) The conditions referred to in subsection (3) above are—
    - (a) there is no other stack to which this Part applies within 4 metres;
    - (b) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;
    - (c) no street is within 5 metres;

PART VI —cont.

- (d) none of the following is on the same premises and within 6 metres, namely:—
  - (i) a furnace or incinerator;
  - (ii) a building;
  - (iii) any compressed flammable gas, including liquid gas and gas dissolved in liquid under pressure;
  - (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.
- (5) A stack is not one to which this Part applies if—
  - (a) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the railways board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and it is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or
  - (b) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock, or quay; or
  - (c) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for purposes of, or in connection with, their undertaking; or
  - (d) it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a wagon, vehicle or trailer.

Unlawful stacks.

- 46.—(1) Subject to subsection (2) of section 50 (Transitional provisions for Part VI) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.
- (2) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises,

appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire fighting, including the provision of water for fire-fighting purposes:

PART VI —cont.

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

- (3) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted on the premises) as the county council may, within 28 days from the date on which the application is made, reasonably require.
- (4) Where an application has been made to the county council for their consent under this section and the council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made, to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.
- (5) Where the county council have given a consent under this section to the stacking of materials on any premises—
  - (a) they may—
    - (i) at the request of the owner of the materials or of the occupier of the premises; or
    - (ii) on a change of the occupier of the premises; or
    - (iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;
    - give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and
  - (b) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.
- 47. A person aggrieved by the county council's refusal of Part VI consent, or by any condition imposed on such a consent under appeals. section 46 (Unlawful stacks) of this Act, may, within 28 days after the refusal, or the imposition of conditions, has been

PART VI —cont.

notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Powers of entry for Part VI. 1936 c.49.

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

Offences under Part VI.

49. Where a stack is on any premises in contravention of subsection (1) of section 46 (Unlawful stacks) of this Act the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Transitional provisions for Part VI.

- 50.—(1) Where under subsection (5) of section 46 (Unlawful stacks) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.
- (2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 46 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.
- (3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State.

# PART VII

#### MISCELLANEOUS

Coal mining operations: performance bonds.

51.—(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

c. viii

working of coal, may be granted subject to the requirement that any of the following persons, other than the British Coal Corporation, namely:—

PART VII —cont.

- (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.

- (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 British Coal Corporation for the purposes of this subsection that the right to carry out that development has become vested in it; or

PART VII —cont.

c. viii

(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; and, on the coming into operation of section 1 (2) of the Town and Country Planning (Minerals) Act 1981, subsection (6) (b) below shall cease to have effect.

1981 c. 36.

- (6) In this section—
  - (a) "coal" means bituminous coal, cannel-coal or anthracite;
  - (b) "mineral working deposit" means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land; and
  - (c) expressions to which meanings are assigned by the Act of 1971 have the same respective meanings.

Agreements with developers.

- 52.—(1) In order to achieve such provision as in the opinion of the local planning authority is appropriate having regard to the nature of any proposed development of land within the county, the local planning authority may, at the request of any person interested in that land, enter into agreement with such persons as they consider appropriate to secure the provision of all or any of the following matters or any related or consequential matter, including matters of a financial character:—
  - (a) the construction of new roads and road improvements required for or in connection with the development; and
  - (b) the provision, maintenance or use of facilities for the parking of vehicles for or in connection with the development.
- (2) The powers conferred by subsection (1) above shall be additional to, and not in derogation of, the powers of section 52 of the Act of 1971 (which authorises agreements for restricting

or regulating the development or use of land, including provisions of a financial character).

PART VII -cont.

- (3) Section 33 of the Act of 1982 (which provides for the enforceability of covenants in an instrument under seal executed for the purpose of securing the carrying out of works, facilitating development, or regulating the use of land) shall have effect in the county as if in subsection (2)(a) for the words "to carry out any works or do any other thing on or in relation" there were substituted the word "relating".
- (4) In this section "local planning authority" has the same meaning as in the Act of 1971 and, without prejudice to that generality, where the exercise of a planning function by the district planning authority is subject to the direction of the county planning authority as local highway authority, includes the county planning authority.
- 53.—(1) The following provisions of this section shall have Hackney effect as from the appointed day in any district. carriage fares.
- (2) The rates or fares fixed by the district council under section 65 of the Act of 1976 shall include rates or fares for any journey commencing within the district and ending at any point within the county but outside the district less than 8 miles from the nearest boundary of the district (in this section referred to as "the regulated distance").
- (3) Sections 65 and 66 of the Act of 1976 (fixing of fares and demanding of fares for long journeys in excess of authorised fares) shall apply to a district as if—
  - (a) in the said section 65, for the reference to rates and fares within the district, there were substituted reference to rates and fares within the regulated distance; and
  - (b) in the said section 66, for the reference to a journey ending outside the district, there were substituted reference to a journey ending beyond the regulated distance.
- (4) Section 53 of the Town Police Clauses Act 1847 (penalty 1847 c. 89. for refusal to drive to any place within the district) and so much of section 68 of that Act as authorises the making of byelaws for prescribing the distance to which a driver may be compelled to take passengers and for fixing the rates and fares payable, shall have effect in relation to a hiring within the district as if for the references in those sections to the prescribed distance there were substituted references to the regulated distance.
- (5) For the purposes of the provisions of the Town Police Clauses Act 1847 relating to hackney carriages, "street" shall include any air or sea terminus, and the approaches thereto, any

PART VII —cont.

1984 c. 27.

car park, any hotel forecourt and any unenclosed land within 6 metres of a street but section 53 of that Act shall not apply to a hackney carriage standing in a parking place in which it is unlawful, by virtue of section 35 (7) of the Road Traffic Regulation Act 1984, for the driver to ply for hire or to accept passengers for hire.

Signs on vehicles.

- 54.—(1) Except as provided in subsection (2) below, as from the appointed day in any 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 eight 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.
- (2) Subsection (1) above shall not apply to 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.
  - (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.

55. Any expenses of demolition adjudged to be payable to a district council consequent upon the exercise of their powers Expenses of under section 23 (1) of the Housing Act 1957 (demolition of executing premises) shall, until recovered, be a charge on all estates and demolition interests in the land whereon the premises the subject of the orders. demolition were erected.

PART VII -cont. executing 1957 c. 56.

56.—(1) A district council may in, on or over any premises Provision of belonging to them or (with the consent of the owner or occupier) illuminations. any other premises in their area provide or arrange, on such terms and conditions as they think fit, for the provision of illuminations and may for such purposes provide, fit up, maintain and operate such lamps, fittings, electric lines, equipment, apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith.

- (2) For the purposes of this section subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 1961 c. 64. (attachment of apparatus to buildings for street lighting) shall have effect, with the necessary modifications, as if the attachments therein specified included anything provided, fitted up, maintained or operated under subsection (1) above.
- (3) Any electric light and power or other apparatus provided, fitted up, maintained or operated under this section shall be so constructed or fitted up, and so maintained and operated, as—
  - (a) not to hinder or be likely to hinder the interpretation of any traffic sign within the meaning of section 64 of the Road Traffic Regulation Act 1984; and

1984 c. 27.

- (b) to prevent any interference with any telecommunication apparatus operated by a telecommunications operator or with any apparatus of the South Wales Electricity Board; and
- (c) to comply with any reasonable request of the railways board for the purpose of ensuring that the apparatus does not hinder or is not likely to hinder the interpretation of any railway signal, or is not likely to render hazardous the use of any railway.
- 57.—(1) A local authority may enter into agreements with Power to any other person for the carrying out by the authority, on charge for such terms as to payment therefor as the parties consider restoration of appropriate, of work of restoration to records in the control of archives. that person.
  - (2) In this section—

"local authority" means a local authority to which, at the time any agreement is entered into under subsection PART VII — cont.
1962 c. 56.

(1) above, subsections (1) and (2) of section 2 of the Local Government (Records) Act 1962 applies;

"records" has the meaning given by section 8 of the said Act of 1962.

Disposal of unsuitable specimens and works of art.

- 58.—(1) A district council may lend, exchange or otherwise part with possession (but not ownership) of any specimen, work of art or book vested in them which in the opinion of the district council is not required for exhibition or use in any museum, art gallery, library or other building of the district council.
- (2) A district council may make arrangements by way of loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the district council which in the opinion of the district council is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the district council.
- (3) Where any object has become vested in the district council by virtue of a gift or bequest—
  - (a) the district council shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and
  - (b) the powers conferred by this section shall not, during a period of 35 years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor.
- (4) Any moneys received by a district council in the exercise of the powers of this section shall be applied by them in the purchase of specimens, works of art or books.

Restriction on use of armorial bearings.

- 59.—(1) If any person uses in connection with any trade, business, calling or profession the armorial bearings of a local authority, or an emblem or device closely resembling those armorial bearings, in such a manner as to be calculated to lead to the belief that he is entitled to use those bearings as his own, he may at the suit of the local authority be restrained by injunction from continuing to use them.
- (2) If any person without the consent of a local authority uses in connection with any trade, business, calling or profession any part of the armorial bearings of that authority, or any emblem or device closely resembling any such part, in a

manner calculated to lead to the belief that he displays the part, emblem or device with the approval of that local authority, he may at the suit of the local authority be restrained by injunction from continuing to use that part, emblem or device.

PART VII --cont.

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

#### PART VIII

#### SWANSEA PROVISIONS

#### A. Swansea markets

60. Any market carried on by the Swansea City Council Part III of within the city which was not established or acquired under Food Act section 50 of the Food Act 1984 or any of the enactments 1984 to apply mentioned in subsection (3) of that section shall be deemed to undertakings. have been acquired by the Swansea City Council under the said 1984 c. 30. section 50.

61. The Swansea City Council may enter into a composition Power to with any person with respect to the payment of any charges compound for which they may demand under the Food Act 1984.

payment of tolls.

**62.**—(1) Subject to the provisions of this section the Swansea Power to City Council may, by notice served on any person who, whether require as principal or as agent, sells in any market carried on by the information. Swansea City Council, require him to furnish to them such information, including information as to the quantity and value of articles, commodities or produce dealt in by him and as to the places of origin of such articles, commodities or produce, as may be necessary for or incidental to the discharge or exercise by the Swansea City Council of their duties or powers as a market authority:

Provided that nothing in this section shall enable the Swansea City Council to require any person to furnish information except such information as he may possess relating to articles, commodities or produce dealt in by him in the market.

- (2) Section 91 (3) of the Food Act 1984 shall apply for the purposes of this section as it applies for the purposes of that Act.
- 63.—(1) In addition and without prejudice to any other Market powers conferred on the Swansea City Council by section 60 of byelaws. the Food Act 1984, the Swansea City Council may make and enforce by elaws with respect to the market for the purpose of

PART VIII —cont.

c. viii

preventing the outbreak and spread of fire in the market and, in particular, for that purpose—

- (a) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;
- (b) imposing such prohibitions, restrictions or requirements as appear to the Swansea City Council requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment.
- (2) A person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and a daily fine not exceeding £10.

Swansea market may be removed. 1863 c. xiii.

- 64.—(1) Section 7 (Property vested in the Corporation) of the Swansea Municipal Corporation Act 1863 shall cease to have effect and nothing in that Act or in any other enactment or rule of law or in any special covenant or condition subject to which the lands and buildings comprising the Swansea market may have been acquired shall prevent the Swansea City Council from selling, leasing or otherwise disposing of the whole or any part of those lands and buildings or developing the same or using the same for any purpose other than as a market.
- (2) (a) Notwithstanding anything in subsection (1) above, the Swansea City Council shall not—
  - (i) sell, lease or otherwise dispose of or develop or use any part of the lands and buildings now comprising the Swansea market for purposes unconnected with their market undertaking; or
  - (ii) sell, lease or otherwise dispose of the market undertaking;

without first giving notice under paragraph (b) below of the proposal and they shall not proceed with the proposal except in accordance with the requirements of this subsection.

- (b) A notice under this paragraph shall be given to each organisation appearing to the Swansea City Council to be representative of market traders in the Swansea market and shall state that objections to and representations in connection with the Council's proposal may be made in writing to the Council before such day, not earlier than 8 weeks after the giving of the notice, as shall be specified therein.
- (c) Before resolving to proceed with any proposal of which notice has been given under paragraph (b) above, the Swansea City Council shall—
  - (i) consider all objections and representations duly made as provided in paragraph (b) above;

(ii) afford to every organisation referred to in that paragraph and to every market trader in the Swansea market who has made an objection or representation, an opportunity of being heard by a committee or sub-committee of the Council.

PART VIII -cont.

- (d) Following consideration of objections and representations in accordance with paragraph (c) above, a resolution of the Swansea City Council to proceed with the proposal, whether with or without modifications, may be passed at a meeting of the Council held after 10 clear days' notice of the meeting and of its purpose has been published in a newspaper circulating in the city, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the Swansea City Council.
- (e) A resolution passed by the Swansea City Council under paragraph (d) above shall not be effective unless—
  - (i) it is passed by a majority of not less than two-thirds of the members of the Council present and voting at the meeting;
  - (ii) it specifies the date of intended implementation of the Council's proposal, not being earlier than 3 months following the passing of the resolution; and
  - (iii) within 28 days following the passing of the resolution notice of the passing and general effect of the resolution is published by the Council in a newspaper circulating in the city.
- (f) Compliance in any case by the Swansea City Council with the requirements of this subsection shall not be questioned in any legal proceedings whatever unless those proceedings are commenced not later than 8 weeks after the date of the resolution passed for the purposes of paragraph (d) above.
- (g) Nothing in this subsection shall apply to the use of the Swansea market outside normal market hours for purposes unconnected with the market undertaking.
- (3) In this section "the Swansea market" means the market carried on by the Swansea City Council between Oxford Street, Lower Union Street, White Walls and the Quadrant Shopping Precinct.

#### B. Swansea Airport

65. In this Head of this Part—

"the Act of 1982" means the Civil Aviation Act 1982;

Interpretation for Head B. 1982 c. 16.

"the airport" means the aerodrome known as Swansea Airport, established under the Civil Aviation Act

1949 by the former Swansea Corporation and vested 1949 c. 67.

PART VIII —cont.

in the Swansea City Council, including any extension thereof and any land (including the roof or any other part of a building) designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

"the specified lands" means the lands which were formerly part of Fairwood Common and in respect of which rights of common were extinguished by section 3 of the Swansea Corporation (Fairwood Common) Act 1956;

1956 c. xli.

"the specified runways" means the then existing runways incorporated by the former Swansea Corporation in the aerodrome undertaking established by them on the specified lands.

Management of airport.

- 66.—(1) The Swansea City Council may in connection with the airport provide services and facilities and may make reasonable charges in respect of the use of any such services and facilities.
- (2) Without prejudice to their power to manage an undertaking comprising an airport, and any works or buildings or other accommodation, or any services, facilities or businesses provided in connection therewith, the Swansea City Council may let the airport, or any part of it, on such terms and conditions as they think fit.
- (3) The Swansea City Council may discontinue the whole or any part of the airport.

Application of certain provisions of Civil Aviation Act 1982 to airport.

- 67.—(1) Subject to the modifications specified in subsection (2) of this section—
  - (a) the provisions of section 44 of the Act of 1982 shall apply to the airport as they apply to any land which is vested in or is proposed to be acquired by a relevant authority as defined in subsection (12) of that section;
  - (b) the provisions of section 45 of the Act of 1982 shall apply to the airport as they apply to any aerodrome which is vested in the Secretary of State or under his control;
  - (c) the provisions of sections 48 and 49 of the Act of 1982 shall apply to the airport as they apply to any land vested in the Secretary of State or any land which the Secretary of State proposes to acquire;
  - (d) any other provision in the Act of 1982 which has effect in relation to the said sections 44, 45, 48 and 49 shall have the like effect in relation to those sections as applied by this section.

(2) The modifications referred to in the preceding subsection are—

PART VIII —cont.

- (a) orders under the said sections 44, 45, and 48 may be made upon the application of the Council but not otherwise;
- (b) in relation to the application of the said section 44—
  - (i) section (2) shall have effect as if for paragraphs (a) and (b) of that subsection there were substituted the words "in favour of the Swansea City Council";
  - (ii) subsection (6) shall have effect as if for paragraphs (a) and (b) of that subsection there were substituted the words "the Swansea City Council";
  - (iii) subsection (7) shall have effect as if for the words from "if the relevant authority" to "or the CAA" there were substituted the words "or the Swansea City Council";
  - (iv) subsection (11) shall have effect as if the words "by the Swansea City Council or" were inserted after the word "except" in paragraph (a) of that subsection;
- (c) in relation to the application of the said section 45—
  - (i) subsection (3) shall have effect as if for the words "the Secretary of State" there were substituted the words "the Swansea City Council" and as if the following paragraph were substituted for paragraph (a) of that subsection:—
    - "(a) shall, before making application for the order, publish notice of their intention to make the application in such manner as they think best calculated to bring their intention to the notice of persons who will be affected thereby; and"

and as if in paragraph (b) for the words "his opinion" there were substituted the words "the opinion of the Swansea City Council";

- (ii) subsection (7) shall have effect as if the words "by the Swansea City Council or" were inserted after the word "except" in paragraph (a) of that subsection;
- (d) in relation to the application of the said section 48 paragraph (g) of subsection (3) shall have effect as if for the words "the Secretary of State or the Department" there were substituted the words "the Swansea City Council";

PART VIII —cont.

- (e) in relation to the application of the said section 49, subsection (1) shall have effect as if for the words "The Secretary of State" there were substituted the words "The Swansea City Council";
- (f) section 50 of the Act of 1982 shall have effect as if—
  - (i) for subsection (1), there were substituted the following subsection:—
    - "(1) This section applies where the Secretary of State has made or he or the Swansea City Council has under consideration the making of an order under or in pursuance of this Part of this Act providing for the creation in favour of the Swansea City Council of easements or servitudes over land or of other rights in or in relation to land.";
  - (ii) in subsection (2), after the words "the Secretary of State" there were inserted the words "or the Swansea City Council";
  - (iii) in subsection (3), paragraphs (a), (b), (c) and (d) were omitted and in paragraph (e) thereof, for the words "subsection (1) (e) above" there were substituted the words "subsection (1) above" and for the words "the Secretary of State requires" there were substituted the words "the Secretary of State or the Swansea City Council require";
  - (iv) in subsection (6), after the word "except" in paragraph (a) of that subsection there were inserted the words "by the Swansea City Council or";
  - (v) in subsection (8), for paragraphs (a), (b) and (c) of that subsection there were substituted the words "the Secretary of State or the Swansea City Council (as the case may be)";
- (g) Schedule 7 to the Act of 1982 shall have effect as if—
  - (i) the following paragraphs were substituted for paragraphs 1 and 2:—
    - "1. Before making an application for an order the Council—
      - (a) shall publish in one or more newspapers circulating in the city in which the land is situated; and
      - (b) shall serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated;

a notice stating that the Swansea City Council propose to apply for the order and the effect

thereof and specifying the time (not being less than 28 days from the service of the notice) within which and the manner in which objections to the making of the order may be made.

- 2. If no objection is duly made by any such local authority, owner, lessee or occupier as aforesaid or if all objections so made are withdrawn, the Minister may, upon being satisfied that the proper notices have been published and served, and if he thinks fit, make the order.";
- (ii) in paragraph 5 for sub-paragraph (2) there were substituted the following sub-paragraph:—
  - "(2) In this paragraph 'the appropriate person' means the Swansea City Council.";
- (iii) in sub-paragraph (d) of paragraph 11 (1), for the words "the Secretary of State thinks" there were substituted the words "the Swansea City Council think".
- 68. For the protection of the county council the following For protection provisions shall unless otherwise agreed in writing between the of county Swansea City Council and the county council apply and have council. effect:—
  - (1) Subject to the provisions of the Act of 1982 and any regulations made thereunder the specified runways shall continue to be marked in a manner approved by the county council (such approval not to be unreasonably withheld) so as clearly to indicate that the specified runways are not to be used by aircraft for such distance (not exceeding a distance of 750 feet measured along each such runway from the western boundary of the road known as the A.4118) as may reasonably be required by the county council to provide for the safe user by the public of the said road:
  - (2) No means of access other than the existing access road shall be provided to or from the specified lands from or to the said road:
  - (3) Before erecting any fences on the specified lands the Swansea City Council shall consult the county council both as regards the area to be fenced and the type of fence to be erected:
  - (4) Any question which may arise between the Swansea City Council and the county council under paragraph (1) above as to whether any approval is or is not unreasonably withheld or as to whether any requirements are or are not unreasonable shall be referred to and settled by a single arbitrator to be

PART VIII —cont.

Part VIII —cont.

agreed between the Swansea City Council and the county council or, failing agreement, to be appointed on the application of either party after notice in writing to the other by the Secretary of State.

Specified lands to become the open space in certain circumstances.

- 69.—(1) If at any time the local interests are of the opinion that the aerodrome undertaking at the airport has been for a period in excess of five years either wholly or substantially discontinued or abandoned, they may serve notice on the Swansea City Council to that effect and if the Swansea City Council by counter notice dispute the claim of the local interests the issue shall be referred to and determined by the Secretary of State.
- (2) If no counter notice is served within 28 days of the receipt by the Swansea City Council of a notice by the local interests under subsection (1) above the aerodrome undertaking at the airport shall be deemed to have been abandoned.
- (3) As from one month after the date on which the aerodrome undertaking at the airport is deemed or determined by the Secretary of State to have been abandoned and subject to subsections (4) and (5) below, the specified lands shall be held by the Swansea City Council for the purpose of being preserved as an open space for the enjoyment of the public under the Open Spaces Act 1906 and the provisions of that Act shall apply to the specified lands as if they had been acquired by the Swansea City Council thereunder.

1906 c. 25.

- (4) Nothing in subsection (3) above shall require the Swansea City Council to remove any building, road, runway, fence or other structure or apparatus situated on the specified lands at the time of the abandonment of the aerodrome undertaking at the airport.
- (5) Nothing in subsection (3) above shall preclude the Swansea City Council from doing anything, or allowing anything to be done in relation to the specified lands which—
  - (a) they could otherwise do in the interests of persons resorting to common land in the neighbourhood; and
  - (b) could be done under section 9 (3) of the Countryside Act 1968 if that provision applied;

1968 c. 41.

- and the Swansea City Council may, notwithstanding that the specified lands become an open space under this section, use any part thereof for such purposes.
- (6) In this section "the local interests" means the voluntary association known as the Gower Society or any 20 ratepayers in so much of the city as is comprised within the communities of Ilston and Pennard.

#### C. Miscellaneous

PART VIII

70. The Swansea City Council may appropriate for such Singlete purposes as they think fit the whole or any part of the lands Estate. comprised in the Singleton Estate and vested in them.

-cont. Singleton

- 71.—(1) In this section "dwelling" means a building or part Area of of a building intended to be occupied as a separate dwelling but habitable rooms. excluding a flat or maisonette.
- (2) (a) Where plans of a dwelling are in accordance with building regulations deposited with the Swansea City Council the city council may, notwithstanding anything in section 16 of the Building Act 1984 reject the plans unless the plans show 1984 c. 55. the dwelling to have—
  - (i) at least one living room with a floor area of not less than 132 square feet (12.26 square metres) and one bedroom with a floor area of not less than 110 square feet (10.22 square metres); and
  - (ii) no bedroom or other habitable room with a floor area of less than 70 square feet (6.5 square metres).
- (b) If the Swansea City Council reject the plans under this section, the notice to be given under section 16 (6) of the said Act of 1984 shall specify this section as that under which the plans have been so rejected.
- (c) Section 16 (6), (7), (8), (10) and (12) and section 36 (2) to (6) of the said Act of 1984 shall have effect as if this section were a section of Part I of that Act: but for the purposes of this section, section 16 (10) of that Act shall have effect as set out in section 16 (13) of that Act notwithstanding that an order has been made appointing a day under the said section 16 (13).

#### PART IX

#### PORT TALBOT PROVISION

72.—(1) In this section—

"appropriate authority" means the authority responsible of scheduled for the maintenance of a scheduled burial ground on the passing of this Act;

Maintenance burial grounds.

"scheduled burial ground" means any burial ground mentioned in Schedule 3 to this Act.

(2) Notwithstanding any enactment or rule of law, if requested by an appropriate authority, the Port Talbot Borough Council may enter into an agreement with that appropriate authority for the maintenance of the scheduled burial ground to which such agreement relates, until interments in such burial

PART IX --cont.

ground are discontinued as though that burial ground were a burial ground or cemetery the responsibility for the maintenance of which was vested in the Port Talbot Borough Council.

#### PART X

# GENERAL

Penalty for obstruction.

73. Any person who intentionally obstructs any officer of a local authority acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Saving for conduct of of premises.

- 74. Where under any provision of this Act the carrying on of a specified business or the use of premises for a specified business or use purpose is subject to a requirement for registration with, or the grant or issue of a licence or consent by, a local authority, it shall be lawful for any person who—
  - (a) immediately before the day on which the requirement comes into operation was carrying on such a business, or using premises for such a purpose; and
  - (b) had before that day duly applied for the registration, licence or consent required by that provision;

to continue to carry on that business or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 79 (Suspension of proceedings pending appeal) of this Act.

Local inquiries.

75. 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.

Arbitration.

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

61

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

PART X -cont. Appeals to magistrates' court.

78.—(1) On an appeal to the Secretary of State under any 1936 c. 49. provisions of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and State. being heard by, a person appointed by the Secretary of State for the purpose.

Appeals to

- (2) The provisions referred to in subsection (1) above are the following:—
  - In section 43 (Parking places: safety requirements), subsection (5);

Section 47 (Part VI appeals);

- In section 50 (Transitional provisions for Part VI), subsection (3).
- (3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of an appeal under the said section 47 may give directions for the granting of a consent subject to such conditions as the county council may impose under section 46 (Unlawful stacks) of this Act.
- (4) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.
- (5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal 1981 c. 54. to hear and determine appeals from any judgment of the High Court).

- (6) In this section "decision" includes a direction, and references to the giving of a decision shall be construed accordingly.
- 79. Where a requirement, refusal or other decision of a local Suspension of authority against which a right of appeal is conferred by this Act proceedings involves the execution of any work or the taking of any action, pending 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 no proceedings shall be taken in respect of any

PART X —cont.

failure to execute the work or to take the action, nor shall the local authority themselves execute the work or take the action.

Restriction on right to prosecute.

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

Liability of directors, etc.

- 81.—(1) Where an offence under this Act, or against any byelaw made under this Act, committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Defence of due diligence.

- 82.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or under any byelaws made thereunder 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) The provisions referred to in subsection (1) above are the following:—

Section 5 (Plans, etc., of new streets);

Section 6 (Excavations affecting highways);

Section 8 (Street numbers);

Section 16 (5) (Hairdressers and barbers);

Section 17 (Dust, etc., from building operations);

Section 19 (Carrying or storage of waste food);

Section 20 (Restriction on use of dustbins);

Section 26 (Retaining walls);

Section 29 (Plans, etc., of new sewers);

Section 31 (Sale of shellfish);

Section 42 (Safety of stands);

Section 43 (Parking places: safety requirements);

Section 49 (Offences under Part VI);

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person

charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

PART X -cont.

- 83.—(1) The sections of the Public Health Act 1936 Application of mentioned in Schedule 4 to this Act shall have effect as if general references therein to that Act included references to this Act. provisions of Public Health
- Act 1936. (2) Section 287 of the said Act of 1936 (powers of entry) shall 1936 c. 49. have effect as if references therein to that Act included a reference to the following provisions of this Act:—
  - Section 5 (Plans, etc., of new streets);
  - (Dust, etc., from building operations); Section 17
  - Section 24 (Artificial lighting in habitable rooms);
  - (Repair of walls, etc., of yards); Section 27
  - Section 29 (Plans, etc., of new sewers);
  - Section 30 (Protection of seashore and adjoining land from pollution);
  - Section 42 (Safety of stands);
  - (Storage of flammable material): Part VI

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

84.—Section 17 of the Act of 1982 (powers of entry) shall Application have effect with respect to the following provisions of this Act as that section has effect with respect to section 16 of the said Act of 1982:—

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

Section 16 (Hairdressers and barbers);

Section 18 (Power to order alteration of chimneys).

**85.**—(1) Nothing in this Act affects prejudicially any estate, Crown rights. right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises a local authority to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description

PART X —cont.

(including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.
- (2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.
- (3) Nothing in this section shall prejudice or affect any statutory powers of a local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

1950 c. 39.

Saving for Coast Protection Act 1949. 1949 c. 74.

86.—Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Secretary of State to certain operations and contain other provisions for the safety of navigation).

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

- 87.—(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 byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.
- (2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—
  - Section 17 (Dust, etc., from building operations);
  - Section 18 (Power to order alteration of chimneys);
  - Section 20 (Restriction on use of dustbins, etc.);
  - Section 41 (Byelaws as to temporary structures);
  - Part VI (Storage of flammable material).

1984 c. 55.

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

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

PART X -cont. Saving for Fire Act 1971. 1971 c. 40.

- 89.—(1) The transitional provisions and savings In Transitional Schedule 5 to this Act shall have effect. provisions, savings and
- (2) Subject to the provisions of the said Schedule 5 the repeals. statutory provisions specified in columns (1) and (2) of Schedule 6 to this Act are hereby repealed to the extent specified in column (3) of that Schedule.
- (3) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.
- (4) The inclusion in this Act of any express transitional provision or saving shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 1978 c. 30. (effect of repeals).

# SCHEDULES

Section 34.

66

#### SCHEDULE 1

1906 c. 32. SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 34 (CONTROL OF STRAY DOGS) OF THIS ACT

> 3.—(1) Where it appears to a police officer or a person duly authorised by the district council that any dog found in a highway or place of public resort, or on any land without the consent of the occupier of the land, is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its seizure or detention:

> Provided that a dog which is on land without the consent of the occupier shall not be seized under this section unless either the district council are themselves the occupier of the land or the seizure is at the request or with the consent of the occupier of the land.

- (2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.
  - (3) A notice under this section may be served either—
    - (a) by delivering it to the person on whom it is to be served; or
    - (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
    - (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.
- (4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.
- (5) No dog so seized shall be given or sold for the purposes of vivisection.
- (6) The chief officer of police and the district council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them respectively which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and

particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public.

Sch. 1 — cont.

- (7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public.
- (8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.
- (9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

SCHEDULE 2
ENACTMENTS APPLIED TO PEDESTRIAN WAYS

Section 36.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
1980 c. 66.	Highways Act 1980.	Section 161 (Penalty for causing certain kinds of danger or annoyance).  Section 178 (Restriction on placing rails, beams, etc., over highways).	In subsection (2) the words "which consists of or comprises a carriageway" shall be omitted.  In subsection (1) for the words "highway authority for the highway" and for the words "highway authority" there shall be substituted the words "district council" in each case.

Section 72.

68

SCHEDULE 3 SCHEDULED BURIAL GROUNDS REFERRED TO IN SECTION 72 OF THIS ACT

Title	Location	Area (approximately)
Margam Abbey Church Yard Holy Cross Church Yard St. Mary's Church Yard Old Aberavon Cemetery St. Joseph's Church Yard	Margam Penycae Town Centre Town Centre Old Aberavon Area	1.4 acres 3.10 acres 1.0 acre 2.0 acres 0.2 acre
St. Catherine's Church Yard St. Michael's Church Yard Pantdu Cemetery St. John's Church Yard	Old Baglan Area Cwmavon Cwmavon Glyncorrwg	1.8 acres 1.2 acres 1.56 acres 0.9 acre

Section 83.

1936 c. 49.

SCHEDULE 4 SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

Section	Marginal note
275	Power of local authority to execute certain works on behalf of owners or occupiers.
276	Powers 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 work to be done.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
293	Recovery of expenses, &c.
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 89.

#### SCHEDULE 5

#### TRANSITIONAL PROVISIONS AND SAVINGS

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

this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter in the same area.

Sch. 5—cont.

- 3.—(1) Anything begun under an enactment repealed by this Act or by section 262 (9) of the Act of 1972 may be continued under any enactment in this Act or in any public general 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, a statutory provision repealed by this Act is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if it were in force when that period began to run.
- 4. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between a statutory provision in force in any area which is repealed by this Act and any provision of this Act relating to the same matter in the same area, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.
- 5. The repeal by this Act of any statutory provision shall not affect the operation of any byelaw made under that provision if the byelaw is one which could be made under or by virtue of any corresponding provision of this Act or of a public general Act, and any such byelaw shall have effect as if made under that last-mentioned provision.
- 6. 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 the repeal, the repeal shall not affect the interpretation of the excepted provision.

7. Byelaws made under section 82 and section 92 of the Public Health Acts Amendment Act 1907 as extended by section 89 1907 c. 53. (Byelaws as to Caswell Bay) of the Swansea Corporation Act 1927 1927 c. cviii. shall continue to have effect and shall be deemed for all purposes to have been made under section 231 of the Public Health Act 1936 and 1936 c. 49. may be enforced accordingly.

Section 89 (2).

# SCHEDULE 6

# ENACTMENTS REPEALED

PART I

CONSEQUENTIAL REPEALS IN LOCAL STATUTORY PROVISIONS

Chapter (1)	Short title (2)	Extent of repeal (3)
7 & 8 Vict. c. cii.	Swansea Improvement Act 1844.	Section 97 (Houses to be numbered, and Streets named); and Section 138 (Power to impound Cattle, &c.,
26 & 27 Vict. c. xiii.	The Swansea Municipal Corporation Act 1863.	straying).  Section 5 (Recited Acts repealed);  Section 6 (Saving present and future Rights and Liabilities under repealed Acts);  Section 7 (Property vested in the Corporation);  Section 8 (Contracts, &c. under repealed Act to be discharged, &c.);  Section 9 (Actions not to abate);  Section 10 (Officers to continue until removed);  Section 11 (Regulations, &c. to remain in force);  Section 12 (Officers to account);  Section 13 (Old Books to be Evidence);  Section 14 (Certain Provisions of 8 & 9 Vict. c. 18., 10 & 11 Vict. c. 14., and 23 & 24 Vict. c. 106 incorporated);  Section 15 (Corporation to carry this Act into execution);  Section 16 (Certain Provisions of 8 & 9 Vict. c. 16. incorporated);  Section 17 (Power to Corporation to appoint Committees);  Section 18 (Quorum of Committees);  Section 19 (Treasurer and Clerk);  Section 20 (Nothing to affect the Rights of the Mayor);

Chapter (1)	Short title (2)	Extent of repeal (3)	Sch. 6 —cont.
Chapter (1)  26 & 27 Vict. c. xiii. —cont.	·	Section 21 (Application of Tolls); Section 22 (Accounts of Receipts and Disbursements to be kept, audited, and published); Section 23 (Byelaws not to be in force until confirmed); Section 24 (Byelaws to be printed and published); Section 25 (Penalty on Town Clerk refusing to give Copy of Byelaws); Section 26 (Nothing to affect Power to make Byelaws under 5 & 6 W. 4. c. 76); Section 27 (Evidence of Byelaws); Section 28 (Power to borrow on Mortgage); Section 29 (Expenses of Mortgages); Section 30 (Persons paying or advancing Money not to be bound to see to its Application); Section 31 (Sinking Fund); Section 32 (Newspapers for Advertisements); Section 33 (Powers to make Roads of Approach); Section 34 (Powers to erect new Cattle Market and Slaughter-houses); Section 35 (Power to take Lands according to deposited Plans); Section 36 (Tolls for Markets and Weighing Machines as in Sched. (A)); Section 37 (Tolls for Slaughter-houses as in	_
		Sched. (B)); Section 38 (Sales elsewhere than in Markets prohibited under a Penalty not exceeding 40s); Section 39 (Power to	
-		demise Tolls); Section 40 (Consent of Burgesses to be given to Leases being assigned or conveyed);	

0. (		<u> </u>	
SCH. 6 —cont.	Chapter (1)	Short title (2)	Extent of repeal (3)
	26 & 27 Vict. c. xiii. —cont.	The Swansea Municipal Corporation Act 1863. —cont.	Section 41 (No Cattle, &c. to be slaughtered within the Borough except in public Slaughter-houses);
			Section 42 (Power to seize unwholesome Food, and to fine Persons exposing the same to Sale);
	•		Section 43 (Justices to grant Warrant to search for and seize unwholesome Provisions);
	•		Section 44 (Penalty for destroying Table of Tolls);
	•		Section 45 (Application of Penalties);
			Section 46 (Mayor, &c., being Justices, to act as such);
			Section 47 (Council not to sell Lands without Consent of the Treasury);
	-		Section 48 (Lease of the Garden and Postern of Swansea Castle to determine on passing of Act); and
	-		Section 49 (Abolition of Burrows and Greenhill Fairs);
	•		Schedule (A) and Schedule (B).
	52 &53 Vict. c. excix.	Swansea Corporation Act 1889.	Section 59 (Deposit of plan to be void after certain interval);
			Section 68 (Power to alter names of streets and names to be put up and houses to be numbered &c.); and
		• •	Section 78 (Power to prohibit cellars in parts of borough liable to floods).
	2 Edw. 7 c. ccxxxii.	Swansea Corporation Act 1902.	Section 99 (As to vehicles for carrying meat).
	2 & 3 Geo. 5 c. xcix.	Swansea Corporation Act 1912.	Section 50 (Area of habitable rooms);

	<del></del>		C (
Chapter (1)	Short title (2)	Extent of repeal (3)	Sch. 6 —cont.
2 & 3 Geo. 5 c. xcix. —cont.	Swansea Corporation Act 1912. —cont.	Section 89 (Conversion of part of market into shops); Section 90 (Revision of market tolls); Section 91 (Removal of animals suspected of disease); Section 92 (Removal and exclusion from market of animals not fit for food); and Section 93 (Power to establish cold air stores &c.).	
10 &11 Geo. 5 c. xlvii.	Swansea Corporation Act 1920.	Section 20 (Confirmation of purchase and use of Singleton Estate); and Section 30 (As to erection of retaining walls).	
11 & 12 Geo. 5 c. xviii.	The Ministry of Health Provisional Orders Con- firmation (No. 2) Act 1921.	The Swansea Order 1921.	
12 & 13 Geo. 5 c.lxiv.	Swansea Corporation Act 1922.	Section 18 (Erection of temporary stands); and Section 39 (Possession of market stalls when rent unpaid).	
12 & 13 Geo. 5 c. lxxxi.	Neath Corporation Act 1922.	Section 84 (For preventing soil &c. from being washed into streets); Section 91 (As to erection of retaining walls); and Section 126 (Separate sewers for surface water and sewage may be required).	
17 & 18 Geo. 5 c. cviii.	Swansea Corporation Act 1927.	Section 41 (Planting of trees &c. in private streets); and Section 89 (Bye-laws as to Caswell Bay).	
15 & 16 Geo. 6 & 1 Eliz. 2 c. li.	Glamorgan County Council Act 1952.	Section 34 (Barriers in streets); Section 37 (Retaining walls); Section 55 (Parking places in parks &c.); and	

Scн. 6 —cont.	Chapter (1)	Short title (2)	Extent of repeal (3)
	15 & 16 Geo. 6 & 1 Eliz. 2 c. li. —cont.	Glamorgan County Council Act 1952. —cont.	Section 134 (Application of certain provisions of Part X to local authorities); in so far as those sections apply in the county.
	1956 c. xli.	Swansea Corporation (Fair- wood Common) Act 1956.	The whole Act.
	1972 c. xlix.	Port Talbot Corporation Act 1972.	Section 5 (Maintenance of scheduled burial grounds); Section 9 (Parking places in parks, etc.); Section 12 (Agreements with developers); Section 19 (Provisions as to illuminations); Section 22 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.); Section 24 (Boundary walls); Section 46 (Power to order alteration of chimneys); Section 47 (Repair of walls, etc., of yards); Section 53 (Penalty for throwing rubbish into streams); Section 55 (Carrying or storage of waste food); Section 58 (Reduction of dust, etc., from building operations, etc.); Section 60 (Restriction on use of dustbins, etc.); Section 71 (Life-saving equipment of Corporation); Section 74 (Protection of seashore and adjoining land from pollution); Section 75 (Safety of stands); Section 85 (Misleading signs on motor vehicles);
			Section 86 (Provisions as to hackney carriages and private hire vehicles);

Chapter (1)	Short title (2)	Extent of repeal (3)	Sch. 6 —cont
1972 c. xlix —cont.	Port Talbot Corporation Act 1972.—cont.	Section 92 (Hairdressers and barbers); Section 105 (Expenses of executing closing or demolition orders, etc.); Section 122 (Disposal of unsuitable specimens); Section 132 (Numbers of houses); Schedule 1; and Schedule 3.	•
1973 c. i.	Glamorgan County Council Act 1973.	Section 7 (Agreements with developers); Section 23 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.); Section 24 (Provisions as to illuminations); Section 27 (Power to take bond for proper performance of conditions in connection with mineral workings); Section 53 (Protection of trees, grass verges and gardens); Section 57 (Excavations affecting highways); Section 58 (For protection of the railways board); Section 66 (Amendment of section 130 of Act of 1959); Section 80 (Sale of shellfish); Section 85 (Offences in respect of telephone boxes, fire hydrants, etc.); Section 96 (Interpretation of this head of Part VI); Section 97 (Consent to storage of flammable material); Section 98 (Appeals); Section 99 (Stack not to contain room, etc.); Section 100 (Entry and inspection of premises in connection with storage of flammable material); Section 101 (Offences under sections 97, 99 and 100);	

Sch.	6
cor	u.

Chapter (1)	Short title (2)	Extent of repeal (3)
1973 c. i. — cont.	Glamorgan County Council Act 1973.—cont.	Section 102 (Consent not required in certain circumstances); Section 103 (As to application of provisions to certain stacks); Section 104 (Savings and transitional provisions); Section 105 (Underground parking places); Section 106 (Further provision as to underground parking places); Section 107 (Interpretation and powers of entry for purposes of last two foregoing sections); and Section 159 (Disposal of unsuitable specimens); in so far as those sections apply in the county.

PART II
OTHER REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
8 Edw. 7. c. lxxiii.	Glyncorrwg Urban District Council Act 1908.	The whole Act except sections 5 to 11, 15 and 25 to 28.
3 & 4 Geo. 5. c. cxxxiii.	Local Government Board's Provisional Orders Con- firmation (No. 9) Act 1913.	The Pontardawe Rural Order 1913.
11 & 12 Geo. 5. c. civ.	Ministry of Health Pro- visional Orders Con- firmation (Aberavon and Neath Extension) Act 1921.	The whole Act.
12 & 13 Geo. 5. c. ixxxi.	Neath Corporation Act 1922.	The whole Act except Parts III, IV and V, and Part XII so far as it relates to the Neath markets undertaking.

Chapter (1)	Short title (2)	Extent of repeal (3)
20 & 21 Geo. 5 c. v.	Ministry of Health Pro- visional Orders Con- firmation (No. 10) Act 1929.	The Pontardawe Order 1929.
15 & 16 Geo. 6 & 1 Eliz. 2 c. li.	Glamorgan County Coun- cil Act 1952.	The whole Act so far as applying in the county.
7 & 8 Eliz. 2 c. xi.	Glamorgan County Coun- cil Act 1959.	The whole Act so far as applying in the county.
1972 c. vii.	Neath Corporation Act 1972.	The whole Act.
1972 c. xlix.	Port Talbot Corporation Act 1972.	The whole Act except Part III and Schedule 2.
1973 c. i.	Glamorgan County Coun- cil Act 1973.	The whole Act so far as applying in the county.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR J. A. DOLE

Controller and Chief Executive of Her Majesty's Stationery Office and

Queen's Printer of Acts of Parliament

.

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE £6.70 net ISBN 0-10-510887-1



# West Glamorgan Act 1987

# CHAPTER viii

# ARRANGEMENT OF SECTIONS

# Part I

# **PRELIMINARY**

# Section

- 1. Citation and commencement.
- 2. Interpretation.
- 3. Appointed day.

# Part II

# HIGHWAYS AND STREETS

- 4. Provision of trees and shrubs in private streets, etc.
- 5. Plans, etc., of new streets.
- 6. Excavations affecting highways.
- 7. Extension of section 151 of Highways Act 1980.
- 8. Street numbers.

#### PART III

# OPEN SPACE AND MUNICIPAL PROPERTY

#### Section

- 9. Protection of grass verges, open space, etc.
- 10. Prohibition of vehicles on certain vacant land.
- 11. Provision of vehicles in parks, etc.
- 12. Parking places in parks, etc.
- 3. Interference with municipal property.
- 14. Byelaws as to leisure centres.
- 15. Power to provide facilities for hovercraft, hydrofoil vessels, etc.

#### PART IV

# PUBLIC HEALTH AND AMENITIES

- 16. Hairdressers and barbers.
- 17. Dust, etc., from building operations.
- 18. Power to order alteration of chimneys.
- 19. Carrying or storage of waste food.
- 20. Restriction on use of dustbins, etc.
- 21. Power of inspector inspecting building work.
- 22. Approval of plans to be of no effect after certain interval.
- 23. Cellars and rooms liable to flood.
- 24. Artificial lighting in habitable rooms, etc.
- 25. Weatherproofing of property.
- 26. Retaining walls.
- 27. Repair of walls, etc., of yards.
- 28. Separate drains for foul water and surface water.
- 29. Plans, etc., of new sewers.
- 30. Protection of seashore and adjoining land from pollution.
- 31. Sale of shellfish.
- 32. Control of rats and mice.
- 33. Powers of entry for Prevention of Damage by Pests Act 1949.
- 34. Control of stray dogs.

# PART V

# PUBLIC ORDER AND SAFETY

- 35. Seizure of stray animals.
- 36. Policing and control of pedestrian ways.
- 37. Pedal cycles.
- 38. Extension of section 21 of Town Police Clauses Act 1847.
- 39. Power to employ lifeguards.
- 40. Removal of boats from seashore, etc.

c. viii

#### Section

41. Byelaws as to temporary structures.

42. Safety of stands.

43. Parking places: safety requirements.

# PART VI

# STORAGE OF FLAMMABLE MATERIAL

44. Interpretation of Part VI.

45. Stacks to which this Part applies.

46. Unlawful stacks.

47. Part VI appeals.

48. Powers of entry for Part VI.

49. Offences under Part VI.

50. Transitional provisions for Part VI.

# PART VII

# MISCELLANEOUS

51. Coal mining operations: performance bonds.

52. Agreements with developers.

53. Hackney carriage fares.

54. Signs on vehicles.

55. Expenses of executing demolition orders.

56. Provision of illuminations.

57. Power to charge for restoration of archives.

58. Disposal of unsuitable specimens and works of art.

59. Restriction on use of armorial bearings.

# PART VIII

#### SWANSEA PROVISIONS

#### A. Swansea Markets

60. Part III of Food Act 1984 to apply to markets undertakings.

61. Power to compound for payment of tolls.

62. Power to require information.

63. Market byelaws.

64. Swansea market may be removed.

#### B. Swansea Airport

65. Interpretation for Head B.

66. Management of airport.

67. Application of certain provisions of Civil Aviation Act 1982 to airport.

68. For protection of county council.

69. Specified lands to become open space in certain circumstances.

1V

# C. Miscellaneous

#### Section

70. Singleton Estate.

71. Area of habitable rooms.

#### PART IX

#### PORT TALBOT PROVISION

72. Maintenance of scheduled burial grounds.

#### PART X

#### GENERAL

73. Penalty for obstruction.

74. Saving for conduct of business or use of premises.

75. Local inquiries.

76. Arbitration.

77. Appeals to magistrates' court.

78. Appeals to Secretary of State.

79. Suspension of proceedings pending appeal.

80. Restriction on right to prosecute.

81. Liability of directors, etc.

82. Defence of due diligence.

- 83. Application of general provisions of Public Health Act 1936.
- 84. Application of section 17 of Local Government (Miscellaneous Provisions) Act 1982.

85. Crown rights.

86. Saving for Coast Protection Act 1949.

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

88. Saving for Fire Precautions Act 1971.

89. Transitional provisions, savings and repeals.

#### SCHEDULES—

Schedule 1—Section 3 of Dogs Act 1906 as having effect in accordance with section 34 (Control of stray dogs) of this Act.

Schedule 2—Enactments applied to pedestrian ways. Schedule 3—Scheduled burial grounds referred to in

section 72 of this Act.

Schedule 4—Sections of Public Health Act 1936 applied.

Schedule 5—Transitional provisions and savings.

Schedule 6—Enactments repealed.