



## CHAPTER xxvi

An Act to confer further powers on the mayor, aldermen and burgesses of the county borough of Grimsby in relation to streets and the local government, health, improvement and finances of the borough ; and for other purposes. [19th July, 1962.]

### **W**HEREAS—

(1) The borough of Grimsby in the county of Lincoln (in this Act called “ the borough ”) is a county borough under the government of the mayor, aldermen and burgesses of the borough acting by the council (in this Act called “ the Corporation ”):

(2) It is expedient that further and better provision should be made with reference to streets and for the local government, health, improvement and finances of the borough:

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

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

(5) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, 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

Short title.

1. This Act may be cited as the Grimsby Corporation Act, 1962.

Division of  
Act into  
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Streets.

Part III.—Public order and public safety.

Part IV.—Boxing and wrestling licences, etc.

Part V.—Window cleaners.

Part VI.—Finance.

Part VII.—Miscellaneous.

Part VIII.—General.

Interpretation.

3.—(1) In this Act, the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act, 1936, have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

(2) In this Act, unless the subject or context otherwise requires—

“ Act of 1933 ” means the Local Government Act, 1933;

“ Act of 1936 ” means the Public Health Act, 1936;

“ appointed day ” has the meaning assigned to it by section 49 (The appointed day) of this Act;

“ borough ” means the county borough of Grimsby;

“ commission ” means the British Transport Commission;

“ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;

“ Corporation ” means the mayor, aldermen and burgesses of the borough;

“ council ” means the council of the borough;

“ daily fine ” means a fine for each day on which an offence is continued after conviction;

“ enactment ” includes any enactment in this Act or in any general or local Act, and any order, byelaw, scheme or regulation from time to time in force within the borough;

“ financial year ” means a period of twelve months ending on the thirty-first day of March;

“ general rate fund ” means the general rate fund of the borough;

“ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act, 1952;

“ Minister ” means the Minister of Housing and Local Government;

“ street works ” has the meaning assigned to that expression by section 213 of the Highways Act, 1959;

“ town clerk ” means the town clerk of the borough and includes any person appointed by the Corporation to discharge temporarily the duties of that officer.

(3) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

PART I  
—cont.

## PART II

### STREETS

4. In this Part of this Act the following expressions have the following meanings:—

Interpretation  
of Part II of  
Act.

“ new street byelaws ” has the meaning assigned to it by subsection (4) of section 157 of the Highways Act, 1959;

“ structure ” means a wall, fence, hoarding or similar erection, but for the purpose of this definition the expression “ wall ” does not include a wall forming part of a permanent building.

5.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed, and the street has been sewered, in accordance with the said byelaws:

Prohibition of  
building until  
street formed  
and sewered.

Provided that, where the plan shows that the street will exceed one hundred yards in length, the Corporation shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards; and each such length shall for that purpose be treated as a separate street.

PART II  
—cont.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited; and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of such a notice he shall be liable to a fine not exceeding twenty pounds; and the Corporation may construct the carriageway and works of sewerage which should have been constructed, and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under any enactment relating to street works for the time being in force in the borough.

Access to  
new street.

6.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purpose of securing adequate means of communication between the new street and any other street, whether existing or intended, by notice prohibit the erection or retention of any structure at either end of the new street on land belonging, at the time of the deposit, to the owner of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways maintainable at the public expense.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited; and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes a notice under this section he shall be liable to a fine not exceeding twenty pounds; and the Corporation may remove the structure and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

7.—(1) The Corporation may by notice require the owner of any building which, or any part of which, was beyond or in front of an improvement line prescribed under section 72 of the Highways Act, 1959, or section 33 of the Public Health Act, 1925, at the time when the line was prescribed to demolish, set back or alter the said building within such reasonable period as may be prescribed by the notice, not being less than six months from the service of the notice, so that it shall not project beyond or in front of the improvement line. Enforcement of improvement line.

(2) Where a building is demolished, set back or altered in compliance with a notice under this section, the Corporation shall pay compensation to any owner or tenant thereof for any damage or loss sustained by him in consequence of the compliance; and the amount of the compensation shall in default of agreement be determined by the Lands Tribunal and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

(3) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

- (a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith; and
- (b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(4) If any person fails to comply with a notice under this section he shall be liable to a fine not exceeding twenty pounds; and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(5) In this section “building” includes a structure.

8.—(1) If a person erects, or permits to be erected, over the footway of a street in the borough, being a highway maintainable at the public expense, an awning which— Awnings over footways.

- (a) projects over any part of the footway which is less than two feet from the carriageway; or
- (b) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

he shall be liable to a fine not exceeding five pounds.

PART II  
—cont.

An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(4) In this section “awning” includes a blind, shade or other covering.

Mixing of  
mortar, etc.,  
in streets.

9.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the borough maintainable at the public expense or in any street therein constructed under the powers in that behalf contained in the Housing Act, 1957, the Highways Act, 1959, or the Town and Country Planning Act, 1947, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

Provided that this section shall not apply to the mixing in any street of any substance for the purposes of making up, maintaining, reinstating, repairing, altering or improving such street or any bridge over or under the same.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding forty shillings.

## PART III

## PUBLIC ORDER AND PUBLIC SAFETY

Offences in  
respect of  
telephone  
boxes, fire  
hydrants, etc.

10.—(1) If any person wilfully, and without the consent of the Corporation—

(a) obstructs the access to a police telephone call box provided by the Corporation, or to a shelter or box so provided for the use of police constables, or to a fire alarm so provided; or

(b) interferes with equipment in such a call box, or in such a shelter or box, or in such a fire alarm; or

- (c) removes, obliterates, alters, defaces or obscures a mark provided by the Corporation for indicating the position of such a call box, or of such a shelter or box, or of a fire alarm or fire hydrant;

PART III  
—cont.

he shall be liable to a fine not exceeding ten pounds; and the Corporation may recover from him the expenses of removing the obstruction, or of making good or replacing the mark.

(2) If any person telephones, or causes to be telephoned—

- (a) from a police telephone call box provided by the Corporation, any statement which he knows to be false; or  
(b) from a telephone call box provided in the borough by the Postmaster General, a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action;

he shall be liable to a fine not exceeding ten pounds.

(3) In this section “ call box ” includes any installation.

11. Notwithstanding anything in section 253 of the Public Health Act, 1875, or section 298 of the Act of 1936, proceedings for the enforcement of any of the provisions of—

Enforcement  
of provisions  
of certain  
Acts, etc.

- (a) the Towns Improvement Clauses Act, 1847, as incorporated with the Public Health Act, 1875; or  
(b) sections 37 to 68 of the Town Police Clauses Act, 1847, as incorporated with the Public Health Act, 1875; or  
(c) the Town Police Clauses Act, 1889; or  
(d) any byelaws made by the Corporation under section 75 of the Public Health Act, 1925; or  
(e) section 154 of the Act of 1936;

may be instituted by any officer of the police of the borough not below the rank of inspector.

12.—(1) Where plans for the erection of a building are in accordance with building byelaws or building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

Building  
plans: access  
for fire  
brigade.

- (a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be effectively fought; or

PART III  
—cont.

- (b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be effectively fought.

(2) Where plans for the extension of a building are in accordance with building byelaws or building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

- (a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be effectively fought ; or
- (b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be effectively fought.

(3) In this section “access by the fire brigade” means access by members of one or more fire brigades and their appliances and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, references to the neighbouring building as erected, altered or extended in accordance with those plans.

(4) If the Corporation reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of section 64 of the Act of 1936, shall specify that the plans have been so rejected.

(5) Any question arising under this section between the Corporation and the person by whom, or on whose behalf, plans are deposited as to whether the Corporation ought to pass the plans may, on the application of that person, be determined by a magistrates’ court.

Further provision for public and other buildings.

**13.—**(1) If it appears to the Corporation that for the purpose of preventing fire in any such building in the borough as is referred to in subsection (5) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting thereto—

- (a) the apparatus or fittings for lighting or heating the building require alteration; or



- (b) the arrangement of the chairs and seating requires alteration; or
- (c) any floor requires strengthening in order to prevent overloading; or
- (d) any of the materials from which any fireplaces, flues, chimney vents or other like parts of such building are constructed are unsuitable;

the Corporation may by notice require the owner or occupier of the building to make such provision in regard to the matters aforesaid as may be necessary:

Provided that—

- (i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act, 1843, or the Cinematograph Acts, 1909 and 1952, or Part IV (Boxing and wrestling licences, etc.) of this Act is for the time being in force;
- (ii) nothing in this section shall affect the operation of the Factories Act, 1961, or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

14.—(1) Section 60 of the Act of 1936 in its application to the borough shall have effect as if—

Provision of means of escape from fire in certain buildings.

(a) in paragraph (b) of subsection (4) of that section the words “boarding school” were omitted and the words “old persons’ home” were inserted after the words “children’s home”; and

(b) in paragraph (c) of subsection (4) of that section the words “office, school,” were inserted after the word “shop” and the words “for persons employed on the premises” were omitted.

(2) (a) The Corporation may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) of this section, applies (other than a house let in flats) to keep unobstructed such passages and gangways as are specified in the notice and, if he fails to do so, he shall be liable to a fine not exceeding twenty pounds.

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

- (i) that the requirement is not justified by the terms of this subsection;

PART III  
—cont.

- (ii) that there has been some informality, defect or error in, or in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

Means of  
ingress to  
and egress  
from certain  
buildings.

15.—(1) Section 59 of the Act of 1936 in its application to the borough shall have effect as if—

- (a) in paragraph (b) of subsection (5) of that section for the words “and in which more than twenty persons are employed” there were substituted the words “or in which more than ten persons are employed”; and
- (b) in paragraph (d) of the said subsection (5) the words “and any premises used for giving instruction in dancing” were added at the end of that paragraph; and
- (c) there were added at the end of the said subsection (5) the following proviso:—

“ Provided also that this section shall not apply to such premises as are referred to in paragraph (b) of this subsection if—

- (i) only the ground floor of the building is used for the purposes of; and
- (ii) not more than five persons are employed in; the restaurant, shop, store or warehouse, as the case may be.”

(2) The provisions of the said section 59 in its application to the borough shall be construed so as to enable the Corporation to require that such first-aid fire appliances as the Corporation deem necessary shall be installed in premises to which the said section applies other than premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Provided that any notice served by the Corporation under subsection (2) of the said section 59 requiring the installation of first-aid fire appliances may be served on the owner or the occupier of the building.

Parts of  
buildings used  
for storage of  
flammable  
substances.

16.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the storage part of the building”) shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

- (a) in the case of any part of a building which is so used immediately before the appointed day, within twenty-one days after the appointed day; and

(b) in the case of any part of a building which after the appointed day is intended to be so used, not less than twenty-one days before such user takes place.

(2) The Corporation may, if they are of the opinion that such storage—

(a) is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

(b) is in such manner as to be liable to cause fire or explosion;

by counter-notice require the occupier of any part of a building in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-notice—

(i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(3) (a) An authorised officer of the council may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as incorporated with this Act, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any kind of test of a sample taken by an authorised officer of the council by virtue of this section shall not be admissible as evidence in any legal proceedings under this section including an appeal under subsection (6) of this section unless the following requirements have been complied with: that is to say, the said officer shall, forthwith after taking the sample, notify to the occupier of the building his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

(i) deliver one part to the occupier of the building;

PART III  
—cont.

- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.

## (4) The occupier of any building who—

- (a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or
- (b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or, as the case may be, to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation any material extension or material structural alteration of the building to which the certificate relates is made the Corporation may serve a further counter-notice varying any requirement made under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a new certificate in respect of the building but if anything required to be provided in accordance with a further counter-notice served under this subsection is not provided within such reasonable time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

(6) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation of a requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified by the terms of this section;

(ii) that the requirement or variation is unreasonable in character or extent;

(iii) that the period specified in the counter-notice is not  
\* reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

(b) Any person aggrieved by the refusal of the Corporation to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

(7) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(8) This section applies to—

(a) any building which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

(b) (i) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable; and

(ii) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit:

Provided that this section shall not apply to any building in which no substance to which this section applies is stored other than—

(i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act, 1928, apply; or

(ii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or

(iii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

PART III  
—cont.

(9) In this section “building” where used in relation to the storage of substances therein includes the curtilage of the building.

(10) Nothing in this section shall apply to premises which are subject to the Factories Act, 1961, or regulations made under that Act.

Firemen’s  
switches for  
luminous  
tube signs.

17.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding six hundred and fifty volts, or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

(2) As from the appointed day apparatus in the borough to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer; and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Corporation may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies, the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed, or, as the case may be, actual, position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless, within ten days from the date of the service of the notice, the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court; and the court, if it allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations, 1937, or any regulations that may be made under section 60 of the Electricity Act, 1947.

(12) This section shall not apply to apparatus installed on or in premises or any part of premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Provided that where any luminous tube sign to which, but for this subsection, subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

18.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in the borough whether erected before or after the passing of this Act or on any land in the borough shall give not less than fourteen days' notice to the Corporation of his intention so to do. Oil-fired boilers.

(2) (a) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws proper arrangements will be made for preventing or reducing danger from fire.

(b) Byelaws made under this section may include provisions—

(i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works, apparatus, fittings and appliances; and

PART III  
—cont.

- (ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(3) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under any byelaw made under sub-paragraph (ii) of paragraph (b) of subsection (2) of this section may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaw.

(4) (a) If any person installs oil-burning equipment in any building or on any land in the borough without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

(i) that person after conviction of the contravention; or

(ii) any other person after notice of the conviction has been served on him by the Corporation;

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) In this section—

the expression “oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner, the storage tanks and the apparatus, fittings, devices and catch-pits and any other equipment used for or in connection with the heating of the boiler;

the expression “boiler” means a boiler, furnace, heater, oven or similar plant;

the expression “storage tank” means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler;



the expression “ apparatus and fittings ” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(6) Nothing in this section or any byelaws made thereunder shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding one thousand gallons; or

(b) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force; or

(c) the installation of any oil-burning equipment by the Central Electricity Generating Board or the Yorkshire Electricity Board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms;

or

(d) the installation of any oil-burning equipment by the East Midlands Gas Board for the purposes of their undertaking:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms;

or

(e) the installation of any oil-burning equipment by the commission for the purposes of their undertaking:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms other than buildings so used which form part of a railway station.

(7) Section 250 of the Act of 1933 shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words “ or confirm with modifications ” after the word “ confirm ” in the second place where that word occurs in subsection (6) thereof.

PART III  
—cont.

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act, 1961, applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same subject-matter as this section.

## PART IV

## BOXING AND WRESTLING LICENCES, ETC.

Boxing and  
wrestling  
licences.

19.—(1) In this section the expressions “boxing entertainment” and “wrestling entertainment” mean any public contest exhibition or display of boxing or wrestling, as the case may be, but do not include boxing or wrestling entertainments which are provided—

- (a) by travelling showmen at pleasure fairs;
- (b) by bona fide organisations, associations, clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit; or
- (c) by any university or college or establishment for further education or school.

(2) Subject to the provisions of this Act as from the appointed day premises shall not be used in the borough for the purposes of a boxing or wrestling entertainment without a licence from the Corporation under this section.

(3) The Corporation may grant licences under this section to such persons as they think fit to use premises specified in the licence for the purposes of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as they may prescribe by the licence and may renew such licences.

(4) Any premises used for the purposes of a boxing or wrestling entertainment although licensed under this section shall not be opened for that purpose except on the days and between the hours stated in the licence.

(5) A licence shall not be required under this section in respect of the use of any premises by reason only of the use thereof for the purpose of the performance of a stage play or the giving of a cinematograph exhibition which includes a representation of persons boxing or wrestling.

20.—(1) A licence granted by the Corporation under section 19 (Boxing and wrestling licences) of this Act or under the Theatres Act, 1843, shall, unless previously revoked, be in force for a period of one year or for such shorter period as the Corporation may determine on the grant of the licence: Duration, transfer, etc., of licences.

Provided that the Corporation may grant an occasional licence for the use of any place or premises for the purposes of any such entertainment as is referred to in the said section 19 or for the public performance of a stage play on such one or more particular occasions only as may be specified in the licence.

(2) The Corporation may transfer any such licence as is referred to in this section to such person as they think fit, subject in the case of a licence under the Theatres Act, 1843, to compliance with section 7 of that Act.

(3) (a) An applicant for the grant or renewal or transfer of any such licence as aforesaid shall give not less than twenty-eight days' notice of his intention to make such application to the Corporation and the applicant shall also furnish such particulars and give such other notices as the Corporation may by regulation prescribe.

(b) In its application to the borough and the Corporation, section 5 of the Theatres Act, 1843, shall have effect as if for the reference therein to twenty-one days there were substituted a reference to twenty-eight days.

21.—(1) A person when making application for the grant or renewal of a licence, other than an occasional licence, under section 19 (Boxing and wrestling licences) of this Act shall pay to the Corporation such fee as the Corporation may fix not exceeding— Fees for licences.

	£	s.	d.
(a) in respect of an application for the grant or renewal of any such licence for a period of one year ... ..	1	0	0
(b) in respect of an application for the grant or renewal of any such licence for any period less than one year, five shillings for every month or part thereof, so however that the aggregate fees payable in any one year under this subsection in respect of the same premises shall not exceed ... ..	1	0	0

(2) Any person when making application under the foregoing provisions of this Part of this Act for the grant or renewal of an occasional licence or for the transfer of a licence shall pay to the Corporation such fee as the Corporation may fix not exceeding five shillings.

PART IV  
—cont.

(3) Any fees paid to the Corporation pursuant to the foregoing provisions of this section may be retained by the Corporation whether the licence is or is not granted, renewed or transferred.

(4) The Corporation may remit any fees payable under this section in respect of an application for the grant, renewal or transfer of a licence for the purposes of an entertainment or the public performance of a stage play which in the opinion of the Corporation has been organised or arranged for a charitable or similar object.

Avoidance of  
double  
licensing.

22.—(1) The council may resolve with respect to any licence granted by the Corporation under the Theatres Act, 1843, that to such extent as may be specified in the resolution no licence under section 19 (Boxing and wrestling licences) of this Act shall be required in respect of the place or premises to which the licence under the Theatres Act, 1843, relates so long as that licence is in force.

(2) The council may resolve with respect to any licence granted by the licensing justices of the borough under Part IV of the Public Health Acts Amendment Act, 1890, that to such extent as may be specified in the resolution no licence under section 19 (Boxing and wrestling licences) of this Act shall be required in respect of the premises to which the licence under the said Part IV relates so long as that licence is in force.

(3) Notwithstanding anything in the foregoing provisions of this Part of this Act, where a licence to which a resolution passed by the council under this section applies is in force with respect to any place or premises the provisions of section 19 (Boxing and wrestling licences) of this Act shall not apply to those premises to the extent specified in such resolution.

(4) A resolution under this section may relate specially to a particular licence or generally to such class or classes of licences as the council think fit.

(5) The effect of any resolution passed by the council under this section shall be stated in every licence to which the resolution applies.

(6) Where any place or premises with respect to which there is in force a licence to which a resolution under this section applies is or are used for the purposes of any entertainment for which a licence would have been required under section 19 (Boxing and wrestling licences) of this Act if the said resolution had not been passed, any terms, conditions and restrictions attached to the first-mentioned licence shall extend and apply to regulate that entertainment in like manner as if such entertainment were an entertainment (whether a stage play or other form of entertainment) of the like kind for the purpose of which the first-mentioned licence was granted:

Provided that the Corporation may in attaching any terms conditions or restrictions to a licence granted by them under the Theatres Act, 1843, expressly provide for the modification of such terms, conditions or restrictions for the purpose of their application to an entertainment by virtue of this subsection and in that event such terms, conditions or restrictions shall apply to such entertainment as so modified.

(7) Any resolution passed under this section may be rescinded by the council:

Provided that for the purposes of subsections (3) and (6) of this section the rescission of any such resolution shall not have any force or effect until after the expiration of twenty-eight days from the service by the Corporation of notice of the rescission of the resolution on the holder of any licence to which the resolution applied.

23. If any person—

Fines

- (a) provides an entertainment to which the provisions of section 19 (Boxing and wrestling licences) of this Act apply in any place or premises in respect of which there is not in force a licence under this Part of this Act; or
- (b) being the occupier or rated as occupier of any place or premises keeps or uses such place or premises or allows them to be kept or used for any such entertainment without a licence under this Part of this Act; or
- (c) being a person to whom a licence has been granted under this Part of this Act or under the Theatres Act, 1843, or to whom a licence has been transferred under this Part of this Act in respect of any place or premises keeps or uses such place or premises or allows them to be kept or used in contravention of the terms, conditions or restrictions on or subject to which such licence was granted or transferred;

he shall be liable—

- (i) in respect of an offence under paragraph (a) or paragraph (b) of this section to a fine not exceeding fifty pounds; and
- (ii) in respect of an offence under paragraph (c) of this section to a fine not exceeding twenty pounds;

and in either case to a daily fine not exceeding five pounds.

24. If the holder of a licence granted by the Corporation and for the time being in force under the foregoing provisions of this Part of this Act or under the Theatres Act, 1843, be convicted of

Power to  
revoke  
licences.

PART IV  
—cont.

any contravention of any of the terms, conditions or restrictions on or subject to which the licence has been granted, renewed or transferred the licence may be revoked by the Corporation.

Powers of  
entry and  
inspection.

**25.**—(1) A police officer or any person appointed for the purpose by the Corporation may at all reasonable times enter any place or premises licensed by the Corporation under the foregoing provisions of this Part of this Act or under the Theatres Act, 1843 in which there is reason to believe that an entertainment to which the said provisions apply is being or is about to be given or that a stage play is being or is about to be publicly performed with a view to seeing whether the provisions of this Part of this Act or the said Act of 1843 applicable to such an entertainment or stage play and the terms, conditions or restrictions on or subject to which any licence under the said provisions or the said Act of 1843 has been granted are complied with.

(2) A police officer or any person appointed for the purpose by the Corporation may, if he shall be authorised in that behalf by a warrant granted by a justice of the peace, enter any place or premises in the borough in respect of which there is reason to suspect that an offence under the foregoing provisions of this Part of this Act or the said Act of 1843 is being committed.

(3) Every person who refuses to permit any such officer or person to enter or inspect any such place or premises in accordance with the provisions of this section shall for every such offence be liable to a fine not exceeding twenty pounds.

Stage play  
licences.

**26.**—(1) Subject to the provisions of section 27 (Initial appeals under Part IV) of this Act the Corporation may attach to any licence granted by them under the Theatres Act, 1843, such terms, conditions and restrictions as they may determine.

(2) Section 9 of the Theatres Act, 1843, and except in any case in which the Corporation otherwise require, so much of section 7 of that Act as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section 7 shall cease to have effect in their application to the borough and as respects licences granted by the Corporation under that Act.

Initial appeals  
under Part IV.

**27.** Where under the foregoing provisions of this Part of this Act the Corporation—

(a) refuse to grant, renew or transfer a licence; or

(b) revoke a licence; or

(c) attach any terms, conditions or restrictions to a licence;

any person aggrieved by such refusal, revocation or attachment may appeal to a magistrates' court.

28.—(1) Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence granted by the Corporation and for the time being in force under the foregoing provisions of this Part of this Act or under the Theatres Act, 1843, or under the Cinematograph Act, 1909, the Corporation may—

PART IV  
—cont.

Cancellation and variation of licences by agreement.

(a) cancel the licence; or

(b) modify or waive any of the terms, conditions or restrictions attached to the licence, or attach new or substituted terms, conditions or restrictions to such licence.

(2) The terms, conditions or restrictions of any such licence as so modified and any new or substituted terms, conditions or restrictions attached under the powers of this section shall be binding and enforceable in all respects as if they had been attached to the licence at the grant thereof.

29. Upon the death of the holder of a licence granted in respect of a place or premises in the borough under this Part of this Act, the Cinematograph Act, 1909, or the Theatres Act, 1843, the person carrying on at the place or premises the functions in respect of which the licence was granted or acting as the actual and responsible manager of the place or premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

Devolution of licences in case of death of licensee.

## PART V

### WINDOW CLEANERS

30. As from the appointed day no person shall within the borough—

Window cleaners to be licensed.

(1) carry on the trade of window cleaner; or

(2) perform the duties of window cleaning while employed by a person carrying on the trade of window cleaner;

without a licence from the Corporation authorising him so to do.

31.—(1) An application for a licence under this Part of this Act—

Applications for and provisions as to window cleaning licences.

(a) shall be made in writing to the Corporation;

(b) shall be made by or on behalf of the person requiring the licence;

(c) may be made by such person on behalf of any person employed by him or proposed to be employed by him as aforesaid;

PART V  
—cont.

- (d) shall be in such form as the Corporation shall from time to time require;
- (e) shall be signed by the applicant; and
- (f) shall contain such information as the Corporation may reasonably require with respect to the applicant and every person employed by him as aforesaid.

(2) Every such licence shall be in force for one year only from the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation as they are hereby authorised to do and the town clerk shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

Grant of  
window  
cleaning  
licences.

32. The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on the trade of window cleaner or, as the case may be, to perform the duties of window cleaning.

Penalties under  
Part V of  
Act.

33. On and after the appointed day—

- (a) any person who carries on the trade of window cleaner; and
- (b) anyone employed by such person who performs the duties of window cleaning;

without a licence under this Part of this Act or otherwise than in accordance with the conditions of such a licence shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding one pound.

## PART VI

## FINANCE

Power to  
borrow.

34.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority such sums as may be necessary for the payment of the costs, charges and expenses of this Act;

and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.



(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

PART VI  
—cont.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

35. The layout and development of any corporate land, as defined by section 305 of the Act of 1933, for the time being belonging to the Corporation and the alteration, enlargement, improvement, extension, reconstruction or rebuilding of any building thereon shall be purposes for which the Corporation may borrow or may expend money out of the general rate fund.

Power to borrow, etc., for reconstruction of corporate land.

36.—(1) The Corporation may pay to any officer of the Corporation who acts in any of the following capacities:—

Officers of Corporation acting as receivers, etc.

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act, 1959;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which the officer is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in one of the capacities mentioned in subsection (1) of this section against any act, neglect or default, whether his own or that of any other person, occurring in the course of the receivership or administration.

37. For the purposes of section 15 of the Rating and Valuation Act, 1925, the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

As to recovery of rates from tenants and lodgers.

PART VI  
—cont.

Further powers in agreements under section 144 of Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act, 1937.

38. The following provisions shall have effect with respect to the collection by the Corporation of any rates and charges in pursuance of any agreement entered into between the Corporation and the North East Lincolnshire Water Board under section 144 (As to collection of rates &c.) of the Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act, 1937:—

- (i) For the collection and recovery of such rates or charges the Corporation shall have the same powers as they have for the collection and recovery of the general rate; and
- (ii) The same books and forms of demand note and receipt may be used for the general rate and such rates or charges.

Extension of section 25 of Local Government Superannuation Act, 1953.

39. On the death of any person who is in receipt of a pension or to whom there is due any other payment from the Corporation as the widow or other beneficiary of a deceased employee of the Corporation (in this section referred to as “the beneficiary”), the provisions of section 25 of the Local Government Superannuation Act, 1953, shall apply and have effect with respect to the payment of any sum due from the Corporation to the beneficiary or to the legal personal representative of the beneficiary as those provisions would apply if the beneficiary had been an employee of the Corporation.

## PART VII

## MISCELLANEOUS

Special provisions as to registration of disabled persons' and old persons' homes.

40.—(1) The Corporation may effect the registration of any person in respect of a disabled persons' or old persons' home under Part IV of the National Assistance Act, 1948, subject to such conditions (to be specified in the certificate of registration) as the Corporation consider appropriate for securing—

- (a) that the number of persons received in the home and in particular rooms in the home at any one time does not exceed such number as may be specified in the certificate of registration;
- (b) that the rooms occupied or to be occupied by persons in the home are suitable in all respects for such persons;
- (c) that a person with such qualifications or experience as may be specified by the Corporation is in charge of the home and of the persons employed thereat;
- (d) that the home is adequately staffed both as respects the number and as respects the experience of the persons employed thereat and adequately equipped with suitable fittings, furniture and equipment;

- (e) that the person carrying on the home shall take all reasonable steps to satisfy the Corporation that their requirements as to staffing qualifications and experience of staff are being complied with;
- (f) that the premises, fittings, furniture and equipment used in connection with the home are adequately maintained;
- (g) that the persons received in the home receive adequate care and attention;
- (h) that there are adequate arrangements for feeding persons received in the home and that an adequate and suitable diet is provided for them;
- (i) that records are kept in relation to the persons received in the home containing such particulars as may be specified by the Corporation.

(2) Any person aggrieved by a condition subject to which registration is effected under subsection (1) of this section may appeal to a magistrates' court and on any such appeal the court may confirm, reverse or vary such condition.

(3) If any condition imposed by or under subsection (1) of this section is not complied with, the person carrying on the home shall be guilty of an offence and liable on summary conviction, in the case of a first offence, to a fine not exceeding five pounds and, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds, and without prejudice to the foregoing provision the power of the Corporation to cancel registration under section 37 of the National Assistance Act, 1948, shall include power to cancel the registration on the ground that any such condition has not been complied with.

(4) A person authorised under section 39 of the National Assistance Act, 1948, to inspect premises may visit and interview in private any person in the home—

- (a) for the purpose of investigating any complaint as to his treatment made by or on behalf of the person; or
- (b) in any case where the person so authorised has reasonable cause to believe that a person in the home is not receiving proper care.

(5) This section shall not apply to a residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act, 1959.

(6) This section shall not apply to any old persons' home maintained by the Salvation Army.

## PART VII

—cont.

Competitions,  
etc.

41.—(1) The Corporation may, either alone or in co-operation with any association or body dealing with the promotion or control of any recreation, organise or conduct any competition.

(2) The Corporation may in connection with any such competition charge such entrance fees as they think fit to any entrants for any competition.

(3) The Corporation may provide trophies and prizes to be awarded to participants in any such competition.

(4) For the purposes of this section the Corporation may expend such sums as they may think fit not exceeding in any financial year the sum of five hundred pounds or such greater sum as the Minister may from time to time approve.

(5) For the purposes of this section “competition” means any competition, tournament or contest held in connection with any physical recreation, sport or game or agricultural or horticultural show, and includes any display or exhibition given in connection therewith.

Prizes for  
garden or  
allotment  
competitions.

42. The Corporation may expend on the provision of prizes in connection with any competition relating to gardens or allotments in the borough such sum as they may think fit not exceeding in any one year the sum of one hundred pounds.

Golf courses.

43.—(1) The Corporation may provide a golf course, and for that purpose may by agreement acquire, whether by way of purchase, lease or exchange, land, whether situated within or without the borough.

(2) The Corporation may provide such buildings, and execute such works, as may be necessary or expedient in connection with the provision of a golf course under this section; and references in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under this subsection, and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

(a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or

(b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may—

(a) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;

(b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;

(c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;

(d) by themselves, or any person appointed by them in that behalf, apply for, and hold, licences for the sale of intoxicating liquor or tobacco at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section, whether within or without the borough and the conduct of persons using them or resorting thereto.

44.—(1) The provisions of the Town Police Clauses Act, 1847, and of section 171 of the Public Health Act, 1875, shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to any motor vehicle, notwithstanding that it is not a hackney carriage, which is offered or let for hire with the services of a driver and to such drivers: Provisions as to motor vehicles let for hire.

Provided that this section shall not apply to—

(a) any such vehicle which is kept by any person in connection with any business carried on by such person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business; or

(b) any vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or

(c) a public service vehicle; or

(d) any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations, railway or dock premises;

or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station, railway or dock premises or in any yard belonging to the commission except with the consent of the commission.

(2) In this section “public service vehicle” has the meaning assigned to that expression by section 117 of the Road Traffic Act, 1960.

PART VII  
—cont.

Undertakings  
and agree-  
ments binding  
successive  
owners.

45.—(1) Every undertaking given by or to the Corporation to or by the owner of a legal estate in land, and every agreement made between the Corporation and any such owner, being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement, but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

PART VIII

GENERAL

Confirming  
authority for  
byelaws.

46. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that, in the case of byelaws made under the sections mentioned in the first column of the following table, the confirming authority shall be the authority respectively mentioned in the second column of that table:—

1	2
Section 18 (Oil-fired boilers) .. .. .	Secretary of State.
Section 43 (Golf courses) .. .. .	Secretary of State.
Section 44 (Provisions as to motor vehicles let for hire)	Secretary of State.

Local  
inquiries.

47.—(1) Any 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.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

48. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them). Arbitration.

49.—(1) (a) In this Act “the appointed day” means, in reference to the sections of this Act hereinafter mentioned, such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

(b) The sections of this Act hereinbefore referred to are—

- Section 16 (Parts of buildings used for storage of inflammable substances);
- Section 17 (Firemen’s switches for luminous tube signs);
- Section 18 (Oil-fired boilers);
- Section 19 (Boxing and wrestling licences);
- Section 30 (Window cleaners to be licensed);
- Section 33 (Penalties under Part V of Act).

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

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

PART VIII  
—cont.

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 52 (Appeals) of this Act.

Authentication  
of documents  
and service of  
notices.

50.—(1) Section 284 of the Act of 1936 (which relates to the authentication of documents) shall apply to any notice or other document that the Corporation are required or authorised to give, make or serve by or under this Act, or by or under any enactment in force immediately before the commencement of this Act.

(2) Section 285 of the said Act of 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised to be given to, or served on, any person by or under this Act, or by or under any enactment in force immediately before the commencement of this Act, so far as that enactment relates to the Corporation.

(3) The said section 284, or, as the case may be, the said section 285, shall not apply in any case for which provision is made by or under any enactment.

Restriction  
on right to  
prosecute.

51. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act (except Part V (Window cleaners) and section 44 (Provisions as to motor vehicles let for hire)) by any person other than a party aggrieved or the Corporation.

## Appeals.

52.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under this Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

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

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

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

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



Corporation themselves execute the work or take the action; and

PART VIII  
—cont.

- (ii) that person may carry on that business, and use those premises for that purpose.

53. Section 265 of the Public Health Act, 1875, shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Protection of members and officers of Corporation from personal liability.

54.—(1) The sections of the Act of 1936 mentioned in Part I of the schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application of general provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part II (Streets) and Part III (Public order and public safety) of this Act.

55. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

For protection of Central Electricity Generating Board and Yorkshire Electricity Board.

- (1) In this section—

“ apparatus ” means electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

“ the undertakers ” means—

the Central Electricity Generating Board and the Yorkshire Electricity Board,

or either of them, as the case may be:

- (2) Nothing in section 5 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection, for the purposes of their undertaking, of apparatus (including an electricity substation, a feeder pillar or meter house) on land abutting on any new street before such new street is constructed or sewered in accordance with street byelaws:

- (3) Nothing in section 7 (Enforcement of improvement line) of this Act shall apply to any building or structure of the undertakers which is used by them for the generating, supply, transforming, switching, distribution or regulation of electricity except with the consent of the

PART VIII  
—cont.

undertakers which consent shall not be unreasonably withheld:

- (4) Any question or dispute which may arise between the Corporation and the undertakers under this section shall be determined by arbitration.

For protection  
of East  
Midlands  
Gas Board.

**56.** For the protection of the East Midlands Gas Board (in this section referred to as “the board”) the following provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect:—

- (1) In this section “apparatus” means mains, pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus:
- (2) Nothing in section 5 (Prohibition of building until street formed and sewered) of this Act shall prevent the board from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including a pressure governor or meter house) on land abutting on any new street before such new street is constructed or sewered in accordance with street byelaws:
- (3) Nothing in section 7 (Enforcement of improvement line) of this Act shall apply to any building or structure used for the manufacture, distribution or storage of gas except with the consent of the board, which consent shall not be unreasonably withheld:
- (4) Any difference which may arise between the Corporation and the board under this section shall be determined by arbitration.

Repeals.

**57.** The following enactments are hereby repealed:—

*Grimsby Corporation Act, 1921—*

Section 200 (Protection of Corporation and officers from personal liability);

Section 204 (Authentication and service of notices &c.).

Saving for  
town and  
country  
planning.

**58.** This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

**59.** All the costs, charges and expenses preliminary to, and of and incidental to, the preparation of, and the application for, and the obtaining and passing of this Act, or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

SCHEDULE

Section 54

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS II AND III OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint &c.
329	Saving for certain provisions of the Land Charges Act, 1925.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Theatres Act, 1843 .. .. .	6 & 7 Vict. c. 68.
Towns Improvement Clauses Act, 1847 ..	10 & 11 Vict. c. 34.
Town Police Clauses Act, 1847 .. .. .	10 & 11 Vict. c. 89.
Public Health Act, 1875 .. .. .	38 & 39 Vict. c. 55.
Electric Lighting Act, 1882 .. .. .	45 & 46 Vict. c. 56.
Town Police Clauses Act, 1889 .. .. .	52 & 53 Vict. c. 14.
Public Health Acts Amendment Act, 1890	53 & 54 Vict. c. 59.
Cinematograph Act, 1909 .. .. .	9 Edw. 7 c. 30.
Grimsby Corporation Act, 1921 .. .. .	11 & 12 Geo. 5 c. lxxvi.
Land Charges Act, 1925 .. .. .	15 & 16 Geo. 5 c. 22.
Public Health Act, 1925 .. .. .	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act, 1925 .. .. .	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act, 1926	16 & 17 Geo. 5 c. 11.
Petroleum (Consolidation) Act, 1928 ..	18 & 19 Geo. 5 c. 32.
Local Government Act, 1933 .. .. .	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936 .. .. .	25 Geo. 5 & 1 Edw. 8 c. 51.
Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act, 1937	1 Edw. 8 & 1 Geo. 6 c. xli.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act, 1947	10 & 11 Geo. 6 c. 51.
Electricity Act, 1947 .. .. .	10 & 11 Geo. 6 c. 54.
National Assistance Act, 1948 .. .. .	11 & 12 Geo. 6 c. 29.
Magistrates' Courts Act, 1952 .. .. .	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act, 1952 .. .. .	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2 c. 25.
Housing Act, 1957 .. .. .	5 & 6 Eliz. 2 c. 56.
Highways Act, 1959 .. .. .	7 & 8 Eliz. 2 c. 25.
Mental Health Act, 1959 .. .. .	7 & 8 Eliz. 2 c. 72.
Road Traffic Act, 1960 .. .. .	8 & 9 Eliz. 2 c. 16.
Land Compensation Act, 1961 .. .. .	9 & 10 Eliz. 2 c. 33.
Factories Act, 1961 .. .. .	9 & 10 Eliz. 2 c. 34.

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