



CHAPTER lii

An Act to extend the boundaries of the county borough of Newport to make further provision with respect to the improvement health and local government of the county borough and for other purposes.

[30th July 1954.]

WHEREAS the borough of Newport (hereinafter referred to as "the county borough") is a county borough under the government of the mayor aldermen and burgesses of the borough:

And whereas the unrepealed provisions of the local Acts specified in Part I of the First Schedule to this Act and the Orders specified in Part II of that schedule are in force in the county borough:

And whereas the urban district of Caerleon and the parish of Llanwern in the rural district of Magor and Saint Mellons in the administrative county of Monmouth adjoin the county borough:

And whereas it is expedient to alter and extend the boundaries of the county borough so as to include therein parts of the said urban district and parish:

And whereas by an Act of the sixth year of the reign of King William IV chapter lxxvi a body of commissioners was appointed for regulating preserving and improving the port or harbour of Newport and powers were conferred upon them with respect thereto:

And whereas by the Newport (Monmouthshire) Corporation Act 1889 provision was made for the reconstitution of the said commissioners and the said commissioners as so reconstituted include twelve persons nominated by the mayor aldermen and burgesses of the county borough (hereinafter called "the Corporation") and the mayor of the county borough:

And whereas by the Newport (Monmouthshire) Harbour Act 1890 the said commissioners were constituted a body corporate by the name of the Newport Harbour Commissioners:

And whereas it has been agreed between the Corporation and the said commissioners that the time for the nominating by the Corporation of persons to be Newport Harbour Commissioners should be altered and it is expedient that provision be made as hereinafter in this Act provided for effecting such alteration:

And whereas it is expedient to make further provision in respect to the health local government and improvement of the county borough:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of 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 Newport Corporation Act 1954.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
- Part I.—Preliminary.
 - Part II.—Extension of county borough.
 - Part III.—Corporation nominees as Newport Harbour Commissioners.
 - Part IV.—Streets.
 - Part V.—Public health.
 - Part VI.—Public order.
 - Part VII.—Movable dwellings and camping grounds.
 - Part VIII.—Heating undertaking.
 - Part IX.—Finance.
 - Part X.—Miscellaneous.
 - Part XI.—General.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 220 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.

PART I
—cont.
Interpretation.

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

“ Act of 1876 ” “ Act of 1889 ” “ Act of 1900 ” “ Act of 1902 ” “ Act of 1925 ” “ Act of 1930 (No. 2) ” and “ Act of 1934 ” mean respectively the Newport (Monmouthshire) Improvement Act 1876 the Newport (Monmouthshire) Corporation Act 1889 the Newport Corporation Act 1900 the Newport Corporation Act 1902 the Newport Corporation Act 1925 the Newport Corporation (No. 2) Act 1930 and the Newport Corporation (General Powers) Act 1934 ;

“ Act of 1894 ” means the Local Government Act 1894 ;

“ Act of 1929 ” means the Local Government Act 1929 ;

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

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

“ Act of 1947 ” means the Town and Country Planning Act 1947 ;

“ Act of 1948 ” means the Local Government Act 1948 ;

“ Act of 1950 ” means the Public Utilities Street Works Act 1950 ;

“ added area ” means the added part of Caerleon and the added part of Llanwern ;

“ the added part of Caerleon ” and “ the added part of Llanwern ” mean respectively the parts of the existing urban district of Caerleon and the existing parish of Llanwern which are respectively coloured brown and green on the county borough map and are described in the Second Schedule to this Act ;

“ appointed day ” for the purposes of Part I (Preliminary) and Part II (Extension of county borough) of this Act means the first day of April nineteen hundred and fifty-five and for the purpose of any other provision of this Act has the meaning assigned to it by section 142 (The appointed day) of this Act ;

“ borough engineer ” means the engineer of the county borough ;

“ commission ” means the British Transport Commission ;

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

PART I
—cont.

- “ council ” means the council of the county borough ;
- “ county ” and “ county council ” means respectively the administrative county of Monmouth and the county council of that county ;
- “ county borough ” means before the appointed day the existing county borough of Newport and on and after the appointed day the existing county borough of Newport as extended by this Act ;
- “ county borough map ” means the map marked “ Map of the county borough of Newport as extended by the Newport Corporation Act 1954 ” and signed in triplicate by Sir Rhys Hopkin Morris the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction therefor ;
- “ excluded part of ” followed by the name of the urban district or by the name of the existing parish means the part of such urban district or parish which is not included in the added part thereof ;
- “ existing ” in relation to any area altered by this Act means existing immediately before the appointed day ;
- “ existing parish ” means the existing parish of Llanwern in the rural district ;
- “ general rate ” and “ general rate fund ” mean respectively the general rate and the general rate fund of the county borough ;
- “ local Acts ” means the local Acts specified in Part I of the First Schedule to this Act and the Orders specified in Part II of that schedule and so much of the Confirmation Acts specified in Part II as relates to those Orders ;
- “ magistrates’ courts committee ” means the committee set up for the county under section 16 of the Justices of the Peace Act 1949 ;
- “ medical officer ” means the medical officer of the county borough ;
- “ Minister ” means the Minister of Housing and Local Government except in Part VIII (Heating undertaking) of this Act where “ Minister ” means the Minister of Fuel and Power ;

“parish council” means the parish council of the existing parish;

“Rating Act” means the Rating and Valuation Act 1925;

“rural district” and “rural council” mean respectively the rural district of Magor and Saint Mellons and the rural district council of that district;

“sanitary inspector” means any sanitary inspector of the county borough;

“town clerk” means the town clerk of the county borough;

“urban district” and “urban council” mean respectively the urban district of Caerleon and the urban district council of that district.

(3) 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 II

EXTENSION OF COUNTY BOROUGH

Preliminary

4. Save as otherwise expressly provided and except so far as there may be anything in the subject-matter or context inconsistent therewith this Part of this Act shall come into operation on the appointed day: Commence-
ment of this
Part of Act.

Provided that for the purposes of—

(a) the preparation of any register of the local government electors to be published in the year nineteen hundred and fifty-five;

(b) any election under the Act of 1933 for any area consisting in whole or in part of any area affected by this Act held on or after the sixteenth day of February nineteen hundred and fifty-five and proceedings preliminary or relating thereto and the qualification of candidates for election at any such election; and

(c) the preparation of any precept or contribution order to be issued or made in respect of any period commencing on or after the appointed day;

this Part of this Act shall operate from the date of the passing of this Act.

PART II
—cont.*Extension of county borough*Extension
of county
borough.

5.—(1) The boundary of the existing county borough the area whereof is included within the outer edge of the blue line on the county borough map shall be altered so as to include in addition to that area the added part of Caerleon and the added part of Llanwern.

(2) The boundary of the county borough shall be that shown by the inner edge of the red line on the county borough map and the whole of the area within that boundary shall for all purposes be the county borough of Newport.

(3) If there shall be any discrepancy between the county borough map and the description of any area set out in the Second Schedule to this Act the said description shall prevail.

Alteration
of parishes.

6.—(1) The added area shall be added to and form part of the parish of Newport.

(2) So much of the existing parish of Christchurch as forms part of the excluded part of Caerleon shall form the parish of Christchurch in the urban district and the excluded part of Llanwern shall form the parish of Llanwern.

County
borough map.

7.—(1) Copies of the county borough map deposited with the town clerk certified by him to be true shall be sent by him as soon as may be after the passing of this Act to the clerk to the county council to the clerk to the urban council to the clerk to the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Transport and Civil Aviation to the Minister of Agriculture and Fisheries to the Postmaster-General to the Minister of Fuel and Power to the Minister of Health and to the Boundary Commission for England.

(2) Copies of or extracts from the county borough map deposited with the town clerk and certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Act.

(3) The county borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the county borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Provisions consequent on extension

PART II

—cont.

8. Subject to the provisions of this Part of this Act the persons who held office immediately before the appointed day as mayor aldermen and councillors of the existing county borough shall on the appointed day become the mayor aldermen and councillors of the county borough but shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

Existing mayor aldermen and councillors.

9. Subject to the provisions of the Act of 1933 with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

Municipal wards aldermen and councillors.

- (a) The number of aldermen and councillors of the county borough shall remain unaltered;
- (b) For the purposes of the election of councillors the county borough shall continue to be divided into ten wards;
- (c) The added area shall be included in the Liswerry Ward of the existing county borough;
- (d) The councillors of the county borough who immediately before the appointed day represent the Liswerry Ward of the existing county borough shall be deemed on and after that day to represent the said ward as altered by this Act and shall retire on the day on which they would have retired if this Act had not been passed and any casual vacancy which may exist on the sixteenth day of February nineteen hundred and fifty-five in the representation of the said ward shall be deemed to exist in the representation of that ward as so altered;
- (e) Except as provided by paragraph (c) of this section the wards of the county borough shall remain unaltered.

10.—(1) This section shall come into operation on the date of the passing of this Act but any scheme or Order in Council made under the provisions hereinafter mentioned as applied by this section shall not take effect until the appointed day except for the purpose of any election of councillors which may be required by any such scheme or Order in Council.

As to presentation of petition under section 25 of Act of 1933.

(2) The council shall not later than the first day of November nineteen hundred and fifty-four or such later date as the Secretary of State may allow present a petition under and in accordance with the provisions of section 25 of the Act of 1933 praying for any of the things mentioned in paragraphs (b) to (e) of subsection (1) of that section.

(3) Failing presentation by the council of a petition under this section section 25 of the Act of 1933 shall have effect as if such a petition had been presented by the council to Her

PART II
—cont.

Majesty and the requirements of subsection (1) of the said section 25 had been complied with and the petition stood referred to the Secretary of State.

Qualification
for election
and office.

11. For the purposes of the application to the county borough of the provisions of paragraph (c) of section 57 of the Act of 1933 the added area shall be deemed to have always formed part of the county borough.

County
electoral
divisions.

12. Subject to the provisions of section 11 of the Act of 1933 the added area shall be separated from the electoral divisions of the county of which it forms part and the councillors of the county who immediately before the appointed day represent the said electoral divisions shall be deemed on and after that day to represent those divisions as altered by this Act and shall retire on the day on which they would have retired if this Act had not been passed.

Jurisdiction
powers and
duties of
justices etc.
extended.

13.—(1) The powers and duties of the coroner and of the justices of the peace appointed for the existing county borough and of the clerk to those justices and of the police constables and other peace officers of the existing county borough shall extend to and apply throughout the county borough:

Provided that—

- (a) every person alleged to have committed an offence in any part of the added area before the appointed day shall be tried and dealt with as if this Act had not been passed;
- (b) any proceeding which before the appointed day has been begun by or is pending before any coroner or any justice in relation to any matter arising in or concerning the added area or in part thereof may be carried on continued and completed in like manner and with the like instance and consequences as nearly as may be as if this Act had not been passed.

(2) The added area shall cease to form part of any petty sessional division or coroners' district of the county.

(3) (a) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948 is in force and the probationer is residing in any part of the added area the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence.

(b) Nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the county

borough as the supervising court from dealing with the probationer in pursuance of any power conferred upon them by the said Act of 1948.

PART II
—cont.

(4) Where immediately before the appointed day a provisional grant of a justices' licence or of an authority for the ordinary removal of a justices' licence has been made under section 10 or section 27 of the Licensing Act 1953 in respect of premises about to be constructed or in the course of construction in the added area such provisional grant shall be deemed to have been made by the licensing justices for the borough:

Provided that where immediately before the appointed day such provisional grant awaits confirmation any order of confirmation in respect thereof shall be made as if this Act had not been passed.

14. Subject to the provisions of this Part of this Act—

District
councillors and
continuance
of district
councils.

(a) The councillors of the urban district who immediately before the appointed day represent the area comprising the Christchurch Ward of the urban district shall be deemed on and after that day to represent that area as altered by this Act and the councillor of the rural district who immediately before the appointed day represents the area comprising the existing parish shall be deemed on and after that day to represent that area as altered by this Act;

(b) The councillors referred to in paragraph (a) of this subsection shall retire on the day on which they would have retired respectively if this Act had not been passed and any casual vacancy which may exist on the sixteenth day of February nineteen hundred and fifty-five in the representation of the said areas shall be deemed to exist in the representation thereof as so altered;

(c) The urban council and the rural council shall continue and be deemed to have been elected respectively for and shall be the urban district council for the urban district and the rural district council for the rural district as altered by this Act.

15. Subject to the provisions of this Part of this Act—

Parish
council
and parish
councillors.

(a) Any person who immediately before the appointed day is a parish councillor for the existing parish shall be deemed on and after that day to represent that parish as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed and any casual vacancy which may exist on the

PART II
—cont.

appointed day in the representation of that parish shall be deemed to exist in the representation thereof as so altered ;

- (b) The parish council shall continue and shall be deemed to have been elected for and shall be the parish council of the existing parish as altered by this Act.

Corporation
property
liabilities etc.

16. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing county borough (not being property held on any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the county borough and the Corporation shall hold enjoy and exercise for the benefit of the county borough all the powers which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing county borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing county borough shall on that day attach to them in respect of the county borough.

Loan debts of
Corporation.

17. So much of any sums borrowed by the Corporation or by their predecessors as immediately before the appointed day is owing and charged upon a fund or rate of the existing county borough or the revenues of the corporation of the existing county borough shall be charged upon the revenues of the Corporation of the county borough and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation of the county borough.

Loan debts
of county
council and
urban and
rural councils.

18. Subject to the provisions of this Part of this Act and to any necessary adjustments thereunder—

- (a) the liability for repayment of so much of any moneys borrowed by the county council or the urban council or the rural council or the parish council (or their respective predecessors) for a purpose relating exclusively to the added area or any part thereof or to any property transferred to the Corporation under the provisions of this Act as immediately before the appointed day is owing and for the payment of the interest thereon shall by virtue of this Act be transferred to and attached to the Corporation ;
- (b) so much of any moneys borrowed as aforesaid as immediately before the appointed day is owing shall by virtue of this Act be charged upon the revenues of the Corporation ;
- (c) subject as aforesaid nothing in this Act shall prejudice or affect any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the

Corporation by paragraph (a) of this section or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Act the power may continue to be exercised as if this Act had not been passed and the general rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviabie if this Act had not been passed.

PART II
—cont.

19.—(1) On the appointed day such members (if any) of the police force of the county as before that day shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the county borough :

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the police force of the county who is transferred in accordance with the provisions of subsection (1) of this section shall be deemed to have been duly appointed as a member of the police force of the county borough under section 191 of the Municipal Corporations Act 1882 and to have been duly attested as such and shall hold in that force the same rank as he held immediately before the appointed day in the police force of the county.

(3) Where a member of the police force of the county is so transferred he shall be deemed for the purposes of any regulations made under the Police Act 1919 and the Police Pensions Act 1948 to have left the police force of the county with the written consent of the chief constable of the county for the purpose of joining the police force of the county borough.

20. Any county police station and the site thereof situate in the added area with any residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and shall be a matter for adjustment under this Act.

21. The county council the standing joint committee of the county the magistrates' courts committee the urban council the rural council (except as provided in section 51 (Contribution orders precepts and arrears of rates) of this Act) and the parish council shall cease to exercise any powers or discharge any

County police stations etc.

Powers of county urban rural and parish council.

PART II
—cont.

duties within any part of the added area. The magistrates' courts committee set up for the county borough under section 16 of the Justices of the Peace Act 1949 shall exercise the powers and discharge the duties which were exercised and discharged prior to the appointed day by the magistrates' courts committee in the added area.

Property etc.
of county
council urban
council rural
council and
parish council.

22. Subject to the provisions of this Part of this Act and to any necessary adjustments thereunder—

- (1) the Corporation shall hold for the benefit of the county borough all property transferred to them by virtue of this section and all liabilities transferred to the Corporation by virtue of this section shall attach to them in respect of the county borough ;
- (2) (a) any property or liabilities which immediately before the appointed day is or are vested in or attached to the county council the urban council the rural council or the parish council in relation wholly or mainly to the added area or any part thereof shall by virtue of this Act be transferred to and vested in or attached to the Corporation ;
- (b) any property or liabilities which immediately before the appointed day is or are vested in or attached to any of the said councils in relation to the added area or any part thereof conjointly with any other area shall be a matter for adjustment under this Act.

As to roads in
added area.

23. All roads within the added area which immediately before the appointed day are vested in the county council and all roads within such area which immediately before that day are vested in the urban council shall be transferred to and vested in the Corporation.

Local Acts.

24.—(1) Subject to the provisions of this Part of this Act the local Acts or any other local Act or order affecting the existing county borough or the Corporation thereof as the same respectively are in force immediately before the appointed day within the existing county borough shall extend and apply to the county borough and any reference in any such Act or order to the existing county borough and the Corporation thereof shall be deemed to refer to the county borough and the Corporation thereof :

Provided that nothing in this Act shall extend to the added area the powers and duties of the Corporation (as successors in the existing county borough of the Commissioners of Sewers for the levels of the hundreds of Caldicot and Wentlooge) under Part IV of the Act of 1900 section 43 of the Act of 1902 section 55 of the Alexandra (Newport and South Wales) Docks

and Railway Act 1904 section 63 of the Act of 1925 or any other Act or affect the powers and duties of those commissioners in the added area.

PART II
—cont.

(2) The provisions of any protective section for the benefit of the county council or of the urban council or of the rural council or of the parish council or the predecessors of any such council contained in any local enactment by whomsoever obtained so far as they relate to or affect any part of the added area shall enure on and after the appointed day to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any such council or their predecessors as the case may be.

25.—(1) The area of the Corporation as burial board for the existing county borough shall be altered by the inclusion in such area of the added area and the Corporation shall have within such area as so altered to the exclusion of any other burial authority all the powers rights duties and liabilities of a burial board under the Burial Acts 1852 to 1906 and the council may exercise and perform any of such powers rights duties and liabilities in accordance with the provisions of subsection (2) of this section. Newport
Burial Board.

(2) Notwithstanding anything in the Burial Acts 1852 to 1906 or any other Act the council may exercise and perform any of such powers rights duties and liabilities as aforesaid in the same manner and at the same time and subject to the same notices as all other powers of the Corporation are exercisable by the council and without being required to give any special notice referring to the business of the burial board to be transacted at any meeting of the council.

(3) All property and liabilities which immediately before the appointed day were vested in or attached to the Corporation as the burial board for the existing county borough shall be vested in and attach to the Corporation as the burial board for the county borough.

(4) Nothing in this Act shall prejudice or affect any right of burial or any right of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day in relation to any burial ground.

(5) Nothing in this Act shall prejudicially affect any right privilege authority or duty which immediately before the appointed day was exercisable by or attached to any incumbent or sexton under the Burial Acts 1852 to 1906.

26.—(1) Subject to the provisions of this Part of this Act the provisions of any public general Act in force throughout the existing county borough by virtue of an adoption by the council Adoptive
Acts.

PART II
—cont.

and any order in force under such public general Act throughout the existing county borough shall apply to the county borough.

(2) Subject to the provisions of subsection (1) of this section the provisions of any public general Act in force in the added area by virtue of an adoption by the urban council or the rural council or their predecessors and any order in force under such Act in the added area shall cease to have effect in relation to such area.

(3) For the purposes of this section the expression “public general Act” shall be deemed not to include the Public Health Acts Amendment Act 1907 or the Public Health Act 1925.

As to local
valuation
panels scheme.

27. References in the County of Monmouth and the County Borough of Newport Joint Local Valuation Panel Scheme 1948 (made in pursuance of powers conferred by section 45 of the Act of 1948) or in the schedules thereto to the county borough the urban district or the rural district shall be deemed to be references to the county borough the urban district and the rural district as altered by this Act.

Orders under
Shops Act
1950.

28. Any order in force under the Shops Act 1950 immediately before the appointed day in any area affected by this Act shall subject to the provisions of the Shops Act 1950 remain in force and apply to the area to which it applied immediately before the appointed day.

Orders under
Protection of
Birds Act
1954.

29. Any order made under the Protection of Birds Act 1954 which is in force immediately before the appointed day in the existing county borough shall extend to the added area and any order under that Act which is then in force in the county shall cease to extend to the added area.

Sunday
Entertainments
Act 1932.

30. Section 1 of the Sunday Entertainments Act 1932 shall from the appointed day extend to the county borough as before that day it extended to the existing county borough.

Transfer of
duties under
section 1 of
Children Act
1948.

31.—(1) The provisions of this section shall apply in the case of a child who is on the appointed day in the care of a local authority and who was when received into care under subsection (1) of section 1 of the Children Act 1948 ordinarily resident in the added area.

Any question arising under this subsection as to the ordinary residence of a child shall be determined as though it arose under subsection (4) of section 1 of the Children Act 1948.

(2) The council may take over the care of a child with the concurrence of the local authority in whose care he then is.

(3) A local authority with a child to which this section applies in their care may recover from the council any expenses in respect of the child duly incurred under Part II of the Children

Act 1948 by them on or after the appointed day (including any expenses so incurred after he has ceased to be a child within the meaning of the said Act and if the council take over the care of him including also any travelling or other expenses incurred in connection with the taking over).

PART II
—cont.

(4) Where the care of a child is taken over from another local authority under subsection (2) of this section the provisions of the Children Act 1948 shall apply as respects that child as though he were in the care of the council under section 1 of the said Act and any resolution with respect to him passed by that other local authority under section 2 of the said Act and still in force shall as from the date on which his care was taken over be deemed for the purposes of all the provisions of the said Act relating to such a resolution to have been passed by the council.

32. Subject to the provisions of any order which the Minister may make after the appointed day the provisions of any order made by the Local Government Board the Minister of Health or the Minister before that day and conferring upon the council of the existing county borough any of the powers relating to the matters mentioned in section 33 of the Act of 1894 or in section 271 of the Act of 1933 shall be deemed to have effect as if any reference in those provisions to the existing county borough the council of the existing county borough and the existing parish of Newport extended and applied to the county borough the council of the county borough and the parish of Newport as extended by this Act.

Powers under section 33 of Act of 1894 and section 271 of Act of 1933.

33. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards the Public Health Acts Amendment Act 1907 and the Public Health Act 1925:—

As to Public Health Acts Amendment Act 1907 and Public Health Act 1925.

- (a) The provisions of any order made before the appointed day and declaring to be in force throughout the existing county borough any Parts or sections of either of those Acts shall have effect as if any reference in that order to the existing county borough extended and applied to the county borough and as if such Parts or sections were accordingly declared to be in force within the county borough ;
- (b) The provisions of any other order made under either of those Acts which is in force immediately before the appointed day throughout the existing county borough shall extend and apply to the added area ;
- (c) The provisions of any order made before the appointed day and declaring to be in force within any part of the added area any Parts or sections of either of those Acts shall cease to apply to such part of the added area and the Parts or sections declared by any such order to be

PART II
—cont.

in force shall (save as in this section provided) cease to be in force within any such part of the added area but this section shall not prejudice or affect any proceedings which are pending on the appointed day.

Byelaws
regulations
and scales
of charges.

34.—(1) All byelaws made by the Corporation or the watch committee of the existing county borough and in force immediately before the appointed day shall apply to the county borough until repealed or altered and any byelaw made by the county council or the standing joint committee of the county or the urban council or the rural council and in force immediately before the appointed day shall on that day cease to apply within the added area.

(2) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added area may be taken by the Corporation.

(3) In this section “byelaws” includes any regulation scale of charges list of tolls or table of fees or payments.

Licences
certificates
and permits.

35. Any licence certificate or permit granted by an authority to any person residing in or in respect of any property matter or thing within the added area and subsisting at the appointed day which could have been granted by the Corporation or some other authority for the same purpose to any person residing in or in respect of any property matter or thing within the existing county borough shall continue in force for the period for which it was granted as fully and effectively as if it had been granted by the Corporation or such other authority.

*Officers*Meaning of
“officer” in
certain
sections of
this Act.

36. In the next two succeeding sections of this Act the expression “officer” unless the context otherwise requires includes a servant.

Officers of
Corporation
continued.

37. The town clerk and all other officers of the Corporation of the existing county borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the county borough and shall hold their offices by the same tenure as before that day.

Compensation
to existing
officers.

38.—(1) Every existing officer who suffers loss of employment or diminution of emoluments which is attributable to the passing of this Act shall be entitled to have his case considered for the payment of compensation by the Corporation such compensation to be determined in accordance with the provisions of the schedule to the Local Government (Compensation) Regulations

1948 and subject to the provisions of this section those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Act.

PART II
—cont.

(2) For the purposes of this section and the said regulations as applied thereby the expression "existing officer" means a person who immediately before the passing of this Act devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

(a) to any of the following employments or to two or more or to any combination of such employments namely:—

(i) employment under the Crown or in the local government service in Great Britain ; or

(ii) employment by any authority or body for the purposes of the Crown or of local government service in Great Britain ; or

(iii) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority or body ; or

(b) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to—

(i) employment as a superintendent registrar or registrar of births and deaths or as a registrar of marriages or as a person designated by a local authority to act as a deputy superintendent registrar or registrar of births and deaths ; or

(ii) war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (a) of this subsection or any combination thereof.

(3) Nothing in this section or in the said regulations as applied thereby shall entitle a person to have his case considered for the payment of compensation unless—

(a) the cause of the claim arises not later than ten years after the passing of this Act ;

(b) the claim is made not later than two years after the date on which the cause of claim arises ; and

(c) the other conditions prescribed by paragraph (b) of regulation 5 of the said regulations are fulfilled.

PART II
—cont.*Supplementary provisions*

Deduction in
ascertaining
rateable value
of land
covered with
water etc.

39. For the purposes of all valuation lists of the county borough under the Rating Act the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing county borough.

Valuation
lists.

40.—(1) The valuation list of the existing county borough and the portions of the valuation lists of the urban district and the rural district which relate to hereditaments within the added area modified as may be necessary to give effect to the provisions of the last preceding section shall together form the valuation list of the county borough as from the appointed day.

(2) The remaining portion of the valuation lists of the urban district and the rural district shall be the valuation list of those respective districts as from the appointed day.

Differential
rating.

41.—(1) For the purposes of this section “local authority” means the county council the urban council the rural council and the parish council.

(2) The Minister may if he thinks fit on the application of the local authority of any part of the added area (such application to be made in writing before the expiration of a period of two months after the passing of this Act) order that for the period or periods stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments existing immediately before the appointed day situate in any part of the added area shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within the area of the existing county borough by such sum or sums (if any) as may seem equitable to him after considering any representations which may be made to him by the Corporation.

Financial
and other
adjustments.

42.—(1) Where in consequence of any alteration of areas or authorities made by this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 151 of the Act of 1933 as if this Act were an order made under Part VI of the Act of 1933.

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or

in section 43 (Adjustment for purposes of licensing) of this Act.

PART II
—cont.

43.—(1) An equitable adjustment shall be made between the county and the county borough respecting the interest of the added area in any compensation fund constituted under section 18 of the Licensing Act 1953 or under any enactment repealed by that Act. Adjustment for purposes of licensing.

(2) Such adjustment shall be made by agreement between the compensation authorities (for the purposes of the Licensing Act 1953) for the county and for the county borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment section 151 of the Act of 1933 shall apply subject to the modification that the arbitrator shall be appointed by the Secretary of State instead of by the Minister.

44.—(1) No alteration effected by this Act shall affect any notices given or proceedings taken by or on behalf of the county council under the Private Street Works Act 1892 in relation to any street situate within the added area or any part thereof but such proceedings may be continued and completed by such council in accordance with the provisions of the said Act as if this Act had not been passed. Saving for private street works.

(2) Where before the appointed day any works under section 150 of the Public Health Act 1875 or the Private Street Works Act 1892 have been completed in a street situate within the added area or any part thereof no alteration effected by this Act shall affect the liability of any owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the Corporation.

(3) Any sum so recoverable shall be a matter for adjustment under this Act.

45.—(1) At a local government election for any electoral area consisting in whole or in part of any area affected by this Act held on or after the sixteenth day of February nineteen hundred and fifty-five and before the appointed day the town clerk in the case of an election for an electoral area within the county borough and the electoral registration officer of the appropriate registration area in the case of an election for an electoral area outside the county borough shall make such alteration or rearrangement of the register of local government electors as may be necessary for the purposes of such election. Provisions as to register of electors.

PART II
—cont.

(2) The additional expense (if any) incurred by the town clerk or the electoral registration officer as the case may be which may be solely attributable to an alteration or rearrangement of the register of local government electors under this section shall be defrayed by the Corporation.

Jury service.

46. For the purpose of summoning jurors and of jury service any area affected by this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

Local land
charges
registers.

47. The local registrars for the county the urban district and the rural district respectively under the Land Charges Act 1925 and the rules made thereunder shall as soon as may be after the passing of this Act and in any case before the appointed day supply to the local registrar for the county borough an office copy of every entry in the local land charges register relating to any land situate within the added area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

Town
planning.

48.—(1) As from the passing of this Act the Corporation shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land within the added area which are in the possession or under the control of the county council the urban council or the rural council for the purposes of or in connection with the Act of 1947 and the county council the urban council and the rural council shall supply to the Corporation such information and shall afford to them such assistance for the purposes of or in connection with the said Act as the Corporation may reasonably require.

(2) All applications for permission under the Act of 1947 and under the Town and Country Planning (Control of Advertisements) Regulations 1948 together with the plans and particulars accompanying them copies of all notifications of decisions by the Minister on appeal and directions under the Act by any Minister relating to any land within the added area shall within one month after the appointed day be supplied to the town clerk by the clerk of the county council or the clerk of the urban council or the rural council having the custody of that part of the register in which the entry appears as the case may be.

(3) The town clerk shall within one month after the receipt of the documents mentioned in subsection (2) of this section cause the same to be entered with any necessary modifications in the register kept by the Corporation under section 14 of the said Act of 1947.

(4) Any application for planning permission or for any consent or approval under the said Act of 1947 or for a determination under section 17 of that Act made to the county council or the urban council or the rural council on their behalf before the appointed day and not determined before that day shall so far as it relates to land within the added area be treated as a like application made to the Corporation and shall be treated as having been so made on the appointed day:

Provided that it shall not be necessary for the Corporation to consult with any authority person or body with whom consultation has already taken place in relation to that application.

(5) Any order agreement permission approval determination consent notice proceeding or decision made taken or given by the county council as local planning authority under the Act of 1947 or having effect as if so made taken or given and in force immediately before the appointed day shall so far as it relates to any land within the added area have effect as if it had been made taken or given by the Corporation as such authority in respect of that land.

(6) Any direction approval consent or decision given by the Minister or the Minister of Transport and Civil Aviation under or in pursuance of the Act of 1947 (except Part II thereof) or any enactment thereby repealed affecting the county council as local planning authority and in force immediately before the appointed day shall so far as it relates to any land within the added area have effect as if the same had been given to the Corporation as local planning authority.

49.—(1) The clerk of the county council the clerk of the urban council and the clerk of the rural council shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry which is in any register list or other record of the county council or of the urban council or the rural council as the case may be under any enactment rule order or regulation for the time being in force and which concerns or has effect in relation to the added area (exclusively or otherwise) or any person property matter or thing therein. Entries in registers.

(2) The town clerk shall cause to be included in the appropriate register list or other record of the Corporation the particulars of every such entry respectively furnished by the clerk of the county council and by the clerk of the urban council or the rural council and every entry so included shall continue in force as fully and effectively as if it had originally been made in the appropriate register of the Corporation.

PART II
—cont.

(3) Subsection (1) of this section shall not extend to any matter for which provision is made in section 47 (Local land charges registers) or section 48 (Town planning) of this Act.

Apportionment of
balances etc.

50.—(1) As soon as practicable after the appointed day the county council the urban council and the rural council shall as regards any cash balances remaining in their hands at the appointed day after deducting therefrom undischarged debts liabilities and outgoings (including rates taxes and assessments) normally payable thereout and which have accrued up to the appointed day estimate the proportion thereof derived from contributions paid by any part of the added area and shall transfer such amount to the Corporation.

(2) The county council the urban council and the rural council shall pay and discharge all their debts liabilities and outgoings (including rates taxes and assessments) which shall have become payable or accrued due in relation to the added area immediately before the appointed day.

(3) The Corporation shall pay and discharge all their debts liabilities and outgoings which shall become payable or accrue due on or after the appointed day in relation exclusively to the added area or any part thereof.

(4) Any sum received after the appointed day by the county council the urban council or the rural council under a precept issued or rate made before that day in respect of any part of the added area shall be dealt with in the manner prescribed by subsection (1) of this section.

(5) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Act.

Contribution
orders precepts
and arrears
of rates.

51.—(1) Notwithstanding the alteration of areas effected by this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added area shall be collected and recovered by the Corporation.

(3) All rates so collected and recovered by the Corporation shall be a matter for adjustment under this Act.

Books and
documents
relating to
added area.

52.—(1) All public books writings and papers belonging to the county council the urban council the rural council the parish council or any of them in relation exclusively to the added area or any part thereof and all documents relating exclusively to the added area or any part thereof and directed by law to be kept

with the public books writings and papers of such councils or any of them (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of the urban district or of the parish of Llanwern shall at all times have the same right of inspection and of making extracts from the books and documents referred to in subsection (1) of this section as he would have had if this Act had not been passed.

53. Where the boundary between the county borough and the county or any district divides any road in or adjoining the added areas longitudinally the councils or authorities who but for this enactment would be responsible for the maintenance and repair of the portions of the road on each side of the boundary shall in lieu of maintaining and repairing the portion for which they are so responsible maintain and repair respectively such part or parts of the road throughout its entire width as shall be agreed upon or as failing agreement shall be determined by the Minister of Transport and Civil Aviation on the application of either party.

Repair of
boundary
roads.

54. Nothing in this Act shall—

(1) enlarge alter or affect in any way the powers of the Corporation under section 38 of the Act of 1925 as amended by section 13 of the Act of 1930 (No. 2) of running omnibuses along any route which immediately after the appointed day will be outside the county borough or in any way prejudice or affect the restrictions or limitations on the exercise of those powers whether within or outside the county borough imposed by section 39 of the Act of 1925 as applied by section 35 of the Act of 1934 ;

(2) authorise the Corporation to run omnibuses or public service vehicles on any route on which they were not before the appointed day authorised to run under section 101 of the Road Traffic Act 1930 and for the purposes of that section the added area shall be deemed not to be within the district of the Corporation.

As to powers
of running
public service
vehicles.

55. If within eight weeks after the appointed day the Corporation should have resolved or the Minister have directed by order under section 35 of the National Parks and Access to the Countryside Act 1949 that sections 27 to 34 of that Act should be adopted by the Corporation in respect of the added area then—

Public rights
of way.

(a) anything done by the county council as surveying authority before the appointed day shall be deemed to have been done by the Corporation as surveying authority ;
and

PART II
—cont.

- (b) any objection or representation made to the county council before the appointed day and not dealt with before that day shall be treated as a like objection or representation made to the Corporation on the date of the resolution or order as the case may be; and
- (c) any decision taken by the Minister affecting the county council as surveying authority and in force immediately before the appointed day shall have effect as if it had been given to the Corporation as surveying authority.

As to registration districts.

56. Nothing in this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in section 14 of the Registration Service Act 1953 as to the alteration thereof.

Saving for qualification of aldermen and councillors.

57. Any alderman or councillor who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of areas made by this Act.

Saving for actions contracts etc.

58.—(1) No alteration effected by this Act in the area of any local authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any such authority or their predecessors:

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Corporation; and
- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by any such authority (or their predecessors) in relation exclusively to any part of the added area shall continue in force as fully and effectually as if instead of such authority (or their predecessors) the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

59. Nothing in this Act shall—

- (a) be construed as restricting any power under the Act of 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee ;
- (b) alter the area of any constituency or affect the powers of the Corporation or the county council under section 11 of the Representation of the People Act 1949 for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections ;
- (c) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment ;
- (d) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 and of Parts III and IV of the Act of 1948 ; or
- (e) affect land tax.

PART II
—cont.
Saving
provisions.

60.—(1) From and after the passing of this Act the style and title of the municipal corporation of the county borough shall be “ the mayor aldermen and burgesses of the county borough of Newport ”.

(2) All charters public and general and local enactments byelaws regulations commissions fiats awards judgments and decrees and all bonds conveyances covenants deeds mortgages securities contracts agreements resolutions orders and notices legal and other proceedings and other instruments and documents relating to the Corporation by their original or any other name shall from and after the passing of this Act have effect as if throughout the same respectively wherever the original or other name of the Corporation or reference to the Corporation by their original or other name occurs the present name of the mayor aldermen and burgesses of the county borough of Newport were substituted.

PART III

CORPORATION NOMINEES AS NEWPORT HARBOUR COMMISSIONERS

61.—(1) (a) Persons to be nominated Newport Harbour Commissioners by the Corporation in the year nineteen hundred and fifty-six shall be nominated by the council at the first meeting of the council holden in May in that year and thereafter persons to be so nominated shall be nominated by the council at the first

Time for
nominating
harbour
commissioners
by Corpora-
tion.

PART III
—cont.

meeting of the council holden in May in every third succeeding year such nominations to be effective from the first Monday in June next thereafter.

(b) Upon every such nomination becoming effective the persons nominated by the council and in office immediately before such nomination became effective shall go out of office:

Provided that any person due to go out of office may be renominated.

(2) Section 29 (Time for nominating Commissioners by Corporation) of the Newport (Monmouthshire) Harbour Act 1890 is hereby repealed.

PART IV

STREETS

Mixing of
mortar in
streets.

62.—(1) No person shall mix mortar or any like substance in any street in the county borough repairable by the inhabitants at large except upon such board or in such receptacle as will protect the street from such mortar or substance:

Provided that this section shall not apply to the mixing in any street of mortar or like substance for the purposes of making up maintaining repairing reinstating altering or improving such street.

(2) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Carriage-
crossings in
private streets.

63. Where in pursuance of section 87 (Private street works) of the Act of 1889 the Corporation have resolved with respect to any street or part of a street in the county borough (not being a highway wholly repairable by the inhabitants at large or a street belonging to or repairable by railway undertakers) to do private street works and the owner of any premises liable to be charged with a proportion of the expense of the works requests the Corporation to construct a carriage-crossing across the verge or footway of the street the cost of constructing such carriage-crossing shall be borne by such owner and shall be recoverable from him by the Corporation and shall not be included among the expenses of the private street works which are apportioned against the premises fronting adjoining or abutting on the street or part of a street with respect to which the Corporation have resolved to do private street works.

Amendment
of section 97
of Act of
1889.

64. The proviso to section 97 (Adoption of private streets) of the Act of 1889 is hereby repealed.

65. Upon the exercise by the Corporation of the powers of Part VIII (Private street works) of the Act of 1889 in relation to any street in the county borough the Corporation shall have power to require a variation of the relative widths of the carriageway and footway or footways of the street:

PART IV
—cont.

Power to vary width of carriageway and footway on making up private street.

Provided that no greater charge shall be imposed on a frontager by reason of such variation than could have been imposed in respect of a carriageway or footway of the width prescribed for a new street of the same class by any byelaw or enactment with respect to the width of new streets which applied when the street was laid out and any sum in excess of that charge shall be borne by the Corporation.

66.—(1) Where in pursuance of section 87 (Private street works) of the Act of 1889 the Corporation have resolved with respect to any street or part of a street in the county borough (not being a highway wholly repairable by the inhabitants at large or a street belonging to or repairable by railway undertakers) to do private street works and the premises which would (but for this provision) be liable to be charged with a proportion of the expense of the works include land which is incapable of yielding a rack rent (for the reason that it forms part of a street) the expenses incurred by the Corporation under Part VIII of the Act of 1889 which (but for this provision) would be apportioned against that land shall be repaid to the Corporation by the owners of the other land having frontages abutting on such street or part of a street and in such proportion as shall be settled by the borough engineer.

Certain premises abutting on streets not to be chargeable with expenses under Part VIII (Private street works) of Act of 1889.

(2) This section shall cease to have effect after the expiration of a period of five years beginning with the date of the passing of this Act or such longer period as the Minister on the application of the Corporation may allow.

67. Notwithstanding anything in any enactment a street in the county borough in which private street works have not been completed shall not be deemed to be or become a highway repairable by the inhabitants at large until the Corporation declare the street to be a highway so repairable either by notice in accordance with section 97 of the Act of 1889 or in writing under seal in accordance with section 98 of that Act.

As to adoption of private streets.

68. Section 89 of the Act of 1889 shall have effect as if the following provisos were added to subsection (1) of that section:—

As to provisional apportionments of expenses of private street works in certain cases.

“ Provided that if otherwise than on the ground that there has been some material informality defect or error in or in respect of the resolution notice plans sections or

PART IV
—cont.

estimate a provisional apportionment is quashed in whole or in part in relation to any one or more of the respective premises liable to be charged therewith under this Part of this Act the amount of the expenses of executing the private street works which was included in the provisional apportionment as so quashed shall be apportioned among and charged on the other premises fronting adjoining or abutting on the street or part of a street with respect to which the Corporation have resolved to do private street works:

Provided further that before any such provisional apportionment is so quashed in whole or in part the court shall be satisfied that all persons who would be affected by any further apportionment in pursuance of the foregoing proviso have had due notice of the proceedings and an opportunity of being heard."

Paving of
yards and
passages.

69. Where any court or yard is appurtenant to or any passage gives access to commercial or industrial premises in the county borough as well as to a house or houses the Corporation may exercise the powers of section 56 (Yards and passages to be paved and drained) of the Act of 1936 in respect of any such commercial or industrial premises as though they were a house.

PART V

PUBLIC HEALTH

*Sewers and drains*Recovery
of costs of
investigation.

70.—(1) The expenses recoverable by the Corporation under section 24 (Power of local authority to recover cost of maintaining certain lengths of public sewers) of the Act of 1936 shall include any expenses incurred by the Corporation in the investigation of any length of a public sewer to which that section applies which is found to be defective.

(2) Section 48 (Power of local authority to examine and test drains etc. believed to be defective) of the Act of 1936 in its application to the Corporation shall have effect as if the following subsections were added thereto:—

“(3) Where a local authority have examined or tested a sanitary convenience drain private sewer or cesspool under this section and such sanitary convenience drain private sewer or cesspool is found to be defective they may recover the expenses reasonably incurred by them in so doing from the owner of the convenience drain sewer or cesspool.

(4) Any question as to the reasonableness of the expenses incurred by a local authority under this section may be determined by a court of summary jurisdiction either in proceedings taken by the local authority for the recovery of the expenses incurred by them or on the application of the owner concerned."

71. Section 24 of the Act of 1936 shall have effect in its application to the county borough as if the following were substituted for the proviso to subsection (1) of that section:—

Recovery of cost of maintaining public sewers.

"Provided that unless in the opinion of the medical officer or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice."

72. The Corporation may on the application of the owner or occupier of any premises in the county borough undertake at the expense of the person so applying the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make such charge (if any) for so doing as they think fit.

Power to cleanse or repair drains etc.

73.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the county borough a private sewer is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

Summary power to remedy stopped-up sewers.

(2) If the notice is not complied with the Corporation may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the expenses of so doing from the person on whom the notice was served:

Provided that where the said expenses do not exceed two pounds the Corporation may if they think fit remit the payment thereof.

(3) In any proceedings under this section the court may inquire—

(a) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable; and

PART V
—cont.

- (b) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case :

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

Buildings and structures

Power to order alteration of domestic chimneys.

74.—(1) If a court of summary jurisdiction is satisfied upon the complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a dwelling-house within the county borough is prejudicial to the health of any of the inhabitants of the county borough or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified within 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 :

Provided that 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 will not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) Section 22 (Power to order alteration of chimneys) of the Act of 1934 is hereby repealed.

Further provisions as to means of escape from fire in case of certain buildings.

75.—(1) Section 60 of the Act of 1936 shall have effect within the county borough as if the following were substituted for subsection (4) of that section :—

“(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

- (a) is let in flats or tenement dwellings ; or
(b) is used as an inn hotel boarding house hospital nursing home boarding school children’s home or similar institution or as a restaurant shop store office or warehouse.”

(2) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of section 60 of the Act of 1936 in relation to—

- (a) any building let in flats or tenement dwellings ; or
- (b) premises referred to in paragraph (b) of subsection (4) of the said section 60 as amended by this section ;

not being a building or premises in respect of which a notice could have been given under the said section before the coming into operation of this section the following provisions shall have effect:—

- (i) In the case of expenditure incurred in relation to any such building as aforesaid let in flats or tenements such expenditure shall for the purpose of paragraph (a) of subsection (1) of section 2 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 be deemed to be expenditure on the improvement of the dwelling-houses within such building and the owner of the building may apply to the county court for an order apportioning such expenditure on the several dwelling-houses comprised in such building and the court may on such application make such order as may be just and equitable in all the circumstances ;
- (ii) In the case of expenditure incurred in relation to any premises mentioned in paragraph (b) of this subsection if the owner thereof alleges that any tenant of the premises should meet or contribute to meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of section 60 of the Act of 1936) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances.

76.—(1) Any premises in the county borough used principally for the preparation cooking and sale of fish potatoes or other similar commodities where quantities of heated or boiling fat or oil are used for the purpose of such preparation and cooking shall be provided with such portable efficient and adequate fire extinguishing apparatus and appliances as the Corporation may reasonably require.

Fire appliances
for certain
premises.

PART V
—cont.

(2) The occupier of any such premises who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by a requirement of the Corporation under this section may appeal to a court of summary jurisdiction.

As to
defective roofs.

77.—(1) Where the Corporation are satisfied that—

(a) any roof in the county borough is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance; and

(b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to the premises the procedure prescribed by sections 93 to 95 of the Act of 1936;

the Corporation may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve upon the person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the Corporation intend to remedy the defective state of the roof themselves and specifying the defects which they intend to remedy.

(2) Not later than the end of the seventh day after the Corporation have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the Corporation stating that he intends to remedy the defective state of the roof and if such person having duly served such counter-notice commences within such time thereafter as the Corporation consider reasonable to execute such works and take such steps as may be necessary to remedy such defective state and so long as he progresses to the satisfaction of the Corporation with the execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such roof.

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the roof to which such notice relates and subject to the provisions of subsection (4) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) (a) In proceedings to recover expenses under subsection (3) of this section it shall be a defence to prove that—

- (i) the alleged defective state did not exist at the time of the service of the notice ; or
- (ii) the need to abate the defective state was not so urgent as to justify the Corporation themselves executing such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936 ; or
- (iii) the person upon whom the notice was served having duly served a counter-notice under subsection (2) of this section commenced within a reasonable time and progressed reasonably with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the roof.

(b) A person against whom proceedings are taken under subsection (3) of this section shall upon information duly laid by him and on giving to the Corporation not less than three clear days' notice of his intention be entitled to have any person to whose act default or sufferance he alleges that the defective state of the roof was due brought before the court in the proceedings and if the original defendant proves that the defective state of the roof arose or continued by the act default or sufferance of that other person the court shall have power—

- (i) to order that such expenses as aforesaid may be recovered from that other person ; or
- (ii) to apportion the expenses between persons by whose acts defaults or sufferances the defective state of the roof arose or continued in such manner as the court may deem fair and reasonable.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the roof of any premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing contained in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in such premises.

Verminous premises etc.

78.—(1) If the Corporation serve notice under subsection (3) of section 83 of the Act of 1936 on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

- (a) the notice to the occupier may also require that the premises shall as from such date as may be specified

PART V
—cont.

in the notice be vacated until the Corporation give the occupier further notice that the premises can safely be re-occupied;

- (b) the Corporation may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is any reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required to vacate any premises under this section for any period unless shelter or other accommodation has been provided for him by the Corporation free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

(3) Any person aggrieved by a requirement of the Corporation under this section may appeal to a court of summary jurisdiction.

(4) If any person fails to comply with a notice requiring the vacation of any premises under this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

(5) The Corporation may pay to any person vacating premises in pursuance of a notice under this section such reasonable allowance as they think fit towards his expenses in removing from and returning to the premises.

Nuisances

Noise
nuisance.

79.—(1) Any excessive or unreasonable or unnecessary noise which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

- (a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances;
- (b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise.

(2) Nothing in this section shall apply to a noise occasioned by the exercise by railway or dock undertakers of statutory powers conferred in relation to their railway or dock undertaking.

(3) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

(4) Section 47 (Noise nuisance) of the Act of 1930 (No. 2) is hereby repealed.

80.—(1) A stationary internal combustion engine shall not be used in the county borough unless an effectual silencer is provided and used on the exhaust of the engine.

Silencers
for internal
combustion
engines.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the Corporation may give him notice that the engine is being or has been so used and if after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(3) An authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have the right—

(a) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section ; and

(b) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require the silencer to be taken off ;

and any expenses incurred under this subsection by any such officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof :

Provided that in the exercise of the powers conferred by this subsection on any premises belonging to railway or dock undertakers and used by them for the purposes of their railway or dock undertaking such officer shall conform to such reasonable requirements of the undertakers as are necessary to prevent obstruction to or interference with the working of the traffic of the undertakers.

PART V
—cont.
Smoke from
industrial
furnaces.

81.—(1) As from the appointed day no person shall instal in any premises in the county borough any furnace for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if—

- (a) that person after conviction of the contravention ; or
- (b) any other person after notice of the conviction has been served on him by the Corporation ;

uses the furnace he shall unless it has been altered so that it is so far as practicable capable of being operated as aforesaid be liable to a penalty not exceeding five pounds for each day on which he uses it until it is so altered.

(3) If a person before installing a furnace to which this section applies submits to the Corporation a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the Corporation may within six weeks from the receipt of the plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

- (a) if the notice states that they are so satisfied ; or
- (b) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

no proceedings shall be taken against that person under this section in respect of the installation of the furnace in accordance with the plan specification and information as submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the Corporation shall consult the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated as aforesaid—

- (a) a court in any proceedings under this section ; and
- (b) the Corporation on considering a plan specification and other information received under subsection (3) of this section ;

shall have regard to cost and local conditions and circumstances.

*Food*PART V
—cont.

82.—(1) As from the appointed day any person intending to use for any of the purposes set out in the next succeeding subsection any premises in the county borough which were not so used immediately before that day shall give not less than fourteen days' notice to the Corporation of his intention so to do.

Notification
of premises
for sale etc.
of food.

(2) The purposes to which this section applies are—

- (a) the sale or offer or exposure for sale ; or
- (b) the storage for the purposes of sale ; or
- (c) the preparation for sale ;

of any food (other than milk) intended for human consumption.

(3) Any person who shall use any premises in the county borough for any of the purposes mentioned in subsection (2) of this section shall unless—

- (a) those premises were used for such purpose immediately before the appointed day ; or
- (b) he has given notice to the Corporation in accordance with subsection (1) of this section ;

be liable to a penalty not exceeding ten pounds.

(4) Nothing in this section shall apply to—

- (a) the sale or offer or exposure for sale or the storage for the purposes of sale in any premises used as a theatre music hall or cinematograph theatre of ice-cream or sugar confectionery ;
- (b) any railway station or dock or any premises within the curtilage of such station or dock ;
- (c) premises used exclusively for agricultural purposes within the meaning of the Act of 1947 ;
- (d) premises requiring to be registered by the Corporation under section 14 of the Food and Drugs Act 1938.

(5) In this section the expression " food " does not include—

- (a) any article used as drink for human consumption sold on premises in respect of which there is an excise licence granted in accordance with the provisions of Part IV of the Customs and Excise Act 1952 ; or
- (b) any substance in containers of such materials and so closed as to exclude all risk of contamination.

83.—(1) As from the appointed day the following provisions shall have effect in the county borough :—

Registration
of hawkers
of food and
their premises.

- (a) No person shall sell or offer or expose for sale any food from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless he is registered by the Corporation ;

PART V
—cont.

(b) No premises shall be used as storage accommodation for food intended for sale from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless the premises are registered by the Corporation :

Provided that nothing in this subsection shall apply—

- (i) to the sale or offer or exposure for sale of food by a person keeping open shop for the sale of food or by a person employed and in the course of his employment by such a person or to the use by a person so keeping open shop or by a person employed and in the course of his employment by such a person of any premises as storage accommodation for food intended for sale by him or his employer as the case may be ;
- (ii) to the sale or offer or exposure for sale of food by a dairyman registered under regulations for the time being in force under Part I of the Food and Drugs (Milk Dairies and Artificial Cream) Act 1950 or having effect by virtue of subsection (2) of section 36 of that Act as if they had been made under the said Part I or by a person employed and in the course of his employment by such a dairyman or to the use by any person as storage accommodation for food of a dairy so registered ;
- (iii) to the use by any person as storage accommodation for food of premises registered under section 14 of the Food and Drugs Act 1938 ;
- (iv) to the sale or offer or exposure for sale of food by any person on premises owned or occupied by him or his employer or to the use by any person of any premises owned or occupied by him or his employer as storage accommodation for food intended for sale by him or his employer on those or any other such premises ;
- (v) to the sale or offer or exposure for sale of food by any person or to the use of any premises as storage accommodation for food intended for sale if the profits of the sale are devoted to a religious or charitable purpose.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the occupier or intending occupier thereof.

(4) If it appears to the Corporation—

(a) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or

(b) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of subsection (1) of section 13 of the Food and Drugs Act 1938 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the Corporation shall serve on that person or on the person applying for the registration of the premises or in the case of premises which are registered the occupier of the premises a notice—

(i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is proposed that a committee of the council shall take the matter into consideration ; and

(ii) informing him that he may attend before the said committee with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse to register him or the premises or revoke his or their registration as the case may be.

(5) If a person on whom a notice is served under the last foregoing subsection fails to show cause to the satisfaction of the said committee the Corporation may refuse to register him or the premises or revoke his or their registration as the case may be and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(6) Any person aggrieved by a decision of the Corporation under the last foregoing subsection may appeal to a court of summary jurisdiction.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(8) In this section the expression “ food ” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938 except that it does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination.

PART V
—cont.

(9) Section 29 (Hawking of meat game fish &c.) of the Act of 1934 is hereby repealed.

Animals and meat

Slaughter
of animals
otherwise than
for human
consumption.

84.—(1) As from the appointed day the following provisions shall have effect in the county borough with respect to the slaughter of any of the following animals namely horses cattle sheep goats or pigs where the animal owing to emaciation or disease is slaughtered otherwise than for sale for human consumption within the meaning of the Public Health (Meat) Regulations.

(2) The owner of any such animal shall comply with the following provisions:—

- (a) he shall not less than twenty-four hours before slaughtering the animal or causing it to be slaughtered give notice to an authorised officer of the intention to slaughter it unless by reason of accidental injury illness or exposure to infection it is necessary to slaughter it before the expiration of twenty-four hours from the giving of such notice or before such notice is given;
- (b) where it is necessary by reason aforesaid to slaughter the animal before the expiration of the said twenty-four hours he shall retain the carcase and offal intact until the expiration of twenty-four hours from the time of slaughter or until its disposal is approved by an authorised officer whichever first occurs;
- (c) where it is necessary by reason aforesaid to slaughter the animal before such notice is given he shall give notice of the slaughter to an authorised officer as soon as practicable thereafter and shall retain the carcase and offal intact until the expiration of twenty-four hours from the time when the notice is given under this paragraph or until its disposal is approved by an authorised officer whichever first occurs;
- (d) he shall on the application of an authorised officer made within two weeks from the date of the slaughter of the animal furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposition of the carcase or any part thereof.

(3) Nothing in paragraphs (b) and (c) of the preceding subsection shall prevent a veterinary surgeon or veterinary practitioner at any time after the slaughter of an animal from—

- (a) sending with the consent of the owner the whole carcase or any specimens taken therefrom to a laboratory for examination; or

- (b) retaining in his possession any such specimens with such consent:

PART V
—cont.

Provided that a veterinary surgeon or veterinary practitioner taking action in pursuance of this subsection shall—

- (i) before the expiration of twenty-four hours notify an authorised officer of the action taken; and
(ii) be under the same duty to comply with paragraph (d) of the preceding subsection as the owner of the animal slaughtered.

(4) Notwithstanding anything in paragraphs (b) and (c) of subsection (2) of this section contained it shall be competent to the owner or other person responsible for the slaughter of any animal in a knacker's yard within the meaning of subsection (1) of section 100 of the Food and Drugs Act 1938 or the slaughter of any animal whereof the carcass is immediately thereafter removed to such a knacker's yard to remove or cause to be removed from the carcass at any time after slaughter such parts or organs as in the opinion of such owner or other person it is necessary to remove in order to prevent or minimise the risk of nuisance or of deterioration of the said carcass and in any such case the expression "intact" in the said paragraphs (b) and (c) shall be construed accordingly:

Provided that—

- (a) all such parts or organs shall be retained for the same period as that for which the entire carcass may be required to be retained upon the premises in which removal thereof from the carcass is effected and in such manner as to identify the same with such carcass; and
(b) nothing in this subsection shall relieve the owner or other person responsible for the slaughter of an animal from the obligations imposed by subsection (2) of this section to give any notice.

(5) If any person—

- (a) fails to comply with any of the provisions of subsection (2) of this section; or
(b) furnishes in response to an application under paragraph (d) of that subsection information which he knows to be false;

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

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or Part IV of the Agriculture Act 1937 or of any order licence or act of the Minister of Agricul-

PART V
—cont.

ture and Fisheries made granted or done thereunder or having effect by virtue of subsection (2) of section 89 of the first-mentioned Act.

(7) In this section—

- (a) the expression “authorised officer” means any officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act relating to unsound food ;
- (b) the expression “Public Health (Meat) Regulations” means regulations for the time being in force under section 8 of the Food and Drugs Act 1938 or having effect by virtue of subsection (3) of section 101 of that Act as if they had been made under the said section 8.

Animals
slaughtered
outside
slaughter-
houses.

85.—(1) As from the appointed day where the slaughter of an animal shall take place outside a slaughterhouse and the carcase of the animal shall be brought into a slaughterhouse within the county borough such carcase and the organs thereof shall be retained and kept apart from any other meat until such carcase and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations.

(2) Where there is any contravention of the provisions of this section the occupier of the slaughterhouse and also the person by whom the carcase is prepared or dressed shall be liable to a penalty not exceeding five pounds.

(3) In this section—

- (a) the expression “Public Health (Meat) Regulations” means regulations for the time being in force under section 8 of the Food and Drugs Act 1938 or having effect by virtue of subsection (3) of section 101 of that Act as if they had been made under the said section 8 ;
- (b) “animal” “slaughterhouse” and “meat” have the same respective meanings as in the Public Health (Meat) Regulations.

Rivers and streams

Cleansing
of rivers and
streams.

86.—(1) If any watercourse or any part thereof within the county borough is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation may by notice require the owner or occupier of any lands in the county borough abutting on any part of such watercourse which is in such a state as aforesaid or any person

by whose act or default the proper flow of water in such watercourse is obstructed or impeded to cleanse or put in proper order such watercourse or part thereof or to carry out such other works as may be reasonably required so as to allow the proper flow of water in such watercourse.

(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.

(3) Nothing in this section shall authorise the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways docks canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(4) The powers of this section shall not be exercised in respect of any watercourse for the time being vested in or under the control of the Usk River Board or any internal drainage board without the consent in writing of the Usk River Board or the internal drainage board concerned (as the case may be) which consent may be given subject to such reasonable terms and conditions as the said river board or drainage board (as the case may be) may think fit but no such consent shall be unreasonably withheld and any question whether any such consent is or is not unreasonably withheld or whether any such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

(5) In this section the expression "watercourse" includes any river stream ditch or reen.

87.—(1) Any authorised officer of the Corporation or (for the purposes of paragraph (c) of this subsection) any other person duly authorised by them shall on production if so required of his authorisation have a right to enter any lands in the county borough at all reasonable hours for the purpose of—

Entry for
purposes of
last preceding
section.

- (a) inspecting any river stream ditch reen or watercourse ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under the last foregoing section ;
- (c) taking any action or executing any work authorised or required by the last foregoing section to be taken or executed by the Corporation :

PART V
—cont.

Provided that entry to any lands shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) The provisions of this section shall not authorise any officer of the Corporation or other person authorised by them to enter any lands or works belonging to the commission and used by them for the purposes of their railways docks canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Works below
high-water
mark.

88. Nothing in this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and Civil Aviation and subject to such conditions and restrictions as the Minister of Transport and Civil Aviation may prescribe before such work is begun.

Hairdressers

Hairdressers
and barbers.

89.—(1) Subject to the provisions of this section as from the appointed day no person shall carry on the business of a hairdresser or barber on any premises in the county borough unless he and those premises are registered by the Corporation.

(2) (a) For the purposes of this section a person shall not be deemed to carry on the business of a hairdresser or barber on any premises solely by reason that he visits those premises only by appointment with a customer and for the purpose of attending to that customer.

(b) Nothing in this section shall apply to a person who carries on business as a hairdresser or barber solely on premises on which he resides (being premises which do not include a shop or saloon occupied by him to which the public are invited to resort) so long as he is not engaged in the carrying on of that business substantially as a full-time occupation and does not employ any other person to assist him in that business.

(3) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(4) The Corporation may make byelaws for the purpose of securing—

- (a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and
- (b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(5) If any person carries on business in contravention of subsection (1) of this section or contravenes or fails to comply with any byelaw made under subsection (4) of this section he shall be liable on summary conviction—

- (a) in the case of a contravention of subsection (1) to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds ; and
- (b) in the case of a contravention of or failure to comply with a byelaw to a fine not exceeding five pounds ;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a fine) order the suspension or the cancellation of his registration.

(6) Where the registration of any person is cancelled by order of a court under the last preceding subsection—

- (a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable on summary conviction to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings ; and
- (b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a court of summary jurisdiction made on his application.

(7) A person registered under this section shall keep displayed in the premises in respect of which he is registered a copy of his certificate of registration and of any byelaws made by the Corporation under this section and if he fails to do so he shall be liable on summary conviction to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(8) Any person duly authorised by the Corporation in writing and (if so required) producing his authorisation may at all reasonable times enter any premises registered under this section for the purpose of inspecting those premises and any instruments towels material and equipment used therein in order to ascertain whether there is or has been any contravention of or failure to comply with any provision of this section or any byelaw made by the Corporation thereunder and any person who refuses to

PART V
—cont.

admit to those premises a person so duly authorised or obstructs him in such inspection shall be liable on summary conviction to a fine not exceeding five pounds.

PART VI

PUBLIC ORDER

Boxing and
wrestling
licences.

90.—(1) In this section “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 ; or
- (b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attaching to the licence under that Act are complied with as though the boxing or wrestling entertainment were a stage play ; or
- (c) 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
- (d) by any university university college college of a university training college establishment of further education or school.

(2) As from the appointed day a boxing or wrestling entertainment shall not be given in the county borough elsewhere than in premises licensed for the purpose in accordance with the provisions of this section.

(3) The licensing justices of the county borough may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(4) A licence granted under this section shall be in force for one year or for such shorter period (to be stated in the licence) as the justices on the grant of the licence shall determine unless it shall have been previously revoked :

Provided that the justices may (if they think fit) grant a licence (in this section referred to as an “occasional licence”) for the use of any premises for a boxing or wrestling entertainment on such one or more particular occasions only as may be specified in the licence.

(5) The justices may transfer any licence granted under this section to such person as they think fit.

(6) (a) An applicant for grant or transfer of a licence under this section shall give not less than twenty-eight days' notice of his intention to make such application to the justices and to the chief officer of police of the county borough and the applicant shall also furnish such particulars and give such other notices as the justices may prescribe.

(b) An applicant for an occasional licence or for the renewal thereof shall give to the justices not less than fourteen days' notice of his intention to make such application.

(c) An applicant for the renewal of a licence (other than an occasional licence) shall give to the justices not less than fourteen days' notice of his intention to make such application.

(7) A person when making application under this section shall pay to the justices such fee as the justices may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period not less than one year	1	0	0
(b) in respect of an application for the grant or renewal of a licence for any period less than one year five shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed	1	0	0
(c) in respect of an application for the grant or renewal of an occasional licence		5	0
(d) in respect of an application for the transfer of a licence		5	0

and the fees paid on any application for the grant renewal or transfer of a licence may be retained by the justices whether such licence is or is not granted renewed or transferred.

(8) Any premises used for the purpose 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.

91. Any person who—

Penalties.

(a) provides an entertainment to which the foregoing provisions of this Part of this Act apply without a licence appropriate for such entertainment under this Part of this Act ;

(b) being the occupier or rated as occupier of any premises keeps or uses those premises or allows them to be kept or used for any such entertainment without a licence appropriate for such entertainment under this Part of this Act ; or

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—cont.

(c) being a person to whom a licence has been granted or transferred under this Part of this Act in respect of any premises keeps or uses those premises or allows them to be kept or used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred ;

shall be liable—

(i) in respect of an offence under paragraph (a) or (b) of this section to a penalty not exceeding fifty pounds ;
and

(ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds ;

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

Transmission
in case of
death.

92. In the event of the death of the holder of a licence under this Part of this Act then the person carrying on at the premises the functions in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence expires or a new licence is granted to some other person whichever of those events first occurs.

Cancellation
of licences.

93. The justices may upon receiving from the holder of a licence under this Part of this Act for the time being in force a written request in that behalf accompanied by the licence cancel the licence.

Notices to
be affixed.

94. Except in the case of an occasional licence under this Part of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this Part of this Act an inscription so as to be easily legible in the following terms:—

“Licensed in pursuance of Act of Parliament for” ;
with the addition of words showing the purpose or purposes for which the same are licensed.

Power of
entry and
inspection.

95.—(1) A police officer may at all reasonable times enter any premises licensed under this Part of this Act in which there is reason to believe that an entertainment to which the foregoing provisions of this Part of this Act apply is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted are complied with.

(2) A police officer may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under this Part of this Act is being committed.

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

96. If the holder of a licence granted renewed or transferred under this Part of this Act be convicted of any breach or disregard 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 justices. Power to revoke licences.

97.—(1) The Corporation may make byelaws—

- (a) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public ;
- (b) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink ;
- (c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

Byelaws as to pleasure fairs and roller-skating rinks.

(2) In this section—

- (a) the expression “pleasure fair” means any place in the county borough—
 - (i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies ; and
 - (ii) for admission to which or for the use of the contrivances in which a charge is made ;
- (b) the expression “roller-skating rink” means any place in the county borough which is for the time being used wholly or mainly for roller-skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following :—

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;
- (c) merry-go-rounds roundabouts swings switchback railways ;
- (d) coconut shies hoop-las shooting galleries ;
- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.

PART VI
—cont.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

- (a) any fair held by statute royal charter royal licence or letters patent; or
- (b) any entertainment in any permanent premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or
- (c) any entertainment which is not run for profit and is not carried on for more than seven consecutive days; or
- (d) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Corporation shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Corporation in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of any byelaws made under this section shall be provisions which it is the duty of the Corporation to enforce.

Fire
hydrants
and alarms.

98. Any person who shall wilfully or negligently cover over obstruct or interfere with the convenient access to any fire alarm fire hydrant open water supply designated for fire-fighting purposes by agreement or pipeline laid to supply water for fire-fighting purposes in the county borough or who shall wilfully or negligently remove efface or deface any plate or mark indicating the position of such alarm hydrant water supply or pipeline shall be liable to a penalty not exceeding ten pounds and the Corporation may recover from him the expenses of removing the obstruction or replacing or making good the plate or mark.

Derelict
petrol tanks.

99.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises in the county

borough the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container.

PART VI
—cont.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section:

Provided that this subsection shall not apply to any premises within an area in which the commission are the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(3) Any person who after due warning contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

PART VII

MOVABLE DWELLINGS AND CAMPING GROUNDS

100. In this Part of this Act unless the context otherwise requires— Definitions for Part VII.

"movable dwelling" includes—

- (a) any tent;
- (b) any structure capable of being moved from place to place; and
- (c) any van cart carriage truck tramcar railway-carriage motor car caravan trailer or other vehicle; used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—
 - (i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations;
 - (ii) any tent structure or vehicle temporarily used for the service of the Corporation;
 - (iii) any canal boat or any other boat;

PART VII
—cont.

(iv) any shelter provided for the treatment of tuberculosis or in connection with an open-air school ;

(v) any vehicle used by the commission in connection with the maintenance and repair of their undertaking ; or

(vi) any van or similar vehicle belonging to any statutory undertakers and any trailers drawn by such van if and so long as the van and trailers are used by those undertakers for the purposes of their undertaking ;

“ camping ground ” means any area of land on which movable dwellings are situated or which is provided for the placing of movable dwellings ;

“ occupier ” in relation to a movable dwelling shall be deemed to include an owner.

Court may prohibit movable dwellings in certain cases.

101.—(1) Where it appears to the Corporation—

(a) that the amenities of any part of the county borough are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in the county borough ; or

(b) that annoyance is caused to the residents in or visitors to any part of the county borough by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any movable dwelling or movable dwellings in the county borough ;

the Corporation may make complaint to a court of summary jurisdiction and the court may by order—

(i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates ; and

(ii) prohibit any movable dwelling being placed on or limit the number or define the class of movable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order.

(2) Any person aggrieved by any order made by a court of summary jurisdiction under subsection (1) of this section may appeal to quarter sessions.

(3) An order made by a court of summary jurisdiction under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall take effect as from the expiration of

fourteen days from the first publication of the terms of the order in the local newspaper under subsection (4) of this section and the area specified in such order shall not extend beyond the distance of two hundred yards from the movable dwelling or all of the movable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any movable dwelling not being a movable dwelling to which the complaint related.

(4) As soon as practicable after the making of an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings the terms of the order shall be published by the Corporation in one or more local newspapers circulating in the county borough and by placards posted in conspicuous positions in or near the area specified in the order and such placards shall be left so posted so long as the order is in force.

(5) (a) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Corporation may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Corporation may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (a) Where a court of summary jurisdiction has made an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings an application for the rescission of the order may be made to the court—

(i) at any time by the Corporation ; or

(ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the

PART VII
—cont.

Corporation not less than fourteen days' notice of his intended application ;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the Corporation in one or more local newspapers circulating in the county borough and the Corporation shall forthwith take down and remove all placards previously posted by them in pursuance of subsection (4) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or more movable dwellings with respect to which the Corporation have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

Further provisions as to movable dwellings.

102.—(1) A movable dwelling upon land abutting upon a street in the county borough shall be deemed to be a house or building within the meaning of those words where they occur in the Public Health (Building in Streets) Act 1888.

(2) It shall not be lawful without the written consent of the Corporation to place any movable dwelling upon any square court alley or passage in the county borough to which the public have access.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) Section 34 (Provisions as to tents vans etc.) of the Act of 1930 (No. 2) is hereby repealed.

Byelaws as to camping grounds.

103. The Corporation for the purpose of securing the amenities of the county borough in relation to the use of camping grounds and movable dwellings situate thereon may make byelaws with respect to any camping grounds within the county borough—

(a) for preventing the amenities of the county borough being prejudicially affected by the state or condition of any such camping ground ;

(b) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon ;

- (c) for preventing annoyance to the residents in or visitors to the county borough by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping ground.

PART VII
—cont.

104. Subject as hereinafter in this section provided sections 101 (Court may prohibit movable dwellings in certain cases) and 103 (Byelaws as to camping grounds) of this Act shall not apply to—

Savings
from certain
provisions of
Part VII.

- (a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society ;
- (b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter ;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake responsibility for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;
- (d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;
- (e) any movable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake responsibility for the good conduct of their members when in camp and for the proper use by their members of movable dwellings ; or
- (f) any person dwelling in a tent or van or other similar structure who is a travelling roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker) and who uses such tent van or other structure in connection with his business :

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society body association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements

PART VII
—cont.

- for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ;
- (v) if any society or body referred to in the said paragraphs (a) or (b) are using any camping ground provided by the Corporation or if any person being a member of any such society or body or a person referred to in the said paragraphs (e) or (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the Corporation under this Part of this Act respecting that camping ground.

PART VIII

HEATING UNDERTAKING

Interpretation
of this Part
of Act.

105. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them :—

“ the electricity authority ” means the British Electricity Authority ;

“ the electricity board ” means the South Wales Electricity Board ;

“ the gas board ” means the Wales Gas Board ;

“ heat ” means heat supplied or intended to be supplied by means of hot water or steam ;

“heating fittings” includes radiators air heaters water heaters mains pipes meters taps cocks valves ferrules and other works and apparatus used in connection with the supply or use of heat ;

“the heating undertaking” means the heating undertaking authorised by this Part of this Act and includes all lands stations boiler houses properties works buildings machinery plant mains pipes apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the provision storage transmission distribution and supply of heat ;

“main” includes mechanical and thermal protection for a main and apparatus used in connection with a main.

106.—(1) The Corporation may supply heat to such premises as they may think fit in the county borough upon and subject to the terms and conditions provided in this Part of this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises :

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice of their intention to do so to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice of such discontinuance shall be given by the Corporation to the owner of such premises.

107.—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the county borough belonging or leased to them erect lay down maintain work and use stations boiler houses mains pipes and other works for providing storing transmitting distributing and supplying heat and for producing any material product matter or thing arising or used in the process of such provision of heat (including the generation of electricity) together with such buildings boilers engines pumps machinery sidings electric lines matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit distribute and supply heat and the Corporation may accordingly on those lands provide store transmit distribute and supply heat and may produce such materials products matters and things :

Provided that—

(a) nothing in this section shall be taken to dispense with the consent of any government department to any use

PART VIII
—cont.

of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted :

- (b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line ;
- (c) no power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or to any other person the power to vary the trust) without the consent of such donor or other person.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

- (a) to the electricity authority ; or
- (b) with the approval of the electricity authority to the electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the electricity authority and the electricity board) elsewhere.

(3) The electricity authority shall take all the electricity generated by the Corporation as aforesaid which is not—

- (a) required for or in connection with the supply of heat ;
or
- (b) supplied to the electricity board with the approval of the electricity authority ;

upon such terms and conditions as may be agreed between the Corporation and the electricity authority or in default of agreement determined by arbitration on the basis of a supply by a willing seller to a willing buyer.

(4) Any matter to be determined by arbitration under the last preceding subsection shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and

the electricity authority or in default of agreement to be appointed by the President of the Institution of Electrical Engineers.

PART VIII
—cont.

108.—(1) (a) If the council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act they shall forthwith give to the Minister to the electricity authority and to the gas board notice of such resolution and such information with regard to such station as the electricity authority or the gas board (as the case may be) may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation and of the times and form at and in which such quantity or quantities will be required.

As to construction of station for providing heat.

(b) Any dispute between the Corporation on the one hand and the electricity authority and the gas board or either of them on the other hand as to whether any information is reasonably required by the electricity authority and the gas board or either of them under this subsection shall be referred to and determined by the Minister.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the electricity authority and the gas board or either of them may serve upon the Corporation a counter-notice offering a supply of heat to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the electricity authority or the gas board (as the case may be).

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the electricity authority or the gas board (as the case may be) the terms and conditions upon which a supply of heat is to be given to the Corporation by the electricity authority or the gas board (as the case may be) for the purposes of the heating undertaking are not agreed between them the Corporation shall submit to the Minister for determination the question whether a supply of heat shall be afforded to the Corporation by the electricity authority or the gas board and (if he determines that a supply of heat is to be afforded by the electricity authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

(4) If the Minister determines that a supply of heat shall be afforded to the Corporation by the electricity authority or the

PART VIII
—cont.

gas board the electricity authority or the gas board (as the case may be) shall afford such a supply in accordance with the terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the electricity authority or the gas board offered a supply of heat to the Corporation then if within twenty-eight days after the receipt of the determination of the Minister the electricity authority or the gas board (as the case may be) give notice in writing to the Minister and the Corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Corporation serve on the electricity authority or the gas board (as the case may be) a notice requiring a supply in which case the electricity authority or the gas board (as the case may be) shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

Power to
buy heat
in bulk.

109.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with any persons able to supply heat for the furnishing to the Corporation by such persons of a supply of heat for the purposes of this Part of this Act and—

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) Before entering into an agreement under subsection (1) of this section the Corporation shall give to the Minister and to the gas board notice of the proposal and such information with regard to such agreement as the gas board may within six weeks of the service of such notice reasonably require including the area proposed to be supplied by heat to be furnished thereunder and an estimate of the quantity or quantities of heat required by the Corporation and of the times and form at and in which such quantity or quantities will be required and thereupon the provisions of paragraph (b) of subsection (1) and subsections (2) (3) and (4) of the last preceding section of this Act shall apply as if such notice were a notice served by the Corporation upon the gas board under paragraph (a) of the said subsection (1).

(3) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of

waste heat hot water or steam from any generating station or gasworks and any authority able to supply heat hot water or steam may enter into such an agreement.

PART VIII
—cont.

110.—(1) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land within the county borough.

Purchase
of land for
heating
undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) (a) In this section the expression “land” includes easements and rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land.

(b) In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act 1946 and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land ;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house :

Provided that nothing in this subsection shall apply to land forming part of a street.

PART VIII
—cont.

(6) A notice to treat given under this section for an easement or right shall be endorsed with notice of the effect of subsection (5) of this section.

Power to lay
mains etc.
and break
open streets.

111.—(1) The following provisions of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act namely:—

- Part V (Power to lay mains etc.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies navigation authorities tramway undertakers etc.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense; and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(2) For the purposes of this Part of this Act in the construction of the provisions incorporated by this section—

- “the undertakers” means the Corporation;
- “supplying water” means supplying heat and “supply of water” shall be construed accordingly;
- “service pipe” means a pipe for supplying heat from a main to any premises; and
- “the limits of supply” means the county borough.

(3) For the purposes of this section and of section 114 (Power to lay down or erect electric lines etc.) of this Act in the construction of the provisions incorporated thereby “catchment board” shall include an internal drainage board.

(4) Nothing in the provisions incorporated by this section shall authorise the Corporation—

- (a) to lay down a main outside the county borough except for the purpose of giving or facilitating a supply of heat within the county borough or of taking a supply of heat from any works or premises outside the county borough;
- (b) to supply heat to any premises outside the county borough.

Consultation
with statutory
undertakers
as to certain
works.

112.—(1) In this section the expression “the statutory undertakers” means the electricity authority the electricity board and the gas board.

(2) (a) Before the Corporation—

- (i) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of

constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act ; or

- (ii) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section ;

they shall give to the Minister and to the statutory undertakers notice of their proposals and such information with regard thereto as the statutory undertakers may within six weeks of the receipt of such notice reasonably require and shall consult with the statutory undertakers on such proposals.

(b) Any dispute between the Corporation and the statutory undertakers or any of them as to whether any information is reasonably required by them under this subsection shall be determined by the Minister.

(3) Without prejudice to the generality of subsection (2) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes electric lines and apparatus of the statutory undertakers from damage or injury arising directly or indirectly from any mains or pipes to be laid down or placed by the Corporation under the powers of this Part of this Act ;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom ;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted or distributed by the Corporation ;
- (d) the methods for measuring the quantity temperature and pressure of the hot water or steam so stored transmitted or distributed ; and
- (e) the independent testing of such measurements.

(4) The statutory undertakers or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the Minister with respect to such proposals.

(5) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the statutory undertakers or any alteration thereof which may be agreed.

PART VIII
—cont.

(6) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the Minister and in accordance with any modification of such proposals which the Minister may require.

(7) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

Attachment of
brackets etc.

113.—(1) Subject to the provisions of this section the Corporation may affix to any buildings in the county borough such brackets mains electric lines and attachments (in this section called "attachments") as may be required for the purposes of the heating undertaking.

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or disallow the attachments.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of

dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section the following expressions have the meanings hereby assigned to them:—

“ appropriate authority ” means a court of summary jurisdiction except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

1	2
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act	The Minister of Transport and Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947 ; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the Act of 1947 ; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest	The Minister of Housing and Local Government.
Building owned by a highway authority or railway canal dock or inland navigation undertakers	The Minister of Transport and Civil Aviation.
Building owned by electricity or gas undertakers ...	The Minister of Fuel and Power.
Building owned by statutory water undertakers ...	The Minister.
Building owned by a river board or internal drainage board	The Minister of Agriculture and Fisheries.

“ building ” includes a structure and a bridge or aqueduct over a street ;

“ owner ” means—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building ;

(b) in relation to a building forming part of such an aerodrome as aforesaid the person having control of the aerodrome ;

(c) in relation to any other building the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent ;

and the expression “ owned ” shall be construed accordingly.

PART VIII

—cont.

Power to lay
down or erect
electric lines
etc.

114.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 107 (Works for provision of heat) of this Act the Corporation may within the county borough lay down or erect electric lines and apparatus—

- (a) in under or over any street subject however to the provisions of subsection (3) of this section ; and
- (b) with the consent of every owner and occupier of any land not forming part of a street in on or over that land ;

and may from time to time inspect repair alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise :

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether such a consent is or is not unreasonably withheld shall be referred to and determined by the Minister.

(2) (a) Where the Corporation in the exercise of the powers of this section lay down or erect any electric line or apparatus in on or over any land not forming part of a street or inspect repair alter renew or remove any electric line or apparatus laid down or erected in on or over any such land they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the laying erection inspection repair alteration renewal or removal of the electric line or apparatus.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down erection inspection repair alteration renewal or removal of electric lines and apparatus under this section and for the purpose of such application the county borough shall be deemed to be the limits of supply (namely):—

Section 22 (Power to break open streets) except the words “and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains” ;

Section 25 (Protection for railway companies navigation authorities tramway undertakers etc) ;

Section 27 (Remedies where undertakers fail to comply with foregoing requirements) ;

Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and

Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(4) The provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 as amended by the Electricity Act 1947 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected under this section and references in those provisions to the electricity board or the undertakers shall be construed as references to the Corporation.

(5) The powers of this section shall not be exercised except with the consent of the electricity authority and the electricity board.

115.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may instal repair renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair renewal or alteration. Power to supply fittings.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any heating fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any heating fittings let for hire by the Corporation and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all

PART VIII
—cont.

times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the Corporation:

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All heating fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as will taking one year with another meet any expenditure by them thereunder including any interest and the requisite appropriations instalments or sinking fund payments in respect of any moneys borrowed for the purposes thereof.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year including any interest and the requisite appropriations instalments or sinking fund payments shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any heating fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

Heating
charges.

116.—(1) The Corporation may from time to time prescribe a scale of charges (in this section called “heating charges”) for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for reconnecting premises thereto and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the Corporation to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any

heating charges payable by him in respect of any premises the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges :

PART VIII
—cont.

Provided that if before the expiration of the said seven days notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay the same the Corporation shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

(3) Without prejudice to any other method of recovery any heating charges payable by the tenant of any premises belonging to the Corporation and connected as aforesaid may be recovered as rent due from him.

117. The Corporation may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the Corporation such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith. Security for payment of accounts.

118.—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises in or upon which any heating fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid for the purpose of— Power to enter premises.

- (a) inspecting and examining any heating fittings whether belonging to the Corporation or not ;
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder ;
- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act ;
- (d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation :

Provided that except in cases of emergency arising from defects in any heating fittings admission to any premises shall

PART VIII
—cont.

not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that—

(a) admission to any premises has been refused or that refusal is apprehended or that the premises are 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

(b) there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

the justice may by warrant under his hand authorise the Corporation by any authorised officer of the Corporation to enter the premises if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secure against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by—

(a) the electricity authority or the electricity board for the purposes of or in connection with the generation or supply of electricity ; or

(b) the gas board for the purposes of or in connection with the manufacture storage or supply of gas.

119.—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

PART VIII

—cont.

Interference
with apparatus
etc.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

120.—(1) The Corporation may make byelaws for preventing the waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste misuse or undue consumption of heat supplied under this Part of this Act.

Byelaws for
protection
of heating
undertaking.

(2) Byelaws under this section may include provisions—

(a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the heating fittings to be used ; and

(b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—

(i) waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam;

(ii) reverberation in pipes ; or

(iii) waste misuse or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

PART VIII

—cont.

Discount for
prompt
payment.

121. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of heat or rent of meter or for fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

Notice to be
given before
quitting
premises
supplied with
heat.

122.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Corporation at the civic centre in the county borough so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heating charges payable to the Corporation.

Application
of certain Acts
to heating
undertaking.

123.—(1) The provisions of the Town and Country Planning Acts 1944 and 1947 shall where applicable apply to the heating undertaking as if that undertaking were a statutory undertaking and as if the Minister were “the appropriate Minister” within the meaning of section 119 of the Act of 1947.

(2) Section 4 of the Special Roads Act 1949 shall apply in relation to the powers conferred on the Corporation by this Part of this Act to lay down or erect mains pipes electric lines and apparatus in under or over any land for the purpose of the heating undertaking as it applies in relation to the powers conferred on statutory undertakers as defined in that Act by or under any enactment to lay down or erect any apparatus on under or over any land and the expression “statutory undertakers” in the said section 4 shall be construed accordingly.

124.—(1) The Corporation shall give to the electricity authority and the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the electricity authority or the electricity board or the gas board may reasonably require and the electricity authority and the electricity board and the gas board shall give to the Corporation such reports and returns and such information with respect to any supply by them of heat as the Corporation may reasonably require.

PART VIII
—cont.

Reports etc.
with respect
to heating
undertaking
etc.

(2) Any dispute between the Corporation on the one hand and the electricity authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the electricity authority or the electricity board or the gas board or the Corporation (as the case may be) shall be determined by the Minister.

125. Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Corporation
not to be
exempted from
proceedings
for nuisance.

126.—(1) In any case in which—

- (i) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act ; and
- (ii) either the electricity authority the electricity board or the gas board are the owning undertakers or (as the case may be) the operating undertakers ;

Modification
of section 26
of Act of
1950.

the said section 26 shall be modified as follows :—

- (a) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans sections and particulars of the works ;
- (b) the said notice shall be given not less than seven days before the works are commenced ;
- (c) any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(2) In this section any expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

PART VIII

—cont.

For protection
of Usk River
Board.

127. For the protection of the Usk River Board (hereinafter in this section called “the board”) the following provisions shall unless otherwise agreed between the Corporation and the board apply and have effect:—

(1) If the council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act and such construction extension modification or enlargement will result in the discharge of any effluent from such station into any tidal waters in circumstances in which section 7 of the Rivers (Prevention of Pollution) Act 1951 does not apply to such discharge the council shall forthwith give to the board notice of such resolution and such information with regard to—

(a) the point of discharge and the construction of the outlet for the discharge of such effluent; and

(b) the nature and composition temperature volume or rate of discharge and the time or times of such discharge as the board may within six weeks of the service of such notice reasonably demand:

(2) The Corporation shall comply with the reasonable requirements of the board concerning any of the matters referred to in paragraphs (a) and (b) of the preceding subsection:

(3) Any difference which may arise between the Corporation and the board as to whether any information demanded by the board under subsection (1) of this section is reasonably demanded or as to the reasonableness of any requirements of the board under subsection (2) of this section shall be referred to and determined by the Minister of Housing and Local Government:

(4) Nothing in this section shall prejudice or affect the provisions of section 7 of the Rivers (Prevention of Pollution) Act 1951.

PART IX

FINANCE

Power to
borrow.

128.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums requisite for those purposes and they shall repay any sum

so borrowed within such periods as they may determine not exceeding those respectively mentioned in the second column of the said table (namely):—

PART IX
—*cont.*

1	2
Purpose	Period for repayment
(1) The making of any payment to any authority under Part II of this Act or under any enactment the provisions of which are applied thereby	Forty-five years from the date or dates of borrowing.
(2) The making of any payment under the provisions of section 38 (Compensation to existing officers) of this Act	Twenty years from the date or dates of borrowing.
(3) For paying the costs charges and expenses of this Act	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART X

MISCELLANEOUS

129. The provisions of the Town Police Clauses Act 1847 shall be extended 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 every motor vehicle standing or plying for hire in the county borough notwithstanding that such vehicle stands or plies for hire on or from private premises only:

Provisions
as to motor
vehicles let
for hire.

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to 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 or railway 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

PART X
—cont.

motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

Abolition of markets held in streets.

130. Any market rights which may exist whether by charter custom or prescription at the passing of this Act in any street or part of a street in the county borough adjoining any of the markets of the Corporation are hereby abolished.

Dispensation by Corporation with bonds by theatre managers.

131.—(1) As from the appointed day except in any case in which the Corporation otherwise require so much of section 7 of the Theatres Act 1843 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 shall cease to have effect as respects licences granted by the Corporation under that Act.

(2) (a) If the licensee of a theatre licensed by the Corporation under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Corporation thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Corporation.

(3) If the Corporation delegate to the justices of the county borough sitting in petty sessions the powers and duties conferred on the Corporation in respect of the licensing of houses or places for the performance of stage plays subsections (1) and (2) of this section shall have effect as if references to such justices were substituted therein for references to the Corporation.

PART XI

GENERAL

For protection of Wales Gas Board.

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

- (1) Before entering in exercise of the powers of section 80 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the gas board in connection with the manufacture or storage or supply of gas an authorised officer of the Corporation shall give reasonable notice of his intended entry and

in the exercise of such powers in relation to such premises shall observe any precautions reasonably required by the gas board in the interests of safety and for preventing interference with the supply of gas:

PART XI
—cont.

(2) Nothing in the following sections of this Act:—

Section 69 (Paving of yards and passages);

Section 77 (As to defective roofs);

Section 86 (Cleansing of rivers and streams);

Section 87 (Entry for purposes of last preceding section);

shall authorise the Corporation to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of the gas board without the consent of the gas board but such consent shall not be unreasonably withheld:

(3) Any difference which may arise between the Corporation and the gas board under this section shall be referred to arbitration.

133. 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.

Protection of members and officers of Corporation from personal liability.

134.—(1) Where under any enactment—

(a) the Corporation require any person (in this section referred to as “the defaulter”) to execute any work or take any action; and

(b) in default or at the request of the defaulter the Corporation or any of their officers execute the work or take the action;

Liability of Corporation for work done in default or by request.

then in the absence of negligence on the part of the Corporation or of any such officer or of any contractor employed by them or him—

(i) the Corporation shall not as between themselves and the defaulter be liable to pay any damages in respect of or consequent upon the execution of the work or the taking of the action; and

(ii) any such damages as aforesaid paid by the Corporation to any other person shall be deemed to be part of the expenses payable by the defaulter and shall be recoverable accordingly.

(2) In this section the expression “damages” includes penalties costs and charges.

PART XI

—cont.

Restriction
on right to
prosecute.

135. Proceedings in respect of an offence created by or under this Act other than under section 129 (Provisions as to motor vehicles let for hire) of this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Confirming
authority
for byelaws.

136. 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 section 97 (Byelaws as to pleasure fairs and roller-skating rinks) the confirming authority shall be the Secretary of State.

Appeals.

137.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that 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 any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any 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 or highway authority themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

Local inquiries.

138.—(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 Local Government Act 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.

139.—(1) The sections of the Act of 1936 mentioned in Part I of the Third 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 a reference to the following Parts of this Act that is to say:—

Part IV (Streets);

Part V (Public health);

Part VII (Movable dwellings and camping grounds).

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section.

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section except section 89 (Hairdressers and barbers) and also to section 97 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act.

140. Whenever under any public general Act from time to time in force in the county borough (other than the Act of 1936) or under any local enactment the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Power to charge in respect of establishment expenses.

141. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Arbitration.

1	2
Provision of Act	Person appointing arbitrator
Subsection (3) of section 86 (Cleansing of rivers and streams)	The Minister of Agriculture and Fisheries.
Subsection (2) of section 87 (Entry for purposes of last preceding section)	The Minister of Agriculture and Fisheries.
Subsection (2) (b) of section 114 (Power to lay down or erect electric lines etc.)	The Minister of Fuel and Power.

PART XI
—cont.The appointed
day.

142.—(1) For the purposes of this Act except Part I (Preliminary) and Part II (Extension of county borough) thereof the expression “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(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 county borough notice—

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

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

to continue to carry on that business and 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 137 (Appeals) of this Act.

Saving for
powers of
Treasury.

143. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

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

PART XI
—cont.

Saving for town and country planning.

145. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

146. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for 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.

Costs of Act.

SCHEDULES

FIRST SCHEDULE

PART I

LOCAL ACTS

Session and chapter	Short title
7 Geo. 4 c. vi	An Act for lighting watching paving cleansing and improving the streets highways and places within the town and borough of Newport in the county of Monmouth (1826).
17 & 18 Vict. c. cxc	Newport and Pillgwenlly Waterworks Act 1854.
18 Vict. c. xli	The Newport (Monmouthshire) Corporation Act 1855.
35 & 36 Vict. c. xxxv	Newport and Pillgwenlly Waterworks Extension Act 1872.
39 & 40 Vict. c. ccxxvii	The Newport (Monmouthshire) Improvement Act 1876.
50 & 51 Vict. c. cxxxiv	Newport Waterworks Act 1887.
51 & 52 Vict. c. lxxxii	Newport (Monmouthshire) Corporation Water Act 1888.
52 & 53 Vict. c. clii	Newport (Monmouthshire) Corporation Act 1889.
55 & 56 Vict. c. cxxiii	Newport Corporation Act 1892.
60 & 61 Vict. c. clxviii	Newport Corporation Act 1897.
63 & 64 Vict. c. xlii	Newport Corporation Act 1900.
2 Edw. 7 c. clxvii	Newport Corporation Act 1902.
6 Edw. 7 c. xcvi	Newport Corporation Act 1906.
4 & 5 Geo. 5 c. lxxxviii	Newport Corporation Act 1914.
10 & 11 Geo. 5 c. lvii	The Newport Corporation Act 1920.
15 & 16 Geo. 5 c. lvi	The Newport Corporation Act 1925.
20 & 21 Geo. 5 c. lxxviii	Newport Corporation (No. 1) Act 1930.
20 & 21 Geo. 5 c. lxxix	Newport Corporation (No. 2) Act 1930.
24 & 25 Geo. 5 c. lx	Newport Corporation (General Powers) Act 1934.
24 & 25 Geo. 5 c. lvii	Newport Extension Act 1934.
1 & 2 Eliz. 2 c. xxxiii	Newport Corporation Act 1953.

PART II

CONFIRMATION ACTS AND PROVISIONAL ORDERS

1ST SCH.
—cont.

Session and chapter	Confirmation Act	Order
13 & 14 Vict. c. 32	The Public Health Supplemental Act 1850	The Order relating to Newport dated 15th July 1850.
32 & 33 Vict. c. cl	The Local Government Supplemental Act 1869 (No. 2)	The Order relating to Newport dated 15th June 1869.
36 Vict. c. i ...	The Local Government Board's Provisional Orders Confirmation Act 1873	The Order relating to Newport dated 24th May 1872.
36 & 37 Vict. c. cxcvii	The Tramways Orders Confirmation Act 1873	The Newport (Monmouthshire) Tramways Order 1873.
42 & 43 Vict. c. xliii	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne &c.) Act 1879	The Order relating to Newport dated 10th April 1879.
44 & 45 Vict. c. clxv	Water Orders Confirmation Act 1881	Newport and Pillgwenlly Water Order 1881.
45 Vict. c. xxxiii...	Local Government Board's Provisional Orders Confirmation Act 1882	The Order relating to Newport dated 17th April 1882.
46 & 47 Vict. c. xlvi	Water Orders Confirmation Act 1883	Newport and Pillgwenlly Water Order 1883.
46 & 47 Vict. c. cxxxvi	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883	The Order relating to Newport dated 9th May 1883.
48 & 49 Vict. c. ci	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1885	The Order relating to Newport dated 21st April 1885.
50 Vict. c. xiv ...	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1886	The Order relating to Newport dated 24th May 1886.
54 & 55 Vict. c. cv	Electric Lighting Orders Confirmation (No. 11) 1891	Newport (Mon.) Electric Lighting Order 1891.
54 & 55 Vict. c. ccx	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1891	Borough of Newport Order 1891.
61 & 62 Vict. c. lxxix	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1898	Newport (Mon.) Order 1898.
9 Edw. 7. c. cxix...	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1909	Newport (Monmouth) Order 1909.

1ST SCH.
—cont.

Session and chapter	Confirmation Act	Order
2 & 3 Geo. 5. c. cxxviii	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1912	Newport (Monmouth) Order 1912.
14 & 15 Geo. 5. c. lxxiv	Ministry of Health Provisional Orders Confirmation (No. 8) Act 1924	Newport (Mon.) Order 1924.
17 & 18 Geo. 5. c. xxix	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1927	Newport (Mon.) Order 1927.
21 & 22 Geo. 5. c. lxxviii	Public Works Facilities Scheme (Newport (Mon.) Corporation) Confirmation Act 1931	Newport Corporation Scheme 1931.

SECOND SCHEDULE

THE ADDED PART OF CAERLEON

So much of the urban district of Caerleon as is comprised within a line commencing at a point where the boundary of the county borough meets the southern boundary of the Newport–Chepstow road and proceeding thence in a north-easterly direction along the latter boundary to a point where it is intersected by the boundary between parcels 68 and 69 on ordnance map (scale 1/2500) Monmouthshire XXIX 14 (revision of 1937) thence south-easterly and later north-easterly along the boundary between parcels 68 and 69 and between parcels 67 and 103 on the same sheet to the most easterly point of parcel 67 on the same sheet Thence continuing in a straight line to the most southerly point of parcel 102 on the same sheet thence in a north-easterly direction along the boundary between parcels 102 and 103 on the same sheet to the most easterly point of parcel 102 on the same sheet Thence continuing in a straight line across parcel 103 on the same sheet and parcel 201 on ordnance map (scale 1/2500) Monmouthshire sheet XXIX 10 (edition of 1920) along the south-easterly boundaries of the curtilages of the properties on the southern side of the Newport–Chepstow road to a point where the line of these latter boundaries meet the boundary of Flat Wood parcel 199 on the same sheet at a distance of 140 feet from the southern boundary of the Newport–Chepstow road measured along the line of the boundary between parcels 201 and 199 on the same sheet Thence proceeding in a south-easterly direction along the boundary between parcels 201 and 199 and between parcels 200 and 199 all on the same sheet and between parcels 105 and 104 on ordnance map (scale 1/2500) Monmouthshire XXIX 14 (revision of 1937) to a point where this boundary meets the boundary between the urban district of Caerleon and the parish of Llanwern thence southerly along the boundary between the urban district of Caerleon and the parish of Llanwern

to a point where this boundary joins the boundary of the county borough thence in a north-westerly direction along the boundary of the county borough to the point of commencement of this line.

2ND SCH.
—cont.

THE ADDED PART OF LLANWERN

So much of the parish of Llanwern in the rural district of Magor and Saint Mellons as is comprised within a line commencing at a point on the boundary between the parish of Llanwern and the urban district of Caerleon where the boundaries of parcels 105 104 and 1 on the ordnance map (scale 1/2500) Monmouthshire sheet XXIX 14 (revision of 1937) intersect and proceeding thence in a straight line in a south-easterly direction across parcel 1 on the same sheet to a point 172 feet from the intersection of the boundaries of parcels 104 105 and 1 on the same sheet and 453 feet from the intersection of the boundaries of parcels 1 3 and 12 on the same sheet thence in a straight line in a southerly direction across parcel 1 on the same sheet to the intersection of the boundaries of parcels 1 3 and 12 on the same sheet Thence proceeding in a southerly direction along the boundary between parcels 12 and 3 and between parcels 43 and 3 and between parcels 43 and 42 and between parcels 41 and 42 and between parcels 41 and 38 and between parcels 41 and 36 and between parcels 41 and 39 all on the same sheet to the point of junction with the northern boundary of the road known as Llanwern Road parcel 40 on the same sheet thence across the said road at right angles to the southern boundary thereof thence proceeding in a south-easterly direction along the southern boundary of the said road to the point of junction with the boundary between parcels 67 and 69 on the same sheet Thence following the latter boundary in a southerly direction and the boundary between parcels 68 and 69 and between parcels 68 and 90 and between parcels 91 and 90 all on the same sheet to the point of intersection of the boundaries of parcels 91 90 106 and 107 all on the same sheet Thence proceeding in a straight line in a south-westerly direction across parcel 107 to a point where the north-westerly and north-easterly boundaries of parcel 125 on the same sheet meet Thence continuing in a south-westerly direction along the boundary between parcels 107 and 125 and between parcels 106 and 125 and between parcels 102 and 125 and between parcels 102 and 126 and between parcels 102 and 134 all on the same sheet to the eastern boundary of the public highway parcel 127 on the same sheet Thence proceeding in a northerly direction along the said boundary to a point where it meets the boundary of the county borough Thence northerly along the boundary between the county borough and the parish of Llanwern and north-easterly along the boundary between the urban district of Caerleon and the parish of Llanwern to the point of the commencement of this line.

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s. 139.

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284	Authentication of documents.
285	Service of notices etc.
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288	Penalty for obstructing execution of Act.
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297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
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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.
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.
294	Limitation of liability to certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

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299	Inclusion of several sums in one complaint etc.

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3RD SCH.
—cont.

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Table of Statutes referred to in this Act other than those included in the First Schedule

Title	Session and chapter
An Act for regulating preserving and improving the Port and Harbour of Newport in the County of Monmouth (1836).	6 William 4 c. lxvi.
Theatres Act 1843	6 & 7 Vict. c. 68.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Municipal Corporations Act 1882	45 & 46 Vict. c. 50.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Newport (Monmouthshire) Harbour Act 1890	53 & 54 Vict. c. cxliv.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Local Government Act 1894	56 & 57 Vict. c. 73.
Electric Lighting (Clauses) Act 1899 ...	62 & 63 Vict. c. 19.
Alexandra (Newport and South Wales) Docks and Railway Act 1904.	4 Edw. 7 c. cxcii.
Open Spaces Act 1906	6 Edw. 7 c. 25.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Finance (1909–10) Act 1910	10 Edw. 7 c. 8.
Police Act 1919	9 & 10 Geo. 5 c. 46.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5 c. 57.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920.	10 & 11 Geo. 5 c. 17.
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.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Local Government Act 1929	19 Geo. 5 c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Sunday Entertainments Act 1932	22 & 23 Geo. 5 c. 51.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Agriculture Act 1937	1 Edw. 8 & 1 Geo. 6 c. 70.
Hire Purchase Act 1938	1 & 2 Geo. 6 c. 53.

Title	Session and chapter
Food and Drugs Act 1938	1 & 2 Geo. 6 c. 56.
Town and Country Planning Act 1944 ...	7 & 8 Geo. 6 c. 47.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act 1946.	9 & 10 Geo. 6 c. 49.
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.
Police Pensions Act 1948	11 & 12 Geo. 6 c. 24.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Criminal Justice Act 1948	11 & 12 Geo. 6 c. 58.
Special Roads Act 1949	12 & 13 Geo. 6 c. 32.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Representation of the People Act 1949 ...	12 & 13 Geo. 6 c. 68.
National Parks and Access to the Countryside Act 1949.	12 13 & 14 Geo. 6 c. 97.
Justices of the Peace Act 1949	12 13 & 14 Geo. 6 c. 101.
Shops Act 1950	14 Geo. 6 c. 28.
Food and Drugs (Milk Dairies and Artificial Cream) Act 1950.	14 Geo. 6 c. 35.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Rivers (Prevention of Pollution) Act 1951 ...	14 & 15 Geo. 6 c. 64.
Registration Service Act 1953	1 & 2 Eliz. 2 c. 37.
Licensing Act 1953	1 & 2 Eliz. 2 c. 46.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.

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