



CHAPTER liv

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Coventry with regard to their markets undertaking to make further provision in reference to the improvement health local government and finances of the city and for other purposes. [30th July 1954.]

WHEREAS the city of Coventry (hereinafter referred to as "the city") is a county borough under the management and local government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas the Corporation are the owners of a markets undertaking and it is expedient to confer further powers upon them in regard to that undertaking:

And whereas it is expedient to make further provision in reference to the health local government and improvement of the city:

And whereas it is expedient to make further provision in regard to the finances of the Corporation:

And whereas it is expedient to extend the period limited by the Coventry Corporation Act 1939 (as extended by the Coventry Corporation Act 1948) for the completion of certain waterworks authorised by the said Act of 1939 and the period limited by the said Coventry Corporation Act 1948 for the completion of certain waterworks authorised by that Act:

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 Coventry Corporation Act 1954.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Markets.

Part III.—Streets.

Part IV.—Sanitation buildings etc.

Part V.—Weights and measures.

Part VI.—Freedom of the city.

Part VII.—Finance.

Part VIII.—Miscellaneous.

Part IX.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings and—

“ the Act of 1889 ” “ the Act of 1925 ” “ the Act of 1933 ”
“ the Act of 1936 ” and “ the Act of 1947 ” mean respectively the Weights and Measures Act 1889 the Rating and Valuation Act 1925 the Local Government Act 1933 the Public Health Act 1936 and the Town and Country Planning Act 1947 :

“ the Act of 1927 ” and “ the Act of 1948 ” mean respectively the Coventry Corporation Act 1927 and the Coventry Corporation Act 1948 ;

“ the city ” means the city of Coventry ;

- “ coke ” includes any solid fuel derived from coal or of which coal or coke is a constituent ;
- “ the commission ” means the British Transport Commission ;
- “ contravention ” includes a failure to comply and “ contra-vene ” shall be construed accordingly ;
- “ the Corporation ” means the lord mayor aldermen and citizens of the city ;
- “ the council ” means the council of the city ;
- “ daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the city ;
- “ financial year ” means the period of twelve months ending on the thirty-first day of March ;
- “ food ” has the same meaning as in the Food and Drugs Act 1938 ;
- “ the general rate fund ” means the general rate fund of the city ;
- “ market stand ” means a shop stand stall bench shed table compartment standing room station warehouse or other building structure or space in any market house or market place of the Corporation ;
- “ the markets undertaking ” means the markets undertaking of the Corporation and includes the markets market house market places and wholesale market established or acquired or to be established or acquired by the Corporation and the manorial and other rights franchises powers authorities and privileges for the time being belonging to or held or used by the Corporation for or in relation to or in connection with markets and any services or facilities which the Corporation undertake or provide in connection therewith ;
- “ the Minister ” means the Minister of Housing and Local Government ;
- “ statutory securities ” means securities in which trustees are for the time authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

PART I
—cont.

“ the town clerk ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the engineer and surveyor the medical officer of health and any sanitary inspector of the city.

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

(4) References in this Act to a subsequent offence against any provision of this Act shall be construed as references to an offence against that provision committed after a previous conviction of such an offence.

PART II

MARKETS

Incorporation
of Markets
and Fairs
Clauses Act.

4.—(1) The Markets and Fairs Clauses Act 1847 (so far as the provisions of the said Act are applicable for the purpose and are not inconsistent with the provisions of this Act) except sections 13 15 17 to 30 50 and 56 and the words of section 42 from “ and such byelaws ” to the end of the section are hereby incorporated with and form part of this Act.

(2) In construing the said Act the expression “ the limits of the special Act ” shall mean the city.

Saving for
existing
rights etc.

5. Except as expressly provided nothing in this Act affects prejudicially any right franchise power authority or privilege of the Corporation in or in relation to the markets undertaking.

Further
powers as
to markets.

6.—(1) The Corporation may without prejudice to the powers conferred on them by section 10 of the Markets and Fairs Clauses Act 1847 as incorporated in this Act or any other powers vested in them—

- (a) alter the places at which the markets of the Corporation respectively are or may be held within the city ;
- (b) establish and hold new markets within the city and discontinue the whole or any part of any such existing or new markets ;
- (c) provide offices shops catering establishments stores warehouses and other buildings for the purposes of the markets undertaking.

(2) The Corporation shall not under the powers of this section—

- (a) alter any place at which markets are held unless they have given at least three months' notice of their intention to do so in the London Gazette and a local newspaper circulating in the city ;
- (b) discontinue any market except with the consent of the Minister.

(3) It is hereby declared that nothing in paragraph (c) of subsection (1) of this section authorises the Corporation to sell intoxicating liquor.

PART II
—cont.

7.—(1) The Corporation by means of an order made by the Corporation and submitted to the Minister and confirmed by him may be authorised to purchase land within the city compulsorily for the purposes of the markets undertaking.

Purchase
of land for
markets
undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land under this section and accordingly shall have effect as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

8. Notwithstanding anything contained in any other enactment the Corporation may let for such term as they may think fit not exceeding seven years any market stand in any wholesale or retail market of the Corporation upon such terms and conditions as the Corporation may think fit:

Power to
let stands
etc. in
market.

Provided that before increasing the rents of market stands the Corporation shall consult with the National Market Traders' Federation.

9.—(1) No person shall sell by retail any articles goods or commodities in the wholesale markets of the Corporation.

Prohibition
of retail sales
in wholesale
markets.

(2) For the purposes of this section—

(a) a sale to a person for the purposes of his catering business or canteen including a fish and potato frying business ; and

(b) a sale to a manufacturer for the purposes of his manufacturing business ;

shall not be deemed to be a sale by retail.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding for a first offence five pounds and for any subsequent offence twenty pounds.

10.—(1) Every person (except an auctioneer selling by auction in any place other than the public street or a licensed hawker or certificated pedlar) who shall sell or expose for sale in any place within the city except in the markets of the Corporation or in a dwelling-house or shop of which such person or the employer of such person is the owner or the lessee for a term of years any article commonly sold in the markets of the Corporation shall be liable to a penalty not exceeding for a first offence five pounds and for any subsequent offence twenty pounds.

Restriction
on certain
sales.

(2) In this section the expression "term of years" includes a term for less than a year or for a year or years and a fraction of a year or from year to year.

PART II
—cont.

(3) Section 29 (After general market is opened no persons except an auctioneer etc. to sell articles in streets within limits of Act) of the Coventry Market House Act 1863 is hereby repealed.

Prohibition of
wholesale
sales in retail
markets.

11.—(1) No person shall sell by wholesale any articles goods or commodities in the retail markets of the Corporation.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding for a first offence five pounds or for any subsequent offence twenty pounds.

Removal of
unauthorised
articles etc.

12.—(1) The Corporation may remove and take possession of—

(a) any articles commodities or chattels placed or deposited on any market stand in contravention of any byelaw or by or on behalf of any person to whom such stand has not been let at the time of such placing or deposit ; and

(b) any stall or structure placed or erected in any market of the Corporation in contravention of any byelaw.

(2) If any article commodity chattel stall or structure removed by the Corporation under this section is not claimed (in the case of an article or commodity of a perishable nature) within twelve hours or (in any other case) within fourteen days the Corporation may proceed to sell the same and they shall pay to the owner on demand the surplus proceeds of such sale after deducting any unpaid toll or rent due in respect thereof or from the owner thereof together with the expenses of removal detention and sale :

Provided that if in any such case no demand shall be made by an owner within one month of a sale for the return of any surplus arising from a sale the proceeds of such sale shall be forfeited to the Corporation.

(3) The Corporation may (if they think fit) at the expiration of the appropriate period mentioned in subsection (2) of this section destroy any such article commodity chattel stall or structure instead of selling the same.

(4) If—

(a) any article commodity chattel stall or structure removed by the Corporation under this section is sold by the Corporation and the proceeds of the sale are insufficient to reimburse the Corporation for the expenses of removal detention and sale thereof ; or

(b) any such article commodity chattel stall or structure is destroyed by the Corporation ;

the Corporation may recover from the owner the deficiency or (as the case may be) the expenses of removal detention and destruction either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction.

PART II
—cont.

(5) The Corporation shall not be liable for any loss or damage caused by the exercise of the powers imposed on them by this section.

PART III

STREETS

13.—(1) In any street in the city not being a highway repairable by the inhabitants at large the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund:

Urgent repairs
of private
streets.

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed twenty pounds for each one hundred yards of the length of the street.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the city relating to private street works or private street improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

(3) Section 60 (As to urgent repairs of private streets) of the Act of 1927 is hereby repealed.

14.—(1) Where in any highway in the city repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or the deposit thereon or therein of any material or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression “defective fitting or structure”) the surveyor may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

Fencing and
lighting of
obstructions
in highways.

(2) Any expenses reasonably incurred by the Corporation in erecting or removing any such board or fence or in lighting any such hoarding scaffolding board or fence shall be recoverable from the owner of such hoarding scaffolding or material or of the defective fitting or structure or from the person or persons responsible for the erection of the hoarding or structure or for

PART III
—cont.

the deposit of the material on or in the highway or for the condition of the defective fitting or structure.

(3) The provisions of this section shall not apply in cases where there is a duty to secure the observance of the requirements of paragraphs (a) to (e) of subsection (1) of section 8 of the Public Utilities Street Works Act 1950.

Fencing lands
adjoining
streets.

15.—(1) If any land in the city (other than land forming part of any common) adjoining any street is allowed to remain unfenced or if the fences of any such land are allowed to be or remain out of repair and such land is owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public the Corporation may by notice require the owner or occupier of the land to fence the land or (as the case may be) to repair the fence.

(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 notices mentioned in subsection (1) of that section.

(3) The provisions of subsection (1) of this section shall not extend to require the commission to fence or (as the case may be) to repair any fence on land which belongs to the commission and is held or used by them for the purpose of their canal undertaking.

Construction
of secondary
means of
access.

16.—(1) Where—

- (a) a plan of a new street intended to be used as secondary means of access to premises is deposited with the Corporation in pursuance of street byelaws and is approved by them; and
- (b) such new street is not constructed in accordance with street byelaws within six months after the occupation of any building which may be erected after such approval on land abutting on the street;

the Corporation may by notice require the person by whom or on whose behalf such plan was deposited to construct in accordance with street byelaws such new street or so much thereof as will—

- (i) abut upon the land upon which the building is erected or any land which may be occupied in connection with the building; and
- (ii) lie between an existing street or a street then in course of construction and so much of the new street as is mentioned in paragraph (i) of this subsection.

(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 notices mentioned in subsection (1) of that section.

(3) The Corporation may make byelaws prescribing specifications for the construction of new streets exceeding four feet in width and intended to be used as secondary means of access to premises.

(4) In this section the expression "street byelaws" means any byelaws for the time being in force in the city with respect to the level width and construction of new streets.

17.—(1) Subject to the provisions of this section the Corporation may affix to any building in the city such lamps pipes electric lines and apparatus (in this section called "attachments") as may be required for the purposes of street lighting. Attachment of street lamps brackets etc.

(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

PART III
—cont.

the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute 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 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 last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest	The Minister of Transport and Civil Aviation. The Minister.
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” 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 IV

SANITATION BUILDINGS ETC.

18.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the city a drain private sewer water-closet or soil pipe 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 drains etc.

(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
- (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.

19.—(1) If any drain or private sewer in the city—

- (a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation; and
- (b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds;

Power to repair drains and private sewers.

the Corporation may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do

PART IV
—cont.

not exceed fifty pounds from the person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine:

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

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

(a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable; and

(b) whether any apportionment made by the surveyor was fair;

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

Provided that the court shall not revise any apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(3) In this section the expression “person concerned” in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

Penalty for improper construction or repair of water-closet etc.

20.—(1) If a water-closet drain or soil pipe in the city is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) A person charged with an offence under this section (hereafter in this section referred to as “the original defendant”) shall upon information duly laid by him and on giving to the prosecutor not less than three clear days’ notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

(a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and

(b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

(a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

21. For the purposes of section 44 of the Act of 1936 any part of a building in the city being a part occupied as a separate dwelling shall be treated as a separate building:

Closet accommodation for separate dwellings.

Provided that where any part or parts of a building occupied as aforesaid has or have been let for occupation without the consent in writing of the owner of the building the person so letting that part or those parts shall be deemed to be the owner thereof for the purposes of the said section 44.

22.—(1) Where after the passing of this Act any person shall—

Abandoned drains to be cut off.

(a) reconstruct any drain which communicates with any sewer or other drain;

(b) lay such drain in a new position; or

(c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end.

(2) Any person who knowingly contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

Defective premises.

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

PART IV
—cont.

- (b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or building (in this section referred to as "the premises") the procedure prescribed in 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 premises 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 premises 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 premises.

(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 premises 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 premises.

(b) A person against whom proceedings are taken under subsection (3) of this section (hereafter in this section referred to as "the original defendant") 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 default or sufferance he alleges that the defective state of the premises was due brought before the court in the proceedings and if the original defendant proves that the defective state of the premises arose or continued by the 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 defaults acts or sufferances the defective state of the premises arose or continued in such manner as the court may deem fair and reasonable.

(c) Where the original defendant seeks to avail himself of the provisions of paragraph (b) of this subsection—

- (i) the Corporation as well as the person to whose default or sufferance the original defendant alleges that the defective state of the premises is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ; and
- (ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the 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.

(6) The powers and functions of the Corporation under this section may be exercised by the medical officer or the sanitary inspector.

PART IV
—cont.Prevention of
smoke from
furnaces.

24.—(1) As from the appointed day section 52 (Prevention of smoke from industrial furnaces) of the Act of 1948 shall have effect as if the following subsections were substituted for subsections (1) and (2) thereof:—

“ (1) No person shall instal any furnace in any premises in the city unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If any person contravenes the provisions of this section 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.”

(2) Nothing in this section or in the said section 52 shall apply to the installation of a furnace in—

(a) a house or flat unless the furnace is intended to be used for the heating of more than one house or flat ; or

(b) a building previously used as a single house which has been converted into two or more separate houses or flats.

(3) For the purposes of this section the expression “ house ” shall include a house of which part is licensed by the justices for the sale of intoxicating liquor pursuant to the Licensing Acts 1910 to 1949 notwithstanding that the premises are so licensed provided that the house is not designed and is not being adapted or used to provide more than three bedrooms for visitors or guests.

PART V

WEIGHTS AND MEASURES

Application
of Part II of
Act of 1889
to wood fuel.

25.—(1) In their application to the city sections 20 to 22 and 24 to 29 of the Act of 1889 shall extend to wood fuel subject to and in accordance with the following provisions:—

(a) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweight shall include references to any quantity of wood fuel exceeding two hundredweights ;

- (b) the reference in section 24 to coal in any quantity not exceeding two hundredweight and the reference in section 28 to coal in quantities not exceeding two hundredweight shall include a reference to wood fuel in any quantity exceeding fourteen pounds but not exceeding two hundredweights ;
- (c) any other reference to coal in the said sections 20 to 22 and 24 to 29 shall include a reference to any quantity of wood fuel exceeding fourteen pounds ;
- (d) in relation to wood fuel such of the said sections as are hereinafter mentioned shall be construed as if the words “ within the city of Coventry ” were inserted—
- (i) in subsection (1) of section 20 after the word “ sold ” where it first occurs ;
 - (ii) in subsection (1) of section 21 after the word “ delivered ” where it first occurs ;
 - (iii) in subsection (1) of section 22 after the word “ conveyed ” ;
 - (iv) in section 24 after the word “ delivers ” ;
 - (v) in subsection (1) of section 25 after the word “ place ” where it first occurs ;
 - (vi) in section 27 at the beginning of subsection (1) ; and
 - (vii) in subsection (1) of section 29 after the word “ place ” where it first occurs and after the word “ may ” where it secondly occurs.

(2) Any byelaws made by the Corporation under section 28 of the Act of 1889 with respect to the sale of coal shall extend to wood fuel subject to and in accordance with the following provisions :—

- (a) Any references in such byelaws to coal in quantities not exceeding two hundredweights shall include a reference to wood fuel in any quantity exceeding fourteen pounds but not exceeding two hundredweights ; and
- (b) Any other references to coal in the said byelaws shall include a reference to any quantity of wood fuel exceeding fourteen pounds.

26. If in the city any person wilfully makes any false statement as to the weight of any wood fuel or any part thereof or as to the tare weight of any vehicle from which wood fuel is being sold delivered or offered or exposed for sale or wilfully increases the weight of any such wood fuel by damping the same or wilfully does any other act by which the seller or the purchaser

Penalty for fraud.

PART V
—cont.

or prospective purchaser of wood fuel is or may be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Vehicles carrying wood fuel for sale or delivery on sale.

27.—(1) Every vehicle carrying wood fuel for sale or for delivery on sale in the city by retail shall have the seller's name and place of business clearly marked and visible on such vehicle.

(2) Any person who in the city uses a vehicle to which this section applies and which is not in conformity therewith shall be liable to a penalty not exceeding five pounds.

Sale in sacks of coal etc. in quantities exceeding two hundredweights.

28.—(1) Where in the city—

(a) any quantity of coal or coke or wood fuel exceeding two hundredweights is delivered or is being carried for delivery by means of any vehicle to a purchaser or to more than one purchaser; or

(b) any person sells or intends to sell or exposes or offers for sale coal or coke or wood fuel from or on any vehicle in quantities exceeding two hundredweights;

and such coal or coke or wood fuel is carried on such vehicle in sacks the net weight of coal or coke or wood fuel in any one sack shall be equal to one of the following weights (that is to say):—

two hundredweights;

one hundredweight;

one-half of a hundredweight;

one-quarter of a hundredweight;

and each sack shall be legibly marked so as to show the net weight of coal or coke or wood fuel carried in such sack.

(2) If default is made in complying with any of the requirements of subsection (1) of this section or the net weight of coal or coke or wood fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in section 21 of the Act of 1889 the seller of the coal or coke or wood fuel and the person responsible for loading the coal or coke or wood fuel on such vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds:

Provided that the commission and their servants shall not be liable to a penalty under the provisions of this subsection by reason of default being made in complying with any of the requirements of subsection (1) of this section.

(3) In addition to the matters which in accordance with the said section 21 and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in all cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal or coke or wood fuel in each of such sacks and the said section 21 in its application to the city shall have effect accordingly.

PART V
—cont.

29.—(1) Any inspector of weights and measures of the Corporation showing his authority under the Weights and Measures Acts 1878 to 1936 if required may within the city at all reasonable times—

Deficient weight measure or number.

(a) enter any building or other place in which he has reasonable cause to believe that any article is sold or is made up or exposed for sale by weight or measure or that any articles are sold or are set apart or kept or exposed for sale in numbers ; or

(b) inspect any vehicle which he has reasonable cause to believe is carrying articles for sale or delivery by weight or measure or in numbers ; or

(c) stop any person whom he has reasonable cause to believe is carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery ;

and weigh measure or number any such article or articles or require any such article or articles to be weighed measured or numbered in his presence.

(2) If the weight measure or number thereof when so ascertained is less than the weight measure or number thereof which has been represented by the person who has sold or made up or kept or exposed the same for sale or delivery or who has weighed measured or numbered the same with a view to purchase or sale or delivery such inspector may seize impound and convey such article or articles to an office provided for the purpose by the Corporation.

(3) The person who has sold or delivered such article or articles or made up or kept or exposed the same for sale or delivery or who has incorrectly weighed measured or numbered the same with a view to purchase or sale or delivery shall be guilty of an offence and shall be liable for a first offence to a penalty not exceeding five pounds and for any subsequent offence to a penalty not exceeding ten pounds.

PART V
—cont.

(4) For the purposes of section 288 of the Act of 1936 as applied by this Act action wilfully taken by the driver or person in charge of any vehicle to avoid inspection of the vehicle by an inspector of weights and measures under this section by driving away or increasing speed when approached by such inspector shall be deemed to be obstruction.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any pre-packed article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a defence for the defendant to prove to the satisfaction of the court either—

- (a) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency ; or
- (b) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency ; or
- (c) in case of a pre-packed article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being infringed.

(7) A person against whom proceedings are brought in respect of an offence against this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention be entitled to have any person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence

and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(8) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

(a) the prosecution as well as the person whom the original defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(9) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered post to the defendant nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

(10) A prosecution under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions or the Corporation.

(11) For the purpose of this section unless the context otherwise requires the expression “pre-packed article” means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be pre-packed unless the contrary is proved.

(12) The provisions of this section shall not apply to the sale of coal coke or wood fuel nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

30. The provisions of this Part of this Act shall come into operation on the appointed day.

Commence-
ment of this
Part of Act.

PART VI

FREEDOM OF THE CITY

Further amendment of Part XII of Act of 1927.

31. Part XII (Freedom of the city) of the Act of 1927 (as amended by section 66 (Repeal of sections of Act of 1940 and Act of 1942 and amendment of Part XII of Act of 1927) of the Act of 1948 and set out in the schedule to the Act of 1948) shall have effect in its application to deeds of apprenticeship entered into after the passing of this Act and to claims for admission to the freedom of the city founded upon service under such deeds as if—

(1) in section 105 (Definitions in Part XII of this Act)—

(a) the following definition was substituted for the definition of “area of service” :—

“area of service” means the city as for the time being constituted and any area outside the city which is within a distance of four miles from St. Mary’s Hall in the city ;

(b) the following additional definition were inserted :—

“An apprenticeship scheme” means a scheme established for the purpose of regulating the enrolment and training of apprentices in a trade by organisations of employers and trade unions representing substantial proportions of the employers and workers respectively engaged in that trade ;

(2) the following section were substituted for section 106 (Qualification for freedom) :—

“Qualification for freedom. The qualification for obtaining the freedom shall be— (subject to compliance with the provisions of this Part of this Act) be—

(1) the attainment of the age of twenty-one years before admission to the freedom ; and

(2) in the case of—

(a) a trade in which there is an apprenticeship scheme service of whole-time apprenticeship for a period of not less than four years under a deed or deeds of apprenticeship to the trade within the area of service such service being rendered in accordance with the apprenticeship scheme and (if there is a body responsible for the administration of the apprenticeship scheme) accepted as sufficient by that body ;
or

(b) a profession qualification for which is by examination—

(i) such service of whole-time apprenticeship for a period of not less than four years under a deed or deeds of apprenticeship to the profession within the area of service as is required before permission to practise in such profession will be given ; and

(ii) the passing of the examinations required to be passed before such permission will be given ; or

(c) any other trade the service of not less than five years' whole-time apprenticeship under a deed or deeds of apprenticeship to a trade in the area of service :

Provided that any period or periods not exceeding in the aggregate one-half of the period of service under the deed or deeds of apprenticeship during which an apprentice under a deed or deeds of apprenticeship to a trade in the area of service at the request or with the concurrence of his master renders elsewhere than in the area of service whole-time service to the master in furtherance of the training of the apprentice in the said trade shall be treated as service of whole-time apprenticeship under such deed or deeds of apprenticeship to a trade in the area of service ” ;

- (3) in section 110 (Eligibility of deeds of apprenticeship for enrolment) after the word “ Act ” there were inserted the words “ and for that purpose to consult as he may deem necessary the body referred to in sub-paragraph (a) of paragraph (2) of section 106 (Qualification for freedom) of this Act or (in the case of a profession) the body or person authorised to give permission to practise in that profession ” ;
- (4) in section 113 (Claims for admission) in paragraph (v) for the words “ either or both of the provisos ” there were substituted the words “ the proviso ” ;
- (5) in the said Part XII for the words “ the mayor ” wherever they occur there were substituted the words “ the lord mayor ”.

PART VII

FINANCE

Power to borrow.

32.—(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 the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay the sum so borrowed within such period as the Corporation may determine not exceeding 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 by this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

Amendment of section 74 of Coventry Corporation Act 1936.

33. Section 74 (Renewals and repairs fund) of the Coventry Corporation Act 1936 shall have effect as if the following subsection were substituted for subsection (2):—

“(2) The Corporation may from time to time pay into the renewals and repairs fund such sums as they think fit from the revenue of the general rate fund but the maximum amount standing to the credit of the renewals and repairs fund shall not except with the approval of the Minister at any time exceed two hundred and fifty thousand pounds.”

Specimens fund.

34.—(1) The Corporation may (if they think fit) establish a fund to be called “the specimens fund” to provide for the purchasing of any works of art pictures sculptures or other objects of artistic interest or any objects of interest for the purpose of science history natural history industry or archaeology which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the public library museum and art gallery or other building of the Corporation and such fund shall be formed by paying thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Act of 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

Provided that when the specimens fund shall amount to the sum of twenty-five thousand pounds the Corporation shall discontinue such payments but if the said fund is at any time reduced below the sum of twenty-five thousand pounds the

Corporation may recommence and continue the payments until the said fund be restored to the sum of twenty-five thousand pounds.

PART VII
—cont.

(2) (a) Pending the application of the specimens fund to the purposes authorised by this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the specimens fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by the proviso to the preceding subsection) an amount equivalent to such income shall be credited to the specimens fund.

(3) Section 125 (Consolidated loans fund) of the Act of 1927 (as amended by the Coventry Corporation Act 1930) and section 130 (Use of moneys forming part of sinking and other funds) of the Act of 1927 shall have effect as if in each of those sections after the word "superannuation" there were inserted the word "specimens".

35. The Corporation (subject as hereinafter provided) may subscribe to any philanthropic association or society or other associations institutions or societies rendering national or public service or to any national public appeal such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues:

Subscriptions
to certain
institutions
and national
public appeals.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Act of 1925.

36. The Corporation may pay reasonable expenses in connection with official and courtesy visits by or on behalf of the Corporation (including conferences to consider matters relating to the powers and functions of local authorities) and travelling expenses and expenses reasonably incurred by or on behalf of any member or officer of the Corporation in connection therewith.

Expenses of
certain visits.

PART VIII

MISCELLANEOUS

Extension
of time for
completion of
waterworks.

37.—(1) The period for completing the waterworks authorised by the Coventry Corporation Act 1939 (other than the works and parts of works which by section 17 (Relinquishment of works authorised by Act of 1939) of the Act of 1948 were required to be relinquished) as extended by section 18 (Extension of time for completion of waterworks authorised by Act of 1939) of the Act of 1948 is hereby further extended until the thirty-first day of December nineteen hundred and seventy and accordingly section 13 (Period for completion of waterworks and enlargement of works) of the Coventry Corporation Act 1939 shall have effect as if for the words “nineteen hundred and forty-nine” there were substituted the words “nineteen hundred and seventy”.

(2) Section 18 (Extension of time for completion of waterworks authorised by Act of 1939) of the Act of 1948 is hereby repealed.

(3) The period for completing the waterworks authorised by the Act of 1948 is hereby extended until the thirty-first day of December nineteen hundred and seventy and accordingly section 16 (Period for completion of works and enlargement of works) of the Act of 1948 shall have effect as if for the words “nineteen hundred and fifty-four” there were substituted the words “nineteen hundred and seventy”.

Extension
of power to
develop lands.

38.—(1) Section 20 (Power to develop lands etc.) of the Coventry Corporation Act 1942 shall have effect as if after the word “offices” there were inserted the words “industrial buildings”.

(2) In this section the expression “industrial building” means a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes namely:—

- (a) the making of any article or of part of any article; or
- (b) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business and for the purposes of this definition the expression “article” means an article of any description including a ship or vessel.

39.—(1) Whenever it appears to the Corporation or to an authorised officer of the Corporation to be necessary for the Corporation or any of their officers servants contractors or workmen to enter examine or lay open any lands in the city (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such land or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them the Corporation may after notice to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Corporation to enter examine and lay open the said lands for the purposes aforesaid or any of them.

PART VIII
—cont.
Entry on land
for certain
purposes.

(2) If sufficient cause is shown for the application (and whether or not there is vested in the Corporation power to acquire such lands compulsorily) the court may make an order accordingly and on such order being made the Corporation or any of their officers servants contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing :

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Corporation shall at their own expense make good and restore to their former condition any lands laid open by them or their officers servants contractors or workmen and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered any damage or loss sustained by him in consequence of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be assessed by a court of summary jurisdiction and the amount so assessed shall be recoverable in such court.

(4) (a) The Corporation shall not exercise the powers of this section—

- (i) in respect of any lands belonging to the commission and used for the purpose of their undertaking except with the consent of the commission ;

PART VIII
—cont.

(ii) in respect of any lands belonging to the West Midlands Gas Board and used for the purpose of their undertaking except with the consent of that board.

(b) Any consent required by paragraph (a) of this subsection shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to a single arbitrator to be agreed upon between the parties or in default of such agreement appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration.

Neighbour-
hood units.

40.—(1) In this section the expression “neighbourhood unit” means any area of land owned by the Corporation and defined by a resolution of the council upon which in addition to housing accommodation the Corporation have provided or are providing or intend to provide or have granted or intend to grant facilities for the provision of educational health or other public services amenities or facilities or some of them.

(2) Notwithstanding anything contained in any other enactment the Corporation may without any appropriation use any lands forming part of a neighbourhood unit for the purposes of any undertaking department or service of the Corporation connected with the neighbourhood unit.

(3) In every financial year in which any such land is used for the purpose of any such undertaking department or service there shall be charged in the accounts of the Corporation in respect of that undertaking department or service and credited to the undertaking department or service which acquired the land or to which the land has been appropriated such amount as the Corporation may think fit in respect of such use of such land:

Provided that in the case of land used for any undertaking department or service in respect of which a grant specifically related to the expenditure on such undertaking department or service is paid out of moneys provided by Parliament the amount to be charged in the accounts of the Corporation in respect of the use of the land shall be the amount approved by the Minister.

Maintenance
of street
lighting
installations.

41.—(1) The Corporation and any local authority in the administrative county of Warwick may enter into and carry into effect agreements for the maintenance by the Corporation upon such terms and conditions as may be agreed of such lamps lamp-posts and other materials and apparatus as may have been provided for the lighting of streets markets and public buildings in the district of the local authority.

(2) If the Corporation enter into an agreement with any local authority under the powers of this section they may during the continuance of such agreement exercise all the powers of that local authority in relation to such lamps lamp-posts materials and apparatus and in relation to such lighting.

(3) In this section the expression "local authority" means the council of a borough urban district or rural district.

42. Section 139 (Power to expend money on lectures) of the Act of 1927 shall have effect as if for the words "the sum of one hundred pounds" there were substituted the words "the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925." Expenditure on lectures.

43.—(1) Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary school may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case. School agreements.

(2) For the purposes of this section the expression "secondary school" includes—

- (a) a secondary school as defined by section 114 of the Education Act 1944; and
- (b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of that Act is provided.

44.—(1) The powers of the Corporation in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to carry out works for the purpose of putting in order or levelling and maintaining any grave or putting in order any tombstone therein or to remove or sink to ground level the kerbs surrounding any grave or any movable monument or memorial on any grave therein subject to the following provisions:— Extension of power to maintain burial grounds.

(a) Before exercising the powers of this section the Corporation shall give notice of their intention so to do—

- (i) by publishing the notice once in each of two successive weeks in a local newspaper circulating in

PART VIII
—cont.

the city with an interval between each publication of not less than six clear days ; and

(ii) by displaying the notice in a conspicuous position in the burial ground ;

(b) Any such notice shall—

(i) contain a description of the Corporation's proposals ; and

(ii) specify the date on which it is intended that the Corporation shall begin to carry out the proposals which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid ; and

(iii) state the effect of paragraph (c) of this subsection ;

(c) If notice of objection to the proposals and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the proposals to which the objection related shall not be carried out without the consent of the Minister ;

(d) All kerbs monuments or memorials removed by the Corporation under this section shall remain the property of the owner of the grave from which they have been removed but if he does not claim them within three months after the first publication of the advertisement referred to in sub-paragraph (i) of paragraph (a) of this subsection the Corporation may put them to such use as they may deem appropriate or destroy them ;

(e) Where any monument or memorial or kerb constituting a memorial is removed under this section the Corporation may at the request of a relation of the deceased erect at their own expense in substitution therefor a tombstone of a value not exceeding twenty-five pounds ;

(f) The Corporation shall cause to be made a record of each kerb monument or memorial removed under this section and deposit a copy of the record with the Registrar-General.

(2) Nothing in this section shall limit the jurisdiction of the consistory court of the diocese of Coventry and where a licence or faculty of that court is obtained for any work paragraphs (a) (b) and (c) of subsection (1) of this section shall not apply.

(3) In this section—

- the expression “burial ground” includes a cemetery ;
- the expression “grave” includes a grave space ;
- the expression “tombstone” includes a monument or other memorial of a deceased person.

PART VIII
—cont.

45. As from the appointed day no premises in the city shall subject to the provisions of subsection (7) of section 14 of the Food and Drugs Act 1938 as applied by this section be used for the sale or the manufacture for the purposes of sale of any frozen liquid of the nature of a sweet or confection or for the storage of any such frozen liquid intended for sale unless they are registered in accordance with the provisions of section 14 of the Food and Drugs Act 1938 and the provisions of the said section shall apply to such premises in all respects as if they were premises used for the sale or the manufacture for the purposes of sale of ice-cream or the storage of ice-cream intended for sale.

Registration
of premises
used for sale
etc. of certain
frozen liquids.

46.—(1) As from the appointed day any person intending to use any premises within the city—

Notification
of premises
for sale etc.
of food.

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

of any food (other than milk) intended for human consumption which premises were not so used immediately before the appointed day shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) Any person who shall use any such premises for any of the purposes mentioned in subsection (1) 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.

(3) 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 to any premises within the curtilage of such station ;
- (c) premises used exclusively for agricultural purposes within the meaning of the Act of 1947 ;

PART VIII
—cont.

- (d) premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises ;
 - (e) premises requiring to be registered by the Corporation under section 14 of the Food and Drugs Act 1938.
- (4) 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.

Restriction on
use of city
armorial
bearings.

47. If any person without the consent of the Corporation uses the armorial bearings of the city (or armorial bearings so closely resembling the same as to be calculated to deceive) in such a manner as to be calculated to lead to the belief that he is duly authorised so to use the armorial bearings of the city he may at the suit of the Corporation be restrained by injunction from continuing to use the same :

Provided that nothing in this section shall be construed as affecting the right (if any) of the proprietor of a trade mark in existence at the date of the passing of this Act and containing such armorial bearings to continue to use such trade mark.

Byelaws as to
sale etc. of
animal feeding
meat.

- 48.—(1) The Corporation may make byelaws—
- (a) for regulating the construction and equipment of any premises at or from which animal feeding meat is—
 - (i) prepared for sale ;
 - (ii) sold or offered or exposed for sale ; or
 - (iii) deposited for the purpose of sale or preparation for sale ;
 - (b) for regulating the cleanliness and sanitary condition of such premises and the provision of suitable storage therein for animal feeding meat ;
 - (c) for requiring the keeping of accurate records of—
 - (i) the description quantities and weights of all animal feeding meat delivered at or sold otherwise than by retail at or from any premises at which the sale or offer or exposure for sale of animal feeding meat is carried on ;
 - (ii) the dates at which deliveries and sales take place ; and
 - (iii) the names and addresses of the persons from whom the articles so delivered are obtained and of the persons to whom such sales are made ;

- (d) for prohibiting the sale or offer or exposure for sale of animal feeding meat unless such meat has been sterilised in such manner as may be prescribed by the byelaws ;
- (e) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is bona fide supplied to a zoological garden or to a menagerie for consumption only by carnivorous animals in such zoological garden or menagerie and which has been examined and passed as fit for animal food by an authorised officer.

(2) Nothing in any byelaw made under paragraph (a) or (b) of subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

- (a) contained in tins or other containers effectually sealed and bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only ;
- (b) in the form of dog biscuits or other articles of a similar nature ;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(3) Nothing in any byelaws made under this section shall extend or apply to any premises present or future of the Coventry Fat and Bone Company Limited or to any animal feeding meat prepared on those premises so long as all animal feeding meat prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or preparation for sale on those premises is prepared on those premises solely from residuals resulting from primary processes in connection with an offensive trade as defined in section 107 of the Act of 1936 or any statutory modification or re-enactment thereof carried on by the said Coventry Fat and Bone Company Limited on those premises.

(4) 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

PART VIII

—cont.

Registration
of premises
used in
connection
with the sale
etc. of animal
feeding meat.

49.—(1) (a) As from the appointed day and subject to the provisions of this subsection no premises shall be used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat unless such premises are registered under this section for that purpose by the Corporation and a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a penalty not exceeding ten pounds and in the case of a subsequent offence to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such a penalty and such imprisonment.

(b) Subject to the following provisions of this subsection the Corporation shall on the application of the occupier or of a person proposing to occupy any premises register those premises for the purposes of this subsection.

(c) If it appears to the Corporation that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under the last foregoing section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the Corporation shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to take the matter into consideration and informing him that he may attend before them 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 the application or (as the case may be) cancel the registration of the premises.

(d) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the Corporation they may refuse the application or (as the case may be) cancel the registration of the premises 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 is based.

(e) A person aggrieved by the decision of the Corporation under this subsection to refuse to register any premises or to cancel the registration of any premises may appeal to a court of summary jurisdiction.

(f) Upon any change in the occupation of premises registered under this section the incoming occupier shall if he intends to use them for the purpose for which they are registered forthwith give notice of the change to the Corporation who shall there-

upon make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so he shall be liable to a penalty not exceeding five pounds.

(2) Nothing in subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

(a) contained in tins or other containers effectually sealed and bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only;

(b) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(3) Nothing in this section shall extend or apply to any premises present or future of the Coventry Fat and Bone Company Limited so long as they are not used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat other than animal feeding meat prepared on those premises solely from residuals resulting from primary processes in connection with an offensive trade as defined in section 107 of the Act of 1936 or any statutory modification or re-enactment thereof carried on by them.

(4) 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.

50. For the purposes of the last two foregoing sections the following expressions have the meanings hereby respectively assigned to them:—

Interpretation
of last two
foregoing
sections.

“animal feeding meat” means any flesh of cattle horses asses mules swine sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance;

“authorised officer” means any officer who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purposes of the examination and seizure of meat under the provisions of that Act;

“flesh” includes any part of an animal;

PART VIII
—cont.

“knacker’s yard” and “slaughterhouse” have the same respective meanings as in subsection (1) of section 100 of the Food and Drugs Act 1938 :

“premises” does not include a knacker’s yard or slaughterhouse.

Return of
library books.

51. Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them under those Acts shall include—

- (1) the power to prescribe the period or periods being not less than fourteen days within which any book borrowed from such library must be returned thereto ;
- (2) the power to recover from any person who fails within such prescribed period to return to the said library any book so borrowed such reasonable sum not exceeding three pence as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such book together with any expenses incurred by the Corporation in sending to such person notices in respect of such book ;
- (3) the power to prohibit any such person from borrowing any other book from the said library or from any other library provided by the Corporation under the said Act until such person has paid any such sum as is due to the Corporation under paragraph (2) of this section.

PART IX

GENERAL

Confirming
authority
for byelaws.

52. 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 48 (Byelaws as to sale etc. of animal feeding meat) of this Act the confirming authority shall be the Minister of Food.

Local
inquiries.

53.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

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

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

PART IX
—cont.

54.—(1) For the purposes of this Act 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. The appointed day.

(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 city 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 the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the 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 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 56 (Appeals) of this Act.

55.—(1) Proceedings in respect of an offence created by or under section 11 (Prohibition of wholesale sales in retail markets) of this Act shall not be taken except by or on behalf of the Corporation. Restriction on right to prosecute.

PART IX
—cont.

(2) Proceedings in respect of an offence created by or under this Act (except the said section 11 or Part V (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

56.—(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 themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

Application
of general
provisions of
Act of 1936.

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

(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 Part III (Streets) and Part IV (Sanitation buildings etc.) of this Act.

(3) The section of the said 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 and also to section 46 (Notification of premises for sale etc. of food) section 48 (Byelaws as to

sale etc. of animal feeding meat) and section 49 (Registration of premises used in connection with the sale etc. of animal feeding meat) of this Act.

PART XI
—cont.

58. The costs charges and expenses preliminary to and of Costs of Act. and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

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276	Power of local authority to sell certain materials.
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293	Recovery of expenses etc.
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Table of Statutes referred to in this Act

Short title	Session and chapter
Markets and Fairs Clauses Act 1847 ...	10 & 11 Vict. c. 14.
Coventry Market House Act 1863 ...	26 & 27 Vict. c. xcii.
Local Loans Act 1875 ...	38 & 39 Vict. c. 83.
Weights and Measures Act 1889 ...	52 & 53 Vict. c. 21.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Acquisition of Land (Assessment of Compensation) Act 1919 ...	9 & 10 Geo. 5 c. 57.
Land Charges Act 1925 ...	15 & 16 Geo. 5 c. 22.
Rating and Valuation Act 1925 ...	15 & 16 Geo. 5 c. 90.
Sale of Food (Weights and Measures) Act 1926 ...	16 & 17 Geo. 5 c. 63.
Coventry Corporation Act 1927 ...	17 & 18 Geo. 5 c. xc.
Coventry Corporation Act 1930 ...	20 & 21 Geo. 5 c. lxxxvi.
Local Government Act 1933 ...	23 & 24 Geo. 5 c. 51.
Public Health Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Coventry Corporation Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. cix.
Food and Drugs Act 1938 ...	1 & 2 Geo. 6 c. 56.
Coventry Corporation Act 1939 ...	2 & 3 Geo. 6 c. lxxxviii.
Coventry Corporation Act 1940 ...	3 & 4 Geo. 6 c. xx.
Coventry Corporation Act 1942 ...	5 & 6 Geo. 6 c. xvi.
Education Act 1944 ...	7 & 8 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act 1946 ...	9 & 10 Geo. 6 c. 49.
Ministers of the Crown (Transfer of Functions) Act 1946 ...	9 & 10 Geo. 6 c. 31.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Coventry Corporation Act 1948 ...	11 & 12 Geo. 6 c. xxxvii.
Civil Aviation Act 1949 ...	12 & 13 Geo. 6 c. 67.
Lands Tribunal Act 1949 ...	12 & 13 Geo. 6 c. 42.
Arbitration Act 1950 ...	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Customs and Excise Act 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. 44.

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11. Prohibition of wholesale sales in retail markets.
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19. Power to repair drains and private sewers.

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