

# Rhyl Urban District Council Act, 1956

4 & 5 ELIZ. 2 Ch. lxxxvi

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## CHAPTER lxxxvi

An Act to confer further powers on the urban district council of Rhyl in regard to lands to make further and better provision for the health local government improvement and finances of the urban district to make provision with respect to the registration of premises in the urban district used for the conduct of sales by auction and for other purposes. [2nd August 1956.]

**W**HEREAS:

(1) The urban district of Rhyl (in this Act referred to as "the district") is under the management and local government of the urban district council of Rhyl (in this Act referred to as "the Council"):

(2) It is expedient that further and better provision should be made with reference to lands streets sanitation and buildings and for the local government and improvement of the district and that the powers of the Council in relation thereto should be enlarged and extended:

(3) It is expedient that provision should be made as in this Act contained with respect to the registration of premises within the district used for the conduct of sales by auction:

(4) It is expedient to confer further powers on the Council with reference to hairdressers and barbers:

(5) It is expedient to make further provision with regard to the finances of the district as by this Act provided:

(6) The local enactments specified in the First Schedule to this Act are immediately prior to the passing of this Act in force in the district:

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

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

(9) 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.—(1) This Act may be cited as the Rhyl Urban District Council Act 1956.

(2) The unrepealed provisions of the Acts and Orders specified in the First Schedule to this Act and this Act may be cited together and are hereinafter referred to as "the Rhyl Urban District Council Acts and Orders 1852 to 1956".

**Division of Act into Parts.**

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

Part I—Preliminary.

Part II—Lands.

Part III—Streets.

Part IV—Sanitation and buildings.

Part V—Premises used for sales by auction.

Part VI—Public order and public safety.

Part VII—Nuisances.

Part VIII—Parks cemeteries etc.

Part IX—Finance.

Part X—Miscellaneous.

Part XI—General.

**Incorporation of Lands Clauses Acts.**

3. The Lands Clauses Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions of that Act with respect to the purchase and taking of lands otherwise than by agreement are hereby incorporated with and form part of this Act.

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

PART I  
—cont.

Interpretation.

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

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

“ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;

“ burial ground ” includes a cemetery ;

“ clerk ” “ treasurer ” “ medical officer ” and “ sanitary inspector ” mean respectively the clerk the treasurer the medical officer of health and any sanitary inspector of the Council and include any person duly appointed by the Council to discharge temporarily the duties of any of those officers ;

“ commission ” means the British Transport Commission ;

“ contravention ” in relation to any enactment rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “ contravene ” shall be construed accordingly ;

“ Council ” means the urban district council of Rhyl ;

“ county council ” means the county council of the administrative county of Flint ;

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

“ district ” means the urban district of Rhyl ;

“ electricity authority ” means the Central Electricity Authority ;

“ electricity board ” means the Merseyside and North Wales Electricity Board ;

“ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the district ;

“ gas board ” means the Wales Gas Board ;

“ grave ” includes a grave space and for the purposes of section 42 (Agreements to maintain graves and tombstones) of this Act a niche or urn ;

“ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of the district ;

PART I  
—cont.

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

“open space” has the same meaning as in the Open Spaces Act 1906;

“statutory borrowing power” includes a power of borrowing money conferred on the Council by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;

“statutory securities” means securities in which trustees are for the time being authorised by law to invest trust money and any mortgage bond debenture debenture 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 Council;

“tombstone” includes a curb and a monument or any fixed memorial of a deceased person.

(2) 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

## LANDS

Acquisition of land in advance of requirements.

5.—(1) The Council may acquire by agreement whether by way of purchase lease or exchange any land whether situate within or without the district for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district notwithstanding that the land is not immediately required.

(2) Any land acquired under this section may until it is appropriated under section 163 of the Act of 1933 be used for the purpose of any of the functions of the Council and until it is so appropriated all expenses incurred by them in respect of the land shall be payable out of the general rate fund.

(3) The Council shall not acquire land under section 158 of the Act of 1933.

Appropriation and disposal of land.

6.—(1) Subsections (1) and (2) of section 163 of the Act of 1933 shall apply to any land acquired by the Council under this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used.

(2) Notwithstanding anything in subsection (1) of the said section the purpose for which the Council may appropriate



any such land shall not require the approval of the Minister unless it was acquired under the last foregoing section of this Act.

(3) The Council may sell lease exchange (paying or receiving or without paying or receiving money for equality of exchange) or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form):

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land for a consideration less than the current market value of the land but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(4) Nothing in this section shall authorise the disposal of any land by the Council whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Council.

(5) Sections 164 and 165 of the Act of 1933 shall not apply to any land acquired by the Council under this Act.

7.—(1) Subject to the provisions of this section section 166 of the Act of 1933 shall apply to capital money received by the Council in respect of the sale leasing exchange or other disposition of land under the last foregoing section of this Act as it applies to capital money received in respect of a transaction under section 164 or 165 of that Act. Application of capital money.

(2) So much of subsection (1) of section 166 of the Act of 1933 as requires the approval of the Minister of the manner in which capital money may be applied towards the discharge of any debt of the Council shall not apply to capital money received in respect of the sale leasing exchange or other disposition of land under the said last foregoing section of this Act.

8.—(1) The Council may (with the consent of the Minister) lay out and develop any land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and other buildings and construct sewer drain pave channel and kerb streets: Development of land.

Provided that nothing in this section shall apply to land acquired by the Council under section 38 or section 40 of the Town and Country Planning Act 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

PART II  
—cont.

(2) The Council may use or dispose of the building or other materials of any houses or structures on any land acquired or appropriated by them which they deem it necessary or desirable to pull down.

## PART III

## STREETS

*Improvement and protection of streets*

Trees grass  
verges and  
gardens.

9.—(1) Subject to the provisions of this section the Council shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs ;
- (b) to attach baskets for plants to posts or standards provided by the Council or with the consent of the owner thereof to any other posts or standards ;
- (c) to lay out grass verges or gardens ;
- (d) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens ;
- (e) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof ;
- (f) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

(2) Any such notice as is referred to in paragraph (f) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(3) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Council or to any such land as is referred to in subsection (1) of this section and anything done by the Council under that section with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Council to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

(6) The Council may with the consent of the county council exercise the powers conferred by this section in a street being a county road notwithstanding that the street is not vested in the Council.

(7) Where the Council carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

10.—(1) Where in pursuance of the Housing Acts 1936 to 1952 any grass verge garden or space is provided by the Council and maintained in an ornamental condition or mown by them they may by notice prohibit persons from entering upon or causing or permitting vehicles to enter upon any such grass verge garden or space. Verges etc. of housing estates.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge garden or space to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(3) The powers of this section shall not be exercisable in relation to any grass verge or garden which forms part of a highway repairable by the inhabitants at large.

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

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

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

12.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in the district any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street. Application of building line to walls etc.

PART III  
—cont.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding five pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction demolition alteration repair or maintenance of any building or works:

Provided that if any such temporary structure is not removed when the construction demolition alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

(4) Where any person is convicted of an offence under any of the foregoing provisions of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues; and

(b) the Council after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a penalty for any day after that on which the Council have given him notice of their intention to remove the structure.

(5) Where after the expiration of five years from the passing of this Act there is on any site in the district a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

(a) the Council may by notice stating the effect of paragraphs (b) and (c) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with those provisions;

(b) if the owner or occupier complies with the said notice the Council shall on demand repay to him the reasonable expenses incurred by him in so doing;

(c) if the owner or occupier fails to comply with the said notice the Council at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the following expressions have the following meanings:—

“ building line ” in relation to any land means—

(a) any building line prescribed by the Council in respect of the land under the provisions of any enactment ; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Council under subsection (2) of section 140 of the Housing Act 1936 ; or

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Council) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888 ;

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

(7) The provisions of this section shall not apply to (a) any wall erected on land belonging to the commission so long as that land is used primarily for the purposes of their railway undertaking or (b) any structure which is erected on land belonging to the electricity authority the electricity board or the gas board so long as that land is used primarily for the purposes of works in connection with the generation or provision of a supply of electricity or gas as the case may be.

#### *Private streets*

13. The power of the Council under section 15 of the Private Street Works Act 1892 to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under that Act in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise be so apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the Council under this section in respect of such premises.

Extension of  
power to  
contribute to  
expenses of  
private street  
works.

PART III  
—cont.Urgent repairs  
of private  
streets.

14.—(1) In any street in the district not being a highway repairable by the inhabitants at large the Council 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:

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds for each one hundred yards of the length of the street.

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

Evasion by  
owners of  
private street  
works  
expenses.

## 15.—(1) If—

- (a) any owner of land fronting adjoining or abutting on a private street in the district transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land; and
- (c) the Council are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof; and
- (d) a magistrates' court is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works;

then the expenses so apportioned or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

(2) In this section the following expressions have the following meanings:—

“private street” means a street within the meaning of the Private Street Works Act 1892 or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Town and Country Planning Act 1947;

“private street works” means works executed under the provisions of any enactment relating to private street works for the time being in force in the district;

“transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “transfers” shall be construed accordingly.

PART III  
—cont.

### Miscellaneous

16.—(1) The Council may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the district for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street. Decorations  
in streets.

(2) If any person wilfully removes or damages any flag-pole pylon socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

(3) The Council shall not exercise the powers of this section in a county road without the consent of the county council.

## PART IV

### SANITATION AND BUILDINGS

#### *Sewers drains etc.*

17.—(1) Where the Council—

(a) resolve to construct a sewer in a street or part of a street in the district being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and Recovery of  
expenses of  
sewering public  
highway.

(b) include in the resolution a declaration that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Council of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Council in a local newspaper circulating in the district and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) Either—

(a) a copy of any such newspaper containing any such notice; or

PART IV  
—cont.

- (b) a photostatic or other reproduction certified by the 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.

Recovery of expenses of sewerage prospective street.

18. Where land in the district in which a length of sewer has been constructed after the passing of this Act at the expense of the Council becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Council of the expenses incurred in constructing the length of sewer :

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

Prevention of evasion of liabilities under last two foregoing sections.

19.—(1) If on a complaint by the Council to a magistrates' court it is proved to the satisfaction of the court—

- (a) that by reason of any transfer of land any part of any premises (hereafter in this section referred to as "the severed part")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one foregoing section of this Act applies ; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last foregoing section of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

- (b) that the transfer was intended for the purpose of evading liability under the Second Schedule to this Act imposed by the last but one foregoing or the last foregoing section as the case may be ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

- (a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the



street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

(b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;

(c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders under any provision of subsection (2) of this section may be made on separate complaints made by the Council at different times.

(5) For the purposes of this section the expression " transfer " includes any disposal of land whether by way of sale lease exchange gift or otherwise.

**20.** The Council may on the application of the owner or occupier of any premises in the district undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make and recover from the person so applying such charge if any for so doing as they think fit.

Power to  
cleanse drains  
etc.

### *Buildings*

**21.**—(1) Where after the passing of this Act—

(a) any person erects or raises a building in the district (in this section referred to as the " taller building ") to a greater height than an adjoining building ; and

(b) any chimney or flues of the adjoining building are in the party wall or in an external wall of the adjoining building ;

New building  
overreaching  
adjoining  
chimneys.

the Council may by notice—

(i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if

PART IV  
—cont.

it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher ; and

- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him :

Provided that if the said owner or occupier within fourteen days of the service of the notice on him serves on the first-mentioned person and on the Council a notice (in this section referred to as a "counter-notice") that he elects to carry out the work himself the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and may recover the cost of doing so from that person.

(2) Any person aggrieved by a requirement of the Council under this section may appeal to a magistrates' court.

(3) If—

- (a) any person on whom a notice is served under paragraph (i) of subsection (1) of this section fails to comply with the notice (except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building or the carrying out of any such work as may be necessary to comply with the notice or has served a counter-notice) ; or
- (b) any person on whom a notice is served under paragraph (ii) of subsection (1) of this section fails to comply with the notice or having served a counter-notice fails to comply with the notice served under paragraph (i) of that subsection ;

he shall be liable to a penalty not exceeding twenty pounds and the Council may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i) and recover the expenses of so doing from the person on whom that notice was served.

Height of new  
chimneys.

22.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Council and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the Council shall reject the plans unless they are satisfied that the height of the chimney as

shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

PART IV  
—cont.

- (a) the purpose of the chimney ;
- (b) the position and description of buildings near thereto ;
- (c) the levels of the neighbouring ground ; and
- (d) any other matters requiring consideration in the circumstances.

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

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

**23.**—(1) If a magistrates' court is satisfied upon a complaint by the Council 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 house in the district is prejudicial to the health of any of the inhabitants of the district 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 in the order—

Power to order alteration of domestic chimneys.

- (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.

#### *Verminous articles*

**24.**—(1) No dealer shall in the district—

- (a) prepare for sale ;
- (b) sell or offer or expose for sale ; or
- (c) deposit for sale or preparation for sale ;

Prohibition of sale of verminous articles.

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

PART IV  
—cont.

(2) If any household article which is verminous is on any premises in the district—

(a) being prepared or offered by a dealer for sale ; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale ;

the medical officer or the sanitary inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the Council may recover from the dealer the expenses incurred by the medical officer or the sanitary inspector in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding twenty pounds.

(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 Council to enforce.

(5) For the purposes of this section—

(a) the expression “dealer” means a person who trades or deals in any household article ;

(b) the expression “household article” means an article of furniture bedding or clothing or any similar article ;

(c) the expression “preparation for sale” shall not include disinfestation.

## PART V

## PREMISES USED FOR SALES BY AUCTION

Definitions  
for Part V.

25.—(1) In this Part of this Act—

the expression “premises” includes land ;

the expression “prescribed articles” means any plate plated articles linen china glass books pictures prints furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus ; and

the expression “sale by auction” includes any public sale at which a salesman invites an assembly of persons or any of them to acquire prescribed articles by competitive bidding.

(2) This Part of this Act applies to any sale by auction on any premises in the district of any prescribed article whether or not in combination with the sale by auction of any other articles or things.

26.—(1) As from the appointed day no premises in the district shall be used for the conduct of any sale by auction to which this Part of this Act applies unless they are registered under this section for that purpose by the Council.

Registration  
of premises  
used for sales  
by auction.

(2) Subject to the following provisions of this section the Council shall on the application of the occupier of or of a person proposing to occupy any such premises register those premises under this section.

(3) If—

(a) it appears to the Council—

(i) that any premises for the registration of which application has been made under this section or which are registered under this section are unsuitable for use for the purpose of conducting sales by auction; or

(ii) that any such premises have been used for the purpose of conducting otherwise than in good faith any sale by auction;

(b) the applicant for registration or the occupier for the time being of any such premises has been convicted of any offence involving fraud or dishonesty;

the Council shall if they propose to take the matter into consideration serve on the applicant or occupier as the case may be 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 do so 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 Council should not for reasons specified in the notice refuse the application or as the case may be cancel the registration of the premises.

(4) If a person on whom notice is served under the last foregoing subsection fails to show cause to the satisfaction of the Council 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 was based.

(5) A person aggrieved by a decision of the Council under this section to refuse to register any premises or to cancel a registration of any premises may appeal to a magistrates' court.

(6) (a) In the event of the occupier of premises registered under this section ceasing to occupy the premises otherwise than by reason of his death he shall within seven days after so ceasing give to the Council notice in writing thereof.

PART V  
—cont.

(b) If a person required to give notice under this subsection fails to do so he shall be liable to a penalty not exceeding five pounds.

(7) In the event of the occupier of premises registered under this section dying or ceasing to occupy the premises the registration of the premises then in force shall (unless previously cancelled under this section) continue in force for a period of three months from the date of death or cesser of occupation but shall upon the expiration of that period cease to have effect.

(8) Any person who conducts or assists in conducting a sale by auction to which this Part of this Act applies on any premises in the district which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting a sale by auction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

## Exemptions.

27. Notwithstanding anything in the last foregoing section of this Act sales by auction to which this Part of this Act applies of the undermentioned classes may be conducted on premises which are not registered under that section:—

- (a) sales at intervals of not less than six months of property so long as no substantial part of the property was brought on to the premises for the purposes of the sale;
- (b) sales for the purpose of assisting the funds of any voluntary organisation if the whole or substantially the whole of the proceeds of sale are devoted to the funds of the organisation.

Offences by  
bodies  
corporate.

28. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Power to enter  
premises.

29. 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 Part of this Act shall be provisions which it is the duty of the Council to enforce.

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

30.—(1) As from the appointed day no person shall at any place in the district to which this section applies— Touting and hawking etc.

- (a) importune any person by touting for any hotel lodging house refreshment house or shop or any pier garden theatre or place of amusement or any boat hackney carriage or public service vehicle ; or
- (b) without the consent of the Council which may be given on such terms and conditions as they think fit—
  - (i) hawk sell or offer for sale any article or commodity ; or
  - (ii) take any photograph by way of trade or business of any person :

Provided that—

- (i) the Council shall not withhold their consent under paragraph (b) of this subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons ;
- (ii) for the purpose of the said paragraph (b) the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business.

(2) This section applies to any place—

- (a) in or on any esplanade parade promenade marine drive or public walk ;
- (b) in any park pleasure ground or open space which is provided by the Council or under their management and control ;
- (c) on the seashore ;
- (d) in any street or part of a street to which this section may be applied by byelaws made by the Council under this section.

(3) Any person aggrieved by the refusal of the Council to give their consent under paragraph (b) of subsection (1) of this section or by any terms or conditions attached to such consent may appeal to a magistrates' court.

(4) If any person contravenes any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds.

PART VI  
—cont.

(5) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which he could have exercised if this section had not been enacted.

Restrictions  
on use of  
loudspeakers  
in streets.

**31.—**(1) No person shall for the purpose of advertising any entertainment sporting event or meeting or any trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street in the district.

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the district unless he shall have given notice to the principal police station in the district so as to be received at least twenty-four hours before such loudspeaker is operated.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds.

(4) This section shall not apply to—

(a) the use of a loudspeaker by the Council or the police or the fire brigade in the execution of their duty or in case of emergency ; or

(b) the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission ; or

(c) the use of a loudspeaker by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or any of their stations or depots or for communications between their staff ; or

(d) the use of a loudspeaker by the gas board for the purpose of announcements in case of emergency affecting their undertaking ; or

(e) the operation of any loudspeaker on a vehicle constructed or adapted for use for conveyance of any perishable commodity for human consumption (including ice-cream) where—

(i) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words) ;

(ii) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public such commodity conveyed by the vehicle ;



(iii) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this paragraph "ice-cream" includes any similar commodity and the commodity known as "water ice".

(5) Nothing in this section shall apply to a loudspeaker forming part of a wireless receiving set inside a motor vehicle so long as such loudspeaker is used only for the private purposes of the occupants of the said vehicle and is not used so as to be an annoyance or nuisance to persons in a street.

(6) In this section the expression "loudspeaker" includes an amplifier or similar instrument.

32.—(1) For the prevention of noise or of danger obstruction or annoyance to persons boating or bathing or using the sea-shore the Council may make byelaws—

Further powers to make byelaws as to boats.

- (a) requiring the fitting of effectual silencers on boats propelled by internal combustion engines;
- (b) prohibiting regulating or controlling the keeping or landing of boats on such parts of the seashore as may be specified in the byelaws.

(2) The said byelaws may also provide for charging such fee as may be prescribed by the byelaws for any licence or permission to keep a boat on any part of the seashore owned by or let to the Council.

(3) Byelaws made under this section may contain different provisions for different classes or descriptions of boats.

(4) No byelaw made under this section shall—

- (a) affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of the byelaw; or
- (b) prevent the owner of any part of the seashore or any person with his consent exercising any rights which he could have exercised if the byelaw had not been made; or
- (c) in the case of a byelaw made under paragraph (a) of subsection (1) of this section apply to any boat which is ordinarily kept outside the district and is not required to be licensed by the Council.

33.—(1) The power of the Council to make byelaws as to boats whether under this Act or under any other enactment shall include power to provide that any such byelaw shall operate not only within the district but also within a distance seaward from the district of three miles from low-water mark of ordinary spring tides.

Local extent of byelaws as to boats.

PART VI  
—cont.

(2) Any offence committed within the said distance against any byelaw so operating may be inquired into and dealt with as if it had been committed within the district.

Licensing of  
boatmen and  
pleasure boats.

34. As from the appointed day section 94 of the Public Health Acts Amendment Act 1907 shall in its application to the district have effect as if the following subsection were substituted for subsection (3) thereof:—

“(3) No person shall—

(a) let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel; or

(b) carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel unless the boat or vessel and the boatman in charge thereof and the navigator are so licensed or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator;

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit.”

Byelaws as to  
pleasure fairs  
and roller-  
skating rinks.

35.—(1) The Council 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.

(2) In this section—

(a) the expression “pleasure fair” means any place—

(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 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.

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

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (c) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Council 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 Council 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 Council to enforce.

**36.**—(1) As from the appointed day no person shall commence to erect in the district a stand capable of affording seating or standing accommodation for twenty or more persons at any

PART VI  
—cont.

one time unless he has given notice to the Council of his intention so to do accompanied by a plan and section of the stand and such further particulars as the Council may reasonably require and the Council have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Council may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of the plan section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice being modifications and requirements which appear to the Council to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the Council shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the Council may allow.

(4) The Council may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the Council have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Council under this section may appeal to a magistrates' court.

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or
- (b) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Council under the said subsection (1) or if notice

has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice ; or

(c) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time ; or

(d) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section ;

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings :

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(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 Council to enforce.

(8) The provisions of this section shall not apply to any stand erected by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(9) In this section the expression "stand" includes a structure but does not include a building or extension of a building to which building byelaws are applicable.

37. The provisions of the Town Police Clauses Act 1847 relating to hackney carriages shall extend to empower the Council to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Council in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only : Provisions as to motor vehicles let for hire.

Provided that—

(1) this section shall not apply to any such vehicle which is kept by any person in connection with any business carried on by him as a funeral director or owner 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

PART VI  
—cont.

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 ;

- (2) nothing in this section shall empower the Council to fix the site of the stand or starting place of any 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.

## PART VII

## NUISANCES

Silencers for  
internal  
combustion  
engines.

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

(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 Council 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 Council 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 Council 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 section on any premises belonging to railway undertakers and used by them for the purposes of their railway 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.

**39.**—(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:

PART VII  
—cont.

Noise  
nuisance.

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 the commission of statutory powers conferred in relation to their railway undertaking.

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

## PART VIII

### PARKS CEMETERIES ETC.

**40.**—(1) The Council may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool. Boating pools.

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

(3) The Council may either—

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

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

(4) The powers of the Council under subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 with respect

PART VIII  
—cont.

to a piece of water in a park or pleasure ground provided by them shall be extended so as to be exercisable with respect to any boating pool provided under this section.

Transmission  
of enter-  
tainments.

41.—(1) The Council may provide erect maintain and use such apparatus and conveniences as they may consider necessary for the purpose of transmitting any concert or entertainment or any part thereof from a building or park belonging to the Council at which such concert or entertainment is provided or held to any other building or park at which concerts or entertainments may be provided by the Council and for that purpose may erect and maintain posts and wires in any street:

Provided that nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the Council or any other body or person from any obligation to obtain any licence under the Wireless Telegraphy Act 1949 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with—

- (a) any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line; or
- (b) the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways; or
- (c) any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity authority or the electricity board.

(2) The Council shall not under the powers of this section without the consent of the transport undertakers concerned execute any works—

- (i) in or upon any bridge carrying a street over any railway or the approaches thereto or under a bridge carrying a railway over any street except where the portion of the street over or under any such bridge or approach is a highway repairable by the inhabitants at large; or
- (ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station or depot of such undertakers:

Provided that any consent required under this subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

In this subsection the expression “transport undertakers” means any railway or passenger road transport undertakers.



42. The Council may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a burial ground or crematorium provided by the Council and the following provisions shall apply in relation to any such agreement:—

PART VIII  
—cont.

Agreements  
to maintain  
graves and  
tombstones.

- (a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities ;
- (b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum ;
- (c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Council may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment ;
- (d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Council relating to the burial ground.

43.—(1) The powers of the Council in relation to a burial ground maintainable by them shall include power—

Extension of  
power to  
maintain  
burial grounds.

- (a) to put and keep in order any tombstone therein ;
- (b) to level any grave therein or remove any tombstone or movable memorial on any grave therein or the railings surrounding any grave or tombstone therein :

Provided that the Council shall not remove any headstone under the powers conferred by paragraph (b) of this subsection unless the same is in a dilapidated condition.

(2) Before exercising the powers conferred by paragraph (b) of the foregoing subsection the Council 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 the district with an interval between each publication of not less than six clear days ;
- (ii) by displaying the notice in a conspicuous position in the burial ground ; and
- (iii) by serving the notice upon the owner of the grave or upon a relative of the deceased person whose remains

PART VIII  
—cont.

are interred therein if, after reasonable inquiry the name and address of such owner or relative can be ascertained.

(3) The said notice shall—

(a) contain brief particulars of the Council's proposals and if necessary specify an address at which full particulars of the proposals can be obtained;

(b) specify the date on which it is intended that the Council 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 or where notice is served under paragraph (iii) of subsection (2) of this section the twenty-first day after such service; and

(c) state the effect of the next following subsection.

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

(5) Unless within three months after the first publication of the notice as required by paragraph (i) of subsection (2) of this section or where notice is served under paragraph (iii) of that subsection within three months after such service whichever is the later any tombstone memorials or railings removed under this section are claimed the Council may put them to such use as they think appropriate or destroy them.

(6) Where any tombstone is removed under this section the Council may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The Council shall cause to be made a record of each tombstone and memorial removed under this section and deposit a copy of the record with the Registrar-General.

(8) Nothing in this section shall limit the jurisdiction of the consistory court of the diocese of Saint Asaph and in particular the powers conferred by this section with respect to the levelling of any grave or the removal of any tombstone in a closed churchyard shall not be exercisable unless the sanction of a licence or faculty from the said consistory court is first obtained and where such licence or faculty has been obtained the requirements of subsections (2) to (4) of this section shall not apply.

## PART IX

## FINANCE

**44.**—(1) Subject to the provisions of this Act the Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall repay all moneys so borrowed within such period as the Council may determine not exceeding five years from the date or dates of borrowing.

Power to borrow.

(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 the Council under this section for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

**45.**—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds to be called "Rhyl Urban District Council Bonds" (in this Act referred to as "bonds") in accordance with the provisions of this Act.

Power to issue bonds.

(2) Where the Council raise money by the issue of bonds sections 209 to 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Third Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

**46.** 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 under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

**47.**—(1) The Council may establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all such losses damages costs

Insurance fund.

PART IX  
—cont.

and expenses as may from time to time be specified in a resolution of the Council (in this section referred to as "the specified risks").

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Council shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks; or

(b) if the Council insure in some insurance office against the whole or any part of all or any of the specified risks such sums as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Council shall provide the yearly payments aforesaid by contributions from the revenue of the general rate fund and (if they think fit) from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Council properly relates to the specified risks arising from the purposes for which that account is kept.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to and form part of the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Council shall in every year so long as the insurance fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in consequence of the whole or any part of all or any of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

(8) In this section—

the expression “insurance office” means an insurance company or underwriter being a member of an association of underwriters;

the expression “prescribed amount” means such sum as may from time to time be prescribed by resolution of the Council.

48.—(1) The Council may advance money to the purchaser or lessee of any land acquired from or leased by the Council for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon: Loans for erection etc. of buildings.

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion

PART IX  
—cont.

of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Council by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935 ;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance ;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined ;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year ;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Council may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid) ;
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity ;
- (g) require the borrower either—
  - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance ; or
  - (ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council the amounts of any premiums paid by them from time to time in that behalf ;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Council and authorised in writing by the clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

PART IX  
—cont.

(4) In this section the expression "lessee" includes a person to whom the Council have agreed to grant a lease and the expression "lease" shall be construed accordingly.

## PART X

### MISCELLANEOUS

49.—(1) As from the appointed day no person shall carry on Hairdressers the business of a hairdresser's or barber's shop on any premises and barbers. in the district unless he and those premises are registered by the Council.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Council 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 Council in a book kept for the purpose and on so registering any person the Council shall issue to him a certificate of registration.

(3) The Council 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.

(4) 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 (3) of this section he shall be liable—

- (a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds ; and
- (b) in the case of a contravention of or failure to comply with a byelaw to a penalty not exceeding five pounds and the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

PART X  
—cont.

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

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

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings.

(7) Where an offence under this section has been committed by a body corporate every person who at the time of the commission of the offence was a director general manager or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves—

- (a) that the offence was committed without his consent or connivance; and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(8) 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 Council to enforce.

Prizes for  
garden  
competitions.

**50.** The Council may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sum as they may think fit not exceeding in any one year the sum of fifty pounds.

Maintenance  
of pictures  
etc.

**51.—(1)** The Council may erect and maintain any picture or sculpture which may be in their possession by virtue of any gift loan or discovery in any place provided by or vested in the Council under section 125 of the Act of 1933.

(2) For the purpose of providing for the accommodation exhibition and preservation of pictures or sculptures or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of



any gift loan or discovery the Council may adapt furnish and maintain any premises given to and for the time being vested in the Council for the purposes of this section.

PART X  
—cont.

52.—(1) The Council may preserve arrange index and classify such records deeds and other documents of the district and of the Council as the Council may consider to be of public interest. Preservation and publication of records.

(2) The Council may publish—

(a) copies of any such records deeds and other documents as are mentioned in the last foregoing subsection and any such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 all of which records charters deeds and documents are in this section referred to as “the records”; or

(b) such extracts from the records; or

(c) reference to such contents of the records as the Council may consider to be of public interest.

53.—(1) Where under any enactment—

(a) the Council 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 Council or any of their officers execute the work or take the action;

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

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

(i) the Council 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 Council 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

### GENERAL

54. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State except that in the case of byelaws made under section 49 (Hairdressers and barbers) of this Act the confirming authority shall be the Minister. Confirming authority for byelaws.

PART XI  
—cont.The appointed  
day.

**55.**—(1) For the purposes of this Act the expression “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 Council shall cause to be published in a local newspaper circulating in the district 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 clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

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

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

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

(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 56 (Appeals) of this Act.

Appeals.

**56.**—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates’ court 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 Council 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 Council themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

**57.**—(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. Local inquiries.

(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.

**58.** Proceedings in respect of an offence created by or under this Act (except section 37 (Provisions as to motor vehicles let for hire) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council. Restriction on right to prosecute.

**59.**—(1) The sections of the Act of 1936 mentioned in Part I of the Fourth Schedule to this Act shall have effect as if references therein to the Act of 1936 included a reference to this Act. Application of general provisions of Public Health Act 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 the Act of 1936 included a reference to Part III (Streets) Part IV (Sanitation and buildings) and Part VII (Nuisances) of this Act.

PART XI  
—cont.

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to the Act of 1936 included a reference to the Parts of this Act mentioned in subsection (2) of this section to Part V (Premises used for sales by auction) of this Act and also to section 35 (Byelaws as to pleasure fairs and roller-skating rinks) section 36 (Safety of stands) section 37 (Provisions as to motor vehicles let for hire) and section 49 (Hairdressers and barbers) of this Act.

Judges etc.  
not dis-  
qualified.

60. Section 304 (Judges and justices not to be disqualified by liability to rates) of the Act of 1936 shall have effect as if the reference therein to the Act of 1936 included a reference to the Rhyl Urban District Council Acts and Orders 1852 to 1956.

For protection  
of electricity  
authority  
electricity  
board and  
gas board.

61. For the protection of the electricity authority the electricity board and the gas board (in this section referred to respectively as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Council and the electricity authority the electricity board or the gas board (as the case may be) apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

"apparatus" means—

(a) in relation to the electricity authority and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity authority or the electricity board;

(b) in relation to the gas board mains pipes or other apparatus belonging to or maintained by the gas board;

and includes any works constructed for the lodging therein of apparatus;

"in" in a context referring to apparatus includes under over across along or upon:

(2) Nothing in the following sections of this Act shall relieve the Council from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Council shall so exercise those powers as not (so far as it is reasonably practicable) to obstruct or render less convenient the access to any apparatus:—

Section 9 (Trees grass verges and gardens);

Section 16 (Decorations in streets);

Section 41 (Transmission of entertainments):

(3) Nothing in section 9 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden and nothing

in section 10 (Verges etc. of housing estates) of this Act shall affect such rights with respect to any such verge garden or space as is referred to in that section:

Provided that in exercising such rights the undertakers shall not cause or permit except in cases of necessity horses or vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown or any garden:

- (4) Before entering in the exercise of the powers of section 38 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the undertakers in connection with the generation or supply of electricity or the manufacture storage or supply of gas an authorised officer of the Council 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 undertakers in the interests of safety and for preventing interference with the generation or supply of electricity or the manufacture storage or supply of gas:
- (5) Any difference which may arise between the Council and the undertakers under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of arbitration) shall be referred to a single arbitrator to be agreed upon between the parties or in default of such agreement to be 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 reference or determination.

62.—(1) The following enactments are repealed as from the Repeal date of the passing of this Act (namely):—

The Rhyl Improvement Act 1852—

Section LXV (Commissioners to ascertain the sums necessary for lighting paving etc.);

Section LXVI (Power to Commissioners to levy rates);

Section LXVII (Houses and buildings to be rated at rack rent and land at one-fourth of annual value);

Section LXXIII (Power to increase rate by consent of ratepayers);

Section LXXIV (No justices disqualified by reason of being a ratepayer or a commissioner).

**PART XI**  
*—cont.***The Rhyl Improvement Act 1872—**

- Section 53 (Commissioners may purchase the bridge undertaking);
- Section 54 (Terms of such purchase);
- Section 55 (Date of transfer to be stamped);
- Section 56 (Bridge undertaking to vest in Commissioners on transfer);
- Section 57 (Notice of transfer to be advertised);
- Section 58 (Receipt of three Directors of Bridge Company to be valid discharge);
- Section 59 (Company's debts etc. to be paid by them);
- Section 60 (Commissioners to be primarily liable for Bridge Company's debts unpaid);
- Section 61 (Pending actions etc. against the Bridge Company);
- Section 62 (Cost of action etc. against the Bridge Company);
- Section 63 (Judgment in respect of existing liabilities may be enforced against individual shareholders);
- Section 64 (Reimbursement of shareholders in such cases);
- Section 65 (Payment and application of purchase money);
- Section 66 (Eventual dissolution of the Bridge Company);
- Section 67 (After such transfer Commissioners may exercise powers etc. of Bridge Company);
- Section 68 (Commissioners may make byelaws as to bridge);
- Section 106 (Explaining s. 66 of Act of 1852).

**The Rhyl Improvement Act 1892—**

- Section 52 (Power to reborrow);
- Section 57 (Separate accounts to be kept as to water).

**The Rhyl Improvement Act 1901—**

- Section 41 (Power to take possession for non-payment of rent);
- Section 63 (Provisions as to houses without proper water supply);

Section 85 (Setting apart and closing of recreation grounds for games) ;

Section 109 (Provisions for levy of a single district rate) ;

Section 110 (Repeal of provisions as to rating of Rhyl Bridge Company) ;

The Rhyl Urban District Council Act 1932—

Section 64 (Power to reborrow) ;

Section 68 (Return to Minister of Health with respect to repayment of debt).

The Rhyl Urban District Council Act 1935—

Section 50 (As to urgent repairs to private streets) ;

Section 65 (Power to order alteration of chimneys) ;

Section 148 (Subscriptions to local government associations and other expenses) ;

Section 170 (In executing works for owner Council liable for negligence only) ;

In section 182 (Repeal) the words "Section 41 (Power to take possession of stalls for non-payment of rent) shall be read and have effect as if the word 'market' had been omitted therefrom ;"

Section 183 (Judges not disqualified).

(2) Section 130 (Prohibition of touting, hawking etc. on the seashore promenades etc.) of the Rhyl Urban District Council Act 1935 shall be repealed as from the coming into force in the district of section 30 (Touting and hawking etc.) of this Act under the procedure referred to in section 55 (The appointed day) of this Act.

63. No power conferred upon the Council by section 40 (Boating pools) section 41 (Transmission of entertainments) or section 51 (Maintenance of pictures etc.) of this Act shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Council without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person ; or

(b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Council without the

PART XI  
—cont.

consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

Saving for town and country planning.

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

Crown rights.

65. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

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



## SCHEDULES

### FIRST SCHEDULE

#### LOCAL ENACTMENTS

Session and chapter	Local enactment
15 Vict. c. xxxii ...	The Rhyl Improvement Act 1852.
27 & 28 Vict. c. 93 ...	The Rhyl Pier Order 1864 confirmed by the Pier and Harbour Orders Confirmation Act 1864.
35 & 36 Vict. c. civ ...	The Rhyl Improvement Act 1872.
45 & 46 Vict. c. ciii ...	The Rhyl Order 1882 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1882.
50 & 51 Vict. c. clxxx ...	The Rhyl Order 1887 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1887.
55 & 56 Vict. c. clix ...	The Rhyl Improvement Act 1892.
60 & 61 Vict. c. lxx ...	The Rhyl Order 1897 confirmed by the Local Government Board's Provisional Orders Pier and Harbour Orders Confirmation (No. 5) Act 1897.
62 & 63 Vict. c. cl ...	The Rhyl Order 1899 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1899.
1 Edw. 7 c. ccxxix ...	The Rhyl Improvement Act 1901.
2 & 3 Geo. 5 c. clvii ...	The Rhyl Pier Order 1912 confirmed by the Pier and Harbour Orders Confirmation (No. 4) Act 1912.
22 & 23 Geo. 5 c. xxxi	The Rhyl Urban District Council Act 1932.
25 & 26 Geo. 5 c. 1 ...	The Rhyl Urban District Council Act 1935.

### SECOND SCHEDULE

#### APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in a district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Council not exceeding the sum so apportionable shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Council and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

2ND SCH.  
—cont.

3. As soon as the apportionment has been made the Council shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a magistrates' court and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

- (a) shall order the Council to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and
- (b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as it thinks just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Council subject to and in accordance with the following provisions:—

- (a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land;

- (b) At any time after whichever of the following events last occurs (that is to say):—

- (i) the erection of the new building; or

- (ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal;

the Council may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand:

Provided that where the drains of the new building are at the time of its erection made to communicate with a sewer other than the sewer the expenses of the construction of which are apportioned no such demand shall be served in respect of the building unless and until the drains thereof are made to communicate with the last-mentioned sewer;

- (c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;
- (d) The rate of interest chargeable under this paragraph shall be such rate as the Council may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last foregoing paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Council may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Council with respect to any such remission may appeal to a magistrates' court.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provisions of this schedule—

- (a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;
- (b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

- (a) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date ;

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—cont.

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such an extent that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building);

(ii) the conversion into a house of any building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory shop or place of public resort;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date;

(c) the expression "the relevant date" means—

(i) in relation to an apportionment under section 17 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the Council the date when the resolution became operative; and

(ii) in relation to an apportionment under section 18 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

### THIRD SCHEDULE

#### PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Council may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may issue a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

Date.....

Rhyl Urban District Council Bonds

.....per centum Rhyl Urban District Council bond re-  
payable at par on the .....19.....  
at.....

This is to certify that

of  
is the registered holder of a                      bond for  
pounds (£                      ) issued by the Rhyl Urban District  
Council under the Rhyl Urban District Council Act 1956  
at

The common seal of the Rhyl Urban }  
District Council was hereunto affixed }  
in the presence of

Chairman

Clerk

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—cont.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

Rhyl Urban District Council Bonds

FORM OF DEED OF TRANSFER

I \_\_\_\_\_ in consideration of the sum  
of \_\_\_\_\_ paid by

(hereinafter called "the transferee") do hereby assign and transfer to the transferee.....

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof.

And I the transferee do hereby agree to accept and take the said ..... subject to the condition aforesaid.

As witness our hands and seals this \_\_\_\_\_ day of  
one thousand nine hundred and \_\_\_\_\_

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of Transfers of Rhyl Urban District Council Bonds" (hereinafter referred to as "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Council before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Council may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Council during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Council they shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The Council before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11.—(1) Unless the holder of a bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the Council of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

12. The production to the Council of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Council as sufficient evidence of the grant.

#### FOURTH SCHEDULE

##### SECTIONS OF ACT OF 1936 APPLIED

##### PART I

##### SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices etc.
284	Authentication of documents.
285	Service of notices etc.
286	Proof of resolutions etc.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
328	Powers of Act to be cumulative.

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—cont.

## PART II

## SECTIONS APPLIED TO PARTS III IV AND VII OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses etc.
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.

## PART III

SECTION APPLIED TO PARTS III IV V AND VII AND SECTIONS 35 36 37  
AND 49 OF THIS ACT

Section	Marginal note
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## Table of Statutes referred to in this Act

Title	Session and chapter
Lands Clauses Consolidation Act 1845 ... ..	8 & 9 Vict. c. 18.
Town Police Clauses Act 1847 ... ..	10 & 11 Vict. c. 89.
Rhyl Improvement Act 1852 ... ..	15 Vict. c. xxxii.
Pier and Harbour Orders Confirmation Act 1864	27 & 28 Vict. c. 93.
Telegraph Act 1869 ... ..	32 & 33 Vict. c. 73.
Rhyl Improvement Act 1872 ... ..	35 & 36 Vict. c. civ.
Local Loans Act 1875 ... ..	38 & 39 Vict. c. 83.
Telegraph Act 1878 ... ..	41 & 42 Vict. c. 76.
Local Government Board's Provisional Orders Confirmation (No. 9) Act 1882.	45 & 46 Vict. c. iii.
Electric Lighting Act 1882 ... ..	45 & 46 Vict. c. 56.
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1887.	50 & 51 Vict. c. clxxx.
Public Health (Buildings in Streets) Act 1888 ...	51 & 52 Vict. c. 52.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 59.
Stamp Act 1891 ... ..	54 & 55 Vict. c. 39.
Private Street Works Act 1892 ... ..	55 & 56 Vict. c. 57.
Rhyl Improvement Act 1892 ... ..	55 & 56 Vict. c. clix.
Local Government Board's Provisional Orders Pier and Harbour Orders Confirmation (No. 5) Act 1897.	60 & 61 Vict. c. lxx.
Local Government Board's Provisional Orders Confirmation (No. 15) Act 1899.	62 & 63 Vict. c. cl.
Finance Act 1899 ... ..	62 & 63 Vict. c. 9.
Rhyl Improvement Act 1901 ... ..	1 Edw. 7 c. ccxxix.
Open Spaces Act 1906 ... ..	6 Edw. 7 c. 25.
Finance Act 1907 ... ..	7 Edw. 7 c. 13.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Pier and Harbour Orders Confirmation (No. 4) Act 1912.	2 & 3 Geo. 5 c. clvii.
Land Charges Act 1925 ... ..	15 Geo. 5 c. 22.
Roads Improvement Act 1925 ... ..	15 & 16 Geo. 5 c. 68.
Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5 c. 11.
Road Traffic Act 1930 ... ..	20 & 21 Geo. 5 c. 43.
Rhyl Urban District Council Act 1932 ... ..	22 & 23 Geo. 5 c. xxxi.
Local Government Act 1933 ... ..	23 & 24 Geo. 5 c. 51.
Housing Act 1935 ... ..	25 & 26 Geo. 5 c. 40.
Rhyl Urban District Council Act 1935 ... ..	25 & 26 Geo. 5 c. 1.
Public Health Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 51.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ... ..	10 & 11 Geo. 6 c. 51.
Wireless Telegraphy Act 1949 ... ..	12 & 13 Geo. 6 c. 54.
Arbitration Act 1950 ... ..	14 Geo. 6 c. 27.

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