

(2) The Blackpool Corporation Acts 1853 to 1952 and this Act may be jointly cited as the Blackpool Corporation Acts 1853 to 1958.

PART I
—cont.

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

Division into
Parts.

Part I.—Preliminary.

Part II.—Partial closing of Arnott Road.

Part III.—Streets buildings and sanitation.

Part IV.—Premises used for sales by auction.

Part V.—Miscellaneous.

Part VI.—Finance.

Part VII.—General.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act with the following exceptions and modification:—

Incorporation
of Lands
Clauses Acts.

(a) section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and sufficient without the addition of the sureties mentioned in that section.

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

Interpretation.

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

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

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

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

“ the appointed day ” has the meaning assigned to it by section 48 (The appointed day) of this Act;

“ the borough ” means the borough of Blackpool;

“ the commission ” means the British Transport Commission;

“ the company ” means Blackpool Pleasure Beach Limited;

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

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

PART I
—cont.

- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction therefor;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw scheme or regulation for the time being in force within the borough;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;
- “ the town clerk ” means the town clerk of the borough.

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

PART II

PARTIAL CLOSING OF ARNOTT ROAD

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the borough delineated on the deposited plan and described in the deposited book of reference as may be required for the purposes of the street improvement authorised by this Act.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December nineteen hundred and fifty-eight.

Correction of
errors in
deposited plan
and book of
reference.

6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Corporation after giving ten days’ notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the work in accordance with the certificate.

(4) Any certificate deposited under this section with the town clerk shall be kept by him with the other documents to which it relates.

7.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845. Acquisition of part only of certain properties.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal by whom the compensation is to be assessed determines—

- (a) in the case of a house building or factory that such part ~~as is proposed to be taken~~ can be taken without material detriment to the house building or factory; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

8. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845: Power to expedite entry.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

PART II

—cont.

Power to enter
for survey or
valuation.

9. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which the Corporation are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

Disregard of
recent
improvements
and interests.

10. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-seven; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Set off of
betterment
against
compensation.

11. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under this Act in a case where—

(a) he has an interest in any other land contiguous with or adjacent to the land so acquired; and

(b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the work authorised by this Act;

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

Power to
reinstate
owners or
occupiers of
property.

12.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Extinction of
private rights
of way.

13.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the Council so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

PART II
—cont.

14. The Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plan and sections the street improvement referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

Construction
of street
improvement.

A widening of Arnott Road on the northerly side and at the westerly end thereof and the construction thereon of a pavement for pedestrians and in connection therewith a variation of the carriageway and footway of Waterloo Road at its junction with Arnott Road.

15. In the construction of the street improvement authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown thereon and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Limits of
deviation.

16.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plan the Corporation in connection with the street improvement authorised by this Act may—

Power to make
subsidiary
works.

(a) execute any works for the protection of any adjoining land or buildings; and

(b) remove alter divert or stop up any drain sewer channel or watercourse the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse.

(2) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(3) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

17.—(1) When the Corporation have acquired or in the exercise of the powers of this Act have entered on and taken possession of the land numbered 1 on the deposited plan they

Partial
stopping up
of Arnott
Road.

PART II
—cont.

may stop up for traffic other than pedestrians the carriageway of so much of Arnott Road as is shown on the deposited plan as intended to be stopped up and thereupon all rights of way thereover except—

- (a) for pedestrians; and
- (b) for vehicles used for or in connection with the placing maintenance inspection repair renewal or removal of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General in under upon along over or across Arnott Road; and
- (c) for vehicles used for or in connection with the placing maintenance inspection repair renewal or removal of any electric lines or works (as respectively defined in the Electricity (Supply) Acts 1882 to 1936) belonging to or lawfully laid or erected by the Central Electricity Generating Board or the North Western Electricity Board in under over or upon that road;

shall be extinguished.

(2) For the avoidance of doubt be it enacted that the works to be executed under section 14 (Construction of street improvement) of this Act are works to be executed for road purposes within the meaning of Part II of the Public Utilities Street Works Act 1950 and accordingly the code in that Part shall have effect as if those works were specifically mentioned in paragraph (a) of subsection (1) of section 21 of that Act.

For protection
of electricity
undertakers.

18. For the protection of the Central Electricity Generating Board and the North Western Electricity Board (each of whom is in this section referred to as “the undertakers”) the following provisions shall apply and have effect:—

- (1) In this section “apparatus” means electric lines or works (as respectively defined in the Electricity (Supply) Acts 1882 to 1936) belonging to or lawfully laid or erected by the undertakers (not being apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus:
- (2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire otherwise than by agreement any apparatus situate in a street.

PART III

STREETS BUILDINGS AND SANITATION

Provisions as
to motor
vehicles let
for hire.

19. The Corporation may make byelaws for declaring that to the extent determined by such byelaws the provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation

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:

PART III
—cont.

Provided that this section shall not apply to any of the following vehicles or to the drivers or conductors thereof:—

- (1) a vehicle which is kept by any company firm or person in connection with any business carried on by them or him as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business;
- (2) a vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for a longer period;
- (3) a public service vehicle within the meaning assigned to that expression by section 39 of the Road Traffic Act 1956; and
- (4) any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises:

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

20.—(1) Any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the borough other than such apparatus which is fitted internally in any premises and is attended when in operation shall be provided with a cut-off switch on the lower voltage side of the transforming apparatus.

Fireman's
switches for
luminous
tube signs.

(2) Before any apparatus to which subsection (1) of this section applies is fitted on or in any premises in the borough the owner or occupier of the premises shall at least fourteen days before the work of fitting the apparatus is begun give notice to the Corporation that such apparatus is about to be fitted indicating the position in which it is proposed that the cut-off switch required under subsection (1) of this section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

(3) The owner or occupier of the premises in respect of which notice is given under subsection (2) of this section shall take into consideration any representations which may be made by the Corporation within ten days from the date of the receipt of such notice in order to secure that the cut-off switch will be placed in a position in which it will be readily recognisable by and accessible to firemen and in the case of any such apparatus to be fitted internally in any premises the work of fitting the apparatus shall

PART III
—cont.

not be begun until the pattern and position of the cut-off switch have been approved by the Corporation:

Provided that where the pattern and position of any cut-off switch to be provided in connection with such apparatus to be fitted internally in any premises complies with the provisions of the Institution of Electrical Engineers' regulations the pattern and position shall be deemed to have been approved by the Corporation.

(4) The provisions of this section shall not prejudice or affect the requirements of the Electricity Supply Regulations 1937 or any regulations or other provisions amending or replacing the same.

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

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

Precautions
against fire in
certain
buildings.

21.—(1) Where plans for the erection of a building have been deposited with the Corporation in pursuance of building byelaws and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as they may consider necessary to enable effective action to be taken by them in case of fire at such building the Corporation shall reject the plans.

(2) If the Corporation reject the plans under the authority of this section the notice to be given under 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) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

Power to
cleanse
or repair
drains etc.

22. The Corporation may on the application of the owner or occupier of any premises in the borough undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may recover from the applicant such charge (if any) for so doing as they think fit.

Tipping of
refuse.

23.—(1) The Corporation may make byelaws for regulating the tipping of refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

(2) Byelaws made by virtue of this section may—

PART III
—cont.

- (a) contain provisions for imposing on persons offending against the byelaws fines not exceeding fifty pounds for each offence and a daily fine not exceeding ten pounds;
- (b) provide that any refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulate or control the tipping of refuse by railway undertakers for the purpose of constructing widening altering or maintaining any railway.

(4) In this section "refuse" includes trade refuse trade waste house refuse filth rubbish dust and other like matter.

24.—(1) Where after the passing of this Act any person shall within the borough—

Abandoned drains to be cut off.

- (a) reconstruct any drain which communicates with any sewer or other drain;
- (b) lay any such drain in a new position; or
- (c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain;

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

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

25.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the borough without first giving notice to the Corporation of his intention to do so and the Corporation may require that person to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

Demolition of buildings.

- (a) the shoring up of adjacent buildings; and
- (b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Any person aggrieved by a requirement of the Corporation under the foregoing subsection may appeal to a magistrates' court.

(3) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved

PART III
—cont.

the proposals unconditionally unless within six weeks from the date of the receipt thereof or within such longer period as the person giving the notice may agree in writing to allow they give notice to him of the terms and conditions with which they require him to comply.

(4) Nothing in this section shall be deemed to prohibit the execution in cases of emergency of any such works as may be reasonably necessary but without prejudice to the right of the Corporation to impose such reasonable terms and conditions in accordance with subsection (1) of this section in such manner as if any such works had not been commenced.

(5) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(6) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all material or rubbish removed by the Corporation under this section.

(7) All expenses incurred by the Corporation under subsection (5) of this section may be recovered by the Corporation from the person who has given notice under subsection (1) of this section.

(8) Any expenses or any part of the expenses incurred in pursuance of this section in the shoring up of a building not entitled to support from the building to be demolished or taken down may be recovered by the person who has given notice under subsection (1) of this section or the Corporation (as the case may be) from the owner of the building to be shored up.

(9) In any case where the Corporation in pursuance of subsection (1) of this section require the shoring up of adjacent buildings they shall give notice to the owner thereof of their requirements.

(10) If any person contravenes the provisions of this section or of any term or condition imposed under this section he shall be liable to a fine not exceeding five pounds.

(11) This section shall not apply to—

- (a) any plant house orchard house summer-house conservatory garden tool house poultry-house greenhouse coal shed or cycle shed or other similar structure; or
- (b) any building belonging to any statutory undertakers and held by them for the purposes of their undertakings; or
- (c) any building or part of a building which is situate within the curtilage of or used solely in connection with a

factory and does not adjoin a street if the building or part (as the case may be) either—

PART III
—cont.

(i) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground; or

(ii) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down:

Provided that the exemption conferred by paragraph (b) of this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

(12) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 17 section 28 section 44 section 50 or section 72 of the Housing Act 1957 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in a notice served on the owner (within the meaning of the Housing Act 1957) of the building at the same time as or within seven days of the service by the Corporation on him of a copy of the demolition order or clearance order required by section 19 of or by paragraph 5 of the Fourth Schedule to the said Act as the case may be.

(13) In this section the expression "factory" has the same meaning as in the Factories Act 1937 and the expression "building" includes a factory chimney shaft.

26.—(1) As from the appointed day the Corporation may if it is reasonable so to do having regard to all the circumstances of the case—

Dealing with drains and sewers before demolition of buildings.

(a) by counter-notice served within six weeks from the date of the receipt of a notice under the last foregoing section; or

(b) in any demolition order or clearance order made by them under the Housing Act 1957;

require the person giving such notice or the owner or owners of any building to which the demolition order or clearance order applies (as the case may be) either—

(i) to seal any sewer or drain on in or under the site of the building to which the notice or order relates; or

PART III
—cont.

- (ii) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

and after giving to the Corporation not less than twenty-four hours' notice of their intention to do so to make good and restore to the satisfaction of the Corporation the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (i) or paragraph (ii) of this subsection.

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

PART IV

PREMISES USED FOR SALES BY AUCTION

Definitions
for this Part
of Act.

27.—(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 borough of any prescribed article whether or not in combination with the sale by auction of any other articles or things.

Registration of
premises used
for sales by
auction.

28.—(1) As from the appointed day no premises in the borough 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 Corporation.

(2) Subject to the following provisions of this section the Corporation 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 Corporation—

(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 any sale by auction otherwise than in good faith; or

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

PART V
—cont.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may on the application of that person be referred to the Secretary of State for determination and the Secretary of State (after holding an inquiry if he thinks fit) shall determine any question submitted to him under paragraph (a) of this subsection or (as the case may be) may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If after plans of any underground car park have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section it appears to the Corporation that any such proposal has not been carried into effect or is not being observed the Corporation may by notice to the owner or occupier of the underground car park prohibit its use as an underground car park until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground car park or permits it to be used as an underground car park without giving effect to or securing the observance of any proposal specified in the notice he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

33.—(1) Without prejudice to the provisions of the last foregoing section the Corporation may by notice to the owner or occupier of any underground car park in the borough which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground car park as may be specified in the notice for the purpose of preventing or reducing danger from fire therein and in the case of any such underground car park as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (f) of subsection (1) of the last foregoing section as the Corporation think fit.

Further
provision as to
underground
car parks.

PART V
--cont.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(3) A person on whom a notice under this section has been served may within twenty-one days from the date of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may if he thinks it necessary or desirable cause an inquiry to be held and a report to be made to him by a person appointed by him for the purpose and may if he thinks fit confirm modify alter or annul any requirement to which the appeal relates.

Interpretation
and powers of
entry for
purposes of
last two
foregoing
sections.

34.—(1) In the last two foregoing sections the expression “underground car park” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space (either alone or in addition to any other facility or service) for cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) 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 the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

Hairdressers
and barbers.

35.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the borough on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for registration of the applicant or of any premises and (if the application relates to premises) on his furnishing them

with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

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

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

(4) If any person carries on business in contravention of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(5) If any person contravenes any byelaw made under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired:

Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(7) Where the registration of any person is cancelled by order of a court under subsection (5) of this section—

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

(8) The occupier of premises registered under this section shall keep a copy of the said byelaws and of the certificate of registration displayed in the premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(9) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable

PART V
—cont.

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.

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

Nuisance from
pigeons etc.

36.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the borough by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act or at common law—

- (a) seize and humanely destroy or cause to be seized and humanely destroyed any such house-doves pigeons or starlings in excess of such numbers as the Corporation consider reasonable;
- (b) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcasses of any such house-doves pigeons or starlings; and
- (c) take such other steps as they think necessary for any such purpose:

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

- (i) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or
- (ii) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Protection of Birds Act 1954 or any order made thereunder.

Receptacles
for trade
refuse.

37.—(1) If the Corporation have as respects the borough or any part thereof undertaken the removal of trade refuse or any kind of trade refuse they may by notice require the occupier of any building within the borough or (as the case may be) that part of the borough to provide such number of covered dustbins or other suitable receptacles for the reception of trade refuse of such material size and construction as the Corporation may approve:

Provided that this subsection shall not entitle the Corporation to require the replacement of any dustbin in use at the commencement of this Act so long as it is of suitable material size and construction and properly covered and in proper condition.

Any person aggrieved by a requirement of the Corporation under this subsection may appeal to a magistrates' court.

(2) If a person fails to comply with a notice under the preceding subsection or fails to maintain in good order and condition any dustbin or other suitable receptacle which under that subsection he has been required to provide or fails to replace any such dustbin or other suitable receptacle when worn out by a new dustbin or other suitable receptacle of a material size and construction approved by the Corporation the Corporation may provide such dustbin or other suitable receptacle or such new dustbin or other suitable receptacle as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default and without prejudice to the right of the Corporation to exercise that power he shall be liable to a fine not exceeding twenty shillings.

(3) Any question arising under this section as to what is to be considered as trade refuse or trade refuse to which the undertaking of the Corporation relates may on the application of either party be determined by a magistrates' court.

38.—(1) Where the Corporation by agreement with the owner or occupier of any premises in the borough take steps under the Prevention of Damage by Pests Act 1949 for the destruction of rats or mice on the premises of such owner or occupier or otherwise for keeping the premises free from rats or mice they may make and recover such reasonable charge for so doing as they think fit.

Further powers for prevention of damage by rats and mice.

(2) Section 22 of the Prevention of Damage by Pests Act 1949 (which confers powers of entry) shall have effect in its application within the borough as if the following provisions were inserted after subsection (1):—

“(1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that admission to any land has been refused or that refusal is apprehended or that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section;

the justice may by warrant under his hand authorise the local authority by any person duly authorised in writing to enter upon the land if need be by force:

PART V
—cont.

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

(1b) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary and on leaving any unoccupied land upon which he has entered by virtue of such a warrant shall leave it as effectually secured against trespassers as he found it.

(1c) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied."

School agreements.

39. Section 30 (School agreements) of the Blackpool Corporation Act 1952 shall have effect by the substitution for the words "end of the term during" of the words "thirty-first day of July following the date upon".

Lost property.

40. Section 145 (Lost property deposited may be sold if owner not found in twelve months) of the Blackpool Improvement Act 1893 shall have effect by the substitution for the words "twelve months" of the words "three months".

Summary recovery of damages for negligence.

41. Any compensation recoverable by the Corporation for damage caused by negligence to any lamp lamp-post notice board fence rail or post or any other apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

Confirmation of agreement with Blackpool Pleasure Beach Limited.

42. The agreement dated the fourth day of October nineteen hundred and fifty-seven and made between the Corporation of the one part and the company of the other part a copy of which as amended by this Act is set forth in the First Schedule thereto is hereby confirmed and made binding upon the parties thereto and effect shall be given thereto accordingly.

Refreshment rooms available for public.

43.—(1) Any refreshment rooms provided by the Corporation under the powers of article 2 (Refreshment rooms at swimming baths) of the Blackpool Order 1924 (which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1924) may if the Corporation so determine be made available to the public:

Provided that when under the powers of this section any refreshment room provided by the Corporation is made available to the public intoxicating liquor shall not be supplied thereat.

(2) In this section the expression "intoxicating liquor" has the meaning assigned to it by section 165 of the Licensing Act 1953.

PART V
—cont.

PART VI
FINANCE

44.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay any sum so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

Power to borrow.

(1) Purpose	(2) Amount	(3) Period for repayment calculated from the date or dates of borrowing
(a) The purchase of land under the powers of this Act	The sum requisite	Sixty years
(b) The construction of the street improvement authorised by this Act and works in connection therewith	£1,026	Twenty years
(c) The payment of the costs charges and expenses of this Act	The sum requisite	Five years

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

45. 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.

PART VII
GENERAL

46. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under

Confirming authority for byelaws.

PART VII
--cont.

section 19 (Provisions as to motor vehicles let for hire) the confirming authority shall be the Secretary of State.

Local inquiries.

47. Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any inquiry to be held by the Secretary of State under the provisions of this Act.

The appointed day.

48.—(1) For the purposes of this Act the expression “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

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

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

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

(4) Either—

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

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the 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 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 50 (Appeals) of this Act.

49. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

PART VII
—cont.
Restriction on
right to
prosecute.

50.—(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.

Appeals.

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

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

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

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

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

Application
of general
provisions of
Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act (that is to say):—

- Part II (Partial closing of Arnott Road);
- Part III (Streets buildings and sanitation); and
- Part V (Miscellaneous).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the following provisions of this Act (that is to say):—

- Part II (Partial closing of Arnott Road);
- Part III (Streets buildings and sanitation);

PART VII
—cont.

Part IV (Premises used for sales by auction);
Section 32 (Underground car parks);
Section 33 (Further provision as to underground car parks);
Section 34 (Interpretation and powers of entry for purposes
of last two foregoing sections);
Section 35 (Hairdressers and barbers); and
Section 37 (Receptacles for trade refuse).

Saving for town
and country
planning.

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

Costs of Act.

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

SCHEDULES

FIRST SCHEDULE

Section 42.

AN AGREEMENT made the fourth day of October 1957 Between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BLACKPOOL (hereinafter called "the Corporation") of the one part and BLACKPOOL PLEASURE BEACH LIMITED whose Registered Office is situate at Sardinia House 52 Lincoln's Inn Fields London W.C.2 (hereinafter called "the Company" which expression shall where the context so admits include their successors and assigns) of the other part.

Whereas

(1) By an Agreement dated the 23rd day of February 1917 and made between the Company of the one part and the Corporation of the other part (hereinafter referred to as "the 1917 Agreement") after reciting that the Corporation were promoting a Bill in Parliament for the carrying out of certain public improvements including the Promenade and other works therein specifically mentioned And after reciting that the Company were the owners in fee simple of certain lands and premises the whole or certain parts of which were intended to be acquired by the Corporation under the provisions of the said Bill for the purpose of the aforesaid works or some of them it was agreed that in consideration of (a) the willingness of the Company to convey to the Corporation free of cost the several plots of land coloured green and yellow on the plan annexed thereto containing 8.333 square yards and 31.006 square yards or thereabouts respectively in fee simple free from incumbrances (b) the agreement by the Company to pay to the Corporation the sum of £10,000 as the Company's share of the cost of the said works and (c) the willingness of the Company to restrict the user by the Company of certain portions of their estate as therein mentioned the Company should be at liberty to use their land coloured blue on the said plan on the special terms and conditions (hereinafter referred to as "the special terms and conditions") set out in clause 7 of the Agreement now in recital that is to say to use such land for the purpose of their undertaking without as theretofore making application to the Corporation for permission to erect or submitting plans of any temporary or movable buildings or structures to the Corporation for their approval or otherwise but that all buildings erections or structures thereon should be subject to statutory provisions relating to sanitation And the said Agreement also contained certain supplemental and ancillary provisions regulating the use and development by the Company and the Corporation of their respective estates at South Shore Blackpool aforesaid and an undertaking by the Company not to offer any opposition to the said Bill or to the execution of the several works therein described.

(2) By section 69 of the Blackpool Improvement Act 1917 the 1917 Agreement was confirmed and made binding upon the parties thereto.

(3) By an Agreement dated the 5th day of November 1921 made between the Corporation of the one part and the Company of the other part which was supplemental to the 1917 Agreement and was scheduled to and confirmed by the Blackpool Improvement Act 1932

1ST SCH.
—cont.

(hereinafter referred to as “ the 1921 Agreement ”) the 1917 Agreement was varied as therein mentioned and in particular provision was made for the commencement of the hereinbefore mentioned works immediately after the execution of the Agreement now in recital and for the substitution of the plan annexed thereto for the plan annexed to the 1917 Agreement the effect whereof (inter alia) was to increase the area of the Company’s land benefited by “ The Special Terms and Conditions ” and provision was also made (by clause 9 thereof) that the land belonging to the Company should not be included in any Town Planning Scheme formulated by the Corporation.

(4) By an Agreement dated the 10th day of May 1926 made between the Corporation of the one part and the Company of the other part which was supplemental to the 1917 Agreement and the 1921 Agreement and was scheduled to and confirmed by the Blackpool Improvement Act 1932 (hereinafter referred to as “ the 1926 Agreement ”) the 1917 Agreement and the 1921 Agreement were varied as therein mentioned and in particular provision was made for the substitution of the plan annexed thereto for the plan annexed to the 1921 Agreement but such substitution did not affect the area of the Company’s land benefited by “ The Special Terms and Conditions ”.

(5) By section 29 of the Blackpool Improvement Act 1928 it was provided that notwithstanding anything in that Act contained clause 9 of the 1921 Agreement should be and remain in full force and virtue so long as the premises of the Company were used for amusement park purposes and should not be deemed to be cancelled varied or modified in any way by any of the provisions of that Act

(6) By an Agreement dated the 26th day of November 1931 and made between the Corporation of the one part and the Company of the other part which was supplemental to all the hereinbefore recited Agreements and was scheduled to and confirmed by the Blackpool Improvement Act 1932 (hereinafter referred to as “ the 1931 Agreement ”) the Company agreed to purchase from the Corporation the three plots of land respectively edged red and coloured brown and edged violet on the plan annexed thereto (hereinafter in this recital called “ the plan ”) and for the consideration therein mentioned it was thereby agreed (inter alia) as follows that is to say

- (i) That so much of the said land as was edged red on the plan as lay west of the Palisade or boundary wall shown on the plan (except the portions thereof respectively hatched brown and cross hatched brown) should be held by the Company on “ The Special Terms and Conditions ” and that the portions respectively cross hatched brown and hatched green should be used only for the erection of permanent or temporary buildings to be approved by the Corporation but that in the event of the Company developing the whole of the plot of land edged violet on the plan together with the said portion cross hatched brown for use only as last aforesaid then the Company might hold and use the land hatched brown on “ The Special Terms and Conditions ” save that no bells sirens or other similar mechanical sound making should be permitted on any part of the land hatched brown.

(ii) That the blue areas referred to in the hereinbefore recited Agreements should be extended to the boundary or Palisade wall along the westerly side of the Bond Street continuation shown on the plan and that accordingly the Company should occupy such additional land subject to and on "The Special Terms and Conditions".

(iii) That in the hereinbefore recited Agreements the expression "the Company" should where the context so admitted be deemed to include the successors and assigns of the Company.

(7) By section 4 of the Blackpool Improvement Act 1932, the 1921 Agreement the 1926 Agreement and the 1931 Agreement were confirmed and made binding on the parties thereto. And it was enacted that notwithstanding anything contained in the Blackpool Improvement Act 1917 effect might and should be given thereto accordingly subject to such modifications thereof (if any) as might be agreed in writing between the parties to the said Agreements their successors or assigns provided that clause 9 of the 1921 Agreement which provided that the land belonging to the Company should not be included in any Town Planning Scheme formulated by the Corporation and sub-clause (5) of clause 17 of the 1931 Agreement which related to the determination of a building line should only apply to land of the Company so long as it was used by them their successors or assigns for Pleasure Beach Amusement Park or similar purposes.

(8) By an Agreement dated the 4th day of March 1937 and made between the Corporation of the one part and the Company of the other part in consideration of certain rights as therein mentioned afforded by the Company to the Corporation in relation to their tramways undertaking the Corporation agreed with the Company that so much of the land held by the Company shown hatched and cross hatched brown on the plan annexed to the 1931 Agreement as was situate on the westerly side of the Palisade or boundary wall shown on the said plan should be held by the Company upon the same terms and conditions as they held their remaining land on the westerly side of the said Palisade or boundary wall under the provisions of the 1931 Agreement as hereinbefore recited that is to say—

(a) The Company should hold such land upon "The Special Terms and Conditions"

(b) Such land should not be included in any Town Planning Scheme formulated by the Corporation.

Subject however to clause 4 (1) of the Blackpool Improvement Act 1932 and provided that no bells sirens or other mechanical sound making were permitted on any part of the land hatched brown on the said last-mentioned plan.

(9) By virtue of the hereinbefore recited Agreements the land delineated on the plan annexed hereto and coloured and edged blue is now held by the Company on "The Special Terms and Conditions" subject as to that portion of the said land which is super hatched and super cross-hatched brown on the said plan annexed hereto to clause 4 (1) of the Blackpool Improvement Act 1932 and as respects that part of the land which is super hatched brown on the said plan annexed hereto subject to the proviso that no bells sirens or other similar mechanical sound making are permitted on any part thereof.

1ST SCH.
—cont.

1ST SCH.
—cont.

(10) Notwithstanding that the Company holds the said land coloured and edged blue on the plan annexed hereto on "The Special Terms and Conditions" subject as is mentioned in the last preceding recital doubts have arisen as to whether the Company are obliged under the provisions of the Town and Country Planning Acts 1947 to 1954 and the regulations made thereunder to obtain the permission of the Corporation as the Local Planning Authority to the carrying out of the works mentioned in clause 7 of the 1917 Agreement.

(11) The Corporation recognizes that it is beneficial to the Borough of Blackpool as well as to the Company that the Company's undertaking should as heretofore be conducted in the most modern and efficient manner.

(12) The Corporation further recognizes that the Company cannot so conduct their undertaking unless they can rapidly erect their temporary buildings and temporary structures on the land held by them on "The Special Terms and Conditions" without the inevitable delay occasioned by application to the Corporation as the Local Planning Authority in connection with each such erection.

(13) Having regard to the several Agreements and statutes hereinbefore recited or referred to and with the object of enabling the Company to carry on their undertaking in the best interests of the Borough of Blackpool the Corporation have agreed with the Company to enter into the Agreement hereinafter contained

Now in consideration of the premises it is hereby agreed as follows:—

1. The Company shall be at liberty to use the land coloured and edged blue on the plan annexed hereto for the purpose of their undertaking without making application to the Corporation as Local Planning Authority under the provisions of the Town and Country Planning Acts 1947 to 1954 and of the regulations made or to be made thereunder or otherwise for permission to erect any temporary or moveable buildings or structures and without submitting plans to the Corporation in respect of such temporary or moveable buildings or structures under the provisions of the Public Health Act 1936 and the byelaws made thereunder or under section 46 of the Blackpool Improvement Act 1901 and as to that portion of the said land as is super hatched brown on the said plan annexed hereto subject to the proviso that no bells sirens or other similar mechanical sound making are permitted on any part thereof Provided always that all such buildings and structures shall be subject to statutory provisions relating to sanitation.

2. This Agreement is made and entered into subject to the confirmation thereof by Parliament The Corporation shall introduce into the next Bill in Parliament to be promoted by them provisions designed to confirm this Agreement including any provision necessary for giving full effect to the matters dealt with in this Agreement The Company shall aid and assist the Corporation in obtaining the approval of Parliament of such provisions.

3. In the event of there being included in the said Bill a provision that it should be deemed to be an enactment passed before and in

force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act the Corporation shall use their best endeavours to secure that the said provision shall not be applicable to the subject matter of this Agreement.

1ST SCH.
—cont.

4. This Agreement is subject to such alterations as may be made by Parliament therein and shall be scheduled to the Bill but in the event of Parliament making any material alteration in this Agreement it shall be in the option of either party affected by such alteration to withdraw from the same by giving written notice to the other party to this Agreement before the Bill is reported by the Committee in the second House and thereupon any provision in the said Bill affecting that party shall be excluded from the Bill except to such extent as they shall agree.

5. If any difference or dispute shall arise between the parties hereto with respect to anything contained in or arising out of this Agreement the same shall be referred to and determined by a single arbitrator to be agreed upon by the parties or failing such agreement to be appointed by the Minister of Housing and Local Government on the application of either of the parties after notice in writing to the other of them and save as aforesaid the Arbitration Act 1950 shall apply to such arbitration.

In Witness whereof the Corporate Seal of the Corporation and the Common Seal of the Company were respectively hereunto affixed the day and year first before written.

The Corporate Seal of the Mayor Aldermen
and Burgesses of the Borough of Blackpool
was hereunto affixed by Authority of the
Council of the said Borough in the presence
of—

H. GRIMBLEDESTON

Mayor.

J. C. SWAFFIELD

Deputy Town Clerk.

The Common Seal of Blackpool Pleasure
Beach Limited was hereunto affixed in the
presence of—

LEONARD THOMPSON

Director.

CHARLES E. BURRELL

Secretary.

Section 51.

SECOND SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS II III AND V 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 &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint &c.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTION APPLIED TO PARTS II III AND IV AND SECTIONS 32 33 34 35 AND 37 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Larceny Act 1861	24 & 25 Vict. c. 96.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Blackpool Improvement Act 1893 ...	56 & 57 Vict. c. lxxxvi.
Blackpool Improvement Act 1901 ...	1 Edw. 7 c. cxxviii.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Blackpool Improvement Act 1917 ...	7 & 8 Geo. 5 c. lii.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Ministry of Health Provisional Orders Confirmation (No. 7) Act 1924	14 & 15 Geo. 5 c. lxxiii.
Land Charges Act 1925	15 Geo. 5 c. 22.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Blackpool Improvement Act 1928 ...	18 & 19 Geo. 5 c. cxii.
Blackpool Improvement Act 1932 ...	22 & 23 Geo. 5 c. xxix.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Prevention of Damage by Pests Act 1949	12 & 13 Geo. 6 c. 55.
Arbitration Act 1950	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Blackpool Corporation Act 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. x.
Licensing Act 1953	1 & 2 Eliz. 2 c. 46.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.

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