

Coventry Corporation Act, 1958

6 & 7 ELIZ. 2 Ch. xxxvi

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CHAPTER xxxvi

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Coventry and to make further provision for the improvement health local government and finances of the city and for other purposes. [23rd July 1958.]

WHEREAS—

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

(2) It is expedient to confer further powers upon the Corporation and to make further provision with reference to the improvement health and local government of the city and the finances of the Corporation:

(3) By the Coventry Extension Act 1931 the boundary of the city was extended so as to include within the city certain areas in which are situate common lands known as Walsgrave-on-Sowe Common and Keresley Common or Recreation Ground but the rights of common and other rights (if any) over the said commons have long since ceased to be exercised and cannot now be profitably exercised and it is expedient to apply to the said common and the said recreation ground certain provisions of the Coventry Corporation Act 1927 relating to commons:

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

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

(6) 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:

(7) A plan showing the said Walsgrave-on-Sowe Common and Keresley Common or Recreation Ground and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers thereof were duly deposited with the town clerk of the city which plan and book of reference are in this Act respectively referred to as the deposited plan and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Coventry Corporation Act 1958.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
- Part I.—Preliminary.
 - Part II.—Streets.
 - Part III.—Buildings nuisances and health.
 - Part IV.—Movable dwellings.
 - Part V.—Public order and public safety.
 - Part VI.—Premises used for sales by auction.
 - Part VII.—Weights and measures.
 - Part VIII.—Finance.
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 - Part X.—General.
- Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

“ the Act of 1933 ” “ the Act of 1936 ” and “ the Act of 1947 ” mean respectively the Local Government Act 1933 the Public Health Act 1936 and the Town and Country Planning Act 1947;

“ the Act of 1927 ” means the Coventry Corporation Act 1927;

“ the appointed day ” has the meaning assigned to it by section 79 (The appointed day) of this Act;

“ the city ” means the city of Coventry;

“ the commission ” means the British Transport Commission;

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

“ the Corporation ” means the lord mayor aldermen and citizens of the city;

“ the council ” means the council of the city;

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

“ electricity board ” means the East Midlands Electricity Board;

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

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

“ gas board ” means the West Midlands Gas Board;

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

“ generating board ” means the Central Electricity Generating Board;

“ 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;

“ notifiable disease ” means—

(a) any notifiable disease as defined by section 343 of the Act of 1936; and

(b) any infectious disease to which section 144 of that Act for the time being applies in the city by virtue of regulations made under section 143 thereof;

PART I
—cont.

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

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

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

PART II

STREETS

Illumination
of street
names.

4.—(1) Subject to the provisions of this section the Corporation may illuminate any inscription which has been set up of the name of any street in the city:

Provided that the Corporation shall not continue any illumination under this section which in the opinion of the commission hinders or is likely to hinder the ready interpretation of any railway signal or is likely to render hazardous the use of any railway canal or inland navigation.

(2) The Corporation shall not under this section affix lamps brackets pipes electric lines or other apparatus (hereafter in this section referred to as “ attachments ”) to a building without the consent of the owner of the building:

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

(3) Any electrical apparatus provided in pursuance of the powers of this section shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Maintenance
of forecourts
to which
public have
access.

5.—(1) Where the forecourt of any premises abutting upon a street in the city is habitually used or is open to use by the public as part of the footway of such street the Corporation may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same.

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

PART II
—cont.

Provided that—

- (a) for the purposes of paragraph (c) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the Corporation of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;
- (b) the Corporation may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

6.—(1) Notwithstanding anything contained in any other enactment when the Corporation use— Street
cleansing.

- (a) mechanically propelled and operated road or footpath cleansing vehicles for cleansing any streets in the city; or
- (b) any vehicle which is being used for the reception of street refuse from any street in the city;

between the hours of ten o'clock in the afternoon and seven o'clock in the forenoon it shall be lawful for such vehicles to be driven over or along any footway or paved area for the purpose of cleansing the same.

(2) Between one hour after sunrise and one hour before sunset the provisions of any order under the Road Traffic Act 1930 prohibiting the driving of vehicles on any specified road in the city otherwise than in a specified direction and any provisions applicable to the direction to be followed by vehicles using roads provided with dual carriageways shall not apply to any mechanical road cleansing vehicle provided by the Corporation when engaged in the cleansing of any street.

7.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall— Defacing of
road
surface etc.

- (a) deface the surface of any street in the city or any wall fence post or other structure or erection or any tree on or adjoining any such street by inscribing or painting thereon any letter sign device or other mark;
- (b) remove obliterate deface or obscure any traffic sign erected or placed in the city under the provisions of the Road Traffic Acts 1930 to 1956.

PART II
—cont.

(2) The Corporation may themselves cleanse and reinstate the surface of any street wall fence post or other structure or erection or any tree which has been defaced contrary to the provisions of subsection (1) of this section or any such traffic sign which has been so removed obliterated defaced or obscured and may remove any such letter sign device or other mark as is referred to in that subsection.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a fine not exceeding five pounds and the court by which he is convicted may whether or not it imposes a fine in addition by order require him to pay to the Corporation any expenses incurred by them under subsection (2) of this section.

Removal of
trees etc.
from streets.

8.—(1) Where any tree or structure or any part thereof falls on or across any street in the city the Corporation may remove the thing fallen and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or the fallen part thereof was situated from the occupier thereof.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression “materials” included timber.

Removal of
furniture etc.
from streets.

9.—(1) The Corporation may remove and store any furniture articles goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any street in the city and which—

(a) shall have remained there for more than forty-eight hours; or

(b) is or are likely to cause an obstruction;

and the Corporation shall not be liable for any loss or damage caused by such removal or storage.

(2) If the Corporation remove any furniture articles goods or materials under the powers of this section—

(a) they shall if and as soon as it is reasonably practicable so to do notify the person whom they believe to be the owner thereof; and

(b) they shall not exercise any power to sell any such furniture articles goods or materials whether under section 276 of the Act of 1936 or otherwise until after the expiration of twenty-eight days from the date of such notification or the expiration of six months from the date on which they removed the furniture articles goods or materials whichever shall first occur.

10.—(1) No person shall mix mortar cement plaster or any like substance in any street in the city repairable by the inhabitants at large or any street therein constructed under the powers in that behalf contained in section 146 or 150 of the Public Health Act 1875 the Housing Act 1957 the Act of 1947 or this Act except upon such board or in such receptacle as will protect the street from the mortar cement plaster or substance and will prevent it from being washed into any gully drain or sewer:

PART II
—cont.
Mixing of
mortar etc.
in streets.

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

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

PART III

BUILDINGS NUISANCES AND HEALTH

11. Section 45 (Power to order alteration of chimneys) of the Coventry Corporation Act 1948 shall have effect as if for the words “exceeding twenty pounds” there were substituted the words “exceeding fifty pounds”.

Amendment
of section 45
of Act of
1948.

12. Section 64 of the Act of 1936 shall have effect in its application to the city as if—

Amendment of
section 64 of
Act of 1936.

(1) the following subsection were inserted after subsection (1) thereof :—

“(1a) Where the local authority reject plans under subsection (1) of this section or under the authority of any other section of this Act or of any section of the Coventry Corporation Act 1958 they may do so either absolutely or subject to the condition that they shall be deemed to be passed if—

(a) within one month amended plans which are not defective and do not show that the proposed work would contravene the byelaw or section of this Act or of the Coventry Corporation Act 1958 for non-conformity with which they were rejected are deposited; and

(b) the surveyor gives notice in writing of his approval of the plans”;

(2) the following subsection were substituted for subsection (2) thereof:—

“(2) The local authority shall within the prescribed period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether or not they have been passed or

PART III
—cont.

rejected or rejected subject to a condition that they shall be deemed to be passed if the condition mentioned in the preceding subsection is complied with and—

- (i) a notice of rejection whether absolute or subject to the said condition shall specify the defects on account of which or the byelaw or section for non-conformity with which or under the authority of which the plans have been rejected; and
- (ii) a notice that the plans have been passed shall state that the passing of the plans operates as an approval thereof only for the purposes of the requirements of the byelaws and of any such section."

Provision of
bathrooms.

13.—(1) Where plans of a house have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath with the necessary water supply pipe and fittings and waste pipe connected to a suitable drain.

(2) If the Corporation 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 rejected.

(3) For the purpose of this section the expression "house" includes any part of a building which is intended to be occupied as a separate dwelling.

Cleansing of
rivers and
streams.

14.—(1) (a) If any river or stream or any part thereof within the city is or is likely to become in such a state that the proper flow of water along the same is or may be obstructed or impeded the Corporation may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is or may be obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream but before serving a notice on any owner or occupier the Corporation shall be reasonably satisfied that an act or default of such owner or occupier has been responsible or may be responsible for or has contributed or may contribute to the said obstruction or impediment to the proper flow of the river or stream.

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

(2) Nothing in this section shall authorise the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement by the Minister of Agriculture Fisheries and Food on the application of either party after giving notice in writing to the other party.

PART III
—cont.

(3) For the purposes of this section the expression "river or stream" shall not include any such river or stream as is for the time being a main river of the Severn River Board.

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

Byelaws as to
refuse tips
etc.

- (a) for controlling and regulating the tipping or deposit of refuse and for prescribing the method of such tipping or deposit;
- (b) for prohibiting the tipping or deposit of refuse so that such refuse either alone or in combination with other refuse is noxious or offensive or is dangerous or injurious to health or is liable to become noxious or offensive or to become dangerous or injurious to health or to become ignited;
- (c) for prohibiting the owners and occupiers of land permitting such land to be used for the tipping or deposit of refuse in contravention of the provisions of the byelaws;
- (d) for securing the adequate fencing of any tip or deposit of refuse; and
- (e) for securing that any tip or deposit of refuse which is no longer intended to be used for further tipping or deposit shall not be noxious or offensive or dangerous or injurious to health or be liable to become noxious or offensive or to become dangerous or injurious to health or to become ignited.

(2) (a) Section 287 of the Act of 1936 as applied to this section shall have effect as if the purposes for which any authorised officer of the Corporation shall have a right to enter any premises included the purpose of taking samples of any refuse on the premises.

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

(3) The byelaws made under this section may contain provisions for imposing on persons offending against the byelaws fines not

PART III
—cont.

exceeding two hundred pounds or in the case of a continuing offence a further fine not exceeding fifty pounds for each day during which the offence continues after conviction therefor.

(4) No byelaw under this section shall extend to regulate or control the tipping of refuse by railway canal or inland navigation undertakers for the purpose of constructing widening or maintaining any railway canal inland navigation dock or wharf works.

(5) No byelaw under this section shall extend to prohibit regulate or control the tipping deposit or disposal of refuse by statutory undertakers on any land occupied by them in connection with their undertaking.

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

Noise or
vibration
nuisance.

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

Provided that—

(a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration 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 or vibration 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;

(c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

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

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

Discon-
tinuance of
offensive
trade.

17. In its application to the use of any land in the city for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 subsection (1) of section 26 of the Act of 1947 shall have effect as if after the word "interests" where the word first occurs in that subsection there were inserted the words "of public health or".

18.—(1) For the purpose of abating or mitigating any nuisance or damage caused in the city 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—

PART III
—cont.

Nuisance
from
pigeons etc.

- (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.

19. Section 148 of the Act of 1936 shall in its application to the city have effect as if the following paragraph were substituted for paragraph (b) thereof :—

Restriction on
attendance at
public places
etc.

“ (b) having the care of a person—

- (i) whom he knows to be suffering from a notifiable disease; or
- (ii) whom he cannot permit to attend school without contravening section 150 of this Act;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or ”.

20.—(1) (a) The Corporation may require any person residing in accommodation provided by them under Part III of the National Assistance Act 1948 whom they have reason to believe may be suffering from a communicable disease to submit himself for examination by the medical officer or a duly registered medical practitioner and if he certifies that that person is suffering from a

Persons
provided with
certain
accommoda-
tion etc.

PART III
—cont.

communicable disease and that serious risk of infection is thereby caused to other persons then the Corporation if satisfied that accommodation is available in a suitable hospital may with the consent of the hospital management committee or board of governors of the hospital order him to be removed thereto.

(b) The Corporation and any officer of the Corporation to whom an order under this subsection is addressed and any officer of the hospital in question may do all acts necessary for giving effect to the order.

(2) The Corporation may require any person residing in accommodation provided by them under paragraph (b) of subsection (1) of section 21 of the National Assistance Act 1948 whom they have reason to believe may be in a filthy condition or to be suffering from infestation of his person or clothing by vermin to submit to such measures as may in their opinion be necessary to cleanse him or free him or his clothing from vermin as the case may be.

(3) In this section—

the expression “hospital” has the meaning assigned to it by section 79 of the National Health Service Act 1946;

the expression “communicable disease” means—

(a) any notifiable disease; and

(b) tuberculosis of the respiratory tract.

Compensation
for stopping
employment
to prevent
spread of
disease.

21. If with a view to preventing the spread of—

(a) a notifiable disease; or

(b) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies;

the medical officer requests in writing any person to discontinue his employment the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

PART IV

MOVABLE DWELLINGS

Camping site
licences.

22.—(1) For the purpose of regulating the use of movable dwellings in the city the Corporation may subject to the provisions of the next following section grant licences authorising persons to allow land occupied by them in the city to be used as sites for movable dwellings.

(2) Every such licence shall continue in force for such period as may be specified by the Corporation in the licence and shall be subject to such conditions relating to public health and sanitary matters or to prevent annoyance or nuisance in any part of the city as the Corporation when granting the licence may attach thereto:

Provided that if the use of the land for the purpose authorised by the licence involves the development of land within the meaning of the Act of 1947 the licence shall not—

- (a) come into force unless and until permission so to develop the land is granted or deemed to have been granted under Part III of the Act of 1947 or under any order made thereunder; or
- (b) continue in force unless the development is permitted or deemed to have been permitted under the Act of 1947.

(3) Where an application is made to the Corporation for a licence under this section the Corporation shall be deemed to have granted it unconditionally unless within two months from the receipt of the application they give notice to the applicant stating that his application is refused or stating the conditions subject to which the licence is granted.

(4) Any applicant for a licence under this section who is aggrieved by the refusal of the Corporation to grant the licence or by any condition attached to the licence may appeal to a magistrates' court.

(5) If any person fails to comply with any condition attached to any licence under this section he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds and the Corporation may if they think fit cancel the licence.

(6) Nothing in this section or in any licence granted thereunder shall extend to authorise any person to commit or continue any nuisance or to allow land occupied by him to be used contrary to the terms of any covenants restrictions or conditions upon or subject to which the land is held by him.

23.—(1) The following provisions of this section shall have effect where an application is made to the Corporation under the last preceding section for a licence to use land as a site for six or more movable dwellings.

Restrictions
on licensing
of large
camping
sites.

(2) The Corporation shall not grant such a licence unless notice of the application has first been given by the Corporation by advertisement in a local newspaper circulating in the city.

(3) Every such advertisement shall specify a date (not being earlier than twenty-one days after the first publication of the advertisement) before which representations may be made to the Corporation with respect to the application.

(4) The Corporation shall consider any representation made to them before the date specified in the advertisement before deciding whether or not to approve the application and after making their decision shall communicate it to the person who made the representation.

PART IV
—cont.

(5) Any person having so made a representation who is aggrieved by the decision of the Corporation may appeal to a magistrates' court.

Circumstances particularly relevant to applications.

24. The Corporation in considering any application for a licence under section 22 (Camping site licences) of this Act and any court in hearing an appeal against any decision of the Corporation on any such application shall have regard to all relevant circumstances and in particular to whether or not annoyance or nuisance is likely to be caused to residents in any part of the city by reason of the conduct of the occupiers of or persons frequenting any movable dwelling on the land.

Camping on unlicensed sites.

25.—(1) Where the occupier of any land in the city consents to the keeping of a movable dwelling on such land he shall forthwith give notice to that effect to the chief public health inspector.

(2) (a) Subject to the provisions of this section no person shall—

- (i) place a movable dwelling on any land to which this sub-paragraph applies without having first obtained the express consent of the occupier of such land; or
- (ii) keep a movable dwelling on any one site or on two or more sites in succession in the city on more than fourteen consecutive days or on more than twenty-eight days in any consecutive twelve months; or
- (iii) allow any land occupied by him to be used for camping purposes on more than fourteen consecutive days or on more than twenty-eight days in any consecutive twelve months.

(b) Sub-paragraph (i) of paragraph (a) of this subsection applies to any land in the city at or near to which a notice of the effect of the said sub-paragraph (i) and of the penalty prescribed by subsection (4) of this section is posted in a conspicuous position.

(3) For the purposes of this section—

- (a) land which is in the occupation of the same person as and within one hundred yards of a site on which there is during any part of the day a movable dwelling shall be regarded as being used for camping purposes on that day;
- (b) if a movable dwelling is removed from the site on which it stands but within forty-eight hours is brought back to the same site or to another site in the city then for the purpose of reckoning any such period of fourteen consecutive days as is mentioned in sub-paragraph (ii) or sub-paragraph (iii) of paragraph (a) of subsection (2)

of this section it shall be deemed not to have been removed or as the case may be to have been removed direct from the one site to the other;

(c) the owner of land which is not let shall be deemed to be the occupier thereof.

(4) If any person contravenes the foregoing provisions of this section he shall be liable in the case of an offence under subsection (1) or sub-paragraph (i) of paragraph (a) of subsection (2) of this section to a fine not exceeding five pounds and in the case of an offence under sub-paragraph (ii) or sub-paragraph (iii) of the said paragraph (a) to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

(5) Where a movable dwelling is kept on any land in the city in contravention of the provisions of sub-paragraph (ii) or sub-paragraph (iii) of paragraph (a) of subsection (2) of this section after the conviction of the person keeping the movable dwelling for an offence under subsection (4) of this section the chief public health inspector may by notice in writing require the person to remove the movable dwelling from such land within a period stated in the notice which shall not be less than forty-eight hours and if any such notice be not complied with may remove such movable dwelling from the land.

(6) Any notice authorised by this section to be served on the person keeping a movable dwelling on land shall if the chief public health inspector is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name and address of the person be sufficiently served (but without prejudice to other lawful methods of service) if conspicuously affixed to the outside of the movable dwelling and addressed to "The person keeping this movable dwelling" without naming him.

(7) Nothing in this section shall apply to the placing or keeping of a movable dwelling on land in respect of which there is in force a licence granted under section 22 (Camping site licences) of this Act to the occupier for its use as a site for movable dwellings.

(8) Nothing in this section shall apply—

(a) to a movable dwelling which—

(i) is kept by its owner on land occupied by him in connection with his dwelling-house and is used for habitation only by him or by members of his household; or

(ii) is kept by its owner on agricultural land occupied by him and is used only for habitation at certain seasons by persons employed in farming operations on that land; or

PART IV
—cont.

- (b) to a movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business; or
- (c) to a movable dwelling while it is not in use for human habitation and is being kept on premises the occupier of which permits no movable dwellings to be kept thereon except such as are for the time being not in use for human habitation; or
- (d) to a movable dwelling used by the commission in connection with the maintenance and repair of their undertaking so long as it is so used; or
- (e) to a movable dwelling used by the electricity board or the generating board or the gas board for the purposes of their respective undertakings so long as it is so used; or
- (f) to the use of land for camping purposes or for the keeping of a movable dwelling by a member of any organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or to the keeping and use of a movable dwelling by a member of any of those organisations.

For the purposes of this paragraph the expression "member" in relation to any such organisation as aforesaid includes a member of any branch or unit of or formed by the organisation.

(9) 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 and of section 22 (Camping site licences) of this Act shall be provisions which it is the duty of the Corporation to enforce.

26.—(1) The Corporation may by an order to be confirmed by the Minister prohibit the use in any area within the city to be specified in the order of any movable dwelling for camping purposes:

Provided that—

- (a) such an order may exempt from its provisions the use of a movable dwelling by any specified class or classes of person;
- (b) no such order shall extend—
 - (i) to a movable dwelling which—
 - (A) is kept by its owner on land occupied by him in connection with his dwelling-house and is used

Prohibition
of camping
in certain
areas.

for habitation only by him or members of his household; or

PART IV
—cont.

(B) is kept by its owner on agricultural land occupied by him and is used only for habitation at certain seasons by persons employed in farming operations on that land; or

(ii) to a movable dwelling used by the commission in connection with the maintenance and repair of their undertaking so long as it is so used; or

(iii) to a movable dwelling used by the electricity board or the generating board or the gas board for the purposes of their respective undertakings so long as it is so used.

(2) The provisions of sections 250 and 252 of the Act of 1933 shall apply to an order made under this section as if such an order were a byelaw made under that Act.

(3) If any person contravenes the provisions of an order made and confirmed under this section he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

(4) Before making an order under this section the Corporation shall give to the Showmen's Guild of Great Britain not less than one month's notice of the Corporation's intention so to do and such a notice shall be accompanied by a copy of the draft order and the Corporation shall consider any representations made to them by the said guild within one month after the giving of such notice.

27. In this Part of this Act the expression "movable dwelling" includes any tent any van or other conveyance whether on wheels or not and any shed or similar structure being a tent conveyance or structure which is used either regularly or at certain seasons only or intermittently for human habitation but does not include any canal or other boat bona fide used for navigation.

Definition of
movable
dwelling.

28. Except in so far as it may be otherwise necessary for the purpose of giving effect to paragraph (f) of subsection (8) of section 25 (Camping on unlicensed sites) of this Act section 269 of the Act of 1936 shall cease to apply to the city.

Section 269
of Act of
1936 not to
apply to city.

PART V

PUBLIC ORDER AND PUBLIC SAFETY

29.—(1) (a) Where—

(i) (A) part of a building in the city is used for the storage for the purpose of sale or trade of any substance to which this section applies; and

Parts of
buildings
used for
storage of
inflammable
substances.

PART V
—cont.

(B) that part of such building is also used as a habitable room or a place in which any person works or any other part of such building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the first-mentioned part is so used; and

(ii) either—

(a) such storage is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building for the purpose mentioned in sub-paragraph (i) (B) of this paragraph; or

(b) such storage is in such manner as to be liable to cause explosion or the outbreak or rapid spread of fire;

the Corporation may by order apply the following provisions of this section to the part of the building so used for storage.

(b) An order made under the foregoing paragraph shall come into force on such date (not being earlier than the expiration of three months from the date on which notice of the making of the order is given pursuant to paragraph (d) of this subsection) as may be specified in the order or if an appeal is lodged against the order pursuant to paragraph (e) of this subsection on such later date as may be specified by the court.

(c) The Corporation shall revoke any such order by a further order if at any time the part of the building to which the first-mentioned order relates and every other part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building to which the order relates ceases to be used as a habitable room or place in which any person works and notice thereof is given to the Corporation.

(d) Notice of every order made under this section shall be given to the owner of the building and to the occupier of the part of the building to which the order relates.

(e) Any person on whom notice of the making of an order under paragraph (a) of this subsection is so served may appeal to a magistrates' court against the making of the order on the ground that it is not within the powers conferred on the Corporation by the said paragraph (a).

(f) An order under paragraph (a) of this subsection shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(2) The Corporation may by notice require the occupier of any part of a building to which an order made under subsection (1)

of this section for the time being relates to provide within such reasonable period as may be specified in the notice—

PART V
—cont.

- (i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the part of the building used for such storage;
 - (ii) means of ready escape in case of fire from any part of the building which is used as a habitable room or as a place in which any person works and which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage and means of such escape from the part of the building used for such storage; and
 - (iii) notices in or on the part of the building used for such storage indicating the existence of danger from fire.
- (3) The occupier of any building who—
- (a) by reason of a restriction affecting his interest in the building is precluded from executing works for the purpose of complying with any notice given by the Corporation under this section; or
 - (b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of work as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

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

(4) Upon compliance with any notice given under subsection (2) of this section the Corporation shall forthwith issue to the occupier to whom such notice has been given a certificate specifying precisely and in detail—

- (a) the matters provided by the occupier in compliance with the notice; and
- (b) the maximum number of persons inhabiting or working in or proposed to inhabit or work in any part of the building to which sub-paragraph (i) (B) of subsection (1) (a) of this section applies.

PART V
—cont.

(5) After the expiration of the period specified in any notice given by the Corporation under subsection (2) of this section a person shall not use or permit to be used the part of the building to which the notice relates for the storage for the purpose of sale or trade of any inflammable substance to which this section applies unless the building is for the time being certified by the Corporation to comply with the requirements specified in the notice and the matters provided by the occupier in compliance with the notice are adequately maintained.

(6) If after the grant of a certificate for the purpose of this section with regard to any part of a building the occupier thereof proposes—

- (a) to make any material extension or material structural alteration of any part of that building; or
- (b) to increase materially the number of persons inhabiting or working in any part of that building; or
- (c) to increase materially the extent of the storage for the purpose of sale or trade of any substance to which this section applies or to store any substances (other than those in respect of which the certificate was granted) which will increase the risk of fire in that part of that building;

the occupier shall give notice to the Corporation of the proposal.

(7) The Corporation may from time to time upon giving notice thereof to such persons as are mentioned in paragraph (d) of subsection (1) of this section alter or revoke any certificate issued by them under this section and such alteration or revocation shall come into force on such date (not being earlier than the expiration of one month from the date on which such notice is given) as may be specified in the notice or if an appeal is lodged against such alteration or revocation under subsection (8) of this section on such later date as may be specified by the court.

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

- (i) that the requirement is not justified by the terms of this section;
- (ii) that the requirement is unreasonable in character or extent;
- (iii) that the period specified in the notice is not reasonably sufficient for the purpose of complying with the requirements in the notice.

(b) Any person aggrieved by the refusal of the Corporation to grant a certificate under this section or by any alteration or revocation of such a certificate may appeal to a magistrates' court.

(9) If any person contravenes the provisions of this section he shall be liable—

- (a) in the case of a contravention of subsection (5) of this section to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds; and
- (b) in the case of a contravention of subsection (6) of this section to a fine not exceeding five pounds.

(10) This section applies to—

- (a) any substance which is gaseous at a temperature of thirty-three degrees fahrenheit at atmospheric pressure and which is inflammable; and
- (b) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees fahrenheit:

Provided that the Corporation shall not make any requirement under this section with respect to any building in which no such substance is stored other than—

- (a) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply; or
- (b) any substance which does not give off an inflammable vapour at a temperature of less than ninety degrees fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each.

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

(12) Nothing in this section shall empower the Corporation to require as regards any building while used in part as a factory within the meaning of the Factories Act 1937 means of escape in case of fire to be provided from or in respect of the part of such building so used if a certificate under section 34 of that Act in respect of that part is in force or the factory or part thereof is entitled under that section to receive a certificate for the purposes of that section.

30.—(1) Where the Corporation grant a petroleum spirit licence for the storage of petroleum spirit in a tank they may attach conditions to the licence requiring such steps to be taken or work executed if the tank becomes a disused petrol tank as they may think expedient for preventing danger from the tank.

(2) Where a disused petrol tank is kept on any premises in the city the occupier of the premises if a petroleum spirit licence was granted to him in respect of the storage of petroleum spirit in such tank shall comply with the conditions attached

PART V
—cont.

to the licence with respect to preventing danger from the tank or if such licence was not granted to the occupier the owner of the premises shall at the written request of any authorised officer take all such steps as may be reasonably necessary to prevent danger from the tank:

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

(3) Any authorised officer may require the occupier of any premises or any other person in charge of the premises to show him any disused petrol tank on the premises and to permit him to ascertain whether the provisions of this section have been complied with.

(4) If any person after due warning contravenes the provisions of subsection (2) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(5) In this section—

- (a) the expression “authorised officer” means an authorised officer of the Corporation for the purposes of the Petroleum (Consolidation) Act 1928;
- (b) the expression “disused petrol tank” means any tank or other fixed container which has been but is no longer used for the storage of petroleum spirit;
- (c) the expressions “petroleum spirit” and “petroleum spirit licence” have the same meanings as in the Petroleum (Consolidation) Act 1928.

Precautions
against fire
in certain
buildings.

31.—(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.

32.—(1) No person shall for the purpose of advertising any entertainment 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 city:

PART V
—cont.
Restrictions
on use of
loudspeakers
in streets.

Provided that this subsection shall not apply to the operation of any loudspeaker on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice-cream) where—

- (a) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words); and
- (b) 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 the commodity conveyed by the vehicle; and
- (c) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this proviso “ice-cream” includes any similar commodity and the commodity known as “water ice”.

(2) No person shall between the hours of nine in the afternoon and eight in the forenoon operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the city:

Provided that this subsection shall not apply to a loudspeaker forming part of a wireless receiving set on or inside a motor vehicle so long as such loudspeaker is only used for the private purposes of the occupants of the said vehicle or for communication with them in connection with their trade or business and is not used so as to be an annoyance or nuisance to persons in a street.

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

(4) This section shall not apply to—

- (a) the use of a loudspeaker by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency;
- (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 by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or at any of their stations or depots not forming part of a public highway or for communications between their staff;
- (c) the use of a loudspeaker by statutory undertakers for the purpose of announcements in case of emergency to their customers or to the public generally.

PART V
—cont.Underground
car parks.

(5) In this section the expression “loudspeaker” includes an amplifier or similar instrument.

33.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction alteration or extension of an underground car park or the alteration of a building for use as an underground car park the Corporation may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

- (a) the construction of the underground car park and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation to the underground car park;
- (c) the provision of electrical and mechanical and heating equipment in the underground car park;
- (d) the provision of fire equipment and appliances in connection with the underground car park;
- (e) the provision of safe and adequate means of ingress to and egress from the underground car park;
- (f) the provision of adequate means of access to the underground car park for fire brigade appliances and personnel.

(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.

(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.

PART V
—cont.

(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.

34.—(1) Without prejudice to the provisions of section 33 (Underground car parks) of this Act the Corporation may by notice to the owner or occupier of any underground car park in the city 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 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 said section 33 as the Corporation think fit.

Further provision as to underground car parks.

(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 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 made by the Corporation under this section.

PART V
—cont.

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

35.—(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.

Further provision for public and other buildings.

36.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the city to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

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

(b) the arrangement of the chairs and seating requires alteration;

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

Provided that—

(i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 is for the time being in force;

(ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Amendment of sections 59 and 60 of Act of 1936.

37.—(1) Section 59 of the Act of 1936 shall have effect in its application to the city as if paragraph (b) of subsection (5) thereof were deleted and the following paragraph were substituted therefor:—

“(b) any restaurant shop store office or warehouse in which more than ten persons are employed”.

(2) Section 60 of the Act of 1936 shall have effect in its application to the city as if—

(a) in subsections (1) and (4) thereof the words “eighteen feet” were substituted for the words “twenty feet”;

(b) paragraph (c) of subsection (4) thereof were deleted and the following paragraph were substituted therefor:—

“ (c) is used as a restaurant shop store office or warehouse ”;

(c) the following paragraph were inserted in the said subsection (4):—

“ (d) is used for the holding of dances or dancing classes other than—

(i) any premises in respect of which a licence has been granted under Part IV (Music and Dancing) of the Public Health Acts Amendment Act 1890;

(ii) any building or part of a building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force;

(iii) a private house used for the holding of dances (but not dancing classes) to which the public are not admitted.”

38.—(1) Where it appears to the surveyor that a structure **Dangerous** in the city or any part of a structure therein is in such a state as to **structures.** require treatment for the removal of any immediate danger the surveyor or any officer authorised by the council may on behalf of the Corporation take such steps as may be necessary to remove the immediate danger and any steps so taken and any expenses thereby incurred shall for the purposes of this section be deemed to have been taken and incurred by the Corporation.

(2) Before exercising their powers under this section in respect of a structure the Corporation shall if it is reasonably practicable in all the circumstances give notice of their intention so to do to the owner and the occupier thereof.

(3) The Corporation may recover from the owner of the structure any expenses incurred under this section but without prejudice to the right of the owner to recover the amount of those expenses from any person liable to pay the expenses of the repair of the structure.

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

(a) the alleged immediate danger did not exist; or

(b) the need to remove the danger was not so urgent as to justify the Corporation themselves taking such steps

PART V
—CONT.

instead of complying with the provisions of section 75 of the Towns Improvement Clauses Act 1847 or section 58 of the Act of 1936.

(5) (a) Where for the purpose of removing any danger the Corporation have in the exercise of their powers under this section damaged or demolished any building the owner thereof may apply to a magistrates' court to determine whether the Corporation were justified in so doing.

(b) In any case in which the court determines that the Corporation were not so justified the owner of such building shall be entitled to be paid compensation by the Corporation.

(c) The amount of any compensation payable under paragraph (b) of this subsection shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

(6) Nothing in this section shall authorise the Corporation to interfere with any structure (not being a house or a building used as offices or showrooms) belonging to the commission and held by them for the purposes of their undertaking without first giving to the commission reasonable notice of their intention to do so.

(7) In this section the expression "structure" includes any building or wall or other erection and anything affixed to or projecting from any building or wall or other erection.

Devolution
of licences
in case of
death of
licensee.

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

Cancellation
and variation
of licences
by agreement.

40.—(1) Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence for the time being in force under the Theatres Act 1843 or under the Cinematograph Act 1909 the Corporation may—

(a) cancel the licence; or

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

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

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

PART V
—cont.

Dispensation with bonds by theatre managers.

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

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

(3) (a) The Corporation shall within three months from the date of the passing of this Act give public notice of the foregoing provisions of this section by advertisement in two or more local newspapers circulating in the city and otherwise in such manner as the Corporation think sufficient.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

PART VI

PREMISES USED FOR SALES BY AUCTION

42.—(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.

Definitions for this Part of Act.

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

43.—(1) As from the appointed day no premises in the city 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.

Registration of premises used for sales by auction.

PART VI
—cont.

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

(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 Corporation 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 from 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 Corporation 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 preceding subsection fails to show cause to the satisfaction of the Corporation they may refuse the application or as the case may be cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days from the date of the notification 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 Corporation 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 from the date of his so ceasing give to the Corporation notice thereof.

(b) If a person required to give notice under this subsection fails to do so he shall be liable to a fine 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.

PART VI
—cont.

(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 city 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.

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

Exemptions.

- (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.

45. 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 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.

Offences by
bodies
corporate.

46. 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 Corporation to enforce.

As to
section 287
of Act of
1936.

PART VII

WEIGHTS AND MEASURES

47.—(1) It shall not be lawful to use for the purpose of trade as defined in section 19 of the Weights and Measures Act 1878 a weighing-machine in the city to ascertain the gross or tare weight of any vehicle or combination of vehicles unless the weighing-machine has a platform or platforms of sufficient size

Prohibition
of double
weighing.

PART VII
—cont.

to accommodate completely such vehicle or combination of vehicles and is of sufficient capacity to permit of the weighing of such vehicle or combination of vehicles when so accommodated on the platform or platforms:

Provided that—

(a) it shall not be a contravention of this section to weigh a vehicle or combination of vehicles otherwise than in accordance with the provisions of this section if—

(i) at the time of weighing there is not available in the city for the use of the public a weighing-machine of such size and capacity as aforesaid; or

(ii) before such weighing takes place the seller and the purchaser have agreed in writing to the method of weighing so employed;

(b) when the gross or tare weight of a combination of vehicles has to be ascertained it shall not be a contravention of this section if each vehicle is entirely disconnected and weighed separately and a weight certificate issued in respect of each separate vehicle.

(2) If any person who keeps or acts as keeper of a weighing-machine contravenes the provisions of this section he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

Weight ticket
or note on
delivery of
liquid fuel.

48.—(1) Where any quantity of liquid fuel exceeding twenty gallons (or the equivalent weight) is delivered in the city by means of any vehicle to a purchaser for heating purposes the seller of the liquid fuel shall therewith deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before any part of the liquid fuel is unloaded or discharged a delivery note specifying the amount of liquid fuel in imperial gallons or weight and specifying the date of delivery.

(2) If default is made in complying with the requirements of this section with respect to the delivery of a note or if the quantity of fuel delivered is less than the quantity expressed in the note the seller of the fuel shall be liable to a fine not exceeding five pounds.

(3) If any person attending on a vehicle by means of which liquid fuel is delivered in the city having received any such note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a fine not exceeding five pounds.

Power to erect
weighbridges
etc.

49.—(1) The Corporation may erect and maintain on any lands for the time being belonging to them or on any open space

or public place on or adjoining any highway in the city such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

PART VII
—cont.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing-machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing-machines erected by the Corporation under the provisions of this section.

(4) The Corporation shall not exercise their powers under this section in relation to a trunk road without the consent of the Minister of Transport and Civil Aviation.

(5) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport or road haulage undertakers.

50. On and after the appointed day section 61 (As to personal weighing-machines) of the Coventry Corporation Act 1948 shall have effect as if—

Weights on
personal
weighing-
machines.

(1) the following subsection were inserted after subsection (3):—

“(3A) (a) All weights in use with or for the purpose of a personal weighing-machine shall be stamped and correct weights within the meaning of the Weights and Measures Acts 1878 to 1936 and any regulations made under those Acts.

(b) Any person who uses or exposes for use in the city a personal weighing-machine having weights which are not stamped in accordance with the provisions of paragraph (a) of this subsection shall be liable to a penalty not exceeding two pounds or in the case of a second or subsequent offence five pounds and the weights shall be liable to be forfeited.”;

(2) in subsection (4) for the words “the last preceding subsection” there were substituted the words “subsection (3) of this section”;

(3) in subsection (5) after the word “machine” wherever that word occurs there were inserted the words “or weight”;

(4) in subsection (7) after the words “weighing-machine” there were inserted the words “or a weight”;

PART VII
—cont.

(5) the following subsection were inserted at the end of the section:—

“(8) A personal weighing-machine or weight which is liable to be forfeited under the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to the cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used under this section.”

PART VIII

FINANCE

Power to borrow.

51.—(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—

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

(2) The Corporation shall repay the moneys borrowed under paragraph (b) of the preceding subsection within such period as the Corporation may determine not exceeding five years from the date of borrowing.

(3) 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.

Saving for powers of Treasury.

52. 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.

Investment of super-annuation fund.

53. In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest certain moneys forming part of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

- (1) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations

imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or

- (2) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or
- (3) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or
- (4) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or
- (5) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (6) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof shall have at least sixty years to run; or
- (7) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

with the like power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that no investment shall be made under the powers of paragraph (5) of this section—

- (a) unless the company have paid interest or dividends thereon (as the case may be) at the rate of at least five per centum per annum for not less than four years prior to the date of investment; and

PART VIII
—cont.

(b) so long as the value of all the investments made under the said paragraph (5) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund.

Officers of Corporation acting as receivers etc.

54.—(1) The Corporation may pay to any of their officers who act in any of the following capacities:—

- (a) as the receiver appointed by an order made under the Lunacy Act 1890;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

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

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

PART IX

MISCELLANEOUS

Amendment of section 154 of Act of 1936.

55. Section 154 of the Act of 1936 shall in its application to the city have effect as if after the words “or any article whatsoever” in subsection (1) of that section there were inserted the words “or any animal or other living thing”.

Maintenance of buildings of architectural interest.

56.—(1) Where a building preservation order is in force as respects any building in the city and it appears to the Corporation that reasonable steps are not being taken for properly preserving the building the Corporation may with the consent of the Minister make such contribution as they may think fit towards the cost of the maintenance of such building.

(2) In this section the expression “building preservation order” has the meaning assigned to it by section 29 of the Act of 1947.

Summary recovery of damages for negligence.

57. 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.

PART IX
—cont.

58.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

Power to use ladders etc. for entry or inspection.

(2) If the builder of or contractor for any such building or works or any person employed by him in or about the building or works —

- (a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or
- (b) otherwise obstructs such an officer in the exercise of those powers;

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

59.—(1) If it appears to the Corporation that for the prevention of persons generally of any tree in the city should be removed cut or felled the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within twenty-one days from the date of the service on him of the notice to remove cut or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

Removal etc. of dangerous trees.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included timber.

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

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph :—

"(a) that the notice or requirement is unreasonable".

60.—(1) The Corporation may prohibit any person from selling any article by auction in the markets of the Corporation if they have reason to believe that such person has conducted a sale by auction in the said markets otherwise than in good faith.

Prohibiting certain sales in markets.

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

PART IX
—cont.

(3) Any person who shall sell any article by auction in a market of the Corporation in contravention of a prohibition under this section shall be liable to a fine not exceeding five pounds.

Disposal of
lost and
uncollected
property.

61.—(1) Where any lost property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person (whether an employee of the Corporation or not) who placed the lost property in the custody of the Corporation the whole or any part thereof or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section the expression "lost property" means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression "uncollected property" means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsection (2) of this section.

Amendment of
section 10 of
Coventry
Corporation
Act 1920.

62. Section 10 (Further powers for acquisition of land) of the Coventry Corporation Act 1920 shall have effect as if the following subsection were substituted for subsection (3):—

"(3) (a) The Corporation may without any appropriation use any land purchased or acquired or taken on lease by the Corporation under this section for the purposes of any undertaking department or service of the Corporation.

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

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

PART IX
—cont.

63. The Corporation may erect provide and maintain garages Provision of for letting on any land in the city which they may for the garages time being possess and may let the same for such periods and on for letting. such terms and conditions as they may think fit:

Provided that nothing in this section shall empower the Corporation—

- (a) to sell motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or
- (b) to carry on the business of maintaining or repairing motor vehicles.

64. Notwithstanding anything contained in the Public Libraries Further Acts 1892 to 1919 the powers of the Corporation under those powers as to Acts in relation to any library provided by them under those libraries. Acts shall include the power to charge such reasonable sum as the Corporation may prescribe for the reservation of a book gramophone record picture film film strip lantern slide map plan print engraving or photograph.

65.—(1) The Corporation may use or allow to be used, or Use of let any part of any public library or museum or art gallery libraries etc. provided by them and not at the time required for the purpose of a library or museum or art gallery respectively for any of the following purposes (that is to say):—

- (a) the giving of lectures;
- (b) the provision of exhibitions;
- (c) the holding of public and other meetings;
- (d) the provision of an entertainment of any nature;
- (e) the provision of facilities for dancing.

(2) Notwithstanding anything in any other enactment the Corporation may make charges—

- (a) for admission to any part of any public library or museum or art gallery when such part is used for any of the purposes specified in the last foregoing subsection; and
- (b) for any refreshments or programmes supplied by them when any part of any public library or museum or art gallery is used for any of those purposes.

PART IX
—cont.

(3) Nothing in this section shall be taken to dispense with the consent of any Minister of the Crown to any appropriation, lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted.

(4) Any byelaws relating to a public library museum or art gallery of the Corporation shall not apply to any part thereof which is used or let for any purpose other than as a public library museum or art gallery respectively so long as that part is so used except to such extent as they may be expressed so to apply.

Disposal of
unsuitable
specimens and
works of art.

66.—(1) The Corporation may sell exchange or give or otherwise dispose of any specimen work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum art gallery library or other building of the Corporation.

(2) The Corporation may make arrangements by way of sale exchange or gift with any person being the owner of any museum art gallery or library for the transfer to that person of any specimen work of art or book vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum art gallery or library of that person than in the museum art gallery or library of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest the powers conferred by this section shall not during a period of thirty-five years commencing on the date on which it so became vested be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest.

(4) Any moneys received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of specimens works of art or books.

Acquisition
of works
of art
produced
to order.

67. The Corporation may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed.

Power to
provide folk
museum.

68.—(1) The Corporation may lay out as a folk museum any land occupied by them and in respect of any such folk museum may subject to the following provisions of this section exercise the like powers as in respect of a museum provided under the Public Libraries Act 1892.

(2) The Corporation may provide in the folk museum specimens of buildings and chattels of all kinds whether originals or

reproductions of originals which in the opinion of the Corporation suitably represent those used by the people of England in former times.

PART IX
—cont.

(3) For the purpose of providing buildings in the folk museum the Corporation may by agreement acquire the materials of any building and demolish and re-erect the same in the folk museum.

(4) The Corporation may charge for admission to any folk museum provided under this Act.

69. The Corporation may provide and lend or permit the use of gramophone records pictures films film strips lantern slides prints engravings and photographs.

Power to provide and lend gramophone records etc.

70.—(1) If any person for the purpose of obtaining for himself or for any other person—

False statements to obtain rent rebate etc.

(a) a rebate in the rent of any house belonging to the Corporation;

(b) a reduction in the amount of any payment due to the Corporation under the Education Acts 1944 to 1953 the Children Act 1948 or any regulations made under those Acts;

(c) any advance from the Corporation by way of mortgage under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing Act 1957 ;

(d) a reduction in the amount of any rate or water charge or charge for the supply of heat due to the Corporation—

(i) ~~produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees~~ produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees a false statement or false representation relating to his or that other person's ability to pay the rent or make the payment or relating to the application for the advance; or

(ii) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular;

he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

(2) If any person is convicted of an offence under this section the court may—

(a) terminate the tenancy of the house of which occupation had been obtained and order possession thereof to be given to the Corporation;

(b) order the person convicted to pay to the Corporation the amount of the rebate or reduction obtained by him;

PART IX
—cont.

- (c) order the person convicted to make such payments as the court may think just to the Corporation in respect of the reduction in the amount of any payment referred to in paragraph (b) or paragraph (d) of subsection (1) of this section or the remission thereof.

Power to reserve parts of parks for aged etc. persons.

71.—(1) Notwithstanding anything contained in any other enactment or in the agreement made the eighth day of April nineteen hundred and thirteen between the Corporation of the one part and the Trustees of the Estates of the Freemen and Widows of Freemen of the city of the other part and set forth in the Second Schedule to the Commons Regulation (Gosford Green) Provisional Order Confirmation Act 1914 the Corporation may set apart for the exclusive use of persons over the age of sixty years and persons to whom section 29 of the National Assistance Act 1948 applies such part of any park or pleasure ground (other than Lady Herbert's garden) or open space provided by them or under their management and control or of any of the commons as may be fixed by the Corporation and may be described on a notice board affixed or set up in some conspicuous position in the park pleasure ground open space or common and they may exclude the remainder of the public therefrom:

Provided that nothing in this section shall empower the Corporation to set apart (in addition to any parts of parks pleasure grounds open spaces or commons set apart under the powers of any other enactment) at one and the same time—

- (a) more than one acre or one-tenth of the area of any park pleasure ground open space or common whichever is the greater; or
- (b) more than one-hundredth of the area of all the parks pleasure grounds open spaces and commons provided by them or under their management and control.

(2) The Corporation may for the purposes of this section—

- (a) provide buildings; and
- (b) make such reasonable charges as they think fit.

(3) Save as aforesaid no power conferred upon the Corporation by this section 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 Corporation 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 Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

PART IX
—cont.

(4) In this section the expression “the commons” has the meaning assigned to it by section 94 (Definition of commons) of the Act of 1927.

72.—(1) The Corporation may provide a chiropody service for aged and necessitous persons either in their own homes or elsewhere and may recover from persons availing themselves of such service such charges (if any) as the Corporation consider reasonable having regard to the means of those persons.

(2) For the purpose aforesaid the Corporation may acquire and maintain buildings or acquire or appropriate land and erect or adapt and maintain buildings thereon:

Provided that except with the consent of the Minister the Corporation shall not under the powers of this section erect or adapt any buildings on any land belonging to them and already appropriated for other purposes.

(3) The Corporation may contribute to any voluntary association formed for such purposes as aforesaid.

(4) In this section the expression “aged person” means a person over the age of sixty years and the expression “necessitous persons” means persons who are without resources to meet their requirements or whose resources (including benefits receivable under the National Insurance Act 1946) must be supplemented in order to meet their requirements.

73. At any time after the Corporation have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person use or permit that other person to use the said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment.

74.—(1) In this section—

the expression “apparatus” means any electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity board;

the expression “the recreation ground” means the lands in the city commonly known as Keresley Common or Recreation Ground and delineated on the deposited plan and thereon numbered 1;

Walsgrave-on-Sowe and Keresley Commons.

PART IX
—cont.

the expression "Sowe Common" means the lands in the city commonly known as Walsgrave-on-Sowe Common and delineated on the deposited plan and thereon numbered 2.

(2) Section 95 (Maintaining commons as recreation grounds) and section 101 (Power to make byelaws) of the Act of 1927 shall apply to Sowe Common as if the same were included in the expression "commons" in the said sections.

(3) The said section 95 (except paragraphs (a) (c) and (e) of the proviso to subsection (1)) and the said section 101 shall apply to the recreation ground as if the same were included in the expression "commons" in the said sections.

(4) No claim for compensation shall lie or accrue in respect of the extinction of rights and interests by the said section 95 as applied by subsections (2) and (3) of this section.

(5) (a) Section 77 (As to regulation of Walsgrave-on-Sowe Common) of the Coventry Extension Act 1931 is hereby repealed.

(b) The scheme for the regulation of Sowe Common made by the Foleshill Rural District Council on the fifteenth day of May nineteen hundred and seven and approved by the Board of Agriculture and Fisheries on the eighth day of June nineteen hundred and seven as supplemented and amended by the said council on the twenty-first day of March nineteen hundred and seventeen with the approval of the Board of Agriculture and Fisheries on the twenty-sixth day of March nineteen hundred and seventeen is hereby revoked.

(6) Notwithstanding anything in this section or in the enactments applied to Sowe Common thereby the Corporation shall not—

(a) take use remove or interfere with any apparatus; or

(b) extinguish any right of the electricity board to lay maintain extend repair renew or inspect any apparatus.

Recovery of
water rents
and charges.

75.—(1) Notwithstanding the provisions of any other enactment any water rent or charge recoverable by the Corporation in a magistrates' court may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of such recovery as the general rate.

(2) There may be included in one and the same complaint information summons or warrant or in any schedule thereto two or more sums payable to the Corporation by any one person in respect of the water rent or charge and general rate payable by him.

(3) Any summons relating to a sum due to the Corporation in respect of any water rent or charge may be served and any warrant relating to a sum due to the Corporation in respect of any water rent or charge may be directed to the same persons as and executed in the same way as if it related to the general rate.

PART IX
—cont.

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

Enforcement
of provisions
of certain
Acts etc.

- (a) the Towns Improvement Clauses Act 1847 or the Town Police Clauses Act 1847 as incorporated with the Public Health Act 1875; or
- (b) the Town Police Clauses Act 1889; or
- (c) section 68 of the Public Health Act 1925 so far as they relate to a parking place forming part of a street; or
- (d) any byelaws relating to a parking place forming part of a street and made by the Corporation under the said section 68; or
- (e) any byelaws made by the Corporation under section 75 of the Public Health Act 1925; or
- (f) section 154 of the Act of 1936;

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

PART X

GENERAL

77. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister.

Confirming
authority for
byelaws.

78.—(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.

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

The
appointed
day.

PART X
—cont.

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

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

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

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

(4) Either—

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the 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 81 (Appeals) of this Act.

Restriction
on right to
prosecute.

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

Appeals.

81.—(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 Corporation against which a right of appeal is conferred by this Act—

PART X
—cont.

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

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

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

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

Application
of general
provisions
of Act of
1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part II (Streets) Part III (Buildings nuisances and health) Part IV (Movable dwellings) and Part V (Public order and public safety) and section 59 (Removal etc. of dangerous trees) of this Act.

(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 Parts of this Act mentioned in subsection (2) of this section and also to Part VI (Premises used for sales by auction) of this Act.

83. No power conferred upon the Corporation by the following sections of this Act (namely):—

Saving for
trusts etc.

- Section 49 (Power to erect weighbridges etc.);
- Section 63 (Provision of garages for letting); and
- Section 68 (Power to provide folk museum);

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 Corporation without an order of the High Court or

PART X
—cont.

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 (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Corporation) subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

Repeal.

84. The following enactments are hereby repealed:—

Coventry Corporation Act 1939—

Section 75 (Discontinuance of offensive trade);
Section 76 (Byelaws as to tipping refuse);

Coventry Corporation Act 1954—

Section 33 (Amendment of section 74 of Coventry Corporation Act 1936).

For
protection
of certain
statutory
undertakers.

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

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

“ apparatus ” means—

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

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

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

“ position ” includes depth;

“ undertakers ” means—

the electricity board;
the generating board; and
the gas board;

or any of them:

- (2) Nothing in section 14 (Cleansing of rivers and streams) of this Act shall authorise the Corporation to execute any works in over across along or upon any operational lands within the meaning of the Act of 1947 of the undertakers without the consent of the undertakers concerned but such consent shall not be unreasonably withheld:
- (3) Nothing in section 49 (Power to erect weighbridges etc.) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Corporation shall so exercise those powers as not to obstruct or render unreasonably inconvenient the access to any apparatus:
- (4) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation the undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

86. 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. Saving for town and country planning.

87. 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. Costs of Act.

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 &c.
284	Authentication of documents.
285	Service of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS II III IV V AND SECTION 59 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 IV V AND VI OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Towns Improvement Clauses Act 1847	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Larceny Act 1861	24 & 25 Vict. c. 96.
Public Health Act 1875	38 & 39 Vict. c. 55.
Weights and Measures Act 1878	41 & 42 Vict. c. 49.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Town Police Clauses Act 1889	52 & 53 Vict. c. 14.
Lunacy Act 1890	53 Vict. c. 5.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Public Libraries Act 1892	55 & 56 Vict. c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Commons Regulation (Gosford Green) Provisional Order Confirmation Act 1914	4 & 5 Geo. 5 c. liii.
Coventry Corporation Act 1920	10 & 11 Geo. 5 c. lxxxviii.
Trustee Act 1925	15 & 16 Geo. 5 c. 19.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Coventry Corporation Act 1927	17 & 18 Geo. 5 c. xc.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Coventry Extension Act 1931	21 & 22 Geo. 5 c. lvi.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Coventry Corporation Act 1939	2 & 3 Geo. 6 c. lxxxviii.
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.
National Insurance Act 1946	9 & 10 Geo. 6. c. 67.
National Health Service Act 1946	9 & 10 Geo. 6 c. 81.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Coventry Corporation Act 1948	11 & 12 Geo. 6 c. xxxvii.
Children Act 1948	11 & 12 Geo. 6 c. 43.
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.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Coventry Corporation Act 1954	2 & 3 Eliz. 2 c. liv.
Food and Drugs Act 1955	3 & 4 Eliz. 2 c. 16.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.

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