

Bournemouth Corporation Act, 1960

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

STREETS

4. Trees grass verges and gardens.
5. Verges etc. of housing estates.
6. Attachment of street lamps brackets etc.
7. Illumination of street names.
8. Fencing of forecourts.
9. Forecourts injurious to amenities of street.
10. Urgent repairs of private streets.
11. Removal of trees etc. from streets.
12. Fencing and lighting of obstructions in highways.
13. Mixing of mortar etc. in streets.
14. Damage to trees etc. on streets etc.
15. Decorations in streets.

PART III

BUILDINGS STRUCTURES AND SANITATION

Sewers drains and sanitary conveniences

16. Power to repair drains and private sewers.
17. Disconnection of drains.

Section

18. Power to cleanse or repair drains etc.
19. Closet accommodation for separate dwellings.

Buildings and structures

20. Ruinous and dilapidated buildings and neglected sites.
21. Demolition of buildings.

PART IV

NUISANCES

22. Noise or vibration nuisance.
23. Control of Corporation's refuse tips.

PART V

INFECTIOUS DISEASES

24. Definition of notifiable disease.
25. Compensation for stopping work to prevent spread of disease.
26. Entry into premises in case of notifiable disease.

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

27. Restrictions on use of loudspeakers.
28. Precautions against fire in certain buildings.
29. Further provision for public and other buildings.
30. Firemen's switches for luminous tube signs.
31. Precautions against fire in certain buildings and cubical extent of buildings.
32. Amendment of sections 59 and 60 of Act of 1936.
33. Oil-fired boilers.
34. Disused petrol tanks.
35. Touting hawking etc.

PART VII

PREMISES USED FOR SALES BY AUCTION

36. Definitions for this Part of Act.
37. Registration of premises used for sales by auction.
38. Exemptions.
39. Offences by bodies corporate.
40. As to section 287 of Act of 1936.

PART VIII

PARKS MUSEUMS CEMETERIES AND OTHER MUNICIPAL PROPERTY

Section

41. Provision of zoological and botanical gardens.
42. Power to let parks etc. for games.
43. Boating pools.
44. Saving for trusts etc.
45. Agreements to maintain graves and tombstones.
46. Extension of power to maintain burial grounds.
47. Disposal of unsuitable specimens and works of art.
48. Russell-Cotes Art Gallery and Museum.

PART IX

FINANCE RATING AND SUPERANNUATION

49. Power to borrow.
50. Amendment of section 259 of Act of 1930.
51. Insurance fund.
52. Power to charge in respect of establishment expenses.
53. Recovery of rates from tenants and lodgers.
54. Investment of superannuation fund.

PART X

MISCELLANEOUS

55. Hairdressers and barbers.
56. False statements to obtain rent rebate etc.
57. Welfare of aged and handicapped persons.
58. Competitions etc.
59. Minister of Transport may authorise trolley vehicle routes.
60. Increase of pier tolls.
61. Further powers as to libraries.
62. Summary recovery of damages for negligence.

PART XI

GENERAL

63. Confirming authority for byelaws.
64. Local inquiries.
65. The appointed day.
66. Authentication of documents and service of notices.
67. Restriction on right to prosecute.
68. Appeals.
69. Protection of members and officers of Corporation from personal liability.
70. Application of general provisions of Act of 1936.
71. Repeal.
72. Works below high-water mark.
73. For protection of certain statutory undertakers.
74. Saving for town and country planning.
75. Costs of Act.

SCHEDULE—Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts II III IV V and VI of this Act.

Part III—Sections applied to Parts II III IV V and VI and section 57 of this Act.

Part IV—Section applied to Parts II III IV V VI and VII and section 55 of this Act.



CHAPTER xliii

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Bournemouth to make further provision for the improvement health local government and finances of the borough and for other purposes. [29th July 1960.]

WHEREAS—

(1) The borough of Bournemouth (in this Act called “the borough”) is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act called “the Corporation”):

(2) It is expedient to make further provision with reference to streets and the improvement health local government and finances of the borough:

(3) It is expedient to make further provision with reference to the trolley vehicle undertaking of the Corporation:

(4) By an indenture dated the first day of February nineteen hundred and eight and made between Merton Russell Cotes and Annie Nelson Cotes of the first part the said Annie Nelson Cotes of the second part and the Corporation of the third part

the messuage and premises (hereinafter referred to as "the art gallery") known as East Cliff Hall in the borough were demised unto the Corporation subject as therein provided for a term of years and a collection of paintings prints ornaments bric-a-brac and other objects of art and vertu were given and assigned to the Corporation subject to certain conditions including a condition that the said collection should not be removed from the art gallery except as therein provided:

(5) Other collections of paintings statuary and other works of art were given and assigned to the Corporation subject to the like conditions:

(6) By a conveyance dated the twenty-ninth day of October nineteen hundred and eighteen and made between Dame Annie Nelson Russell-Cotes of the one part and the Corporation of the other part the freehold reversion of the art gallery was conveyed to the Corporation subject as therein provided:

(7) It has become impracticable properly to exhibit or to preserve the said collections in the art gallery and it has become impracticable or undesirable in the public interest to comply with certain other of the said conditions and it is accordingly expedient that the said conditions be varied as in this Act provided:

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

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

(10) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Bournemouth Corporation Act 1960.

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

- Part I.—Preliminary.
 Part II.—Streets.
 Part III.—Buildings structures and sanitation.
 Part IV.—Nuisances.
 Part V.—Infectious diseases.
 Part VI.—Public order and public safety.
 Part VII.—Premises used for sales by auction.
 Part VIII.—Parks museums cemeteries and other municipal property.
 Part IX.—Finance rating and superannuation.
 Part X.—Miscellaneous.
 Part XI.—General.

PART I
—cont.
Division of
Act into
Parts.

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

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

- “ the Act of 1930 ” means the Bournemouth Corporation Act 1930;
 “ the Act of 1933 ” means the Local Government Act 1933;
 “ the Act of 1936 ” means the Public Health Act 1936;
 “ the Act of 1947 ” means the Town and Country Planning Act 1947;
 “ the Act of 1950 ” means the Public Utilities Street Works Act 1950;
 “ the Act of 1959 ” means the Highways Act 1959;
 “ the appointed day ” has the meaning assigned to it by section 65 (The appointed day) of this Act;
 “ the borough ” means the county borough of Bournemouth;
 “ the commission ” means the British Transport Commission;
 “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
 “ the Corporation ” means the mayor aldermen and burgesses of the borough;
 “ the council ” means the council of the borough;
 “ daily fine ” means a fine for each day on which an offence is continued after conviction;

PART I
—cont.

- “enactment” includes an enactment in this Act or in any general or local Act and any order byelaw scheme or regulation for the time being in force within the borough;
- “financial year” means a period of twelve months ending on the thirty-first day of March;
- “the general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough;
- “local authority” means the council of any borough urban district or rural district;
- “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;
- “open space” has the same meaning as in the Open Spaces Act 1906;
- “public service vehicle” has the meaning assigned to that expression by the Road Traffic Act 1956;
- “telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “the town clerk” “the medical officer” and “the surveyor” mean respectively the town clerk the medical officer of health and the surveyor of the borough;
- “trolley vehicle route” means any route upon which the Corporation are or may be for the time being authorised to work and use trolley vehicles.

(3) For the purposes of—

- (a) this Act;
- (b) the Bournemouth Corporation (Trolley Vehicles) Act and Orders 1930 to 1955;
- (c) the Road Traffic Acts 1930 to 1956 in their application to the Corporation; and
- (d) any other enactment for the time being relating to the Corporation;

the expression “trolley vehicle” means a mechanically propelled vehicle which is adapted for use upon roads without rails and which is moved by electrical power transmitted thereto from some external source or which in case of emergency or during the turning of the vehicle is moved by electrical power transmitted from some other source.

(4) 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

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

Trees grass
verges and
gardens.

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

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

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

(4) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925 with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(6) Where the Corporation carry out works under any enactment relating to private street works they may with the consent of

PART II
—cont.

the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

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

Verges etc.
of housing
estates.

5.—(1) Where in pursuance of the Housing Act 1957 any grass verge garden or space is provided by the Corporation and maintained in an ornamental condition or mown they may by notice prohibit any person from—

- (a) causing or permitting vehicles to enter upon any such grass verge garden or space; or
- (b) entering upon any such garden.

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

(3) The powers of this section shall not be exercisable in relation to any grass verge garden or space which forms part of a highway maintainable at the public expense.

(4) Nothing in this section shall restrict prevent interfere with or prejudice the exercise of any statutory rights or powers of entry upon lands within its statutory area which are now or hereafter may be vested in or exercised by the Avon and Dorset River Board under section 16 of the River Boards Act 1948.

Attachment of
street lamps
brackets etc.

6.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets pipes electric lines and apparatus (hereafter in this section referred to as “attachments”) as may be required for the purposes of street lighting.

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

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

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who

was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

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

(4) Where any attachments have been affixed to a building under this section the owner of the building may give the Corporation not less than fourteen days' notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of a building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section—

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

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

PART II
—cont.

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

“ owner ”—

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

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

(c) in relation to any other building has the same meaning as in the Act of 1936;

and the expression “ owned ” shall be construed accordingly.

Illumination of street names. 7.—(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 borough:

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.

(2) The Corporation may for the purposes of this section affix lamps brackets pipes electric lines or other apparatus (hereafter in this section referred to as “ attachments ”) to a building with 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.

Fencing of forecourts.

8.—(1) Where the forecourt of premises abutting on a highway in the borough or any steps or projection or goods (whether for sale or not) placed in such a forecourt is or are a source of danger obstruction or inconvenience to the public the Corporation may by notice require the owner or occupier of the premises to fence the forecourt from the highway or if he so elects to remove the steps projection or goods.

(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.

9.—(1) If the council by resolution determine that a stall or other erection on a forecourt in the borough is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner or occupier of the forecourt either to make such alterations in the stall or erection as may be necessary to prevent its being injurious to the amenities of the street or if he so elects to remove it.

Forecourts
injurious to
amenities of
street.

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

(3) The provisions of this section shall not apply to—

- (a) apparatus as defined in section 73 (For protection of certain statutory undertakers) of this Act belonging to the Southern Gas Board or the Southern Electricity Board; or
- (b) an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply; or
- (c) a permanent erection constructed on a forecourt before the passing of this Act.

10.—(1) In any street in the borough not being a highway maintainable at the public expense the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund:

Urgent repairs
of private
streets.

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

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any enactment relating to private street works for the time being in force in the borough.

11.—(1) Where any tree or structure or any part thereof falls on or across any street in the borough and causes or is likely to cause danger or obstruction the Corporation may remove the same 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 any part thereof was situated from the occupier thereof.

Removal of
trees etc.
from streets.

PART II
—cont.

(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.

Fencing and
lighting of
obstructions
in highways.

12.—(1) Where in any highway in the borough any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of any trench or opening therein or the erection thereon or thereover of any hoarding or scaffolding or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor may cause proper boards or fences to be put up for the protection of pedestrians or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the time between half an hour after sunset and half an hour before sunrise.

(2) Any expenses reasonably incurred by the Corporation in erecting maintaining or removing any such board or fence or in lighting any such trench opening hoarding scaffolding board or fence shall be recoverable from the owner of the hoarding or scaffolding or of the defective fitting or structure or from the person or persons responsible for the making of the trench or opening or the erection of the hoarding or scaffolding on or over the highway or for the condition of the defective fitting or structure.

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

Mixing of
mortar etc.
in streets.

13.—(1) No person shall mix or deposit mortar cement plaster or any like substance in any street in the borough maintainable at the public expense or any street therein constructed under the powers in that behalf contained in the Housing Act 1957 the Act of 1947 or the Act of 1959 except upon such board or in such receptacle as will protect the street from such mortar cement plaster or substance and will prevent the same from being washed into any gully drain or sewer:

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 such street.

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

14.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street or open space within the borough—

PART II
—cont.

Damage to
trees etc. on
streets etc.

(a) cut any turf; or

(b) pluck any bud blossom flower fruit or leaf of any tree shrub or plant or remove cut or displace any tree shrub or plant if the tree shrub or plant has been planted or maintained by the person having the control of the street or open space for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed within reasonable proximity of the tree shrub or plant.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding five pounds and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the street or open space.

(3) Nothing in this section shall apply to any open space in respect of which the Corporation have made byelaws regulating the matters referred to in subsection (1) of this section.

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

Decorations
in streets.

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

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport or in any street belonging to or repairable by the commission without the consent of the commission.

PART III

BUILDINGS STRUCTURES AND SANITATION

Sewers drains and sanitary conveniences

16.—(1) If a drain or private sewer in the borough—

Power to
repair drains
and private
sewers.

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation; and

(b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds;

the Corporation may after giving not less than seven days' notice to the person or persons concerned cause the drain or

PART III
—cont.

sewer to be repaired and subject to the next following subsection recover the reasonable expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there be more than one such person) as the surveyor may determine:

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

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

- (a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable; and
- (b) whether any apportionment made by the surveyor was fair;

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

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

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

Disconnection
of drains.

17.—(1) Where a person in the borough—

- (a) reconstructs in the same or a new position a drain which communicates with a sewer or another drain;
- (b) executes any works to such a drain so as permanently to discontinue its use; or
- (c) executes any works on premises served by such a drain so as permanently to discontinue its use;

he shall cause any drains or parts of drains thereby becoming disused or unnecessary to be disconnected and sealed at such point on or within the boundaries of the premises served thereby as the surveyor may reasonably require.

(2) A person who knowingly fails to comply with this section shall be liable to a fine not exceeding five pounds and a daily fine not exceeding twenty shillings.

Power to
cleanse or
repair drains
etc.

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

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

PART III
—cont.

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

Closet accommodation for separate dwellings.

Buildings and structures

20.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

Ruinous and dilapidated buildings and neglected sites.

(2) Where a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

- (a) to execute such works of repair or restoration; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition;

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) 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 and in their application to a notice given under subsection (2) of this section—

- (a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and
- (b) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the

PART III
—cont.

provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

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

(6) In this section the expression "building" includes a structure and a fence (other than a hedge).

Demolition of
buildings.

21.—(1) A person shall not demolish a building wholly or in part unless he has given notice to the Corporation of his intention to do so:

Provided that this subsection shall not require notice of—

- (a) demolition undertaken to comply with a demolition order or a clearance order; or
- (b) demolition of an internal part of a building incidental to alteration of an internal part of the building where the building is occupied and intended to be occupied; or
- (c) demolition of a poultry-house greenhouse coal-shed tool-shed bicycle-shed or similar structure; or
- (d) demolition of a prefabricated garage within the curtilage of land used for residential purposes; or
- (e) demolition of any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—
 - (i) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground; or
 - (ii) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building (forming part of the factory) not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down; or
- (f) demolition of any building belonging to the commission and held by them for the purposes of their railways:

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

(2) A notice under the preceding subsection shall describe the building and specify the intended works.

(3) The Corporation may by counter-notice served within six weeks from the date of service of the notice referred to in subsection (1) of this section or such longer period as the person proposing to demolish may in writing allow require him—

- (a) to shore up adjacent buildings; and
- (b) to remove material or rubbish resulting from the demolition and clearance of the site.

(4) A counter-notice served under this section may require the person proposing to demolish—

- (a) to disconnect and seal at such points on or within the boundaries of the premises served thereby as the surveyor may reasonably require any sewer drain or water pipe in or under the building to be demolished; or
- (b) to remove any such sewer drain or water pipe and seal any sewer drain or water pipe with which the sewer drain or water pipe to be removed is connected; and
- (c) in either case to make good to the satisfaction of the Corporation the surface of the ground thereby disturbed after giving to the Corporation at least twenty-four hours' notice of the making good.

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

(6) A sewer drain or pipe shall not be sealed or removed in pursuance of the requirements of a counter-notice under subsection (4) of this section unless at least forty-eight hours' notice thereof has been given to the Corporation.

(7) Where the owner of a building required by a counter-notice under subsection (3) of this section to be shored up is not entitled to the support of the building by the building to be demolished the person demolishing or if the Corporation execute the works under subsection (6) of section 290 of the Act of 1936 the Corporation may recover the expense of shoring up the first-mentioned building from the owner thereof.

(8) Notwithstanding subsection (3) of section 276 of the Act of 1936 that section shall apply to materials and rubbish removed by the Corporation under section 290 of that Act as applied by this section.

(9) If a person carries out works without having served notice as required by subsections (1) and (2) of this section he shall be liable to a fine not exceeding five pounds and the Corporation may serve a counter-notice under this section as if that person had served notice as required by the said subsections.

(10) (a) Where a demolition order or clearance order requires a building to be demolished the Corporation may by notice served on the owner within seven days after serving on him a copy of the order under section 19 or subsection (2) of section 72 of the

PART III
—cont.

Housing Act 1957 or paragraph 5 of the Fourth Schedule to that Act require him to take such steps as a counter-notice might under subsection (3) or subsection (4) of this section require him to take and this section (except subsections (1) and (2) thereof) shall apply to a notice served under this subsection as it applies to a counter-notice.

(b) In this subsection "owner" has the same meaning as in the Housing Act 1957.

(11) In this section—

"demolition order" means a demolition order made under section 17 section 28 or section 72 of the Housing Act 1957;

"clearance order" means a clearance order made under section 44 or section 50 of that Act.

(12) This section shall come into force on the appointed day and shall not apply to the demolition of any part of a building the demolition of which building has been begun before that day.

PART IV

NUISANCES

Noise
or vibration
nuisance.

22.—(1) 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 a 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 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—

(a) by railway undertakers of statutory powers conferred in relation to their railway undertaking; or

(b) by a river board of statutory powers conferred in relation to its statutory functions.

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

23. The prohibition on the sorting over or disturbing of material in subsection (3) of section 76 of the Act of 1936 shall apply in respect of material deposited in any place in the borough used by the Corporation for the deposit of refuse whether provided by the Corporation or not.

PART IV
—cont.

Control of
Corporation's
refuse tips.

PART V

INFECTIOUS DISEASES

24. In this Part of this Act the expression "notifiable disease" means—

Definition of
notifiable
disease.

- (a) any notifiable disease as defined by section 343 of the Act of 1936; and
- (b) any infectious disease to which section 144 of the Act of 1936 for the time being applies in the borough by virtue of regulations made under section 143 thereof.

25. 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;

Compensation
for stopping
work to
prevent
spread of
disease.

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

26.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

Entry into
premises in
case of
notifiable
disease.

- (a) that in any premises in the borough there is a person who is or has been suffering from a notifiable disease; and
- (b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon:

Provided that no such warrant shall authorise him—

- (i) to enter any premises except between the hours of seven in the morning and ten in the evening; or
- (ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

PART V
—cont.

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

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

Restrictions
on use of
loudspeakers.

27.—(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 borough:

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 borough:

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 or the trade or business of their employers 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 the use of a loudspeaker—

- (a) by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency;
- (b) by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission;

(c) by 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;

(d) by statutory undertakers for the purpose of announcements in case of emergency to their customers or to the public generally.

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

PART VI
—cont.

28.—(1) Where plans for—

(a) the erection of a building; or

(b) the extension of a building (being an extension which will reduce or interfere with any then existing means of access for fire brigade appliances or personnel or which will render additional means of access necessary);

Precautions
against fire
in certain
buildings.

are in accordance with building byelaws deposited with the Corporation and the plans show that the building—

(i) will not be provided with such means of access for fire brigade appliances and personnel; or

(ii) will not leave or make provision for such means of access for fire brigade appliances and personnel to an existing building or to a proposed building the plans of which have been passed by the Corporation;

as the Corporation may consider necessary to enable effective action to be taken by them in case of fire at such building or existing building or proposed building (as the case may be) the Corporation shall reject the plans.

(2) If the Corporation reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that 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 an extension of a building will reduce or interfere with means of access or whether the plans show that the building will be provided with or as the case may be will leave or make provision for the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

PART VI
—cont.

Further
provision for
public and
other
buildings.

29.—(1) If it appears to the Corporation that for the purpose of preventing fire in any such building in the borough as is referred to in paragraphs (a) to (d) of subsection (5) of section 59 of the Act of 1936 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; or
- (c) any floor requires strengthening in order to prevent overloading;

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 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.

Firemen's
switches for
luminous
tube signs.

30.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts or other equipment so designed and of the transformers required to raise the voltage so as to operate the signs or equipment not being apparatus which—

- (a) is inside a building and is attended while in operation; or
- (b) is used for lighting only and is before the appointed day fitted with a readily accessible switch on the low-voltage side of the transformer.

(2) As from the appointed day apparatus in the borough to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer and the switch shall be so placed and coloured or otherwise marked as to satisfy such reasonable requirements as the Corporation may impose to ensure that it shall be readily accessible to and recognisable by firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day the consumer shall not less than fourteen days before the appointed day give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed or as the case may be actual position colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless within ten days from the date of service of the notice the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court and the court if it allows the appeal shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and in the case of an offence under subsection (8) of this section to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937 or any regulations that may be made under section 60 of the Electricity Act 1947.

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

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

PART VI
—cont.

Precautions
against fire
in certain
buildings
and cubical
extent of
buildings.

31.—(1) Within the borough unless the Corporation otherwise consent—

- (a) no building shall be erected with a storey or part of a storey at a greater height than—
- (i) one hundred feet; or
 - (ii) eighty feet if the area of the building exceeds ten thousand square feet;
- (b) no building or part of a building of a cubical extent exceeding two hundred and fifty thousand cubic feet shall be used for purposes of trade or manufacture unless it is divided by fire division walls in such manner that no division of the building or part of the building as the case may be is of a cubical extent exceeding two hundred and fifty thousand cubic feet:

Provided that—

- (i) the Corporation shall not withhold consent under paragraph (a) or (b) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;
- (ii) paragraph (b) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act any structural alteration or extension is made in or to the building or any material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building or part of the building or relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Corporation under this section—

- (i) to withhold consent; or
- (ii) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section he shall be liable to a fine not exceeding fifty pounds and if—

- (a) that person after conviction of the contravention; or

(b) any other person after notice of the conviction has been served on him by the Corporation;

uses the building without the consent of the Corporation or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (a) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(b) In this section—

- (i) the area of a building means the area contained within the external surfaces of its walls; and
- (ii) the expression “cubical extent” in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or lift gear or any like apparatus:

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls with the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws by paragraph (c) of section 71 of that Act.

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

Amendment
of sections 59
and 60 of Act
of 1936.

“(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 borough 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”;

PART VI
—cont.

(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.”

Oil-fired
boilers.

33.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in the borough whether erected before or after the passing of this Act or on any land in the borough shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (a) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the appointed day or the coming into force of the byelaws (whichever shall be the later) proper arrangements will be made for preventing or reducing danger from fire.

(b) Such byelaws may include provisions—

(i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land the works apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works apparatus fittings and appliances; and

(ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(c) (i) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under sub-paragraph (ii) of paragraph (b) of this subsection may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(ii) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(iii) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaws or under this subsection.

(3) (a) If any person installs oil-burning equipment in any building or on any land in the borough without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

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

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(4) In this section—

the expression “oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner the storage tanks and the apparatus fittings devices and catch-pits and any other equipment used for or in connection with the heating of the boiler;

the expression “boiler” means a boiler furnace heater oven or similar plant;

the expression “storage tank” means a tank container or device designed or adapted for the purpose of supplying oil to a boiler;

the expression “apparatus and fittings” includes pipes and pipe fittings taps valves pumps gauges vessels fans and filters.

(5) Nothing in this section shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding seven hundred and fifty gallons; or

(b) the installation of any oil-burning equipment by the Southern Gas Board the Central Electricity Generating Board the Southern Electricity Board or the commission for the purposes of their respective undertakings:

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

(6) Section 250 of the Act of 1933 (which relates to the procedure for making byelaws) shall in its application to byelaws made under this section be construed as if it had been amended

PART VI
—cont.

by the insertion of the words “ or confirm with modifications ” after the word “ confirm ” in the second place where that word occurs in subsection (6) thereof.

(7) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Acts 1937 to 1959 apply on the coming into force in relation to those premises of special regulations made under those Acts and relating to the same subject-matter as this section.

Disused
petrol tanks.

34.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises in the borough the occupier of the premises or if the premises are unoccupied the owner of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container.

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

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding ten pounds and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container to which the warning relates and may recover from such person the expenses incurred by them in so doing.

(4) In this section the expression “ petroleum spirit ” has the same meaning as in the Petroleum (Consolidation) Act 1928.

Touting
hawking etc.

35.—(1) As from the appointed day no person shall at any place in the borough to which this section applies—

(a) importune any person by touting for a hotel lodging-house or refreshment house for a shop for a theatre garden pier or place of amusement or for a boat hackney carriage or public service vehicle; or

(b) without the consent of the Corporation which may be given on such terms and conditions as they think fit—

(i) hawk sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals except

on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

PART VI
—cont.

(3) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to a sale or offering for sale to persons residing in or employed at premises in or adjoining a place to which this section applies.

(4) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical or carries on a business which consists in or includes selling or supplying photographs for such publication.

(5) This section applies to any place—

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

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

(7) If any person contravenes any of the foregoing provisions of this section or any term or condition upon which any consent is given thereunder he shall be liable to a fine not exceeding ten pounds.

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

(9) Nothing in this section shall apply to the supply of water gas or electricity.

PART VII

PREMISES USED FOR SALES BY AUCTION

36.—(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

Definitions
for this Part
of Act.

PART VII
—cont.

furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus; and

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

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

Registration
of premises
used for sales
by auction.

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

(2) Subject to the following provisions of this section the Corporation shall on the application of the occupier of or of a person proposing to occupy any such premises register those premises under this section and shall issue to the applicant a certificate of registration.

(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 after the date of the service of the notice at which they propose to do so and informing him that he may attend before a committee of the council 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 of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

PART VII
—cont.

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

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

(8) 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.

(9) 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 borough 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.

38. 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.

- (1) 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;
- (2) 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.

39. 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 committed by some other person acting on behalf of the body corporate, the offence shall also be deemed to have been committed by the body corporate.

PART VII
—cont.

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.

As to
section 287
of Act of
1936,

40. 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.

PART VIII

PARKS MUSEUMS CEMETERIES AND OTHER MUNICIPAL PROPERTY

Provision of
zoological and
botanical
gardens.

41.—(1) The Corporation may in any park pleasure ground or open space provided by them or under their management and control provide a zoological garden or botanical garden or a zoological garden and a botanical garden.

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

(3) The Corporation may purchase or acquire zoological and botanical specimens and exhibits.

(4) The Corporation may either—

(a) themselves manage any zoological garden or botanical garden provided under this section making such reasonable charges for admission thereto as they think fit; or

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

(5) For the purposes aforesaid the Corporation may enclose any part of any park pleasure ground or open space provided by them or under their management and control and may exclude the public from the part so enclosed:

Provided that nothing in this section shall empower the Corporation to enclose more than one-hundredth of the total area of all the parks and pleasure grounds provided by them or under their management and control.

Power to let
parks etc.
for games.

42. When any part of a park or pleasure ground provided by or under the management and control of the Corporation is set apart by them under section 92 (Power to set apart lands for

games) of the Bournemouth Improvement Act 1892 for the purpose of cricket football or any other game or recreation the Corporation may permit the exclusive use by any club or other body of persons of—

PART VIII
—cont.

- (a) any portion of the part set apart as aforesaid; and
- (b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section;

subject to such charges and conditions as the Corporation think fit:

Provided that nothing in this section shall empower the Corporation to permit at one and the same time the exclusive use of—

- (i) more than one-third of the area of any park or pleasure ground; or
- (ii) more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control.

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

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

(3) The Corporation may either—

- (a) themselves manage a boating pool provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit; or
- (b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The powers of the Corporation under subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 with respect to a piece of water in a park or pleasure ground provided by them shall be extended so as to be exercisable with respect to a boating pool provided under this section.

44. No power conferred upon the Corporation by any of the foregoing sections of this Part of this Act shall be exercised in such a manner— Saving for
trusts etc.

- (1) as to be at variance with a trust subject to which land or a building is held managed or controlled by the

PART VIII
—cont.

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

- (2) as to contravene a covenant or condition subject to which a gift or lease of land or a 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.

Agreements to
maintain
graves and
tombstones.

45.—(1) The Corporation may agree with any person in consideration of the payment of a sum by him to maintain for a period fixed by the agreement a grave or tombstone in a burial ground or crematorium provided by the Corporation.

- (2) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space niche or urn;

“tombstone” includes a monument or other memorial of a deceased person and a kerb.

Extension of
power to
maintain
burial grounds.

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

(a) to put and keep in order any tombstone therein;

(b) to level any grave therein;

(c) to remove any tombstone on any grave therein or any railings surrounding any grave therein or any such tombstone;

(d) to alter the position of any such tombstone or railings.

(2) Before exercising a power conferred by paragraph (b) (c) or (d) of the foregoing subsection the Corporation shall—

(a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough with an interval between the dates of publication of not less than six clear days;

(b) display a notice thereof in a conspicuous position in the burial ground; and

(c) serve a notice thereof upon the owner of the grave or upon a relative of a deceased person whose remains are interred therein if after reasonable inquiry the name and address of the owner or of a relative of such a person can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals and specify an address at which full particulars of the proposals can be obtained unless the brief particulars are of proposals incapable of further statement;
- (b) specify a date as being that on which it is intended that the Corporation will begin to carry out the proposals which shall be a date not earlier than the fourteenth day after the date of the later of the two publications or than the twenty-first day after the date on which the notice in the burial ground is first displayed or where notice is required to be served than the twenty-first day after the date of service; and
- (c) state the effect of the next following subsection.

(4) If notice of objection to a proposal and of the ground thereof is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection that proposal shall not be carried out without the consent of the Minister unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate or destroy any tombstone or railings removed under this section unless it or they is or are claimed within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section or where notice has been served under paragraph (c) thereof after the date of such service whichever is the later.

(6) Where a tombstone is removed under this section the Corporation may erect at their own expense a tombstone in substitution.

(7) The Corporation shall cause a record to be made of each tombstone taken from the burial ground under this section containing—

- (a) a copy of any inscription on it; and
- (b) if it is intended to preserve the tombstone a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a faculty or licence of a consistory court.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence and subsection (5) thereof shall not have effect in relation to any tombstone or railings for whose removal such a faculty or licence was obtained.

PART VIII
—cont.

(9) In this section—

“ burial ground ” includes a cemetery;

“ grave ” includes a grave space niche or urn;

“ tombstone ” includes a monument or other memorial of a deceased person and a kerb.

Disposal of
unsuitable
specimens
and works
of art.

47.—(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) Where any object has become vested in the Corporation by virtue of a gift or bequest—

(a) the Corporation shall if reasonably practicable consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and

(b) the powers conferred by this section shall not during a period of thirty-five years commencing with 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.

(3) 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.

Russell-Cotes
Art Gallery
and Museum.

48.—(1) In this section—

“ the art gallery ” means the messuage and premises situate on the East Cliff and adjoining Russell-Cotes Road in the borough and known as East Cliff Hall the freehold of which was conveyed to the Corporation by a conveyance dated the twenty-ninth day of October nineteen hundred and eighteen and made between Dame Annie Nelson Russell-Cotes of the one part and the Corporation of the other part;

“ the art collection ” means the collections of paintings engravings prints pieces of statuary art treasures ornaments bric-a-brac and other objects of art and vertu given or assigned to the Corporation by the Russell-Cotes indentures or referred to therein;

“ the 1908 conditions ” means the conditions set out in the 1908 indenture;

“ the 1908 indenture ” means the indenture dated the first day of February nineteen hundred and eight and made between Merton Russell Cotes and Annie Nelson Cotes of the first part the said Annie Nelson Cotes of the second part and the Corporation of the third part;

“ the 1920 indenture ” means the deed of trust dated the eleventh day of November nineteen hundred and twenty and made between the said Sir Merton Russell-Cotes of the one part and the Corporation of the other part;

“ the Russell-Cotes indentures ” means—

(a) the 1908 indenture;

(b) the conveyance dated the twenty-ninth day of October nineteen hundred and eighteen and made between Dame Annie Nelson Russell-Cotes of the one part and the Corporation of the other part;

(c) the deed of gift dated the first day of February nineteen hundred and nineteen and made between Sir Merton Russell-Cotes and the said Dame Annie Nelson Russell-Cotes of the one part and the Corporation of the other part; and

(d) the 1920 indenture;

or any of them.

(2) Notwithstanding anything contained in the Russell-Cotes indentures—

(a) the Corporation may remove either temporarily or permanently from the art gallery any objects forming part of the art collection and may exhibit retain store or preserve the same in any building owned by or for the time being under the control of the Corporation:

Provided that no such building shall be used by the Corporation in breach of any trusts upon which the building is held; and

(b) the Corporation may lend any part of the art collection to any person being the owner of a museum or art gallery for such period as they may think fit or for an indefinite period; and

(c) the Corporation may sell any objects forming part of the art collection which in their opinion are damaged or in poor condition or of no value to the Corporation and the proceeds of any such sale shall be used to purchase works of art to be added to the art collection.

PART VIII
—cont.

(3) Subject to the provisions of subsection (2) of this section the Russell-Cotes indentures shall have effect as if—

(a) the following were substituted for clause 2 of the 1908 conditions:—

Committee
of manage-
ment to
control.

“ 2. (a) The Corporation shall manage regulate control and deal with the trust premises and property by means of a committee (hereinafter called ‘the management committee’) appointed by them in accordance with section 85 of the Local Government Act 1933.

(b) Sir George Meyrick Baronet (or the person for the time being in the enjoyment of the title) shall be a member of the management committee.”;

(b) the following were substituted for clause 7 of the 1908 conditions:—

Appoint-
ment of
curator.

“ 7. The management committee shall appoint and pay the salary of a competent person to act as curator who shall be responsible for labelling arranging and cataloguing the collection and keeping the same in good order and act under the direction of the management committee.”;

(c) the following were substituted for clause 8 of the 1908 conditions:—

Hours during
which art
gallery shall
be open.

“ 8. The art gallery and museum shall be open on such days and between such hours as the management committee may from time to time determine.”;

(d) clause 9 of the 1908 conditions (which requires turnstiles to be fixed in the portico) were omitted;

(e) in clause 10 of the 1908 conditions (which relates to the holding of exhibitions and sales) for the words “annual or half-yearly” there were substituted the words “at such times as they may think fit”;

(f) clause 3 of the 1920 indenture (which requires the holding of a garden party on the fifteenth day of July in each year in commemoration of the birthday of the late Annie Nelson Russell-Cotes) were omitted.

(4) Notwithstanding anything to the contrary contained in section 5 of the Museums and Gymnasiums Act 1891 or section 11 of the Public Libraries Act 1892 the Corporation may make such reasonable charges as they think fit for admission to a part of the art gallery on any day on which a special exhibition is provided in that part.

PART IX

FINANCE RATING AND SUPERANNUATION

49.—(1) The Corporation may borrow—

Power 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 such sums as may be necessary for the payment of the costs charges and expenses of this Act;

and subject to the provisions of this section Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the preceding subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

50. Section 259 (Lands fund) of the Act of 1930 shall have effect as if—

Amendment of
section 259
of Act of
1930.

(a) for the words “the sum of ten thousand pounds” wherever those words occur there were substituted the words “the prescribed maximum”; and

(b) the following subsection were inserted at the end—

“(2) In this section the expression ‘prescribed maximum’ means the sum of fifty thousand pounds or such greater sum as the Minister may from time to time allow.”

51.—(1) The Corporation may establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good such losses damages costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the council (in this section referred to as “the specified risks”).

Insurance
fund.

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

(3) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation may recommence and continue such appropriations until the fund be restored to the prescribed amount and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum

PART IX
—cont.

so prescribed such moneys shall be transferred to the general rate fund and (if any sums shall have been appropriated from the housing revenue account under the next succeeding subsection) to the housing revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund and (if they think fit) from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Corporation which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance:

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

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

(b) The Corporation shall in every financial year carry to the credit of that fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

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

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

(7) If the Corporation establish an insurance fund under this section section 260 (Insurance fund) of the Act of 1930 shall cease to have effect and any moneys standing to the credit of the insurance fund established under that section shall be carried to the credit of the insurance fund established under this section.

(8) In this section—

“insurance office” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

“prescribed amount” means such sum as may from time to time be prescribed by the council.

52. Whenever under any enactment (other than the Act of 1936 or any enactment which applies section 292 of the Act of 1936) the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the work as they think fit in respect of their establishment charges.

Power to charge in respect of establishment expenses.

53. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Recovery of rates from tenants and lodgers.

54.—(1) 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 as mentioned in that subsection moneys forming part of but not for the time being required to meet payments to be made out of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

Investment of superannuation fund.

- (a) 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

PART IX
—cont.

- Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (b) 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 of any such dominion commonwealth union dependency or colony; or
- (c) in or upon any of the stocks bonds mortgages or securities of any municipality or county or district council or local or public authority or board in the United Kingdom or in 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 of the legislature concerned to issue the same; or
- (d) 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
- (e) 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 or registered in the United Kingdom being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (f) 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
- (g) 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 thereof;

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

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (e) of this subsection shall be subject to the following qualifications:—

- (i) no investment shall be made in any company which has not paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of

the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless—

PART IX
—cont.

(A) the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend of at least five per centum on its ordinary stock or shares for each of the four years immediately preceding the date of the amalgamation;

- (ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund;
- (iii) no investment shall be made in securities transferable by delivery.

(2) For the purposes of subsection (1) of this section the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

PART X

MISCELLANEOUS

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

(2) On application in that behalf made to the Corporation by any person for registration of the applicant or of any premises and (if the application relates to premises) on his furnishing them with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

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

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

PART X
—cont.

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

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

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

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

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

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

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

(9) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence.

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

56.—(1) Any person who for the purpose of obtaining for himself or for any other person any of the benefits or advantages hereinafter mentioned—

PART X
—cont.

- (a) knowingly makes to the Corporation or to any of their employees a false statement or false representation relating to his or that other person's need for the benefit or advantage or ability to pay a rent or make any other payment; or
- (b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or to any of their employees any document or information relating to the matters aforesaid which he knows to be false in a material particular;

False
statements
to obtain
rent rebate
etc.

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

(2) The benefits or advantages hereinbefore referred to are—

- (a) a rebate of the rent of any such house belonging to the Corporation;
- (b) a reduction in the amount of any payment due to the Corporation by virtue of the following enactments or of regulations made thereunder or the remission of any such payment:—
- (i) the Children and Young Persons Act 1933;
 - (ii) the Education Acts 1944 to 1953;
 - (iii) the Children Act 1948;
- (c) any award grant contribution or payment made by the Corporation under the Education Acts 1944 to 1953 or under or by virtue of any regulations made under those Acts;
- (d) any payment by the Corporation under section 63 of the Housing Act 1957; or
- (e) a reduction in the amount of any rate or charge for the supply of heat due to the Corporation.

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

- (a) order the person convicted to pay to the Corporation the amount of the rebate or reduction obtained by him;
- (b) order the person convicted to make such payments as the court may think just to the Corporation in respect of—
- (i) the reduction in the amount of any payment referred to in paragraph (b) of the last foregoing subsection or the remission thereof; or
 - (ii) any award grant contribution or payment referred to in paragraph (c) or (d) of that subsection.

PART X
—cont.

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

Welfare of
aged and
handicapped
persons.

57.—(1) The Corporation may make arrangements for—

(a) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals and for providing aged persons with other domiciliary services in their own homes;

(b) providing aged persons with recreational facilities in their own homes or elsewhere.

(2) The Corporation may recover from persons availing themselves of any service provided under this section such charges (if any) as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(3) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the borough.

Competitions
etc.

58.—(1) The Corporation may either alone or in co-operation with any association or body dealing with the promotion or control of any recreation organise or conduct any competition.

(2) The Corporation may in connection with any such competition charge such entrance fees as they think fit to any entrants for any competition.

(3) The Corporation may provide trophies and prizes to be awarded to participants in any such competition.

(4) For the purposes of this section the Corporation may expend such sums as they may think fit not exceeding in any financial year the sum of five hundred pounds or such greater sum as the Minister may from time to time approve.

(5) For the purposes of this section "competition" means any competition tournament or contest held in connection with any physical recreation sport or game or agricultural or horticultural show and includes any display or exhibition given in connection therewith.

Minister of
Transport
may authorise
trolley vehicle
routes.

59.—(1) (a) If at any time the Corporation desire to equip maintain and use trolley vehicles upon any road dedicated to the public use whether within or outside the borough not forming part of any trolley vehicle route for the time being authorised they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make an order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the

Minister of Transport may deem expedient and subject to the terms of the order the provisions of the Act of 1930 shall apply as if the use of trolley vehicles upon such road were authorised by that Act.

PART X
—cont.

(b) No order authorising the use of trolley vehicles on any road outside the borough shall be made except with the consent of the local authority and (where the local authority are not the highway authority) of the highway authority of the district in which such road is situate but such consent or consents shall in no case be unreasonably withheld and any question arising as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

(2) An order made under this section shall be subject to special parliamentary procedure and the First Schedule to the Statutory Orders (Special Procedure) Act 1945 (which prescribes the notices to be given and other requirements to be complied with before an order is made) shall in its application to any such order have effect as if paragraph 1 of the said schedule included a provision requiring the Corporation to comply with any direction which may be given by the Minister of Transport as to posting and maintaining notices giving the purport of the application in relation to any road or roads to which it relates in that road or in those roads.

(3) The expression "Act of Parliament" in section 7 of the Telegraph Act 1878 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines) shall be construed as including any order made under this section authorising the execution of works.

60.—(1) Schedule A to the Bournemouth Improvement Act 1856 as amended by the Order of 1903 shall be altered so as to provide that the toll for every passenger or other person who shall land on the pier or embark from it on board any vessel boat wherry or other machine and for every person who shall use the piers or approaches for the purpose of walking for exercise pleasure or otherwise shall not exceed sixpence for each and every time. Increase of pier tolls.

(2) In this section "the Order of 1903" means the Boscombe and Bournemouth Piers Order 1903 confirmed by the Pier and Harbours Orders Confirmation (No. 5) Act 1903 and "the piers" means the pier known as the Bournemouth Pier and authorised to be constructed by the Bournemouth Improvement Act 1856 and the pier known as the Boscombe Pier and transferred to the Corporation by the Order of 1903 or either of them.

(3) Section 28 of the Harbours Docks and Piers Clauses Act 1847 (which section exempts certain vessels from the provisions of the Act) in its application to the Bournemouth Improvement

PART X
—cont.

Act 1856 and the Order of 1903 shall have effect as if in the said section for the words from “ or any packet-boat ” to “ any such packet-boat or packet ” there were substituted the words “ or any vessel employed by or under the authority of the Postmaster-General for the conveyance under contract of postal packets as defined by the Post Office Act 1953 not being a vessel also conveying passengers or goods for hire or reward or any mail bag as so defined conveyed by any such vessel ”.

Further
powers as
to libraries.

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

- (a) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;
- (b) the power to prescribe a period not being less than seven days within which any article borrowed from such library must be returned thereto;
- (c) the power to recover from any person who fails within such prescribed period to return to such library any article so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such article together with any expenses incurred by the Corporation in sending to such person notices in respect of such article;
- (d) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (c) of this subsection;
- (e) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

Provided that the sums prescribed by the Corporation for the purposes of paragraph (c) of this subsection shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

(2) In this section the expression “ article ” includes a book music manuscript newspaper picture film film strip lantern slide map plan print engraving or photograph.

Summary
recovery of
damages for
negligence.

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

PART XI

GENERAL

63. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

1	2
Section 33 (Oil-fired boilers)	Secretary of State.
Section 35 (Touting hawking etc.)	Secretary of State.

64.—(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.

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

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

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

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

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

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

(4) Either—

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

PART XI
—cont.

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

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

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

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the registration required by that provision;

to continue to carry on that business or 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 68 (Appeals) of this Act.

Authentication
of documents
and service of
notices.

66.—(1) Section 284 of the Act of 1936 (which relates to the authentication of documents) shall apply to any notice or other document which the Corporation are required or authorised to give make or serve by or under this Act or by or under any enactment in force immediately before the commencement of this Act.

(2) Section 285 of the Act of 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised to be given to or served on any person by or under this Act or by or under any enactment in force immediately before the commencement of this Act so far as that enactment relates to the Corporation.

(3) The said section 284 or as the case may be the said section 285 shall not apply in any case for which provision is made by or under any enactment.

Restriction
on right to
prosecute.

67. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act except the following sections thereof (namely):—

Section 14 (Damage to trees etc. on streets etc.);

Section 27 (Restrictions on use of loudspeakers);

by any person other than a party aggrieved or the Corporation.

Appeals

68.—(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.

PART XI
—cont.

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

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on 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.

69. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act.

Protection of members and officers of Corporation from personal liability.

70.—(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 the following Parts of this Act that is to say:—

- Part II (Streets);
- Part III (Buildings structures and sanitation);
- Part IV (Nuisances);
- Part V (Infectious diseases);
- Part VI (Public order and public safety).

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and to section 57 (Welfare of aged and handicapped persons) of this Act.

PART XI
—cont.

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to Part VII (Premises used for sales by auction) and to section 55 (Hairdressers and barbers) of this Act.

Repeal.

71. The following enactments are hereby repealed:—

Bournemouth Improvement Act 1892—

Section 30 (Certificate that houses fulfilled certain requirements);

The Act of 1930—

Section 89 (Prohibition of touting and hawking in streets &c.);

Section 102 (Minister of Transport may authorise new routes);

Section 269 (Increase of pier tolls).

Works below
high-water
mark.

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

For protection
of certain
statutory
undertakers.

73. 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 Southern Electricity Board or the Central Electricity Generating Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of such boards;

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

(c) in relation to the Bournemouth and District Water Company mains pipes or other apparatus belonging to or maintained by that company;

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

“ in ” in a context referring to apparatus includes under over across along or upon;

“ operational land ” has the meaning given to that expression by the Act of 1947;

“ position ” includes depth;

“ undertakers ” means the Central Electricity Generating Board the Southern Electricity Board the Southern Gas Board the Bournemouth and District Water Company or any of them:

- (2) Nothing in the following sections of this Act shall relieve the Corporation or any person acting by the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the Corporation or such person shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 4 (Trees grass verges and gardens);

Section 12 (Fencing and lighting of obstructions in highways);

Section 15 (Decorations in streets):

- (3) Nothing contained in section 4 (Trees grass verges and gardens) or section 5 (Verges etc. of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of any apparatus) in any such place as is referred to in any of those sections:

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

- (4) Nothing in section 16 (Power to repair drains and private sewers) of this Act shall authorise the Corporation to execute any works in under over across along or upon any operational land of the undertakers without the consent of the undertakers concerned which consent shall not be unreasonably withheld:

- (5) Nothing in section 21 (Demolition of buildings) of this Act shall apply to any operational land of the undertakers:

Provided that the exemption conferred by this paragraph shall not extend to buildings used as showrooms:

PART XI
—cont.

- (6) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to a single arbitrator to be appointed by agreement between the Corporation and the undertakers concerned or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party;
- (b) In settling any difference under this section the arbitrator 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.

Saving for
town and
country
planning.

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

Costs of Act.

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

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.
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 VI 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.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTIONS APPLIED TO PARTS II III IV V AND VI AND
SECTION 57 OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.

PART IV

SECTION APPLIED TO PARTS II III IV V VI AND VII AND
SECTION 55 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Bournemouth Improvement Act 1856 ..	19 & 20 Vict. c. xc.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Museums and Gymnasiums Act 1891 ..	54 & 55 Vict. c. 22.
Public Libraries Act 1892	55 & 56 Vict. c. 53.
Bournemouth Improvement Act 1892 ..	55 & 56 Vict. c. clxiii.
Pier and Harbour Orders Confirmation (No. 5) Act 1903	3 Edw. 7 c. cxxxi.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Trustee Act 1925	15 Geo. 5 c. 12.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Petroleum (Consolidation) Act 1928 ..	18 & 19 Geo. 5 c. 32.
Bournemouth Corporation Act 1930 ..	20 & 21 Geo. 5 c. clxxxii.
Children and Young Persons Act 1933 ..	23 Geo. 5 c. 12.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	25 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.
Statutory Orders (Special Procedure) Act 1945	9 & 10 Geo. 6 c. 18.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.

Short title	Session and chapter
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
River Boards Act 1948	11 & 12 Geo. 6 c. 32.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Post Office Act 1953	1 & 2 Eliz. 2 c. 36.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.
Highways Act 1959	7 & 8 Eliz. 2 c. 25.

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