

Hertfordshire County Council Act, 1960

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**CHAPTER xlix**

An Act to confer further powers on the Hertfordshire County Council and on local authorities in the administrative county of Hertford in relation to lands and highways and the local government improvement health and finances of the county and for other purposes. [29th July 1960.]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to lands and highways and for the local government improvement health and finances of the administrative county of Hertford and that the powers of the county council of that administrative county (hereinafter called "the Council") and of the local authorities within that administrative county should be enlarged and extended as by this Act provided:

(2) It is expedient to make further provision with reference to the appointment of deputy chairmen of quarter sessions and other courts of the county:

(3) It is expedient that the West Hertfordshire Main Drainage Authority should be deemed to be an authority to which section 54 of the Local Government Act 1958 applies:

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

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

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

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 and with the authority of the same as follows:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Hertfordshire County Council Act 1960.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Highways.
 Part IV.—Public order and safety.
 Part V.—Lectures cultural activities records etc.
 Part VI.—County quarter sessions.
 Part VII.—Finance.
 Part VIII.—Miscellaneous.
 Part IX.—Protective provisions.
 Part X.—General.
- Incorporation of Lands Clauses Acts. 3. The Lands Clauses Acts except sections 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act:
 Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.
- Interpretation. 4.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.
 (2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—
 “ Act of 1933 ” means the Local Government Act 1933;
 “ Act of 1935 ” means the Hertfordshire County Council Act 1935;

- “ Act of 1936 ” means the Public Health Act 1936;
- “ Act of 1947 ” means the Town and Country Planning Act 1947;
- “ Act of 1950 ” means the Public Utilities Street Works Act 1950;
- “ Act of 1959 ” means the Highways Act 1959;
- “ claimed county road ” has the same meaning as in the Act of 1959;
- “ commission ” means the British Transport Commission;
- “ Council ” means the county council of the county;
- “ county ” means the administrative county of Hertford;
- “ county fund ” means the county fund of the Council;
- “ county road ” has the same meaning as in the Act of 1959;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ district ” means a borough or an urban or rural district in the county;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the county or within a district;
- “ fire authority ” has the same meaning as in section 38 of the Fire Services Act 1947;
- “ food ” has the same meaning as in section 135 of the Food and Drugs Act 1955;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport or with his consent the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;
- (b) in the case of a county road in the county except a claimed county road and in the case of any other highway for the time being maintained by the Council the Council; and
- (c) in the case of any other highway (not being a highway repairable by the commission) the local authority for the district in which the highway is situate;
- “ hours of darkness ” means the time between half an hour after sunset and half an hour before sunrise;

PART I
—cont.

- “Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by the Lands Tribunal Act 1949 by the Town and Country Planning Acts 1947 to 1959 and by this Act;
- “local authority” means the council of a district;
- “magistrates’ court” has the same meaning as in the Magistrates’ Courts Act 1952;
- “Minister” means the Minister of Housing and Local Government;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946;
- “parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish;
- “rural district” means a rural district in the county;
- “rural district council” means the council of a rural district;
- “standing joint committee” means the standing joint committee of the Hertfordshire Quarter Sessions and the Council appointed under section 30 of the Local Government Act 1888;
- “statutory undertakers” means any company body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity gas or water;
- “statutory water undertakers” has the same meaning as in the provisions of the Water Act 1945 other than those contained in Part II of that Act;
- “street” and “road” have the meaning assigned to the word “street” in the Act of 1936;
- “urban district” means a borough or an urban district in the county;
- “verge” includes land situate between two carriageways and any part of a street which is not a carriageway footway or cycle track;
- “voluntary school” has the same meaning as in subsection (2) of section 9 of the Education Act 1944.

(3) 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.

The appointed day.

5.—(1) In this Act the expression “the appointed day” means such day as may be fixed by resolution of a local authority subject to and in accordance with the provisions of this section.

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

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

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

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

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

(4) Either—

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

(b) a photostatic or other reproduction certified by the clerk of the local authority 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 publication.

PART II

LANDS

6.—(1) Every undertaking given by or to the Council to or by the owner of a legal estate in land and every agreement made between the Council and any such owner being an undertaking or agreement—

Undertakings and agreements binding successive owners.

(a) given or made under seal either on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Council and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council a copy thereof.

7.—(1) Where the Council have either before or after the passing of this Act contributed or agreed to contribute towards or in connection with the acquisition or utilisation by the council of any other county or of any county borough or district (whether or not in the county) or by any other public body (in this section referred to as an "authority") or by any person or any trustees

Enforcement of restrictive covenants relating to land acquired for open spaces.

PART II
—cont.

of land for the purpose of a public or private open space recreation or pleasure ground public walk sports ground or playing fields or towards the layout or maintenance of such land and such authority person or trustees have or has either before or after the passing of this Act in consideration of such contribution or of an agreement to make such contribution entered into a covenant with the Council restrictive of the user of such land the Council shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority person or trustees and against the persons deriving title under them or him in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(2) Where an authority have either before or after the passing of this Act contributed towards or in connection with the acquisition or utilisation by the Council of land for the purpose of a public or private open space recreation or pleasure ground public walk sports ground or playing fields or towards the layout or maintenance of such land and the Council have either before or after the passing of this Act in consideration of such contribution or of an agreement to make such contribution entered into a covenant with such authority restrictive of the user of such land such authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if such authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(3) (a) For the purposes of section 15 of the Land Charges Act 1925 any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(b) This section shall not apply to a covenant contained in any instrument made before the twenty-seventh day of November nineteen hundred and fifty-nine unless the restrictions enforceable under such covenant were registered as local land charges within twelve months after that date.

(4) Any covenant to which this section applies shall continue to be enforceable notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement under the Lands Clauses Acts or any Act incorporating those Acts.

(5) Nothing in this section shall deprive the Council or any authority person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

8.—(1) The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent. Compensation may be in land.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council have derived title to it.

9.—(1) The Council may purchase by agreement land in the county which is situated within two hundred and twenty yards from the centre of any road for which the Council are the highway authority and— Acquisition of derelict land.

- (a) which in the opinion of the Council is derelict land or land not being put to any useful purpose; and
- (b) the development of which is in their opinion desirable.

(2) The Council shall not purchase land in the exercise of the powers of this section except with the consent of the local authority for the district in which the land is situated.

10.—(1) The Council (with the consent of the Minister) may lay out and develop any land acquired by them under section 9 (Acquisition of derelict land) of this Act and any other land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses flats shops offices industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets: Development of land.

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

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

- (a) the making of any article or of part of any article; or

PART II
—cont.

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

being a process carried on in the course of trade or business and for the purposes of this definition "building" includes a part of a building and "article" means an article of any description including a ship or vessel.

Loans for
erection etc.
of buildings.

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

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

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

- (a) make provision as to the rate of interest to be paid being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance or such other rate as may from time to time be approved by the Minister;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any such days in the year as may be specified in the instrument after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds

(or such less sum as may be provided in the said instrument or as the Council may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);

(f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;

(g) require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance; or

(ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council the amounts of any premiums paid by them from time to time in that behalf;

(h) require the borrower to keep the said building in good repair.

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

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

12. Where land owned by the Council (being land acquired by the Council to provide a site for a voluntary school) is conveyed by the Council to the trustees of a voluntary school in pursuance of the provisions of the Education Act 1946 any covenants or restrictions affecting the use of such land as aforesaid shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they were enforceable against the Council prior to the conveyance referred to in this section.

Covenants
or restrictions
affecting
certain land.

13.—(1) If the Council—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land; or

(c) appropriate any land acquired by them;

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant as to the user thereof or the

Suspension
of restrictive
covenants.

PART II
—cont.

building thereon the Council may subject to the provisions of this section by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Council shall—

(a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than twenty-one days from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made;

(b) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the preceding paragraph of this subsection; and

(c) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (a) of this subsection.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the Minister within the period specified in the notice and by sending a copy thereof to the Council.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the Minister and before confirming the resolution the Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or (if more than one) the last objection or the date on which the Council acquire the land (whichever is the latest).

(b) If objection is duly made as aforesaid and the Minister confirms the resolution the restriction shall be suspended on and after such date as the Minister shall determine not being earlier than the date on which the Council acquire the land.

(7) The Council shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act 1845 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall 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.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates or (if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1959) so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Council under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1959 remain unenforceable only so long as the land is used for that purpose.

(9) If the Council sell or exchange any land to which the restriction suspended under the powers of this section relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

14.—(1) Subject to the provisions of this Act the foregoing provisions of this Part of this Act (other than section 9 (Acquisition of derelict land) and section 12 (Covenants or restrictions affecting certain land)) shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of "local authority" for "Council".

Application of certain provisions of Part II to local authorities.

(2) In its application to a local authority section 10 (Development of land) of this Act shall have effect as if for the words "section 9 (Acquisition of derelict land)" there were substituted the words "section 15 (Extension of power to acquire land by agreement)".

15.—(1) A local authority may by agreement acquire (whether by purchase lease or exchange) and hold any land in the county which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their powers or

Extension of power to acquire land by agreement.

PART II
—cont.

duties or for the benefit improvement or development of their district notwithstanding that the land may not be immediately required:

Provided that a local authority shall not under the powers of this section acquire any land outside the district of that authority except with the consent of the Minister.

(2) Land acquired under this section may until it is appropriated for any purpose for which the local authority are authorised apart from this section to acquire land be used for the purpose of any of the functions of the local authority and until it is so appropriated all expenses incurred by them in respect of the land shall be payable out of the general rate fund.

PART III

HIGHWAYS

Interpretation
of Part III.

16. In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“the code of 1875” “the code of 1892” “private street” and “street works authority” have the same respective meanings as in Part IX of the Act of 1959;

“street works” means works executed or authorised to be executed under the provisions of the code of 1875 or the code of 1892;

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

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

A. Verges and trees

Trees grass
verges and
gardens.

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

(a) to plant trees or shrubs or place tubs in which to grow trees or shrubs;

(b) to attach baskets for plants to posts or standards provided by the Council or local authority or with the consent of the owner thereof to any other posts or standards;

(c) to lay out grass verges or gardens;

(d) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens;

- (e) to cut down any such tree or shrub to remove any such tub basket guard or fence 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 playing upon (so as to cause damage to the turf) or causing or permitting horses cattle or vehicles to enter upon any grass verge which is maintained in an ornamental condition or mown or any such garden.

(2) Any such notice as is referred to in paragraph (f) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a 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 Council or a local authority or to any such land as is referred to in subsection (1) of this section and anything done by the Council or a local authority under that section or under section 1 of the Roads Improvement Act 1925 with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Council or a local authority to provide footways or grass or other margins under sections 67 or 70 of the Act of 1959.

(6) A local authority may with the consent of the Council exercise the powers conferred by this section in a street being a county road notwithstanding that the street is not vested in the local authority and subject to the restrictions for the time being imposed by any enactment on their expenditure a parish council may with the consent of the highway authority for a highway maintainable at the public expense in the parish exercise with respect to that highway any of the powers conferred by this section on the highway authority.

(7) Where the Council or a local authority carry out street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works. The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

PART III
—cont.

Damage to
trees etc.
on highways
and in open
spaces.

18.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway within the county or in any open space to which the public have access adjacent to any highway within the county—

(a) remove or cut any turf; or

(b) pluck any bud blossom flower 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 for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed in the neighbourhood of the tree shrub or plant.

(2) Any person offending against this section 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 highway or open space.

(3) Nothing in this section shall—

(a) apply to any open space vested in or under the control of a local authority a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act 1949; or

(b) affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluice weir sewer electric line duct substation transformer station street-box drain tramway or trolley vehicle equipment or other apparatus.

(4) In this section the expression “open space” has the same meaning as in the Open Spaces Act 1906.

Removal of
trees etc.
from roads.

19.—(1) If any tree or structure or any part thereof shall fall on or across any trunk or county road in the county so that obstruction or danger is caused or is likely to be caused to persons or vehicles using such road the highway authority may remove and pending such removal may fence light and watch the same and may subject to the next following subsection recover the reasonable cost of such removal fencing lighting and watching from the owner thereof.

(2) Proceedings under this section for the recovery of the cost of removing fencing lighting or watching any tree or structure or any part thereof shall be taken in a magistrates' court and in any such proceedings or on the application of the owner of the tree or structure to the court the court may if they are satisfied that the obstruction or danger either in whole or in part resulted from an act or omission by some person other than the owner

or could not reasonably have been anticipated or guarded against make such order concerning the cost or its apportionment as appears to the court to be just:

PART III
—cont.

Provided that the court shall not order the cost or any part thereof to be borne by any person other than the owner unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(3) 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—

(a) instead of the local authority the section referred to the highway authority as defined in section 4 (Interpretation) of this Act; and

(b) the expression “materials” included a tree or part thereof:

Provided that the highway authority may recover under subsection (1) of this section any balance of the cost outstanding after exercising their powers under section 276 of the Act of 1936.

20.—(1) Where in pursuance of the Housing Act 1957 any grass verge garden or space is maintained in an ornamental condition or mown by a local authority they may by notice prohibit persons from entering upon or causing or permitting vehicles to enter upon any such grass verge garden or space. Verges etc. of housing estates.

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

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

B. Improvements

21.—(1) Subject to the provisions of this section the highway authority may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street maintainable by such authority for the adjustment of the boundary of the street. Adjustment of boundaries of streets.

(2) For the purposes of this section the highway authority—

(a) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange; and

(b) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

PART III
—cont.

(3) As from the date of any such exchange as aforesaid all public rights of way over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the district in which such land is situate.

(5) During the said period of one month any four ratepayers may appeal to a magistrates' court against the proposal to enter into the agreement.

(6) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the highway authority.

(7) In this section the expression "ratepayer" means a person who is liable to any rate in respect of property in the district in which the land is situate entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

(8) (a) Where pursuant to this section the highway authority enter into an agreement with a person having a legal interest in land adjoining any street repairable by such authority for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(b) As between the highway authority and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the highway authority thereunder.

(c) In this section the expressions "alter" "alteration" and "telegraphic line" have the same meanings as in the Telegraph Act 1878.

Piping etc.
of roadside
ditches.

22.—(1) A highway authority may without being required to obtain any such approval as is mentioned in section 263 of the Act of 1936 for the purpose of carrying away water from the

surface of any highway maintainable at the public expense wholly or partly fill up any watercourse or ditch adjoining such highway and substitute therefor a pipe drain or culvert with all necessary gullies and other means of conveying surface water into and through it upon giving to the owner or occupier thereof twenty-eight days' notice of their intention to do so and upon paying the owner or occupier for the damages which he shall sustain thereby the amount of such damages to be settled in default of agreement in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

(2) The highway authority shall make reasonable provision for the reception into any pipe drain or culvert laid by them under the powers of the foregoing subsection of any water (other than foul water)—

- (a) which at the time of the exercise of those powers drained from the adjoining land into the watercourse or ditch; and
- (b) of which notice of intention to drain into the said watercourse or ditch has been given to the highway authority by the owner or occupier before the highway authority have laid any pipe drain or culvert in substitution for the said watercourse or ditch.

(3) (a) The highway authority shall bear the reasonable expense of connecting to any pipe drain or culvert laid under the powers of subsection (1) of this section any works for discharging into the said pipe drain or culvert any water to be received therein in accordance with provision made under subsection (2) of this section and any such work of connection shall be carried out under the supervision and to the satisfaction of the highway authority.

(b) If any work of connection is permitted by the highway authority to any pipe drain or culvert laid under the powers of subsection (1) of this section for the reception of water other than water referred to in subsection (2) of this section such work of connection shall be carried out at the expense of the owner or occupier of the adjoining land from which the water drains and under the supervision and to the satisfaction of the highway authority:

Provided that nothing in this paragraph shall authorise the discharge of foul water into any such pipe drain or culvert.

(4) All pipes laid by the highway authority under the powers of subsection (1) of this section shall remain the property of the highway authority and shall be maintained by them and the highway authority shall indemnify any owner or occupier in respect of any claim against such owner or occupier arising from the existence on the land belonging to or occupied by him (as the case may be) of any pipe laid under the powers of the said subsection.

PART III
—cont.

(5) (a) Where the owner or occupier of any land adjoining a highway maintainable at the public expense in the county desires to lay a pipe in any ditch which adjoins and carries away water from the surface of the highway he shall give notice of his intention to the highway authority.

(b) Within twenty-one days of the receipt of such notice the highway authority may by notice specify the diameter of the pipe to be used by such person and may impose such conditions as they think necessary to secure the adequate drainage of surface water from the highway.

(c) If such person shall lay a pipe without giving the notice required by paragraph (a) of this subsection or shall lay a pipe of a diameter other than that specified or fail to comply with conditions imposed by the highway authority the highway authority may by notice require the removal of the pipe or the execution of such works as may be necessary to comply with the conditions imposed by them.

(d) The provisions of subsection (3) of section 263 of the Act of 1936 shall apply in relation to any conditions imposed by the highway authority under this subsection with any necessary modifications including the omission of the words "as a condition of approving plans or sections under this section".

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

(6) This section shall not apply to a ditch vested in a highway authority.

(7) The powers of subsection (1) of this section shall not be exercised without the consent of the commission in relation to any ditch vested in the commission and used by them for the purpose of their railway or canal undertaking and subsection (5) of this section shall not apply to any such ditch:

Provided that the consent of the commission under this subsection shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(8) The powers of subsection (1) of this section shall not be exercised in relation to any watercourse or ditch which for the time being—

(a) forms part of the river Thames and the watercourses which are respectively to be treated as and deemed to be main river and parts thereof and are shown by distinctive colours on the map of the river Thames (above Teddington Lock Catchment Area) prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force without the consent in writing of

the Conservators of the river Thames which consent may be given subject to such reasonable terms and conditions as the said Conservators may think fit;

- (b) is a main river (as defined for the purposes of the Land Drainage Act 1930) under the jurisdiction of the Lee Conservancy Catchment Board or the Great Ouse River Board or under the control of any internal drainage board without the consent of the board concerned which consent may be given subject to such reasonable terms and conditions as such board may think fit.

A consent required in pursuance of this subsection shall not be unreasonably withheld and any question which may arise as to whether such consent has or has not been unreasonably withheld or as to the reasonableness of any terms or conditions attached to it shall be referred to and determined by the Minister of Agriculture Fisheries and Food.

(9) For the purposes of subsections (2) and (3) of this section the expression "foul water" shall be deemed to include domestic sewage trade effluent and effluent from sewage disposal or sewerage works of a local authority.

(10) Nothing in this section or done thereunder shall prejudice or affect the operation of the Rivers (Prevention of Pollution) Act 1951 or permit the doing of any act which would have been unlawful by virtue of the provisions of the said Act of 1951 if this section had not been enacted or no works thereunder had been executed and accordingly every pipe drain or culvert substituted under the powers of subsection (1) of this section for a stream within the meaning of the said Act of 1951 shall for the purposes of that Act be deemed to be a stream within the meaning of that Act.

(11) In subsection (9) of this section "trade effluent" has the same meaning as in the Rivers (Prevention of Pollution) Act 1951.

(12) In relation to the execution of any works by the highway authority in pursuance of the powers of subsection (1) of this section in any land adjoining a highway being controlled land within the meaning of the Act of 1950 Part II of the Act of 1950 shall have effect as if after the words "tunnelling or boring under the street" there were inserted the words "or under controlled land abutting on the street".

C. Erections etc. in highways

23.—(1) Any person with the consent of the highway authority Milk stands may in proper and convenient situations in any highway or in highways. roadside waste provide stands for milk churns and containers:

Provided that the consent of the highway authority shall not be given to the provision of any stand in any highway or roadside waste in such a situation as to obstruct an existing access to any premises abutting on such road.

PART III
—cont.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit.

(3) Any person who without the consent of the highway authority provides stands for milk churns and containers in any highway or roadside waste shall be guilty of an offence and shall be liable to a fine not exceeding five pounds and if the person guilty of the offence does not within forty-eight hours after conviction remove the stands in respect of which the offence has been committed the highway authority may themselves remove the said stands and recover the expense of so doing from the person guilty of the offence.

As to
direction
posts relating
to rights of
way.

24.—(1) Any rural district council or parish council may erect and maintain direction posts of such size and type as may be approved by the Council in or adjacent to public footpaths (not being footpaths at the side of a highway maintainable at the public expense) and bridle-paths with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land.

(2) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1956 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

(3) The Council may contribute to the expenses incurred by any parish council in exercising the powers of this section.

Pavement
lights
ventilators
pipes etc.

25.—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the county may with the consent of the highway authority provide—

- (a) means for the admission of light or air to the premises through the pavement;
- (b) pipes under such pavement for conveying oil for use or storage on such premises; or
- (c) manholes in such pavement.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) The giving of consent by the highway authority shall not relieve the owner or occupier of the premises from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

(4) Anything done before the passing of this Act which would have been lawfully done under this section if done after the passing thereof is hereby ratified.

PART III
—cont.

D. Protection of highways

26.—(1) As from the appointed day in any district it shall not be lawful for any person in connection with any building operations or work of demolition or in connection with the alteration repair maintenance or cleansing of the exterior of any building to erect or place or cause to be erected or placed any scaffolding obstruction or projection (each of which is hereinafter in this section referred to as “scaffolding”) in upon or over any highway in that district unless he has previously obtained a licence from the highway authority or to do any such act as aforesaid except in accordance with such terms and conditions as may be laid down in the licence granted to him:

Licence to
erect
scaffolding.

Provided that the highway authority shall only be entitled to refuse a licence on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such highway.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness:

Provided that this subsection shall not apply to a scaffolding projecting over the footway of a highway but not over the carriage-way if no part thereof is less than eight feet above the level of the footway measured vertically.

(3) Any person offending against the provisions of this section or contravening the terms or conditions of any licence granted to him shall be liable for every such offence to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(4) Any person aggrieved by the refusal of the highway authority to grant a licence under this section or by the terms and conditions laid down in any such licence may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of any scaffolding erected or placed by the commission for the purpose of constructing reconstructing or maintaining any works pursuant to their statutory powers.

27.—(1) After the passing of this Act no part of any building (including the foundations) shall except with the consent of the local authority be constructed so as to extend under the footway of any street in the county at a less depth than six feet below the surface of such footway.

Restriction
on buildings
under
footways.

(2) The giving of consent by the local authority shall not relieve the owner or occupier of the building from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

PART III
—cont.

(3) Any person aggrieved by the withholding of a consent under the preceding subsection may appeal to a magistrates' court.

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

(5) Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by any statutory undertakers or railway dock canal or inland navigation undertakers in the exercise of their statutory powers.

Fencing and
lighting of
obstructions
in highways.

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

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

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

Defacing
of road
surface or
traffic sign.

29.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

(a) soil or deface the surface of any highway maintainable at the public expense in the county or any wall fence post or other structure or erection or any tree in or adjoining any such highway by inscribing or painting thereon any letter sign device or other mark;

(b) remove obliterate deface or obscure any traffic sign erected or placed in the county under the provisions of the Road Traffic Act 1960.

(2) If the provisions of the foregoing subsection are contravened the highway authority as regards the surface of the highway and the traffic sign and the local authority as regards the wall fence post structure erection or tree may cleanse or reinstate the same and remove any such letter sign device or other mark.

(3) (a) Any person who contravenes the provisions of subsection (1) of this section shall be liable to a fine not exceeding forty shillings and the highway authority and the local authority may recover from him the expenses incurred by them in consequence of such contravention.

(b) When exercising the powers of subsection (2) of this section an authority as between themselves and the person by whom the provisions of subsection (1) of this section are contravened shall not in the absence of negligence on the part of the authority or of any person employed by them be liable for any damages for or in respect of or consequent upon the exercise of those powers and any such damages paid by the authority in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by the person by whom the said provisions were contravened.

E. Private streets

30.—(1) Where in any district it appears to the street works authority that a new street has been formed by reason of additions made to an existing footpath bridle-path or other right of way maintainable at the public expense (not being or comprising a carriageway within the meaning of the Act of 1959) otherwise than by the giving up for the purpose by the street works authority of lands owned by them the street works authority may notwithstanding anything in the code of 1892 or the code of 1875 carry out street works in respect of such street or any part of such street and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so maintainable.

Application
of code of
1892 and
code of 1875
to parts of
public street.

(2) Save in a case falling within the provisions of subsection (1) of this section for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense premises fronting adjoining or abutting on the street shall if the street works authority so resolves be deemed to front adjoin or abut on the part of the street which is not so maintainable.

(3) Where in consequence of any order or orders made under sections 30 or 32 of the Public Health Act 1925 or sections 159 or 166 of the Act of 1959 any lands are added to an existing highway maintainable at the public expense such lands if so resolved by the street works authority shall for the purposes of the code of 1892 or the code of 1875 in any district be deemed to

PART III
—cont.

be a street not maintainable at the public expense and the street works authority may apportion the whole or any portion of the expenses of any street works carried out in respect of such street or any part of such street on the premises of which such lands formed part immediately prior to their addition to the highway as aforesaid:

Provided that such expenses shall not include any expense which subsection (4) of section 163 of the Act of 1959 requires to be borne by the Council.

(4) For the purposes of this section a canal or inland navigation shall not be deemed to have direct communication with a towpath solely by reason of its being adjacent thereto.

Recovery of
street works
charges where
owner
unknown.

31.—(1) Where any street works in the county have been completed by the Council but the Council are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter be found the Council may at any time after the expiration of twelve years from the date when the said amount becomes due apply to the county court and that court may on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with make an order vesting the said premises in the Council absolutely and thereupon the Council may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

(2) Where the county court make an order under subsection (1) of this section the court shall nominate a surveyor for determining the value of the said premises and such surveyor shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof and the Council shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six years at the rate of five per centum per annum or at such other rate as may have been fixed by order of the Minister under section 212 of the Act of 1959 together with all costs and expenses reasonably incurred by the Council.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act 1845 as if it was a sum awarded to be paid to an owner who cannot be found and as if the Council were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of the said Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Council in addition to any existing

rights powers and remedies for the recovery of expenses and shall be exercisable by the Council in respect of all street works whether completed before or after the passing of this Act.

PART III
—cont.

(5) Subject to the provisions of this Act the council of an urban district may exercise the powers contained in this section and this section shall accordingly have effect with any necessary modifications including the substitution of—

“council of an urban district” for “Council”; and
“code of 1892 or code of 1875 whichever shall be the appropriate code” for “code of 1892”.

F. Miscellaneous

32.—(1) No person shall mix mortar or any like substance in any street in the county maintainable at the public expense except upon such board or in such receptacle as will protect such street from such mortar or substance: Mixing of mortar in streets.

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

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

33.—(1) No person (other than a person selling offering or exposing for sale or depositing for sale any food goods provisions articles or things at any market or fair for which a toll stallage or rent is payable) shall provide erect or place and habitually use any shed hut shelter booth stall shop or other erection whether on wheels or not or any vehicle or any container used with or without a stall on the verge of any road to which this section applies or on any roadside waste adjacent thereto for the purpose of selling offering depositing or exposing for sale any food goods provisions articles or things other than newspapers. Sale of food and articles on verges etc.

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

(3) This section applies to all trunk roads in the county and such parts of the classified roads A.405 A.412 and A.414 as are situate within the county and to the unclassified county road known as Bride Street in the urban district of Bushey and to any other county road or part of a county road in the county to which the Minister of Transport may by order on the application of the highway authority apply this section.

(4) Nothing in this section shall apply to—

- (a) any shed hut shelter booth shop or other erection or any vehicle provided erected or placed on private property by or with the consent of the owner of such property; or
- (b) any fixed or movable shelters or other accommodation for servants of the commission erected maintained or

PART III
—cont.

- placed by the commission under the provisions of section 65 of the London Passenger Transport Act 1938;
- (c) the sale of food goods provisions articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or roadside waste to which this section applies.

Time for
claiming
county road.

34. Where at any time in any urban district having a population exceeding twenty thousand according to the last estimate for the time being published by the Registrar-General there is any county road in respect of which the local authority have not claimed to undertake the maintenance pursuant to section 45 of the Act of 1959 and the time within which such a claim may be made has apart from the provisions of this section expired the local authority may make such a claim in respect of that road with the consent of the Council and in that event the claim shall be deemed to have been duly made under the said section.

Removal of
furniture etc.
from highways.

35.—(1) A local authority may remove and store any furniture articles goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any highway in their district or in or upon any parking place for vehicles provided by a local authority and which—

- (a) may have remained there for more than seven days; or
(b) are likely to cause an obstruction;
- and the local authority shall not be liable for any loss or damage caused by such removal or storage.

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

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

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

(3) Nothing in this section shall apply to any articles goods or materials placed in or upon any highway in connection with or for the purposes of undertakers' works within the meaning of section 1 of the Act of 1950 or to any building materials rubbish or other things deposited in a street in accordance with the terms of a consent of the highway authority under section 146 of the Act of 1959.

(4) In this section the expression "article" includes a derelict vehicle or part of a vehicle.

36. Notwithstanding anything contained in any enactment it shall be lawful for the servants or agents of the highway authority to drive vehicles on the footway causeway or verge in any road in the county in connection with the cleansing sweeping construction maintenance or repairing of any such footway causeway or verge or the hedges thereof:

PART III
—cont.

Power to
drive on
footways
for certain
purposes.

Provided that this section shall not apply to a vehicle any wheel of which when the vehicle is at rest upon a level surface transmits to such surface a weight exceeding such weight as may from time to time be prescribed in writing by the Minister of Transport and the Minister of Power acting jointly.

37.—(1) Subject to the provisions of this section a local authority may affix to any building in their district 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.

Attachment
of street
lamps
brackets etc.

(2) A local authority 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 local authority 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 appropriate 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 local authority notice requiring them to remove the attachments and subject to the provisions of this subsection the local authority shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the local authority 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 appropriate authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the appropriate authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may give the local authority 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 any 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

PART III
—cont.

by the local authority compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(6) In this section the following expressions have the meanings hereby assigned to them:—

“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— (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 Act of 1947; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest	The Minister.
Building owned by a highway authority or railway canal 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.

“building” includes a structure and a bridge or aqueduct over a street other than a bridge or aqueduct of any statutory water undertakers;

“owner” means—

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

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

(c) in relation to any other building the person who is receiving the rack-rent or who would receive the rack-rent if the building were let at a rack-rent; and the expression “owned” shall be construed accordingly.

PART IV

PUBLIC ORDER AND SAFETY

38.—(1) While any child is entering or leaving any school in the county or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

Prohibition on solicitation of school children to sell or exchange articles etc. at schools.

(a) to sell to such person any article or thing;

(b) to exchange with such person any article or thing for any other article or thing.

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

(3) In this section the expression "child" has the same meaning as in section 114 of the Education Act 1944 and the expression "article or thing" includes any animal fish bird or other living thing.

39.—(1) Section 154 of the Act of 1936 shall in its application to the county have effect as if after the words "or any article whatsoever" in subsection (1) of that section there were inserted the words "or any animal fish bird or other living thing".

Amendment of section 154 of Act of 1936.

(2) This section shall come into operation on the first day of January nineteen hundred and sixty-one.

(3) The Council shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think fit.

40.—(1) Subject to the provisions of this section the standing joint committee may provide—

Police telephone call boxes and shelters.

(a) such police telephone call boxes and installations; and

(b) such shelters or boxes for the use of police constables;

in such positions in any street park or public place in the county as they think fit.

(2) Nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(3) The standing joint committee shall not exercise the powers of this section—

(a) without the consent of the highway authority in any street; or

PART IV
—cont.

- (b) without the consent of the local authority in any park or public place belonging to such local authority; or
- (c) without the consent of the undertakers concerned—
- (i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street; or
 - (ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers; or
 - (iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of such undertakers; or
- (d) without the consent of the owner of the premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any premises abutting on such street.

(4) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the standing joint committee shall remove any box or shelter either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(5) Any question whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any box or shelter has been unreasonably required shall—

- (a) in the case of a consent of the Minister of Transport be referred to and determined by a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers;
- (b) in the case of any consent relating to a park be referred to and determined by the Minister;
- (c) in the case of any other consent be referred to and determined by the Minister of Transport.

(6) In this section the expression “transport undertakers” means any railway dock canal inland navigation or passenger road transport undertakers.

(7) The provisions of this section shall not apply within the metropolitan police district as constituted by section 16 of the Police Act 1946.

41.—(1) If any person wilfully and without the consent of the standing joint committee or of the fire authority (as the case may require)—

PART IV
—cont.

Offences in
respect of
telephone
boxes etc.

(a) obstructs the access to any police telephone call box provided by the standing joint committee or any shelter or box so provided for the use of police constables; or

(b) removes, obliterated, alters, defaces or obscures any plate notice or mark provided by or at the expense of the standing joint committee or by or at the expense of the fire authority (as the case may be) for indicating the position of any such call box shelter or box or the position of any underground tank provided for fire fighting purposes; or

(c) interferes with the equipment in any such call box shelter or box;

he shall be liable to a fine not exceeding five pounds and the standing joint committee or the fire authority (as the case may require) may recover from him the expenses of removing the obstruction or replacing or making good the plate notice mark or equipment.

(2) If any person—

(a) telephones or causes to be telephoned from any such call box any statement which he knows to be false (other than any such false alarm of fire as is referred to in section 31 of the Fire Services Act 1947); or

(b) for the purpose of requiring the services of the police, the fire brigade or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the county by the Postmaster-General;

he shall be liable to a fine not exceeding in the case of an offence under paragraph (a) of this subsection ten pounds and in the case of an offence under paragraph (b) of this subsection twenty-five pounds.

(3) In this section the expression “call box” includes any installation.

42.—(1) No building of the warehouse class and no building used or intended to be used for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding two hundred and fifty thousand cubic feet unless (in accordance with plans and particulars submitted in accordance with building byelaws and approved for the purposes of this section after

Fire pre-
cautions in
certain large
buildings.

PART IV
—cont.

consultation with the fire authority by the local authority of the district in which the building is to be erected or is situate) it is—

- (a) provided with all such means of escape therefrom in case of fire as may be reasonably required; and
- (b) fitted with automatic fire alarms and a fire extinguishing system or with such alarms or such system to the satisfaction of the local authority after consultation with the fire authority or divided by fire division walls constructed to the satisfaction of the local authority after such consultation in such a manner that no division of a building or part of a building is of a cubic extent greater than two hundred and fifty thousand cubic feet:

Provided that nothing in paragraph (a) of this subsection shall apply to a factory to which section 34 of the Factories Act 1937 applies or to buildings to which section 59 (Exits entrances etc. in the case of certain public and other buildings) of the Act of 1936 applies.

(2) The person proposing to erect or cause to be erected any building to which subsection (1) of this section applies shall when submitting plans and particulars in accordance with building byelaws deposit with the local authority particulars showing how it is proposed to comply with the requirements of paragraphs (a) and (b) of subsection (1) of this section.

A local authority at any time within a period of two months after the deposit of the particulars irrespective of any decision under building byelaws—

- (i) may refuse to approve them; or
- (ii) may approve them subject to such conditions (if any) as after consultation with the fire authority they think fit;

in either of which cases they shall give to the person who deposited the particulars notice stating their reasons for refusal or for the imposition of conditions. If within that period the local authority fail to give such notice they shall be deemed to have approved the said particulars.

(3) If any building to which the preceding subsections are applicable contravenes any of the requirements of paragraphs (a) or (b) of subsection (1) of this section the local authority without prejudice to their right to take proceedings for penalties in respect of the contravention may by notice require the person erecting or causing to be erected the building either to pull down and remove it or if he so elects to effect such alterations therein as may be necessary in order to comply with the said requirements.

(4) (a) A person who erects or causes to be erected a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(b) A person who commits an offence under this section shall on summary conviction be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

PART IV
—cont.

(5) Any person aggrieved by—

- (i) a requirement of a local authority; or
- (ii) a refusal by a local authority to approve particulars; or
- (iii) a condition subject to which approval of particulars is given by a local authority;

under subsections (1) or (2) of this section may appeal to a magistrates' court and on any such appeal the court may confirm reverse or vary such requirement refusal or condition.

(6) Nothing in this section shall apply to any building—

- (a) in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or
- (b) exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws by section 71 (c) of that Act.

43.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with a local authority and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as the local authority may consider necessary to enable effective action to be taken by the fire authority in case of fire at such building the local authority shall reject the plans:

Precautions
against fire
in certain
buildings.

Provided that before rejecting the plans in accordance with the foregoing provisions of this subsection the local authority shall consult with the fire authority.

(2) If the local authority 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 a local authority and the person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with the necessary access for fire brigade appliances and personnel shall on the application of that person be determined by a magistrates' court.

PART V

LECTURES CULTURAL ACTIVITIES RECORDS ETC.

44.—(1) It shall be lawful for the Council—

Provision of
lectures etc.

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures; and

PART V
—cont.

(b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

- (i) the sum to be expended by the Council in any one financial year on the provision of lectures; and
- (ii) the sum to be expended by the Council in any one financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 in addition to any moneys received by the Council under the provisions of this section.

(2) The Council may use or allow to be used or let any part of any public library provided by them and not at the time required for the purpose of a library for public and other meetings and for lectures exhibitions and performances for or in connection with the advancement of art education drama science music or literature.

(3) The Council may provide and sell or authorise the provision and sale of programmes of any lectures or exhibitions given in pursuance of this section.

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

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

Power to
publish
bulletins etc.

45.—(1) In connection with their powers under section 44 (Provision of lectures etc.) of this Act and under the Public Libraries Acts 1892 to 1919 the Council may publish and sell or dispose of bulletins journals periodicals and leaflets and documents of historical or literary interest having a local connection.

(2) Nothing in this section shall affect the rights of any person under the law for the time being relating to copyright.

PART V
—cont.

46. The Council may pay reasonable subscriptions (whether annually or otherwise) to the funds of any scientific or other society or body (not carrying on business for profit) which is or the members of which are engaged in investigations or the keeping of records of use or value to the Council and any reasonable expenses of the attendance of any members or officers of the Council at or of persons nominated by the Council to attend conferences or meetings of such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Subscriptions to scientific bodies and other expenses.

Provided that the payments to be made by the Council under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a penny rate for the county as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

47.—(1) The Council may erect and maintain or contribute towards the erection and maintenance of any picture or sculpture in any place provided by or vested in the Council under section 125 of the Act of 1933.

Acquisition of pictures etc.

(2) The Council may acquire by agreement or contribute towards the provision of any picture or sculpture for erection and maintenance in accordance with the provisions of subsection (1) of this section and may from time to time enter into and carry into effect a contract for the production of a picture or sculpture and for the purchase thereof by the Council when completed.

(3) The payments to be made by the Council under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a penny rate for the county as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

48.—(1) The Council may receive on deposit or acquire and may preserve arrange index classify exhibit and publish such records deeds archives and other documents of the county and of the Council or such extracts from them or reference to their contents as the Council may consider to be of public interest.

Acquisition preservation and publication of records.

(2) Nothing in this section shall affect the rights of any person under the law for the time being relating to copyright.

PART VI

COUNTY QUARTER SESSIONS

Deputy
chairmen.

49.—(1) A justice of the peace to whom this section applies shall be a member of the appeal committee appointed by the court of quarter sessions for the county under section 7 of the Summary Jurisdiction (Appeals) Act 1933.

(2) There may be paid to a justice of the peace to whom this section applies such fee as may be agreed between the said court of quarter sessions and the Council and be approved by the Lord Chancellor for every day on which he shall preside at a session of the said court or a sitting of a court of the said appeal committee.

(3) This section applies to any justice of the peace for the county who either holds or has held one of the offices mentioned in subsection (3) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1938 or is a person approved by the Lord Chancellor as being qualified to act as a deputy chairman of the court of quarter sessions for the purposes of subsection (5) of the said section 2.

(4) All fees paid under the provisions of this section shall be paid by the Council as payments for general county purposes.

Provision of
superannuation
allowances for
chairmen and
deputy
chairmen.

50. On the appointment of a salaried chairman or salaried deputy chairman of a court of quarter sessions for the county or at any time thereafter the Council (if they think fit) may undertake to pay to such chairman or deputy chairman—

(a) if after five years his office is vacated on the expiration of the term for which or in pursuance of the conditions upon which he was appointed; or

(b) if he resigns after fifteen years' service and at the time of retirement had attained the age of sixty-five years;

a superannuation allowance to be ascertained in accordance with a scheme to be prepared by the Council from time to time and approved by the Lord Chancellor.

PART VII

FINANCE

Power to
borrow.

51.—(1) The Council shall have power from time to time to borrow—

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Act;

(c) without the consent of any sanctioning authority such sums as may be requisite for the purpose of lending to a local authority under section 53 (Power to Council to lend money to local authorities etc.) of this Act.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of the Act of 1933 and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

52. In addition to the purposes for which sums standing to the credit of the consolidated loans fund account established by the Council in pursuance of section 117 of the Act of 1935 may be used or applied the Council may lend such sums to any local authority in exercise of the powers of section 53 (Power to Council to lend money to local authorities etc.) of this Act.

Use of sums standing to credit of consolidated loans fund account.

53.—(1) The Council may lend to any local authority and a local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed and any money so lent shall be repaid to the Council by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.

Power to Council to lend money to local authorities etc.

(2) Any agreement under this section may be made by resolutions passed respectively by the Council and by the local authority.

(3) Every sum borrowed by the Council under paragraph (c) of subsection (1) of section 51 (Power to borrow) of this Act shall be repaid within a period to expire not more than one year after that for which the same was lent by them to the local authority.

(4) In this section and the last foregoing section of this Act the expression "local authority" has the same meaning as in section 54 of the Local Government Act 1958 and includes the West Hertfordshire Main Drainage Authority.

PART VII
—cont.
General
insurance
fund.

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

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

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

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks; or
- (b) if the Council insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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

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

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

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

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

(7) For the purposes of this section the Council may if they deem it expedient include in the specified risks risks of accident to any teacher caretaker or other person employed in any voluntary school in the county.

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

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

(9) In the event of the insurance fund ceasing to be required to meet losses damages costs and expenses in respect of the specified risks the insurance fund may be carried to and form part of any capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or (if the Council so determine) shall be applied in such other manner as the Minister may approve towards the discharge of any debt of the Council or otherwise for any purpose for which capital money may properly be applied.

PART VII
—cont.

(10) In this section—

- (a) “ insurance office ” means (i) an insurance company or (ii) an underwriter being a member of an association of underwriters; and
- (b) “ prescribed amount ” means such sum as may from time to time be prescribed by the Council.

Investment of
superannuation
fund.

55.—(1) In its application to the Council 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 out of the superannuation fund maintained by the Council under that Act there were substituted an obligation to invest such moneys as follows (namely):—

- (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 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 under any general or special Act of the United Kingdom Parliament or by royal

charter 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 has at the time of making the investment 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—
 - (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 VII
—cont.

Exclusion of certain remuneration and service for superannuation purposes.

56.—(1) In this section words and expressions to which meanings are assigned in the Local Government Superannuation Acts 1937 to 1953 shall have the same respective meanings and the expression “local authority” shall include a magistrates’ courts committee a probation committee the managers or governors of a voluntary school and any voluntary organisation or undertakers or any body approved by the Minister the employees of which participate in the benefits of a superannuation fund maintained by an administering authority or a local Act authority by virtue of an agreement made or continued in force as if made under section 15 of the Local Government Superannuation Act 1953 or any local Act.

(2) The salary wages fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this section applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Council the Hertfordshire Magistrates’ Courts Committee the Hertfordshire Probation Committee or the managers or governors of a voluntary school within the county—

- (a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for the purposes of evening classes; or
- (b) as a warden of or other employee performing duties at or for the purposes of a youth centre; or
- (c) as a civil defence instructor; or
- (d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

shall not be remuneration within the meaning of the Local Government Superannuation Acts 1937 to 1953 or of any other enactment affecting the superannuation fund maintained by the Council under those Acts and the service of any such contributory employee or local Act contributor in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) This section applies to employees employed whole-time by the Council or any other local authority—

- (i) who are contributory employees for the purposes of the Local Government Superannuation Acts 1937 to 1953; or

- (ii) who are teachers employed in contributory service within the meaning of the Teachers (Superannuation) Acts 1918 to 1956; or
- (iii) who are firemen participating in the Firemen's Pension Scheme; or
- (iv) who by virtue of the provisions of rule 3 of the Superannuation (Policy and Local Government Schemes) Interchange Rules 1948 are not subject to the provisions of the Local Government Superannuation Acts 1937 to 1953.

(4) Where before the passing of this Act any person has paid any contribution or contributions to the superannuation fund maintained by the Council which would not have been so paid if this section had been in force when such contribution or contributions were made the Council shall repay to such person a sum equal to the amount of such contribution or contributions together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

(5) The foregoing provisions of this section shall not apply to any such person as is referred to in the last foregoing subsection unless within six months after the passing of this Act such person shall give notice in writing to the Council that the said foregoing provisions are to apply to him whereupon the said foregoing provisions shall apply to him as if this Act had come into force on the date of the receipt by the Council of such notice.

57.—(1) The Council may—

- (a) make reasonable payment for or in connection with refreshments for representatives of the Council local authorities or other bodies or for other persons attending conferences or meetings convened by the Council;
- (b) make reasonable payment for or in connection with the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council; and
- (c) pay reasonable expenses of providing tokens or mementoes for persons performing public ceremonies.

Expenses of
public
ceremonies
entertainment
etc.

(2) Section 1 of the Local Authorities (Expenses) Act 1956 shall in relation to the Council have effect as if—

- (a) "members of the Council" included members of committees or sub-committees of the Council; and
- (b) in paragraph (b) thereof after the words "distinguished persons" there were inserted the words "residing in or".

PART VII
—cont.Recovery of
sums paid
to officers
etc.

58. Where the Council have paid in advance to any officer or servant of the Council or to any officer or servant whose salary or wages are payable by the Council the amount of his salary or wages (as the case may be) and such officer or servant dies before the expiration of the period in respect of which such payment is made the Council shall not be required to demand the return of any portion not being more than ten pounds of such payment.

Officers of
Council
acting as
receivers etc.

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

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act 1959;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Council;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

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

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

(3) Any payments which the Council have power to make under the provisions of subsection (1) of this section and any of the risks referred to in subsection (2) of this section may be specified by the Council as specified risks in accordance with section 54 (General insurance fund) of this Act and that section shall be construed accordingly.

Modification
of mortgages
by endorse-
ment under
hand.

60. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Council and a person at any time entitled to any mortgage granted by the Council to extend the time for repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Council on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that

body) and of the clerk of the Council or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

PART VII
—cont.

61. If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in their district and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the persons named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the local authority and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates etc. from persons removing.

62.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the local authority so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the local authority from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of rates from certain owners.

The remedy of the local authority under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression “owner” in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the local authority.

63. 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 county 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.

As to recovery of rates from tenants and lodgers.

PART VII
—cont.

Application of section 54 of Local Government Act 1958 to West Hertfordshire Main Drainage Authority.

64. The West Hertfordshire Main Drainage Authority shall be deemed to be an authority to which section 54 of the Local Government Act 1958 applies and the said section shall accordingly be read and have effect as if in subsection (3) thereof the words “the West Hertfordshire Main Drainage Authority” were inserted after the words “any river purification board”.

Application of certain sections of Part VII to local authorities.

65.—(1) A local authority may exercise the powers contained in the provisions of this Act hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of “local authority” for “Council”.

(2) The provisions hereinbefore referred to are the following:—

Section 57 (Expenses of public ceremonies entertainment etc.);

Section 58 (Recovery of sums paid to officers etc.);

Section 60 (Modification of mortgages by endorsement under hand).

Application of section 55 to certain local authorities.

66.—(1) Section 55 (Investment of superannuation fund) of this Act shall apply to each of the local authorities hereinafter mentioned as if such local authority were therein referred to in substitution for the Council.

(2) The local authorities hereinbefore referred to are the following:—

the mayor aldermen and burgesses of the borough of Hemel Hempstead;

the mayor aldermen and citizens of the city of Saint Alban;

the mayor aldermen and burgesses of the borough of Watford;

the Barnet Urban District Council;

the Cheshunt Urban District Council;

the East Barnet Urban District Council.

PART VIII

MISCELLANEOUS

Authorisation of appearance of Council's officers in legal proceedings.

67. A resolution of the Council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

68.—(1) Notwithstanding anything contained in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the Council or of any committee or sub-committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the Council or committee or sub-committee as the case may be by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof.

PART VIII
—cont.
As to
minutes of
Council
meetings etc.

(2) The provisions of this section shall apply to the standing joint committee and shall have effect with any necessary modifications including the substitution of the expression “standing joint committee” for “Council”.

69.—(1) A committee lawfully authorised by the Council to exercise any powers of the Council under any enactment may subject to any direction of the Council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

Delegation
of powers to
sub-
committees.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the Council.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint a sub-committee under any other enactment.

70. The Council may provide and maintain a chain and badge of office for their chairman and may from time to time make additions to such chain:

Chain and
badge of
office.

Provided that the chain and badge of office and any additions to such chain provided by the Council under the powers of this section shall remain the property of the Council.

71.—(1) In this section—

Deed etc. of
apprentice-
ship.

the expression “child in the care of the Council” means a person under the age of eighteen years who for the time being is either in the care of the Council under section 1 or subsection (4) of section 6 of the Children

PART VIII
—cont.

Act 1948 or committed to their care as a fit person by an order of any court under the Children and Young Persons Act 1933 and the expression “deed of apprenticeship” includes any instrument by means of which such a person is apprenticed.

(2) The Council may in any deed of apprenticeship relating to a child in the care of the Council or in any document being an assignment of or supplemental to such deed undertake the obligations of a guarantor and any other obligations and may fulfil such obligations notwithstanding that—

- (a) such obligations may continue beyond the date upon which the child will attain the age of eighteen years;
- (b) the child may cease to be a child in the care of the Council on or before such date; and
- (c) (in the case of a document being an assignment of or supplemental to such deed) the person apprenticed by such deed shall already have attained the age of eighteen years.

Return of
library books
etc.

72.—(1) In this section—

the expression “a library” means any library maintained under the Public Libraries Acts 1892 to 1919 by a library authority (either alone or in combination with another authority) and any library maintained under the said Acts any part of the cost of the maintenance of which is borne by a library authority;

the expression “a library authority” means the library authority for any area or district within the county for which the Public Libraries Acts 1892 to 1919 have been adopted;

the expression “article” includes a book music (whether printed or manuscript) pamphlet manuscript gramophone record or specimen of art;

and in relation to a library maintained by two or more authorities in combination or the cost of the maintenance of which is shared by two or more authorities references to the authority by whom the library is maintained shall be construed as references to those authorities.

(2) Any person borrowing an article from a library shall not be entitled to retain the same after the expiration of such period (not being less than fourteen days) after the date of the borrowing thereof as may be prescribed in relation to that article by the authority by whom the library is maintained and for the purposes of this provision the authority may prescribe different periods for different kinds of books or articles.

PART VIII

—cont.

Supply of
goods by
Council to
other
authorities.

74. The Council may purchase and store and supply to a local authority any goods or materials required for the discharge of the functions of that local authority and for those purposes the Council and any local authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient:

Provided that the Council shall not in pursuance of this section supply building materials to a local authority for the purpose of the erection alteration or extension or repair and maintenance of houses or other buildings by that authority.

Provision of
reciprocal
services etc.
by Council
and local
authority.

75.—(1) For the better performance of their respective powers or duties within the county provision may be made by agreement in the case of the Council between the Council and a local authority or in the case of a local authority between the local authority on the one hand and the Council or some other local authority on the other hand for the taking by either party thereto of action of the following kinds:—

- (a) the undertaking by one party for the other of any administrative clerical professional or technical services;
- (b) the use or maintenance by one party of any vehicle plant equipment or apparatus of the other party and if it appears convenient the services of any staff employed in connection therewith;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible.

(2) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936 or by virtue of the powers conferred by section 105 of the Road Traffic Act 1930 it shall be made under the said section 271 or under the said section 105 (as the case may be) and not under this section.

(3) In its application to the use of any mechanical road-making equipment or plant the provisions of subsection (1) of this section shall extend to enable the Council to let for hire such equipment or plant to any local authority or any person carrying out works for or on behalf of the Council.

Electronic
or mechanical
accounting
equipment.

76. At any time after the Council or a local authority of a district having a population of not less than sixty thousand according to the last estimate for the time being published by the Registrar-General have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person

use or permit that other person to use the said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment.

PART VIII
—cont.

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

Powers to use ladders etc. for entry or inspection.

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

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

(b) otherwise obstructs such an officer in the exercise of those powers;

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

(3) This section shall come into operation on the first day of January nineteen hundred and sixty-one.

(4) Every local authority shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in a newspaper circulating in their district and otherwise in such manner as the local authority think fit.

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

False statements to obtain benefits.

(a) knowingly makes to the Council or to a local authority 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 Council or to a local authority 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;

shall be liable on conviction 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 house;

(b) a reduction in the amount of any payment due to the Council by virtue of the following enactments or of

PART VIII
—cont.

regulations made thereunder or the remission of any such payment:—

- (i) the Children and Young Persons Act 1933;
 - (ii) the Education Acts 1944 to 1959;
 - (iii) the Children Act 1948; or
- (c) any award grant contribution or payment made by the Council or any article provided by the Council under the Education Acts 1944 to 1959 or under or by virtue of any regulations made under those Acts.

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

- (a) order the person convicted to pay to the Council or the local authority 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 Council 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 payment or article referred to in paragraph (c) of that subsection.

(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.

79.—(1) The Council 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;
- (c) boarding out persons to whom paragraph (a) of subsection (1) of section 21 of the National Assistance Act 1948 applies on such terms as to payment by the Council and otherwise as the Council may determine.

(2) The Council 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 Council 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 county.

- 80.—(1) The Council may effect the registration of any person in respect of a nursing home under Part VI of the Act of 1936 subject to such conditions (to be specified in the certificate of registration) as the Council consider appropriate for securing—
- PART VIII
—cont.
Special provisions as to registration of nursing homes.
- (a) that the number of patients accommodated in the nursing home and in particular rooms in the nursing home at any one time does not exceed such number as may be specified in the certificate of registration;
 - (b) that the rooms occupied or to be occupied by patients in the nursing home are suitable in all respects for such patients;
 - (c) that a person with such qualifications as may be specified by the Council being not less than those possessed by a registered medical practitioner or a qualified nurse or in the case of a maternity home a certified midwife is in charge of the nursing home and of the persons employed thereat and is resident in the nursing home;
 - (d) that the nursing home is adequately staffed both as respects the number and as respects the qualifications and experience of the persons employed thereat and adequately equipped with suitable fittings furniture and equipment;
 - (e) that the person carrying on the nursing home shall take all reasonable steps to satisfy the Council that their requirements as to staffing qualifications and experience of staff are being complied with;
 - (f) that the premises fittings furniture and equipment used in connection with the nursing home are adequately maintained;
 - (g) that the patients received in the nursing home are under medical supervision and receive adequate medical and nursing care;
 - (h) that there are adequate arrangements for feeding patients received in the nursing home and that an adequate and suitable diet is provided for them;
 - (i) that records are kept in relation to the patients received in the nursing home containing such particulars as may be specified by the Council including in particular record cards for each patient with details of nursing care and times of medical visits.

(2) Any person aggrieved by a condition subject to which registration is effected under subsection (1) of this section may appeal to a magistrates' court and on any such appeal the court may confirm reverse or vary such condition.

(3) If any condition imposed by or under subsection (1) of this section is not complied with the person carrying on the nursing home shall be guilty of an offence and liable on summary

PART VIII
—cont.

conviction in the case of a first offence to a fine not exceeding five pounds and in the case of a second or subsequent offence to a fine not exceeding twenty pounds and without prejudice to the foregoing provision the power of the Council to cancel registration under section 188 of the Act of 1936 shall include power to cancel the registration on the ground that any such condition has not been complied with.

(4) A person authorised under section 191 of the Act of 1936 to inspect a nursing home may visit and interview in private any patient in the nursing home—

- (a) for the purpose of investigating any complaint as to his treatment made by or on behalf of the patient; or
- (b) in any case where the person so authorised has reasonable cause to believe that a patient is not receiving proper care;

and where the person so authorised is a medical practitioner may examine the patient in the nursing home in private and may require the production of and inspect any medical records relating to the treatment of the patient in the nursing home.

(5) This section shall not apply to a mental nursing home within the meaning of Part III of the Mental Health Act 1959.

Special provisions as to registration of disabled persons' and old persons' homes.

81.—(1) The Council may effect the registration of any person in respect of a disabled persons' or old persons' home under Part IV of the National Assistance Act 1948 subject to such conditions (to be specified in the certificate of registration) as the Council consider appropriate for securing—

- (a) that the number of persons received in the home and in particular rooms in the home at any one time does not exceed such number as may be specified in the certificate of registration;
- (b) that the rooms occupied or to be occupied by persons in the home are suitable in all respects for such persons;
- (c) that a person with such qualifications or experience as may be specified by the Council is in charge of the home and of the persons employed thereat;
- (d) that the home is adequately staffed both as respects the number and as respects the experience of the persons employed thereat and adequately equipped with suitable fittings furniture and equipment;
- (e) that the person carrying on the home shall take all reasonable steps to satisfy the Council that their requirements as to staffing qualifications and experience of staff are being complied with;

- (f) that the premises fittings furniture and equipment used in connection with the home are adequately maintained;
- (g) that the persons received in the home receive adequate care and attention;
- (h) that there are adequate arrangements for feeding persons received in the home and that an adequate and suitable diet is provided for them;
- (i) that records are kept in relation to the persons received in the home containing such particulars as may be specified by the Council.

(2) Any person aggrieved by a condition subject to which registration is effected under subsection (1) of this section may appeal to a magistrates' court and on any such appeal the court may confirm reverse or vary such condition.

(3) If any condition imposed by or under subsection (1) of this section is not complied with the person carrying on the home shall be guilty of an offence and liable on summary conviction in the case of a first offence to a fine not exceeding five pounds and in the case of a second or subsequent offence to a fine not exceeding twenty pounds and without prejudice to the foregoing provision the power of the Council to cancel registration under section 37 of the National Assistance Act 1948 shall include power to cancel the registration on the ground that any such condition has not been complied with.

(4) A person authorised under section 39 of the National Assistance Act 1948 to inspect premises may visit and interview in private any person in the home—

- (a) for the purpose of investigating any complaint as to his treatment made by or on behalf of the person; or
- (b) in any case where the person so authorised has reasonable cause to believe that a person in the home is not receiving proper care.

(5) This section shall not apply to a residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act 1959.

(6) This section shall not apply to any old persons' home maintained by the Salvation Army.

82.—(1) For the purpose of rehabilitating any family (hereafter in this section referred to as "a special family") residing in the county which or any member of which requires special treatment to fit them or him to be useful members of the community the Council may—

Social re-
habilitation.

- (a) either within or without the county provide equip staff and maintain training centres for the accommodation and training of special families or any member thereof;

PART VIII
—cont.

- (b) employ persons specially skilled by experience or training in the subject of social rehabilitation (hereafter in this section referred to as “special home visitors”) to give advice or training to special families in their homes;
- (c) supply to any special family such furniture fittings and conveniences as the Council may think fit and for that purpose buy furniture fittings and conveniences.

(2) (a) Instead of themselves providing training centres and employing special home visitors the Council may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid and may make contributions towards the expenses of any such voluntary organisation as aforesaid.

(b) In this subsection “voluntary” has the same meaning as in the National Health Service Act 1946.

(3) The Council may recover from any person to whom any furniture fittings or conveniences have been supplied under paragraph (c) of subsection (1) of this section such charges (if any) as having regard to the cost of the furniture fittings or conveniences the Council may determine whether generally or in the circumstances of any particular case.

Devolution of certain entertainment licences in case of death of licensee.

83. Upon the death of the holder of a licence granted in respect of a place or premises in the county under the Home Counties (Music and Dancing) Licensing Act 1926 the Cinematograph Acts 1909 and 1952 or the Theatres Act 1843 the person carrying on at the place or premises the functions in respect of which the licence was granted or acting or purporting to act as the actual and responsible manager of the place or premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

Delegation of functions to local authorities.

84.—(1) For the avoidance of doubts as to the validity or operation of delegation agreements between the Council and local authorities or as to the validity of any action taken by any local authority when acting or purporting to act on behalf of the Council in pursuance of any agreement made or purported to have been made by virtue of the powers conferred by section 34 of the Act of 1947 and any regulations made thereunder there shall be deemed to have been in force at all times—

- (a) between the first day of July nineteen hundred and fifty-one and the date in nineteen hundred and fifty-two when a delegation agreement under seal was entered into by the Council and a local authority a

delegation agreement between the Council and that local authority in the terms set out in Part I of the Second Schedule to this Act; and

- (b) between the first day of January nineteen hundred and fifty-four and the date of the passing of this Act or the date after the first day of October nineteen hundred and fifty-nine when a new delegation agreement under seal shall have been entered into between the Council and a local authority whichever is the earlier a delegation agreement between the Council and that local authority in the terms set out in Part II of the said schedule:

Provided that—

- (i) the delegation agreements which by virtue of paragraph (a) of this subsection are deemed to have been in force between the Council and the Saint Albans Rural District Council and between the Council and the mayor aldermen and citizens of the city of Saint Alban shall include respectively in addition to the terms set out in Part I of the Second Schedule to this Act the terms set out in Parts III and IV of the said schedule; and
- (ii) the delegation agreements which by virtue of paragraph (b) of this subsection are deemed to have been in force between the Council and the Saint Albans Rural District Council and between the Council and the mayor aldermen and citizens of the city of Saint Alban shall include respectively in addition to the terms set out in Part II of the said schedule the terms set out in Parts V and VI of the said schedule.

(2) (a) If an enforcement notice under section 23 of the Act of 1947 shall have been served by a local authority at any time within the period of application of a delegation agreement deemed to have been in force by virtue of the provisions of the preceding subsection of this section and the requirements of such enforcement notice shall not have been complied with at the passing of this Act any person to whom a right of appeal against the notice to a magistrates' court is given by subsection (4) of the said section 23 may within three months of the passing of this Act apply to the said magistrates' court for leave to appeal against such notice notwithstanding that the time provided for such appeal by the said section 23 has expired.

(b) Upon the hearing of any such application as is authorised by paragraph (a) of this subsection the court—

- (i) if satisfied that the failure to prosecute an appeal within the time provided by the said section 23 was due to the doubts referred to in subsection (1) of this section shall grant leave to appeal within such time not exceeding

PART VIII
—cont.

twenty-eight days as the court may specify and thereupon the provisions of the said section 23 shall have effect as if the time so specified were substituted for the time thereby provided;

(ii) if not so satisfied shall refuse leave to appeal.

(3) In this section the expression “delegation agreement” shall mean an agreement providing for the delegation of functions of the Council in accordance with the provisions of section 34 of the Act of 1947 and regulations made thereunder and the consent of the Minister to such an agreement shall be deemed to have been given—

(a) on the first day of July nineteen hundred and fifty-one in the case of any such agreement deemed to have been in force from that date by virtue of this section; and

(b) on the first day of January nineteen hundred and fifty-four in the case of any such agreement deemed to have been in force from that date by virtue of this section.

Summary
power to
remedy
stopped-up
drains etc.

85.—(1) If it appears to the medical officer or the public health inspector that on any premises in his district a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with the local authority may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the reasonable expenses of so doing from the person on whom the notice was served:

Provided that where the said expenses do not exceed forty shillings the local authority may if they think fit remit the payment thereof.

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

(a) whether any requirement contained in a notice served under this section or any work done by the local authority was reasonable; and

(b) whether the expenses incurred by the local authority in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served;

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

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant

in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

PART VIII
—cont.

86.—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of the expression “local authority” for “Council”.

Application of certain provisions of Part VIII to local authorities.

(2) The provisions hereinbefore referred to are the following:—

- Section 67 (Authorisation of appearance of Council’s officers in legal proceedings);
- Section 68 (As to minutes of Council meetings etc.);
- Section 69 (Delegation of powers to sub-committees);
- Section 70 (Chain and badge of office).

PART IX

PROTECTIVE PROVISIONS

87. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

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

For protection of statutory undertakers.

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

“apparatus” means—

(a) electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either the Eastern Electricity Board or the Central Electricity Generating Board;

(b) mains pipes cables or other apparatus belonging to or maintained by the Eastern Gas Board or the North Thames Gas Board or the Southern Gas Board or any undertakers who are statutory water undertakers;

PART IX
—cont.

and includes any works constructed for the lodging therein of apparatus and in relation to any undertakers means apparatus belonging to or maintained by those undertakers;

“ appropriate authority ” means the Council the highway authority the local authority or the standing joint committee as the case may require and includes any of their officers and any person acting on their behalf or with their consent;

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

“ position ” includes depth;

“ undertakers ” means—

the Eastern Electricity Board;

the Central Electricity Generating Board;

the Eastern Gas Board;

the North Thames Gas Board;

the Southern Gas Board;

the statutory water undertakers who are authorised to supply water in any part of the county;

or any of them:

- (2) Nothing in section 17 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden and nothing contained in section 20 (Verges etc. of housing estates) shall affect such rights of the undertakers with respect to any such grass verge garden or space as is referred to in that section:

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

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

Section 17 (Trees grass verges and gardens);

Section 22 (Piping etc. of roadside ditches);

- Section 23 (Milk stands in highways);
- Section 28 (Fencing and lighting of obstructions in highways);
- Section 36 (Power to drive on footways for certain purposes);
- Section 40 (Police telephone call boxes and shelters);

(4) Whenever the appropriate authority in the exercise of the powers of section 21 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice in writing to the undertakers concerned of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers concerned shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street or the undertakers concerned may and if reasonably so required by the appropriate authority shall—

(a) remove the apparatus and relay or replace it in such other position in the street as altered as the undertakers concerned may reasonably determine; or

(b) provide and lay or place new apparatus in such other position as aforesaid in lieu of the existing apparatus:

(5) Before the appropriate authority give any consent pursuant to section 25 (Pavement lights ventilators pipes etc.) or section 27 (Restriction on buildings under footways) of this Act they shall give at least twenty-eight days' notice to the undertakers concerned of their intention to do so and any such consent shall contain such conditions as may be required to secure that the owner or occupier of the premises or the person to whom such consent is given shall comply with the reasonable requirements of the undertakers concerned for the protection of any apparatus or for preventing danger to persons or property arising from the apparatus:

(6) The provisions of section 26 of the Act of 1950 (which imposes obligations on undertakers executing works which are likely to affect other undertakers' apparatus) shall apply in relation to the provision of any such

PART IX
—cont.

pipes as are referred to in the said section 25 of this Act as if those pipes were provided in exercise of a statutory power and as if the persons by whom the pipes are provided were operating undertakers within the meaning of the said section 26 of the Act of 1950:

- (7) Before the appropriate authority grant any licence under section 26 (Licence to erect scaffolding) of this Act they shall (except in case of emergency) give at least seven days' notice to the undertakers concerned of their intention to do so and any such licence shall contain such conditions as the undertakers may within the said period of seven days require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers concerned for the protection of any apparatus:
- (8) The appropriate authority shall repay to the undertakers concerned the reasonable expenses incurred by those undertakers in or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (4) of this section and the reasonable costs of and incidental to—
- (a) the cutting off of any apparatus from any other apparatus; and
- (b) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the appropriate authority under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 88 (For protection of statutory undertakers) of the Hertfordshire County Council Act 1960":

- (9) (a) Any difference which may arise between the appropriate authority and any undertakers under this section shall be determined by a single arbitrator to be appointed

by agreement between the parties or in default of agreement on the application of any party after giving notice in writing to the other party or parties by the President of the Institution of Civil Engineers;

PART IX
—cont.

- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers concerned may be under in respect of any apparatus and may if he thinks fit require the appropriate authority 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.

PART X

GENERAL

89. Where in pursuance of this Act the Council or a local authority give their approval or consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required approval or consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

Breach of
conditions
of consent.

90. Where under the provisions of any enactment the Council shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those enactments or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Council or in case of dispute by a magistrates' court.

Apportion-
ment of
expenses in
case of joint
owners.

91. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages and
charges to
be settled
by court.

92. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Compensation
how to be
determined.

PART X
—cont.Local
inquiries.

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

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

Restriction
on right to
prosecute.

94. 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 section 41 (Offences in respect of telephone boxes etc.) thereof) by any person other than a party aggrieved or the Council or the local authority as the case may be:

Provided that proceedings in respect of an offence under section 38 (Prohibition on solicitation of school children to sell or exchange articles etc. at schools) shall only be taken by the local authority.

Appeals.

95.—(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 appeals to a magistrates’ court under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

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

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

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

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

96. Section 265 of the Public Health Act 1875 shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act.

PART X
—cont.
Protection of members and officers from personal liability.

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

Application of general provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part III (Highways) of this Act.

98. The provisions of section 90 (Apportionment of expenses in case of joint owners) of this Act shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of "local authority" for "Council".

Application of section 90 to local authorities.

99. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

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

Saving for town and country planning.

101.—(1) The following provisions of the Act of 1935 are hereby repealed:—

Repeal.

Section 9 (Definitions for Part III);

Section 10 (Power to prescribe building lines on county roads);

Section 11 (For prevention of ribbon development);

Paragraph (a) of subsection (1) of section 12 (Acquisition of land for county roads amenities &c.);

Subsection (7) of section 15 (As to carriage crossings in connection with county roads);

Section 19 (Hoards to be set up during building operations in county roads);

Section 22 (Restriction on erection of petroleum filling stations);

PART X
—cont.

- Section 23 (Certain sections to cease to have effect on passing of general Act);
- Section 24 (Preservation of trees);
- Section 25 (Display of advertisements);
- Section 32 (As to direction posts relating to rights of way);
- Section 34 (As to evasion by owners of private street works expenses);
- Section 35 (Restrictions on development of land adjoining or abutting on county roads);
- Section 36 (Agreements with local authorities in relation to town planning schemes);
- Section 111 (Use for one purpose of electricity supplied for another purpose);
- Section 113 (Revenue and expenditure of electricity undertaking);
- Subsections (5) (6) and (8) of section 114 (Salaried chairmen and salaried deputy chairmen of quarter sessions);
- Section 116 (Power to lend money to local authorities);
- Section 120 (Superannuation of asylums officers and servants);
- Section 121 (Gratuities to employees and their dependants);
- Section 124 (As to superannuation of registration officers);
- Section 125 (Non-contributing service of certain officers);
- Section 129 (Means of escape from buildings in case of fire);
- Section 134 (As to registers and records in relation to knackers' yards);
- Section 136 (Recovery of expenses of maintenance in institutions);
- Section 146 (Application of penalties);
- The schedule.

(2) Notwithstanding the repeal by subsection (1) of this section of section 24 (Preservation of trees) of the Act of 1935 the provisions of that section shall continue in force in regard to any tree or group of trees duly registered by the Council under that section before the passing of this Act save as provided in subsection (9) of the said section 24.

Amendment
of certain
provisions
of Act of
1935.

102.—(1) Section 26 (Refuse dumps) of the Act of 1935 shall have effect as if—

- (a) the words “ other than a place within the county district (if any) in which the refuse was collected or assembled ”

were omitted and as if (i) for paragraph (i) of the proviso to subsection (1) thereof there were substituted the following paragraph:—

“(i) to the deposit by any statutory water undertakers on any land in the county belonging to them of any spoil or refuse for the purpose of constructing or altering any work which they are authorised by any enactment to construct or alter or other spoil or refuse produced from any works or operations carried on by them for the purposes of or in connection with their undertaking;”

and (ii) for paragraph (j) of the said proviso there were substituted the following paragraph:—

“(j) to the deposit or tipping of refuse (of such a nature as is not likely to cause a nuisance) by or on behalf of a local authority within their district”; and

(b) after the words “receipt thereof” in subsection (2) there were inserted the words “by the Council or the local authority (as the case may be) or such extended period as may at any time be agreed upon in writing between the applicant and the Council or the local authority (as the case may be)”:

Provided that—

(i) subsection (1) of the said section 26 shall not apply until the expiration of twelve months from the passing of this Act to any deposit of refuse which is in existence at the passing of this Act and to which that subsection would not apart from the passing of this Act have been applicable;

(ii) every local authority shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this subsection by advertisement in a newspaper circulating in their district and otherwise as the local authority think fit.

(2) Section 30 (Provision of bins for litter) of the Act of 1935 shall have effect as if in subsection (2) thereof for the words “forty shillings” there were substituted the words “five pounds”.

(3) Section 46 (For protection of county councils) of the Act of 1935 shall have effect as if for the words “sections of this Act of which the marginal notes are—

‘Power to prescribe building lines on county roads’;

‘For prevention of ribbon development’; and”

there were substituted the words “section of this Act of which the marginal note is”.

PART X
—cont.

(4) Section 122 (Payment of pension &c. of person of unsound mind) of the Act of 1935 shall have effect as if for subsections (1) to (4) inclusive thereof there were substituted the following subsections:—

“(1) Subject to the provisions of this section where any sum to which this section applies is payable to a person by the Council and the Council are satisfied after considering medical evidence that the said person (hereinafter referred to as ‘the patient’) is incapable by reason of mental disorder within the meaning of the Mental Health Act 1959 of managing and administering his property and affairs the Council may pay the said sum or such part thereof as they think fit to the institution or person having the care of the patient to be applied for his benefit and may pay the remainder (if any) or such part thereof as they think fit—

(a) to or for the benefit of persons who appear to the Council to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or

(b) in reimbursement with or without interest of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(2) This section applies to any sum payable by the Council to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

(3) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person the Council shall give to the authority having jurisdiction under Part VIII of the Mental Health Act 1959 notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Council intend to exercise the said powers and in relation to any person to whom subsection (1) of this section applies the Council shall at the same time give notice in writing to that person in a form approved by the said authority:

Provided that the Council may with the approval of the said authority exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(4) If at any time the authority having jurisdiction under Part VIII of the Mental Health Act 1959 give to the Council notice in writing that they object to the exercise by the Council of the said powers in relation to any person the said powers shall as from the date of the receipt by the Council of the notice cease to be exercisable by the Council in relation to that person unless and until the said authority withdraw the notice."

PART X
—cont.

(5) Section 128 (Regulation of manufacture and sale of ice-cream &c.) of the Act of 1935 shall have effect as if in subsection (1) thereof for the words "forty shillings" there were substituted the words "five pounds".

103. The costs charges and expenses preliminary to and of Costs of Act. and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

SCHEDULES

FIRST SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide."
283	Notices to be in writing; forms of notices etc.
284	Authentication of documents.
285	Service of notices etc.
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 PART III 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.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses etc.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint etc.
329	Saving for certain provisions of the Land Charges Act 1925.

SECOND SCHEDULE
DELEGATION AGREEMENTS

PART I

GENERAL TERMS OF AGREEMENT IN FORCE FROM THE 1ST JULY 1951

AN AGREEMENT made Between THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF HERTFORD (hereinafter called " the County

Council ") of the one part and the { MAYOR ALDERMEN AND BURGESSES
COUNCIL OF THE

OF THE BOROUGH OF
DISTRICT OF

(hereinafter called " the Council ") of the other part

Whereas

(i) under and by virtue of the Town and Country Planning Act 1947 and the orders and regulations made thereunder the County Council are as from the first day of July one thousand nine hundred and forty-eight the Local Planning Authority in respect of the Administrative County of Hertford and are empowered with the consent of the Minister of Town and Country Planning to delegate to the Council of any County District in their area any of their functions under Part III of the said Act upon such terms and subject to such conditions restrictions and reservations as the Minister may approve

(ii) the County Council at their meeting on the fifteenth day of July one thousand nine hundred and forty-eight approved and adopted the scheme for delegation of certain of their said functions which is set out in the Schedule hereto (hereinafter called " the Scheme ")

Now it is hereby agreed and declared by and between the parties hereto as follows

1. The County Council hereby agree to delegate to the Council such of their functions under Part III of the said Act as are specified in paragraph (1) of Article 3 of the Scheme upon and subject to the terms and conditions specified in paragraph (2) thereof and excepting and reserving to the County Council the functions specified in paragraph (3) thereof

2. The Council hereby agree to discharge the functions specified in paragraph (1) of the said Article 3 on behalf of the County Council and to comply with the terms and conditions specified in paragraph (2) thereof

3. Both parties hereto hereby agree to observe and comply with all other the provisions of the Scheme

4. This Agreement may be varied by agreement between the parties hereto Provided that no such variation shall take effect and this Agreement shall continue in full force and effect until the Minister has signified his consent to such variation

5. Subject as aforesaid this Agreement shall continue in full force and effect until determined with the Minister's consent upon either party giving to the other six calendar months' notice in writing to that effect or until the Minister shall have withdrawn his consent hereinbefore recited

2ND SCH.
—cont.

6. Upon the expiration of this Agreement or of such notice or the withdrawal of such consent as the case may be the Council shall forthwith cease to discharge and the County Council shall withdraw the delegation of the functions aforesaid

In witness whereof the County Council and the Council have hereunto affixed their respective Common Seals the day and year first above written

SCHEDULE

ADMINISTRATIVE COUNTY OF HERTFORD TOWN AND COUNTRY PLANNING ACT 1947

PART III

SCHEME FOR DELEGATION OF FUNCTIONS

Interpretation

1.—(1) In this Scheme

“ The Act ” means the Town and Country Planning Act 1947

“ The Minister ” means the Minister of Town and Country Planning

“ The County ” means the Administrative County of Hertford

“ The County Council ” means the Council of the County

“ The Council ” means the Borough Council Urban District Council or Rural District Council of

“ The County Planning Committee ” means the Planning Committee of the County Council

“ The County Planning Officer ” means the County Planning Officer of the County Council

“ The Divisional Planning Officer ” means a member of the staff of the County Planning Officer appointed to operate for an area including the local government area of the Council

(2) All other words and expressions shall so far as the context admits bear the same meanings as are assigned to them in the Act

(3) The Interpretation Act 1889 shall apply to the interpretation of the Scheme as it applies to the interpretation of an Act of Parliament

Administrative Provisions

2.—(1) The County Council shall delegate to the County Planning Committee their functions under Part III of the Act (except the power to borrow money or to levy or issue a precept for a rate) so far as the same are not for the time being delegated to the Highways Committee of the County Council or to a county district council and shall authorise such Committee to appoint a Planning Consultative Sub-Committee for the local government area of the Council consisting of not exceeding three members of the County Council to be appointed in such manner and to hold office for such period as may be determined by the County

Council and of not exceeding three members of the Council to be nominated in such manner and to hold office for such period as may be determined by the Council and to be appointed by the County Council

2ND SCH.
—cont.

(2) The County Planning Committee shall delegate to the Planning Consultative Sub-Committee so appointed—

- (a) the determination of any question arising upon an application to develop land or upon a proposal for the exercise of any of the Council's delegated functions which may stand referred to them as a result of the Council disagreeing with the recommendations of the Divisional Planning Officer
- (b) the determination of any such question arising within the local government area of an adjoining or neighbouring county district council which by virtue of the provisions of paragraph (6) of this Article is deemed to concern the Sub-Committee
- (c) the determination of any question arising upon a proposal for the exercise by the County Council within the local government area of the Council of any of their functions under Part III of the Act which are expressly reserved from delegation to the Council or upon a refusal of the County Council to exercise any such function within the area aforesaid which may stand referred to them by virtue of the proviso to Article 3 (3) hereof
- (d) the determination of any such question arising within the local government area of an adjoining or neighbouring county district council which by virtue of the second proviso to Article 3 (3) hereof is deemed to concern the Sub-Committee

(3) The quorum of the Planning Consultative Sub-Committee shall be four

(4) In the event of any such disagreement between the Council and the Divisional Planning Officer as aforesaid the Council shall notify the particular matter with reference to which such disagreement has arisen to the Clerk of the County Council and he shall as soon thereafter as may be convenient to all concerned summon a meeting of the Planning Consultative Sub-Committee to deal with such matter as hereinafter provided

(5) Such officers of the County Council as the County Council may determine and such officers of the Council as the Council may determine may attend the meeting of the Planning Consultative Sub-Committee in an advisory capacity

(6) Either the County Council or the Council may by notice in writing given in the case of the Council together with the notification under clause (4) of this Article and in the case of the County Council within seven days of receipt of such notification inform the other that the particular matter in question is one which in their view affects any one or more of the Council's adjoining or neighbouring county district councils and if notice in writing as aforesaid is so given the particular matter in question shall be deemed to concern the Planning Consultative Sub-Committee or Sub-Committees for the local government area or areas of the county district council or councils in question

2ND SCH.
—cont.

and the Clerk of the County Council shall thereupon summon a meeting or meetings of such sub-committee or sub-committees to sit at the same time and place as the Planning Consultative Sub-Committee for the local government area of the Council and to deal with the particular matter in question as hereinafter provided and the provisions of paragraph (5) of this Article shall apply to such meeting or meetings

(7) The Chairman of a Planning Consultative Sub-Committee for the purposes of any meeting thereof summoned by the Clerk of the County Council in accordance with this Article shall be such member of the Sub-Committee present at such meeting being a member of the County Council as the Sub-Committee shall appoint and when more than one Sub-Committee is meeting at the same time and place in accordance with clause (6) of this Article the Chairman so appointed of the Sub-Committee for the local government area of the Council shall preside

(8) No Chairman so appointed shall have a casting vote

Delegation of Powers

3.—(1) Subject to the conditions hereinafter contained the County Council shall delegate to the Council in respect of the local government area for the time being of the Council the following functions of the County Council under Part III of the Act

- (a) To receive and deal with all applications for permission to develop land on behalf of the Local Planning Authority in accordance with the provisions of the Act and the regulations and orders made thereunder
- (b) The like functions in respect of applications for permission to retain existing buildings and works or for the continuance of existing uses
- (c) To receive and deal with applications under section 17 of the Act as to whether permission is required for any specified operations or use of land
- (d) Without prejudice to the exercise of concurrent powers by the County Council to exercise all the powers of the Local Planning Authority under sections 23 and 24 of the Act for the enforcement of planning control
- (e) Without prejudice to the exercise of concurrent powers by the County Council to make to secure confirmation of and compliance with and to give or refuse consents or permissions under tree preservation orders
- (f) To receive and deal with notices of proposed works for the demolition alteration or extension of buildings of special architectural or historic interest comprised in lists compiled by the Minister and without prejudice to the exercise of concurrent powers by the County Council to serve and secure compliance with notices requiring the reinstatement of such buildings and to institute and prosecute proceedings under sub-section (9) of section 30 of the Act in respect of failure to give notice as required by that section

- (g) To exercise all the powers of the Local Planning Authority under section 33 of the Act to require proper maintenance of gardens vacant sites and other open land
- (h) To deal with appeals against refusal of permission or approval or the imposition of conditions in exercise of the above delegated functions

(2) The Council shall in the discharge of the above delegated functions observe and fulfil the following conditions:—

- (a) compliance with the Act and any other enactment for the time being affecting the exercise of the delegated functions and all orders rules and regulations made thereunder and for the time being in force
- (b) compliance with any directions lawfully issued by the Minister or the Minister of Transport in pursuance of the Act or any such enactments or any such orders rules or regulations
- (c) compliance with any general directions given by the County Council relating to development which is not likely to or will not accord with or relating to a proposed exercise of the delegated functions which is likely to or will conflict with the provisions of the development plan
- (d) consultation with such persons as may be prescribed by any order or direction given by the Minister or required by the County Council except where the County Council shall have informed the Council that such consultation has already taken place in which case the County Council shall keep the Council informed as to the results of such consultation
- (e) the furnishing of information to the Minister and the County Council and such persons as may be required by the Minister or by the County Council with respect to any application for permission and any exercise of the delegated functions
- (f) submission of all applications for permission to develop and all proposals for the exercise of the delegated functions to the Divisional Planning Officer for his recommendation
- (g) In case of disagreement with the Divisional Planning Officer's recommendations compliance with the procedure prescribed by Article 5 hereof
- (h) inclusion in any document by which any of the delegated functions is exercised of a statement that such function is so exercised on behalf of the County Council as Local Planning Authority but no such document shall be invalid by reason only that the requirements of the Town and Country Planning (Authorisation of Delegation) Regulations 1947 have not been complied with and no person acting in pursuance of any such document shall be concerned to see that such requirements have been observed
- (i) effective and regular inspection of buildings and other development by the Council with a view to ascertaining whether development has taken place without planning permission or without compliance with conditions of planning permission or whether any other infringement of development control has occurred

2ND SCH.
—cont.

(3) The following functions of the County Council under Part III of the Act shall be expressly reserved from delegation to the Council:—

- (a) the making of orders providing for the revocation or modification of permission to develop land
- (b) the making of orders providing for the discontinuance of a use of land the imposition of conditions on the continuance thereof or the alteration or removal of buildings or works and the enforcement of such orders if confirmed
- (c) the control of advertisements

Provided that the County Council shall at all times consult with the Council as to the exercise of the said functions and of the concurrent powers which the County Council retain by virtue of paragraphs (1) (e) and (f) of this Article within the local government area of the Council and in the event of any question arising between the County Council and the Council upon a proposal for the exercise by the County Council within the said area of any of the said functions or powers or upon a refusal of the County Council so to exercise any such functions when requested by the Council then upon notice in writing given by either council to the other the particular matter giving rise to such question shall stand referred to the Planning Consultative Sub-Committee for the local government area of the Council which Sub-Committee if they are in agreement as to the action which should be taken shall recommend accordingly and if they are unable to reach such agreement shall present a report to the County Planning Committee setting out their findings with regard to the matter and the alternative conclusions debated by them

Provided also that if either the County Council or the Council by notice in writing informs the other of them that the particular matter giving rise to such question is one which in their view affects any one or more of the Council's adjoining or neighbouring county district councils then the particular matter in question shall be deemed to concern the Planning Consultative Sub-Committee or Sub-Committees for the local government area or areas of the county district council or councils in question who shall consider such matter jointly with the Planning Consultative Sub-Committee for the local government area of the Council and all such Sub-Committees shall deal therewith jointly as aforesaid

(4) Article 5 (8) hereof shall apply in the case of any matter which comes before the County Planning Committee for decision by virtue of the provisoes to paragraph (3) of this Article

As to Compensation

4.—(1) Subject as hereinafter provided all compensation payable under the Act by the Local Planning Authority for the County shall be payable by the County Council

(2) If any action or decision is proposed to be taken by the Council in discharge of the delegated functions or any of them and within 21 days after the submission of the proposal to the Divisional Planning Officer by the Council in accordance with Article 3 (2) (f) hereof the County Council notify the Council that such action or decision should not in their view be so taken as to give rise to any

claim for compensation which would be payable by the County Council hereunder then in the event of such action or decision being taken by the Council otherwise than upon terms as to compensation agreed with the County Council the whole of the compensation payable under the Act by the Local Planning Authority in respect of or arising out of the action or decision so taken shall be payable by the Council and the Council shall indemnify the County Council accordingly

2ND SCH.
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Provision in case of Disagreement

5.—(1) In the event of the Council disagreeing with the recommendations of the Divisional Planning Officer with regard to any application for permission to develop or any proposal for the exercise of any of the delegated functions the matter shall stand referred to the Planning Consultative Sub-Committee for the local government area of the Council and the Council shall notify the particular matter with reference to which such disagreement has arisen to the Clerk of the County Council as provided in paragraph (4) of Article 2 hereof

(2) The matter with reference to which such disagreement has arisen shall be considered at a meeting of such Planning Consultative Sub-Committee summoned and conducted in accordance with paragraphs (3) (4) (5) (6) (7) and (8) of Article 2 hereof

(3) In the event of such Planning Consultative Sub-Committee being in agreement as to the action which should be taken with regard to the matter with reference to which such disagreement has arisen they shall recommend accordingly and the Council may in exercise of the delegated functions act in accordance with such recommendations

(4) Where any particular matter is being considered at the same time and place by more than one Planning Consultative Sub-Committee in accordance with the provisions of Article 2 hereof then in the event of all such Planning Consultative Sub-Committees being each in agreement that the same action should be taken with regard to the matter they shall each recommend accordingly and the Council may in exercise of the delegated functions act in accordance with such recommendations

(5) If the Council are unable to accept such recommendations made in accordance with paragraphs (3) or (4) hereof they shall refer the matter to the County Planning Committee for decision

(6) In the event of the Planning Consultative Sub-Committee for the local government area of the Council being unable to reach such agreement they shall present a report to the County Planning Committee setting out their findings with regard to the matter and the alternative conclusions debated by them and the matter shall stand referred to the County Planning Committee for decision

(7) Where any particular matter is being considered at the same time and place by more than one Planning Consultative Sub-Committee in accordance with the provisions of Article 2 hereof then in the event of any such Sub-Committee being unable themselves to agree or

2ND SCH.
—cont.

unable to agree with the other or others of such Sub-Committees as to the action which should be taken with regard to the matter then all such Sub-Committees acting jointly shall present a report to the County Planning Committee setting out their findings with regard to the matter and the alternative conclusions debated by them and the matter shall stand referred to the County Planning Committee for decision

(8) The Council shall be entitled to send to the meeting of the County Planning Committee at which any matter so referred for decision under paragraphs (5) (6) or (7) hereof is considered such representatives (being members or officers of the Council) as the Council may determine and such representatives shall have the right to take part in the discussion with regard to the matter so referred but not to vote

(9) When any matter has been so referred to the County Planning Committee for decision the Council shall in exercise of the delegated functions act in accordance with the decision of the County Planning Committee

Power to act by Committees

6. The Council may act in the discharge of any of the delegated functions and any of their functions under this Scheme by any committee or sub-committee of the Council to which such functions have been delegated by them

Short Title

7. This Scheme may be cited as the County of Hertford (Delegation of Planning Functions) Scheme 1948

PART II

GENERAL TERMS OF AGREEMENT IN FORCE FROM THE
1ST JANUARY 1954

AN AGREEMENT Between THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF HERTFORD (hereinafter called "the County Council") of the one part and the { MAYOR ALDERMEN AND BURGESSES
COUNCIL OF THE
OF THE BOROUGH OF
DISTRICT OF
(hereinafter called "the Council") of the other part

Whereas

(i) under and by virtue of the Town and Country Planning Act 1947 and the orders and regulations made thereunder the County Council are the Local Planning Authority in respect of the Administrative County of Hertford and are empowered with the consent of the Minister of Housing and Local Government to delegate to the Council of any County District in their area any of their functions under Part III of the said Act upon such terms and subject to such conditions restrictions and reservations as the Minister may approve

(ii) the County Council at their meeting on the thirteenth day of December one thousand nine hundred and fifty one approved and adopted the scheme for delegation of certain of their said functions which is set out in the Schedule hereto (hereinafter called "the Scheme")

Now it is hereby agreed and declared by and between the parties hereto as follows

1. Subject as hereinafter provided the County Council hereby agree to delegate to the Council such of their functions under Part III of the said Act as extended by sections 75 76 and 77 thereof as are specified in paragraph (1) of Article 3 of the Scheme upon and subject to the terms and conditions specified in paragraphs (2) and (3) thereof

2. Subject as aforesaid the Council hereby agree to discharge the functions specified in paragraph (1) of the said Article 3 on behalf of the County Council and to comply with the terms and conditions specified in paragraph (2) thereof

3. Both parties hereto hereby agree to observe and comply with all other provisions of the Scheme

4. It is hereby also agreed that until a date to be determined between the parties hereto any recommendation made by the Divisional Planning Officer with regard to an application for express consent to the display of an advertisement or with regard to a proposal for the exercise of any of the delegated functions relating to advertisements shall be deemed to be a recommendation which he has indicated is regarded by him as fundamental and shall be dealt with under the Scheme accordingly And it is hereby declared that it is intended that such date shall be a date convenient to both parties immediately after completion of negotiations between the County Council the Council and representatives of the advertising industry with regard to advertisements in the local government area of the Council

5. This Agreement may be varied by agreement between the parties hereto Provided that no such variation shall take effect and this Agreement shall continue in full force and effect until the Minister has signified his consent to such variation

6. Subject as aforesaid this Agreement shall have effect on and from the first day of January 1952 and continue in full force and effect until determined by either party giving to the other twelve calendar months notice in writing to that effect or until the Minister shall have withdrawn his consent hereinbefore recited

7. Upon the expiration of such notice or the withdrawal of such consent as the case may be the Council shall forthwith cease to discharge and the County Council shall withdraw the delegation of the functions aforesaid

In witness whereof the County Council and the Council have hereunto affixed their respective Common Seals the day and year first above written.

2ND SCH
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SCHEDULE

ADMINISTRATIVE COUNTY OF HERTFORD

TOWN AND COUNTRY PLANNING ACTS 1947 AND 1951

PART III

SCHEME FOR DELEGATION OF FUNCTIONS

Interpretation

1.—(1) In this Scheme

“The Act” means the Town and Country Planning Acts 1947 and 1951

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

“The County” means the Administrative County of Hertford

“The County Council” means the Council of the County

“The Council” means the Borough Council Urban District Council or Rural District Council of

“The County Planning Committee” means the Planning Committee of the County Council

“The County Planning Officer” means the County Planning Officer of the County Council

“The Divisional Planning Officer” means a member of the staff of the County Planning Officer appointed to operate for an area including the local government area of the Council

(2) All other words and expressions shall so far as the context admits bear the same meanings as are assigned to them in the Act

(3) The Interpretation Act 1889 shall apply to the interpretation of the Scheme as it applies to the interpretation of an Act of Parliament

Administrative Provisions

2.—(1) Without prejudice to the provisions of Article 3 hereof the County Council shall delegate to the County Planning Committee their functions under Part III of the Act as extended by sections 75 76 and 77 (except the power to borrow money or to levy or issue a precept for a rate) and shall authorize such Committee to appoint a Planning Consultative Sub-Committee for the local government area of the Council consisting of not exceeding three members of the County Council to be appointed in such manner and to hold office for such period as may be determined by the County Council and of not exceeding three members of the Council to be nominated in such manner and to hold office for such period as may be determined by the Council and to be appointed by the County Council

(2) The County Planning Committee shall delegate to the Planning Consultative Sub-Committee so appointed

(a) (i) the determination of any question arising upon an application or upon a proposal for the exercise by the Council

of any of their delegated functions which may stand referred to them as a result of the Council disagreeing with a recommendation of the Divisional Planning Officer which he has indicated is regarded by him as "fundamental" and

- (ii) the determination of any such question arising within the local government area of an adjoining or neighbouring county district council which by virtue of the provisions of paragraph (6) of this Article is deemed to concern the Sub-Committee
- (b) (i) the determination of any question arising between the County Council and the Council upon a matter with regard to which the County Council have proposed to exercise their concurrent powers which by virtue of Article 3 (3) hereof may fall to be dealt with as if such question had arisen with reference to a matter on which the Council had disagreed with a recommendation of the Divisional Planning Officer which he had indicated is regarded by him as "fundamental"
- (ii) the determination of any such question arising within the local government area of an adjoining or neighbouring county district council which by virtue of the provisions of paragraph (6) of this Article is deemed to concern the Sub-Committee

(3) The quorum of the Planning Consultative Sub-Committee shall be four

(4) In the event of any such disagreement between the Council and the Divisional Planning Officer as aforesaid the Council shall notify the particular matter with reference to which such disagreement has arisen to the Clerk of the County Council and he shall as soon thereafter as may be convenient to all concerned summon a meeting of the Planning Consultative Sub-Committee to deal with such matter as hereinafter provided

(5) Such officers of the County Council as the County Council may determine and such officers of the Council as the Council may determine may attend the meeting of the Planning Consultative Sub-Committee in an advisory capacity

(6) Either the County Council or the Council may by notice in writing given in the case of the Council together with the notification under clause (4) of this Article and in the case of the County Council within seven days of receipt of such notification inform the other that the particular matter in question is one which in their view affects any one or more of the Council's adjoining or neighbouring county district councils and if notice in writing as aforesaid is so given the particular matter in question shall be deemed to concern the Planning Consultative Sub-Committee or Sub-Committees for the local government area or areas of the county district council or councils in question and the Clerk of the County Council shall thereupon summon a meeting or meetings of such sub-committee or sub-committees to sit at the same time and place as the Planning Consultative Sub-Committee for the local government area of the Council and to deal with the particular matter in question as hereinafter provided and the provisions of this Article shall apply to such meeting or meetings

2ND SCH.
—cont.

(7) The Chairman of a Planning Consultative Sub-Committee for the purposes of any meeting thereof summoned by the Clerk of the County Council in accordance with this Article shall be such member of the Sub-Committee present at such meeting being a member of the County Council as the Sub-Committee shall appoint and when more than one Sub-Committee is meeting at the same time and place in accordance with clause (6) of this Article the Chairman so appointed of the Sub-Committee for the local government area of the Council shall preside

(8) No Chairman so appointed shall exercise a second or casting vote

Delegation of Powers

3.—(1) Without prejudice to the exercise by them of concurrent powers in the manner hereinafter provided and subject to the conditions hereinafter contained the County Council shall delegate to the Council in respect of the local government area for the time being of the Council the following functions of the County Council under Part III of the Act (as extended by sections 75 76 and 77)

(a) Development Control

(i) To receive and deal with all applications for permission to develop land

(ii) To receive and deal with applications for permission to retain existing buildings and works or for the continuance of existing uses

(iii) To receive and deal with applications for a determination in respect of any proposed operations or change of use of land whether development is involved or permission is required

(iv) To exercise all the powers of the Local Planning Authority for the enforcement of planning control

(v) To make to secure confirmation of and compliance with and to give or refuse consents or permissions under tree preservation orders

(vi) To receive and deal with notices of proposed works for the demolition alteration or extension of buildings of special architectural or historic interest comprised in lists compiled by the Minister and to serve and secure compliances with notices requiring the reinstatement of such buildings and to institute and prosecute proceedings under sub-section (9) of section 30 of the Act in respect of failure to give notice as required by that section

(vii) To exercise all the powers of the Local Planning Authority to require proper maintenance of gardens vacant sites and other open land

(viii) To deal with appeals against refusal of permission or approval the imposition of conditions or determinations given in exercise of the above delegated functions

(ix) By order to revoke or modify permissions to develop land

(x) To make orders for the discontinuance of uses of land the imposition of conditions on the continuance thereof and the alteration or removal of buildings or works and to enforce such orders if confirmed

(b) Advertisements

(i) To deal with applications for the granting of express consent to the display of advertisements

(ii) To serve notices requiring applications for express consent to the continuance of such display

(iii) To deal with appeals against refusals of such consents or the granting thereof subject to conditions in exercise of the functions delegated in accordance with (b) (i) and (ii) above

(iv) By order to revoke or modify such consents

(v) To exercise all the powers of the Local Planning Authority for the enforcement of advertisement control

(c) Incidental Powers

To exercise any other of the powers of the County Council under Part III of the Act (extended as aforesaid) which are incidental to the discharge of the functions specified in (a) and (b) above

(2) The Council shall in the discharge of the above delegated functions observe and fulfil the following conditions:—

(a) compliance with the Act and any other enactments for the time being affecting the exercise of the delegated functions and all orders rules and regulations made thereunder and for the time being in force

(b) compliance with any directions lawfully issued by the Minister or the Minister of Transport in pursuance of the Act or any such enactments or any such orders rules or regulations

(c) compliance with any general directions given by the County Council relating to development to advertisements or to any proposed exercise of the delegated functions likely to conflict with the present or future contents of the development plan

(d) consultation with such persons as may be prescribed by any order or direction given by the Minister or required by the County Council except where the County Council shall have informed the Council that such consultation has already taken place in which case the County Council shall keep the Council informed as to the results of such consultation

(e) the furnishing of information to the Minister and the County Council and such persons as may be required by the Minister or by the County Council with respect to any application for permission and any exercise or proposed exercise of the delegated functions

2ND SCH.
—cont.

- (f) submission of all applications received and all proposals for the exercise of the delegated functions to the Divisional Planning Officer for his recommendations who if he deems it necessary to make a recommendation shall indicate with regard to each recommendation made by him whether or not he regards it as "fundamental"

Provided that the Divisional Planning Officer shall inform the Council within seven days of receipt by him of the application or proposal if he does not propose to make a recommendation

- (g) in case of disagreement with any of the Divisional Planning Officer's recommendations which he has indicated are regarded by him as "fundamental" compliance with the procedure prescribed by Article 4 hereof
- (h) inclusion in any document by which any of the delegated functions is exercised of a statement that such function is so exercised on behalf of the County Council as Local Planning Authority but no such document shall be invalid by reason only that the requirements of the Town and Country Planning (Authorization of Delegation) Regulations 1947 have not been complied with and no person acting in pursuance of any such document shall be concerned to see that such requirements have been observed
- (i) effective and regular inspection of buildings other development and advertisements by the Council with a view to ascertaining whether development has taken place without planning permission or without compliance with conditions of planning permission or whether any other infringement of development control or any infringement of advertisement control has occurred

(3) Before they proceed with regard to any particular matter to exercise the concurrent powers which they retain by virtue of paragraph (1) of this Article the County Council shall unless already requested by the Council to act in the matter afford the Council an opportunity themselves to act therein and in the event of any question arising between the County Council and the Council either as to which of the two bodies shall act or as to the manner in which the matter shall be dealt with the Council may notify the particular matter with reference to which such question has arisen to the Clerk of the County Council in accordance with Article 2 (4) hereof as if the Council had disagreed with a recommendation of the Divisional Planning Officer thereon which he had indicated is regarded by him as "fundamental" and the matter shall be dealt with accordingly

Provided that if the Council fail to deal promptly with any application received by them or in proper case arising from the act or omission of a third party fail promptly to exercise any of the delegated functions or omit in respect of any such application or any proposal for the exercise of the delegated functions to comply with any of the conditions set out in paragraph (2) hereof the County Council may serve upon the Council a notice specifying such failure or omission and unless within seven days of receipt of such notice an undertaking is received from

the Council to make good such failure or omission by taking (subject to the general provisions of this Scheme) such steps under this Scheme as may be specified in such notice and to deal with the matter in all respects in accordance with the terms of this Scheme the County Council may forthwith proceed to exercise their said concurrent powers and to deal with the said matter without further consultation and the foregoing provisions of this paragraph shall not apply but the County Council shall in due course inform the Council of the manner in which the matter has been dealt with

2ND SCH.
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Provision in case of Disagreement

4.—(1) Whenever the Council notify a matter to the Clerk of the County Council in accordance with paragraph (4) of Article 2 or paragraph (3) of Article 3 hereof the matter shall stand referred to the Planning Consultative Sub-Committee for the local government area of the Council and shall be considered at a meeting of such Planning Consultative Sub-Committee summoned and conducted in accordance with paragraphs (3) (4) (5) (6) (7) and (8) of Article 2 hereof

(2) In the event of such Planning Consultative Sub-Committee being unanimously in agreement as to the action which should be taken with regard to the matter so notified that action shall be forthwith taken either by the Council in exercise of their delegated functions or at the request of the Council by the County Council in exercise of their concurrent powers

(3) Where any particular matter is being considered at the same time and place by more than one Planning Consultative Sub-Committee in accordance with the provisions of Article 2 hereof then in the event of all such Planning Consultative Sub-Committees being each unanimously in agreement that the same action should be taken with regard to the matter that action shall be forthwith taken either by the Council in exercise of their delegated functions or at the request of the Council by the County Council in exercise of their concurrent powers

(4) In the event of the Planning Consultative Sub-Committee for the local government area of the Council being unable to reach agreement as to the action which should be taken they shall present a report to the County Planning Committee setting out their findings with regard to the matter and the alternative conclusions debated by them and the matter shall stand referred to the County Planning Committee for decision

(5) Where any particular matter is being considered at the same time and place by more than one Planning Consultative Sub-Committee in accordance with the provisions of Article 2 hereof then in the event of any such Sub-Committee being unable themselves to agree or unable to agree with the other or others of such Sub-Committees as to the action which should be taken then all such Sub-Committees acting jointly shall present a report to the County Planning Committee setting out their findings with regard to the matter and the alternative conclusions debated by them and the matter shall stand referred to the County Planning Committee for decision

2ND SCH.
—cont.

(6) The Council shall be entitled to send to the meeting of the County Planning Committee at which any matter so referred for decision under paragraphs (4) or (5) hereof is considered such representatives (being members or officers of the Council) as the Council may determine and such representatives shall have the right to take part in the discussion with regard to the matter so referred but not to vote

(7) When the matter has been so referred to the County Planning Committee for decision action in accordance with the decision of the County Planning Committee shall be taken by the County Council

As to compensation

5.—(1) All compensation payable under the Act by the Local Planning Authority for the County shall be payable by the County Council provided that any liability of the Local Planning Authority to pay compensation under Part III or Part VIII of the Act in respect of anything done by the Council in exercise of the delegated functions shall be transferred to the Council

(2) The provisions of paragraph (1) above shall not prevent the County Council or the Council from applying to the other of them for a contribution towards the compensation payable in any case provided that any such application shall be made a sufficient time before taking the action or decision giving rise to the compensation to enable the application to be considered and dealt with

(3) Any obligation on the Local Planning Authority for the County to secure the provision of other residential accommodation for persons displaced which may arise from the exercise by the Council of the delegated functions specified in paragraph (1) (a) (x) of Article 3 hereof shall be discharged by the Council and the foregoing provisions of this Article shall apply to the cost of discharging such obligation as if that cost were compensation

Power to act by Committees

6. The Council may act in the discharge of any of the delegated functions and any of their functions under this Scheme by any committee or sub-committee of the Council to which such functions have been delegated by them

Short Title

7. This Scheme may be cited as the County of Hertford (Delegation of Planning Functions) Scheme 1952

PART III

ADDITIONAL TERMS INCLUDED IN AGREEMENT BETWEEN THE COUNCIL AND THE SAINT ALBANS RURAL DISTRICT COUNCIL IN FORCE FROM THE 1ST JULY 1951

8. The provisions of this Article and Articles 9 to 15 inclusive shall apply to applications for permission to develop and proposals for the exercise of the delegated functions submitted to the Divisional

Planning Officer by the Council in accordance with Article 3 (2) (f) hereof being applications or proposals of interest also to the Corporation of the City of St. Albans in that they relate to industrial development or to business premises or shops or to housing development extending to more than eight houses or to any other development involving more than one acre of land

2ND SCH.
— cont.

9. The Divisional Planning Officer shall submit all such applications and proposals to the Corporation of the City of St. Albans (hereinafter referred to as the Corporation)

10. The Corporation shall as soon thereafter as may be notify to the Divisional Planning Officer their views with regard to such applications and proposals.

11. The Divisional Planning Officer in making his recommendations to the Council with regard to any such application or proposal shall inform the Council of the views expressed by the Corporation with regard thereto

12. In the event of the Council disagreeing either with the views expressed by the Corporation or with such views and the recommendations of the Divisional Planning Officer then the matter shall stand referred to the Planning Consultative Sub-Committee for the local government area of the Council and the Council shall notify to the Clerk of the County Council both the particular matter with reference to which such disagreement has arisen as provided in paragraph (4) of Article 2 hereof and that such disagreement relates to the views expressed by the Corporation

13. In any such case the provisions of Articles 2 and 4 hereof shall apply as if in accordance with paragraph (6) of Article 2 the County Council had by notice in writing informed the Council that the particular matter in question is one which in their view affects the Corporation Provided that the provisions of paragraph (8) of Article 5 shall in such case apply not only to the Council but to the Corporation also

14. The Council may act in discharge of their functions under the provisions of Articles 8 to 15 hereof inclusive by any committee or sub-committee of the Council to which such functions have been delegated by them

15. The provisions of Articles 8 to 14 hereof inclusive shall not apply to applications or proposals of such a minor character as may from time to time be agreed between the County Council the Corporation and the Council

PART IV

ADDITIONAL TERMS INCLUDED IN AGREEMENT BETWEEN THE COUNCIL
AND THE MAYOR ALDERMEN AND CITIZENS OF THE CITY OF SAINT ALBAN
IN FORCE FROM THE 1ST JULY 1951

16. The provisions of this Article and Articles 17 to 23 inclusive shall apply to applications for permission to develop and proposals for the exercise of the delegated functions submitted to the Divisional Planning Officer by the St. Albans Rural District Council (hereinafter

2ND SCH.
—cont.

referred to as the District Council) in accordance with Article 3 (2) (f) hereof being applications or proposals of interest also to the Corporation of the City of St. Albans in that they relate to industrial development, or to business premises or shops, or to housing development extending to more than eight houses, or to any other development involving more than one acre of land.

17. The Divisional Planning Officer shall submit all such applications and proposals to the Council

18. The Council shall as soon thereafter as may be notify to the Divisional Planning Officer their views with regard to such applications and proposals

19. The Divisional Planning Officer in making his recommendation to the District Council with regard to any such application or proposal shall inform the District Council of the views expressed by the Council with regard thereto

20. In the event of the District Council disagreeing either with the views expressed by the Council or with such views and the recommendations of the Divisional Planning Officer then the matter shall stand referred to the Planning Consultative Sub-Committee for the local government area of the District Council and the District Council shall notify to the Clerk of the County Council both the particular matter with reference to which such disagreement has arisen as provided in paragraph (4) of Article 2 hereof and that such disagreement relates to the views expressed by the Council

21. In any such case the provisions of Articles 2 and 5 hereof shall apply as if in accordance with paragraph (6) of Article 2 the County Council had by notice in writing informed the District Council that the particular matter in question is one which in their view affects the Council Provided that the provisions of paragraph (8) of Article 5 shall in such case apply not only to the District Council but to the Council also

22. The Council may act in discharge of their functions under the provisions of Articles 16 to 23 hereof inclusive by any committee or sub-committee of the Council to which such functions have been delegated by them

23. The provisions of Articles 16 to 22 hereof inclusive shall not apply to applications or proposals of such a minor character as may from time to time be agreed between the County Council the District Council and the Council

PART V

ADDITIONAL TERMS INCLUDED IN AGREEMENT BETWEEN THE COUNCIL AND THE SAINT ALBANS RURAL DISTRICT COUNCIL IN FORCE FROM THE 1ST JANUARY 1954

8. The provisions of this Article and Articles 9 to 15 inclusive shall apply to applications for permission to develop and proposals for the exercise of the delegated functions submitted to the Divisional Planning Officer by the Council in accordance with Article 3 (2) (f) hereof

being applications or proposals of interest also to the Corporation of the City of St. Albans in that they relate to industrial development or to business premises or shops or to housing development extending to more than eight houses or to any other development involving more than one acre of land

2ND SCH.
—cont.

9. The Divisional Planning Officer shall submit all such applications and proposals to the Corporation of the City of St. Albans (hereinafter referred to as the Corporation)

10. The Corporation shall as soon thereafter as may be notify to the Divisional Planning Officer their views with regard to such applications and proposals

11. The Divisional Planning Officer shall inform the Council of the views expressed by the Corporation with regard thereto

12. In the event of the Council disagreeing either with the views expressed by the Corporation or with such views and the recommendations of the Divisional Planning Officer then the matter shall stand referred to the Planning Consultative Sub-Committee for the local government area of the Council and the Council shall notify to the Clerk of the County Council both the particular matter with reference to which such disagreement has arisen as provided in paragraph (4) of Article 2 hereof and that such disagreement relates to the views expressed by the Corporation

13. In any such case the provisions of Articles 2 and 4 hereof shall apply as if in accordance with paragraph (6) of Article 2 the County Council had by notice in writing informed the Council that the particular matter in question is one which in their view affects the Corporation Provided that the provisions of paragraph (6) of Article 4 shall in such case apply not only to the Council but to the Corporation also

14. The Council may act in discharge of their functions under the provisions of Articles 8 to 15 hereof inclusive by any committee or sub-committee of the Council to which such functions have been delegated by them.

15. The provisions of Articles 8 to 14 hereof inclusive shall not apply to applications or proposals of such a minor character as may from time to time be agreed between the County Council the Corporation and the Council

PART VI

ADDITIONAL TERMS INCLUDED IN AGREEMENT BETWEEN THE COUNCIL AND THE MAYOR ALDERMEN AND CITIZENS OF THE CITY OF SAINT ALBAN IN FORCE FROM THE 1ST JANUARY 1954

16. The provisions of this Article and Articles 17 to 23 inclusive shall apply to applications for permission to develop and proposals for the exercise of the delegated functions submitted to the Divisional Planning Officer by the St. Albans Rural District Council (hereinafter referred to as the District Council) in accordance with Article 3 (2) (f) hereof being applications or proposals of interest also to the Corporation of the City of St. Albans in that they relate to industrial development,

2ND SCH.
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or to business premises or shops or to housing development extending to more than eight houses or to any other development involving more than one acre of land

17. The Divisional Planning Officer shall submit all such applications and proposals to the Council

18. The Council shall as soon thereafter as may be notify to the Divisional Planning Officer their views with regard to such applications and proposals

19. The Divisional Planning Officer shall inform the District Council of the views expressed by the Council with regard thereto

20. In the event of the District Council disagreeing either with the views expressed by the Council or with such views and the recommendations of the Divisional Planning Officer then the matter shall stand referred to the Planning Consultative Sub-Committee for the local government area of the District Council and the District Council shall notify to the Clerk of the County Council both the particular matter with reference to which such disagreement has arisen as provided in paragraph (4) of Article 2 hereof and that such disagreement relates to the views expressed by the Council

21. In any such case the provisions of Articles 2 and 4 hereof shall apply as if in accordance with paragraph (6) of Article 2 the County Council had by notice in writing informed the District Council that the particular matter in question is one which in their view affects the Council Provided that the provisions of paragraph (6) of Article 4 shall in such case apply not only to the District Council but to the Council also

22. The Council may act in discharge of their functions under the provisions of Articles 16 to 23 hereof inclusive by any committee or sub-committee of the Council to which such functions have been delegated by them.

23. The provisions of Articles 16 to 22 hereof inclusive shall not apply to applications or proposals of such a minor character as may from time to time be agreed between the County Council the District Council and the Council



Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 18.
Telegraph Act 1869	32 & 33 Vict. c. 73.
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.
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