



CHAPTER xlv

An Act to confer further powers on the Devon County Council and on local and highway authorities in the administrative county of Devon in relation to lands and highways and the local government, improvement, health and finances of the county, to confer further powers on the Exmouth Urban District Council with regard to pleasure grounds and on the Teignmouth Urban District Council with regard to their ferry undertaking; and for other purposes. [3rd August, 1961]

WHEREAS 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 Devon (hereinafter in this Act referred to as "the county") and that the powers of the county council of the county (hereinafter in this Act referred to as "the Council") and of the local and highway authorities within the county should be enlarged and extended as by this Act provided:

And whereas by a conveyance dated the twenty-first day of December, nineteen hundred and twenty, and made between the Right Honourable Charles John Robert Hepburn-Stuart-Forbes-Trefusis Baron Clinton of the one part and the Exmouth Urban District Council (hereinafter in this Act referred to as "the

Exmouth Council”) of the other part certain land in the urban district of Exmouth was conveyed to the Exmouth Council subject to the covenants and restrictions therein contained:

And whereas the Exmouth Urban District Council Act, 1920, conferred upon the Exmouth Council powers in respect of the lands conveyed to the Exmouth Council by the said conveyance and other lands subsequently acquired by them and imposed restrictions on the use of those lands:

And whereas it is expedient to confer further powers on the Exmouth Council in respect of some of the said lands, and of other lands in the event of the Council becoming the owners or lessees thereof, and to remove certain restrictions on the use thereof:

And whereas by the Act 5 George 4 c. cxiv the Teignmouth and Shaldon Bridge Company (hereinafter in this Act referred to as “the company”) were incorporated and authorised to build and maintain a bridge over and across the river Teign from Teignmouth to Shaldon with convenient approaches thereto and to purchase a ferry over the said river from Teignmouth to Shaldon:

And whereas in pursuance of the powers conferred by the said Act the company duly constructed the said bridge and purchased the said ferry:

And whereas further powers in relation to the said bridge and ferry were conferred upon the company by the Teignmouth and Shaldon Bridge Act, 1926:

And whereas the Council in pursuance of their powers under section 53 (Provisions with respect to the transfer of toll bridges and toll roads to local authorities) of the Road Traffic Act, 1930, purchased from the company on the twenty-eighth day of October, nineteen hundred and forty-eight the said bridge and all the company’s property, rights and obligations connected with the said bridge:

And whereas further powers in relation to the said ferry were conferred upon the company by the Teignmouth and Shaldon Bridge Act, 1949, including powers relating to the sale of the company’s ferry undertaking and the winding up of the company:

And whereas in pursuance of those powers the said ferry and all the company’s property, rights and obligations connected with the said ferry were sold and the company have ceased to exist:

And whereas the urban district council of Teignmouth (hereinafter referred to as “the Teignmouth Council”) in pursuance of their powers under section 1 of the Ferries (Acquisition by

Local Authorities) Act, 1919, purchased from the successors in title to the company on the second day of September, nineteen hundred and fifty-two, the said ferry and the said property, rights and obligations connected therewith:

And whereas it is expedient to confer further powers upon the Teignmouth Council in relation to their ferry undertaking:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas plans showing the lands in respect of which restrictions are removed by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the Council and are in this Act referred to as the deposited plans and book of reference:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been complied with by the Council:

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

PART I

PRELIMINARY

1. This Act may be cited as the Devon County Council Act, Short title. 1961.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Highways.

Part IV.—Public order and safety.

Part V.—Public health.

PART I
—cont.

Part VI.—Camps and movable dwellings.

Part VII.—Finance and superannuation.

Part VIII.—Special provisions relating to the Exmouth and Teignmouth urban district councils.

Part IX.—Miscellaneous.

Part X.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90, 110 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(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 1936 ” means the Public Health Act, 1936;

“ Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946;

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

“ Act of 1948 ” means the National Assistance Act, 1948;

“ Act of 1950 ” means the Public Utilities Street Works Act, 1950;

“ Act of 1959 ” means the Highways Act, 1959;

“ appointed day ” has the meaning assigned to that expression by section 6 (The appointed day) of this Act;

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

“ 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 Devon;

“ 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;

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

“ highway ” and “ street ” have the same meanings respectively as in the Act of 1959 and “ road ” has the same meaning as “ street ”;

“ 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;

“ land ” includes any interest in land or any easement or right into or over land;

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

“ 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;

PART I
—cont.

“ 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;

“ private street ” has the same meaning as in Part IX of the Act of 1959;

“ 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 Devon 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;

“ street works authority ” has the same meaning as in Part IX of the Act of 1959;

“ 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 organisation ” means any organisation not carried on for profit not being an organisation carried on by a public or local authority.

(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.

Powers of Act
not to be
applicable to
Honiton
Corporation.

4. Where under any of the provisions of this Act powers are expressly or by implication conferred on or exercisable by the council of a district (whether acting as the local authority of the district, a highway authority or in any other capacity) or those powers may by any means be exercised by, adopted by or by resolution, agreement or otherwise made available to any such council, then those provisions shall not extend to nor may such powers be exercised by the mayor, aldermen and burgesses of the borough of Honiton as respects that borough.

Incorporation
of Lands
Clauses Acts.

5. 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 (Promoters to be allowed to enter on lands before purchase, on making deposit by way of security and giving bond) of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

PART I
—cont.

6.—(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. The appointed day.

(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

7.—(1) The Council may acquire by agreement (whether by way of purchase, lease or exchange) any land whether situate within or without the county for or in connection with the purposes of any of their powers or duties under any local enactment, or for the benefit, improvement or development of the county, notwithstanding that the land is not immediately required: Further powers for acquisition

Provided that the powers conferred by this subsection shall not be exercised with respect to any land outside the county except with the consent of the Minister and except with the consent also of the county council of the administrative county or of the council of the county borough (as the case may be) in which the land is situate but the last-mentioned consent shall not be unreasonably withheld and any question as to whether such consent is or is not unreasonably withheld shall be determined by the Minister.

PART II
—cont.

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

Development
of land.

8.—(1) The Council may with the consent of the Minister lay out and develop any land within or without the county for the time being belonging to them and not required for the purpose for which it was acquired and any land acquired by them under section 7 (Further powers for acquisition) of this Act and may on any such land—

- (a) erect and maintain houses, flats, shops, offices, industrial buildings, garages, warehouses, canteens, recreational premises and other buildings;
- (b) adapt, alter, extend and modernise existing industrial or other buildings; and
- (c) construct, light, sewer, drain, pave, channel or kerb streets:

Provided that—

- (i) 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;
- (ii) the powers conferred by this section shall not be exercised with respect to any land outside the county except with the consent of the county council of the administrative county or of the council of the county borough (as the case may be) in which the land is situated but such consent shall not be unreasonably withheld and any question as to whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(2) The functions of the Council shall include power for the Council to repair, maintain and insure any buildings or works on such land as is referred to in subsection (1) of this section and generally to deal therewith in a proper course of management.

(3) Nothing in this section shall empower the Council to carry on any trade or business.

(4) 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 part of any article; or
- (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 the expression “article” means an article of any description including a ship or vessel.

9. Any land acquired under section 7 (Further powers for Disposal of acquisition) of this Act for the benefit, improvement or development of the county may be disposed of under section 165 (Power to sell or exchange land) of the Act of 1933 as if it were land which was not required for the purpose for which it was acquired.

10. The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired by the Council under this Act with respect to his reinstatement elsewhere and any such agreement may provide for the exchange of land, and for that purpose the Council may pay or receive money for equality of exchange.

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 develop or redevelop such land:

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 (if any) 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 (Reduction of interest on future local loans on the security of local rates) 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;

PART II
—cont.

- (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 any 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 their clerk shall have power at all reasonable times, after giving not less than seven days' notice, 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.—(1) For the purposes of this Part of this Act the provisions of sections 64 and 65 of the Housing Act, 1957, shall extend and apply as if land acquired by the Council under this Part of this Act had been acquired by the Council under Part III of the said Act of 1957 and as if any works executed by the Council upon such land were executed under powers exercisable by the Council by virtue of that Part of the said Act of 1957:

Application
of certain
provisions of
the Housing
Act, 1957.

Provided that the said section 65 as so extended and applied shall have effect as if—

PART II
—cont.

- (a) in subsection (2) thereof the words “ or to execute under the powers conferred by this Part of this Act any works near to or likely to affect any apparatus ” were inserted after the word “ subsection ” and the words “ in any case where the local authority intend to remove or alter any apparatus ” were inserted before the words “ the undertakers may ”;
- (b) subsection (4) thereof also applied to apparatus on, over or under any land purchased by the Council under the said Part III; and
- (c) in the said subsection (4) the words “ the exercise of any powers conferred by this Part of this Act or ” were inserted after the words “ by reason of ”.

(2) Where in pursuance of an order made by the Council under the said section 64 as extended and applied by subsection (1) of this section a public right of way is extinguished, the following provisions of this subsection shall have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster-General as is under, in, upon, over, along or across the land over which the said right existed (in this subsection referred to as “ the affected line ”), that is to say:—

- (a) the power of the Postmaster-General to remove the affected line shall be exercisable notwithstanding that the said right is extinguished, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection unless before the expiration of that period the Postmaster-General has given notice to the Council of his intention to remove the affected line or that part thereof, as the case may be;
- (b) the Postmaster-General may by notice in that behalf to the Council abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) the Postmaster-General shall be entitled to recover from the Council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require;

PART II
—cont.

(d) where under paragraph (b) of this subsection the Postmaster-General has abandoned or is deemed to have abandoned the whole or any part of the affected line, it shall vest in the Council and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after such an order as is mentioned in subsection (2) of this section has been approved by the Minister the Council shall by notice to the Postmaster-General inform him of the making of the order.

(4) In this section "telegraphic line" has the same meaning as in the Telegraph Act, 1878.

Compulsory
acquisition of
easements.

13.—(1) The Council by means of an order made by the Council and submitted to and confirmed by the confirming authority may be authorised to create in favour of the Council in or over any land which under any enactment the Council may be authorised to acquire compulsorily any easement or other right in or over or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any buildings owned or occupied by the Council at the passing of this Act for the purposes of any of their undertakings, powers or duties.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in or over or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

(3) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1946 and as if—

(a) the expression "compulsory purchase of land" in the Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(b) paragraphs 9 and 10 of the First Schedule to the Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1) whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within paragraph 4 of the Second Schedule to the Act of 1946.

(5) In this section “ confirming authority ” means the authority having power to authorise the purchase compulsorily of the land for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the Council.

14.—(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.

15. Subject to the provisions of this Act, a local authority may with the consent of the Council exercise the powers conferred on the Council by the foregoing provisions of this Part of this Act and those provisions shall accordingly have effect with any necessary modifications including the substitution of— Application of certain provisions of Part II to local authorities.

- (a) “ a local authority ” for “ the Council ”;
- (b) “ district ” for “ county ”; and
- (c) “ general rate fund ” for “ county fund ”.

PART III HIGHWAYS

16.—(1) Where planning permission has been given, or has been deemed to have been given, pursuant to the Act of 1947, to a means of access which involves the construction of a carriage-crossing across a verge, ditch or footway to land adjacent to any county road in the county, the highway authority may at any time after the development has commenced give notice to the owner or occupier of the premises that they propose to construct the carriage-crossing. Carriage-crossings over verges, etc.

(2) Where the highway authority give notice under the foregoing subsection, the provisions of section 155 (Carriage-crossings over footways) of the Act of 1959 shall apply to the construction of the carriage-crossing subject to any necessary modifications, and for the purposes of such application the highway authority

PART III
—cont.

shall be deemed to be the appropriate authority and the notice shall be deemed to be a notice given for the purposes of paragraph (a) of subsection (1) of the said section 155.

Verges, etc.,
of housing
estates.

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

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

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

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

Milk stands
in highways.

18.—(1) Any person with the consent of the highway authority may, in proper and convenient situations in any highway or 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.

(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 aggrieved by the refusal of the highway authority to grant consent under this section or by the terms and conditions attached thereto may appeal to a magistrates' court.

(4) (a) 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 two months 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.

(b) Any breach of any terms and conditions imposed by the highway authority under subsection (2) of this section shall be deemed as regards liability to a fine and the other consequences arising under the foregoing paragraph of this subsection equivalent to the provision of stands without the required approval or consent.

19. 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 footpaths and bridleways 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.

PART III
—cont.

As to
direction
posts relating
to rights of
way.

20.—(1) As from the appointed day in any district any person may 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 erect or place or cause to be erected or placed any scaffolding, obstruction or projection constituting an obstruction (each of which is hereinafter in this section referred to as “ scaffolding ”) in, upon, or over any highway in that district if he has previously obtained a licence from the highway authority and complies 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 carriageway 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.

21.—(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.

(6) Where under subsection (1) of this section application is made to the local authority for their consent, and the local authority is not the highway authority, the local authority shall before giving or refusing such consent consult with the highway authority.

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

22.—(1) In this and the next succeeding section of this Act—
“the code of 1875” and “the code of 1892” have the same respective meanings as in Part IX of the Act of 1959; and
“street works” means works executed or authorised to be executed under the provisions of the code of 1875 or the code of 1892.

(2) 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, bridlepath 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 1875 or the code of 1892 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.

(3) Save in a case falling within the provisions of subsection (2) 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.

(4) 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 1875 or the code of 1892 in any district be deemed to 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.

(5) 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.

23.—(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.

Recovery of street works charges where owner unknown.

(2) Where the county court makes an order under subsection (1) of this section the Lands Tribunal shall for the purpose of determining the value of the said premises nominate one of their members selected in accordance with subsection (6) of section 1 (Establishment and jurisdiction of Lands Tribunal) and section 3 (Procedure, appeals, costs and fees) of the Lands Tribunal Act, 1949, and the member nominated 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 (Rate of interest on expenses recoverable under local Act) of the Act of 1959, together with all costs and expenses reasonably incurred by the Council.

PART III
—cont.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 (Upon deposit being made, a receipt to be given, and the lands to vest in the promoters, upon a notarial instrument being executed) 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 (Party in possession to be deemed to be owner) 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.

(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 1875 or code of 1892 whichever shall be the appropriate code ” for “ code of 1892 ”.

Mixing of
mortar in
streets.

24.—(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:

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 or any bridge over or under the same.

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

Removal of
furniture, etc.,
from highways.

25.—(1) The appropriate 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 verge of a highway or roadside waste in the county (not being in either case part of the highway) and which—

(a) may have remained there for more than seven days; or

(b) are likely to cause an obstruction;

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

(2) If the appropriate 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 appropriate 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.

PART III
—cont.

(3) The provisions of section 276 of the Act of 1936 as applied by this Act shall for the purposes of this section have effect as if the section referred to the appropriate authority instead of the local authority and the appropriate authority may recover from the person to whom the furniture, articles, goods or materials belonged any balance of the cost outstanding after exercising their powers under the said section 276.

(4) 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 (Purposes of the street works code and works the execution of which is to be regulated thereby) 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 (Regulation of deposit of building materials and making of excavations in streets) of the Act of 1959.

(5) In this section—

the expression "article" includes a derelict vehicle or part of a vehicle; and

the expression "appropriate authority" means—

(a) in relation to any highway being a county road, any verge or roadside waste of such a highway or any open space adjoining such a highway, the Council; and

(b) in relation to any other case, the local authority of the district.

26.—(1) Subsection (1) of section 126 (Power to authorise erection of stiles, etc., on footpaths or bridleways) of the Act of 1959 shall in its application to the county have effect as if in the definition of "agriculture" contained in section 295 of that Act the words "where that use is ancillary to the farming of land for other agricultural purposes" were omitted.

Extension of
section 126
of the
Highways
Act, 1959.

(2) Where statutory undertakers represent to the highway authority for a footpath or bridleway that for the purpose of protecting against pollution any water, whether on the surface or underground, which belongs to the undertakers or which they are for the time being authorised to take, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the footpath or bridleway, the highway authority shall have the same power to authorise the

PART III
—cont.

erection of stiles, gates or other works as they have in a case where a representation is made to them under the said section 126 and that section shall apply accordingly.

PART IV

PUBLIC ORDER AND SAFETY

Notice of
street
procession.

27.—(1) No procession shall pass through the streets of a district unless written notice stating the route by which and the date and time on and at which it will pass has been delivered at the office of the clerk of the local authority and at the principal police station in the district by midday on the day next but one before the date stated, treating as not an intervening day a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning.

(2) If a procession passes through the streets of a district in contravention of the foregoing subsection or by a route or at a time other than that stated in the notice delivered with respect thereto under that subsection, any person organising or conducting the procession shall be liable to a penalty not exceeding five pounds.

(3) In this section “procession” means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to a public or ceremonial procession habitually held.

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

28.—(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—

(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.

Police tele-
phone call
boxes and
shelters.

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

(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—

PART IV
—cont.

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

(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 a street belonging to and maintainable 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 so as to obstruct the existing access to premises abutting on a 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 arbitration;

(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.

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

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, obliterates, alters, defaces or obscures any plate, notice or mark provided by or at the expense of the

PART IV
—cont.

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.

(2) The standing joint committee or the fire authority (as the case may require) may recover from such person the expenses of removing the obstruction or replacing or making good the plate, notice, mark or equipment and the court before whom an offender is convicted shall have power in case of dispute to settle and determine the amount of any such expenses.

(3) 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.

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

Fire
precautions
in certain
large
buildings.

31.—(1) Where plans of a building or of an alteration or extension of a building are, in accordance with building byelaws, deposited with a local authority, and the building, or, as the case may be, the building as altered or extended, will be a building to which this section applies, the local authority shall reject the plans unless they show that the building, or, as the case may be, the building as altered or extended, will be—

- (i) provided with all such means of escape therefrom in case of fire as may be reasonably required; and
- (ii) 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:

PART IV
—*cont.*

Provided that—

- (a) nothing in paragraph (i) of this subsection shall apply to a factory to which section 34 (Means of escape in case of fire) 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;
- (b) nothing in paragraph (ii) of this subsection so far as it relates to the provision of fire alarms shall apply to a factory to which subsection (7) of section 36 (Safety provisions in case of fire) of the said Act of 1937 applies nor so far as it relates to the provision of a fire extinguishing system shall the said paragraph apply to a factory to which subsection (1) of section 12 (Fire fighting) of the Factories Act, 1959, applies.

(2) Before approving or rejecting any plans to which the foregoing subsection applies the local authority with whom the plans have been deposited shall consult the fire authority.

(3) The person proposing to erect, alter or extend or cause to be erected, altered or extended any building to which 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 (i) and (ii) 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—

- (a) may refuse to approve them; or
- (b) 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.

PART IV
—cont.

(4) If any building to which this section applies contravenes any of the requirements of paragraphs (i) or (ii) 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, altering or extending or causing to be erected, altered or extended 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.

(5) (a) A person who erects or causes to be erected, altered or extended 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.

(6) Any person aggrieved by—

(a) a requirement of a local authority; or

(b) a refusal by a local authority to approve particulars; or

(c) 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.

(7) This section applies to any building or proposed building in the county of a cubic content exceeding two hundred and fifty thousand cubic feet being a building—

(a) of the warehouse class; or

(b) used for the purpose of trade or manufacture;

but does not apply to any building—

(i) in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force; or

(ii) exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws by section 71 (c) of that Act.

(8) Any reference in this section to plans deposited in accordance with building byelaws shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the byelaws or this section.

32.—(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:

PART IV
—cont.

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 (Passing or rejection of plans, and power to retain plans, &c.) 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.

33. Section 59 (Exits, entrances, &c., in the case of certain public and other buildings) of the Act of 1936 shall have effect in the county as if in paragraph (b) of subsection (5) thereof the words "covered market or sale room" were inserted after the word "warehouse" and as if the word "ten" were substituted for the word "twenty":

Further
provision
for fire
precautions.

Provided that nothing in this section shall apply to premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises or to premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force.

34.—(1) The Council may in relation to any substance to which this section applies—

Prescription
of signs, etc.,
to be used
on certain
buildings.

(a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;

(b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance

PART IV
—cont.

to affix within such reasonable time as is specified in the notice and thereafter keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage the appropriate sign, symbol or notice.

(2) This section applies to any substance likely to involve special hazard to persons engaged in normal duties of fire fighting.

(3) Any person who fails to comply with the requirements of the Council under this section shall be liable on conviction to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

Instructions,
lectures, etc.,
on questions
relating to fire
services, etc.

35. The fire authority may—

(1) within the county arrange for—

(a) the publication of information on questions relating to fire services, fire fighting and precautions for avoiding the occurrence of fires; and

(b) the delivery of lectures and addresses and the holding of discussions on such questions; and

(c) the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions;

(2) within or outside the county prepare or join in or contribute to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid.

PART V

PUBLIC HEALTH

Protection
of foreshore
and adjoining
land from oil
pollution.

36.—(1) A local authority to whom this section applies may cleanse the foreshore within their district and the adjoining land (including land below low-water mark of ordinary spring tides but excluding land in any other district) by removing therefrom oil or any mixture containing oil that may have been deposited thereon by the action of any tidal or other waters.

(2) A local authority to whom this section applies may for the purpose of preventing the pollution of the foreshore within

their district, and such adjoining land as aforesaid by any such substance as aforesaid with the consent of the Minister of Agriculture, Fisheries and Food, spray or cause to be sprayed with chemicals or other substances any tidal or other waters, and with such consent as aforesaid may do any other thing or take any other measure which in their opinion is likely to achieve that purpose.

PART V
—cont.

(3) Nothing in this section or done thereunder shall prejudice or affect the operation of the Salmon and Freshwater Fisheries Act, 1923, the Rivers (Prevention of Pollution) Act, 1951, or the Oil in Navigable Waters Act, 1955, or permit the doing of any act which would have been unlawful by virtue of the provisions of the said Acts if this section had not been enacted.

(4) The powers conferred on a local authority by this section shall not be exercised in any area within the jurisdiction of a harbour authority without the consent of that authority.

(5) In this section—

“harbour authority” and “oil” have the same respective meanings as in the Oil in Navigable Waters Act, 1955.

(6) This section applies to the following local authorities:—

The mayor, aldermen and burgesses of the boroughs of—

Barnstaple, Bideford, Dartmouth, Torquay and Totnes.

The urban district councils of—

Brixham, Budleigh Salterton, Dawlish, Exmouth,
Kingsbridge, Ilfracombe, Lynton, Northam, Paignton,
Salcombe, Seaton, Sidmouth and Teignmouth.

The rural district councils of—

Axminster, Barnstaple, Bideford, Honiton, Kingsbridge,
Newton Abbot, Plympton St. Mary, St. Thomas and
Totnes.

PART VI

CAMPS AND MOVABLE DWELLINGS

37.—(1) Where it appears to the Council after consultation with the local authority of the district to be necessary to provide in the county suitable camping places for vehicles, trailers, caravans and tents the Council may provide such camping places together with means of access thereto and egress therefrom. Provision of camping places.

PART VI
—cont.

(2) Where a camping place is provided under this section the Council may—

- (a) do all such things as are necessary to adapt the camping place for use as such and in particular but without prejudice to the generality of the foregoing provide and maintain any cloakroom or other convenience in connection therewith;
- (b) appoint with or without remuneration such officers or servants as may be necessary for the superintendence of any such camping place;
- (c) make reasonable charges for the use of any such camping place by any person;
- (d) make regulations as to the use of any such camping place.

(3) The Council may enter into an agreement with any person for the provision by him of anything which the Council has power to do by virtue of the foregoing provisions of this section and any such agreement may contain such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement including in particular but without prejudice to the generality of the foregoing provision for—

- (a) a contribution whether by way of loan or otherwise by the Council towards the reasonable expenses incurred by any person in providing, maintaining and conducting a camping place and any facilities connected therewith;
- (b) the charges to be made to persons making use of the camping place;
- (c) the regulation of the use of the camping place.

(4) The Council may for the purposes of this section by agreement acquire whether by way of purchase, lease or exchange any land in the county.

(5) The Council may contribute towards or advance money by way of loan for—

- (a) the reasonable expenses incurred by any person in doing anything which the Council has power to do by virtue of the foregoing provisions of this section;
- (b) the expenses incurred by a local authority in exercising their powers under this section.

(6) The powers of the Council under this section may be exercised by a local authority in relation to land in the district of that local authority.

PART VII

FINANCE AND SUPERANNUATION

38. In this Part of this Act:—

Definitions for
this Part of
Act.

“ Act of 1925 ” means the Rating and Valuation Act, 1925;

“ Act of 1937 ” means the Local Government Superannuation Act, 1937.

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

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

(b) without the consent of any sanctioning authority such sums as may be necessary for 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 40 (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.

40.—(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.

PART VII
—cont.

(3) Every sum borrowed by the Council for the purpose of this section shall be repaid within the period to expire not more than one year after that for which the same was lent by them to the local authority.

(4) The Council shall be entitled to charge such rate of interest in respect of any particular loan under this section as may be agreed between the Council and the borrower:

Provided that the Council shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time the loan is made the rate of interest agreed is such that no loss is incurred by the Council in respect of the loan.

(5) All costs, charges and expenses incurred by the Council in respect of any particular loan under this section shall be met by the borrower.

(6) In this section the expression "local authority" means the council of any county district in the county and any other authority having jurisdiction within the county and being a local authority as defined by section 34 of the Local Loans Act, 1875, and includes any river board or drainage board having jurisdiction within the county and any joint board if all the constituent authorities are such local authorities as aforesaid.

General
insurance
fund.

41.—(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 offices 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 to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in any of the investments specified in paragraphs (a) to (g) of subsection (1) of section 55 (Investment of superannuation fund) of this Act subject to the provisions of the proviso to the said subsection (1) and of the provisions of subsection (2) of the said section 55 which shall accordingly apply for the purposes of this section as if for references to the superannuation fund maintained by the Council there were substituted references to the insurance fund.

(b) The interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund.

(c) 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.

(d) 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.

PART VII
—cont.

(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 (Power of local authorities to establish certain special funds) 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.

(10) In this section—

(a) the expression “financial year” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year;

(b) the expression “insurance office” means—

(i) an insurance company; or

(ii) an underwriter being a member of an association of underwriters; and

(c) the expression “prescribed amount” means such sum as may from time to time be prescribed by the Council.

Scheme for
equated
periods.

42.—(1) The Council may make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans

all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

PART VII
—cont.

(2) Any scheme made by the Council under this section shall have no force or effect until confirmed by the Minister who may confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment, order or sanction to the contrary have full force and effect.

(3) Nothing in any scheme made under this section shall prejudice or affect the security, rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be altered, extended, amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

(6) In this section the expression " statutory borrowing power " means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 (Temporary loans, etc.) of the Act of 1933.

43.—(1) The powers of the Council under any enactment to borrow may be exercised by the issue of bonds under this Act in addition to any other means by which the powers may be exercised. Power to issue bonds.

PART VII
—cont.

(2) The provisions set out in the First Schedule to this Act shall have effect with respect to bonds issued under this Act.

(3) Where the Council borrow by the issue of bonds, the following provisions of the Act of 1933 shall apply as if the money had been borrowed on mortgage under that Act, and as if the bonds were mortgages:—

Subsections (2) and (3) of section 208 (Rectification of register);

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

Application of
general rate
fund for
certain
purposes.

44. If in respect of any financial year the moneys received by a local authority on account of the revenue of any of their undertakings (including the interest and other annual proceeds received by the local authority in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the local authority in respect of that undertaking properly chargeable to revenue the local authority may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

(a) in the reduction of capital moneys borrowed for the purpose of the undertaking; or

(b) in the renewal, construction, extension or improvement of any works and conveniences for the purposes of the undertaking; or

(c) towards the provision of any reserve fund in respect of the undertaking which the local authority are authorised to provide.

Receipt in
case of minors.

45. If any money is payable by the Council to any employee (other than wages or salary) or creditor or the holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Council.

As to repay-
ment of loans
under Small
Dwellings
Acquisition
Acts, 1899
to 1923.

46. Notwithstanding anything in subsection (5) of section 1 (Power of local authority to advance money to residents in houses for the purchase of houses) of the Small Dwellings Acquisition Act, 1899, where any person repays any part of any advance of money made to such person by the Council under the Small Dwellings Acquisition Acts, 1899 to 1923, the amount of each periodical payment subsequently to be made by such person need not be reduced in accordance with the table referred to in

the said subsection but may remain unvaried and in that event the period during which the advance is to be repaid shall be appropriately reduced.

PART VII
—cont.

47.—(1) The Council may—

Expenses of
public
ceremonies,
entertainment,
etc.

- (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; and
(b) pay reasonable expenses of providing tokens or mementoes for persons performing public ceremonies.

(2) Section 1 (Payment of expenses of official and courtesy visits, etc.) 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”.

48. Without prejudice to section 292 of the Act of 1936, and to that section as applied by any other enactment, where under any enactment the Council are empowered to execute works at the request of, or in default of, the owner or occupier of any premises and to recover from him the expenses incurred by them in so doing, they may include in and recover as part of the expenses such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Power to
charge in
respect of
establishment
expenses.

49. 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 the 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.

Modification
of mortgages
by endorse-
ment under
hand.

50. 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

Recovery of
sums paid to
officers, etc.

PART VII
—cont.

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.

Exclusion of certain remuneration and service for superannuation purposes.

51.—(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:

Provided that the expression “local authority” shall mean a local authority as defined in section 40 of the Act of 1937 the employees of which participate in the benefits of the superannuation fund maintained by the Council and shall include any voluntary organisation, undertakers or body approved by the Minister the employees of which participate in the superannuation fund maintained by the Council by virtue of an agreement made or continued in force as if made under section 15 (Power to admit employees of other bodies) of the Local Government Superannuation Act, 1953, or any local Act.

(2) The salary, wages, fees and other payments paid or made to a contributory employee employed whole time by the Council or any other local authority in respect of any part-time employment (additional to his ordinary whole-time employment) by the Council or that other local authority respectively—

- (a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or
- (b) as a warden of or other employee performing duties at a youth centre; or
- (c) as a civil defence instructor;

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 in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) Where a contributory employee engaged in part-time employment within the meaning of subsection (2) of this section makes application to them in that behalf the employing authority may determine that the said subsection (2) shall not apply in his case:

Provided that an application under this subsection shall be made to the employing authority—

- (a) in the case of a contributory employee engaged in part-time employment as aforesaid at the passing of this Act not later than six months thereafter; or
- (b) in any other case not later than six months after the date on which the contributory employee first takes up such part-time employment.

(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.

PART VII
—cont.

52.—(1) If a contributory employee of the Council is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Council may transfer from the superannuation fund maintained by them to the county fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 (Return of contributions in certain cases) of the Act of 1937 or the amount of loss suffered by the Council in consequence of the contributory employee's offence or misconduct whichever is the less.

Transfer of
certain sums
from super-
annuation
fund.

(2) If a contributory employee of a local authority (other than one of the local authorities referred to in subsection (3) of section 60 (Application of certain other provisions of Part VII to certain authorities) of this Act) is dismissed, resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Council shall on demand from the local authority pay to them so much of the employee's contributions to the superannuation fund maintained by the Council as represents the amount of loss suffered by the local authority in consequence of his offence or misconduct and in that event the Council shall be under no obligation to pay that amount to the employee or his wife or family.

(3) In this section the expression "contributory employee" has the same meaning as in the Act of 1937.

53.—(1) Where a payment falls to be made by the Council to any person by way of pay or pension or otherwise in connection with the service or employment of that or any other person, including any repayment, with or without interest, of superannuation contributions, and the Council are satisfied, after considering medical evidence, that the person to whom it is payable (hereinafter called "the patient") is incapable by reason of mental disorder of managing and administering his property and affairs, the Council may, instead of paying the sum to the patient, apply it in accordance with subsection (2) of section 138 of the Mental Health Act, 1959; and that subsection shall accordingly apply to the Council as it applies to the authority therein mentioned:

Pay, pensions,
etc., of
mentally
disordered
persons.

PART VII
—cont.

Provided that the Council shall not apply in accordance with the said subsection (2) more than one hundred pounds in any year in respect of the pay, pension or otherwise of any one person.

(2) Before exercising for the first time the powers conferred by the preceding subsection in respect of a payment falling to be made to any person, the Council—

(a) shall give notice to the authority having jurisdiction for the purposes of Part VIII of the Mental Health Act, 1959, of their intention to do so, specifying the name and address of the patient and the amount and nature of the payments in respect of which they propose to exercise the said powers; and

(b) shall give such notice to the patient as the said authority may require.

(3) The notice referred to in the last preceding subsection shall be given not less than fourteen days before the payment, or such shorter period as the authority having jurisdiction for the purposes of Part VIII of the Mental Health Act, 1959, may allow.

(4) The authority having jurisdiction for the purposes of the said Part VIII may at any time, by notice to the Council, prohibit the exercise by the Council of the powers conferred by subsection (1) of this section in respect of payments falling to be made to any person; and on receipt of such a notice the Council shall cease to exercise those powers in respect of that person until the notice is withdrawn.

As to proof of continued existence of pensioners.

54. Notwithstanding anything in the Local Government Superannuation Acts, 1937 to 1953, the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts, 1944, 1947, 1952, 1956 and 1959, or any other superannuation, pension, compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person.

Investment of super-annuation fund.

55.—(1) In its application to the Council subsection (3) of section 21 (Management of superannuation fund, and use and investment of moneys) of the Act of 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 (Authorised investments) of the Trustee Act, 1925, but

without the limitations imposed by the proviso in subsection (1) of section 2 (Purchase at a premium of redeemable stocks; change of character of investments) 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 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 of the Northern Ireland Parliament or by royal charter being stock or shares which are at the time of making the investment quoted on any recognised 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:

PART VII
—cont.

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:—

(A) no investment shall be made in any such investment as aforesaid unless the company has 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—

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

(ii) 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;

(B) no investment shall be made in any such investment as aforesaid 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;

(C) 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.

(3) In the exercise of the powers of investment conferred by this section the Council shall have regard—

(a) to the need for diversification of investments of the fund in so far as is appropriate to the circumstances of the fund;

(b) to the suitability to the fund of investments of the description of investment proposed and of the investment proposed as an investment of that description.

(4) Before making any investment under subsection (1) of this section the Council shall obtain and consider proper advice on the question whether the investment is satisfactory having regard to the matters mentioned in paragraphs (a) and (b) of the foregoing subsection.

(5) The Council retaining any investments made under the said subsection (1) shall determine at what intervals the circumstances, and in particular the nature of the investment, make it desirable to obtain such advice as aforesaid, and shall obtain and consider such advice accordingly.

(6) For the purposes of the two foregoing subsections, proper advice is the advice of a person who is reasonably believed by the Council to be qualified by his ability in and practical experience of financial matters ; and such advice may be given by a person notwithstanding that he gives it in the course of his employment as an officer or servant.

(7) The Council shall not be treated as having complied with subsection (4) or (5) of this section unless the advice was given or has been subsequently confirmed in writing.

(8) Without prejudice to section 8 (Loans and investments by trustees not chargeable as breaches of trust) of the Trustee Act, 1925, the advice required by this section shall not include, in the case of a loan on the security of freehold or leasehold property in England and Wales or Northern Ireland or on heritable security in Scotland, advice on the suitability of the particular loan.

(9) In this section "recognised stock exchange" means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Frauds (Investment) Act, 1958.

56. 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.

57.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charges 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

Recovery of rates from certain owners.

PART VII
—cont.

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. 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 (Rating of, and collection of rates by, owners) of the Act of 1925, applies by virtue of a resolution of the local authority.

As to
recovery of
rates from
tenants and
lodgers.

58. For the purposes of section 15 (Recovery of rates from tenants and lodgers) of the Act of 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.

Application of
certain
provisions of
Part VII to
local
authorities.

59.—(1) The provisions of this Part of this Act mentioned in paragraph (a) of subsection (2) of this section shall apply to a local authority and those mentioned in paragraph (b) of the said subsection to a local authority (other than the Torrington Rural District Council) for the time being authorised to exercise the powers of the Small Dwellings Acquisition Acts, 1899 to 1923.

(2) The sections hereinbefore referred to are:—

- (a) Section 41 (General insurance fund);
- Section 42 (Scheme for equated periods);
- Section 45 (Receipt in case of minors);
- Section 47 (Expenses of public ceremonies, entertainment, etc.);
- Section 48 (Power to charge in respect of establishment expenses);
- Section 49 (Modification of mortgages by endorsement under hand);
- Section 50 (Recovery of sums paid to officers, etc.);
- (b) Section 46 (As to repayment of loans under Small Dwellings Acquisition Acts, 1899 to 1923).

(3) The provisions of the sections mentioned in subsection (2) of this section in their application to a local authority shall have effect as if—

- (a) the expression “a local authority” were substituted for the expression “the Council” and the word “district” for the word “county”; and

(b) in the case of the said section 47 the expression "general rate fund" were substituted for the expression "county fund".

PART VII
—cont.

60.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to each of the local authorities mentioned in subsection (3) of this section as if each such local authority were therein referred to in substitution for the Council.

Application of certain other provisions of Part VII to certain authorities.

(2) The provisions hereinbefore referred to are :—

Section 43 (Power to issue bonds);

Section 51 (Exclusion of certain remuneration and service for superannuation purposes);

Section 52 (Transfer of certain sums from superannuation fund);

Section 53 (Pay, pensions, etc., of mentally disordered persons);

Section 54 (As to proof of continued existence of pensioners);

Section 55 (Investment of superannuation fund).

(3) The local authorities hereinbefore referred to are—

The mayor, aldermen and burgesses of the borough of Barnstaple;

The mayor, aldermen and burgesses of the borough of Tiverton;

The mayor, aldermen and burgesses of the borough of Torquay;

The Exmouth Urban District Council;

The Ilfracombe Urban District Council;

The Paignton Urban District Council; and

The Teignmouth Urban District Council.

PART VIII

SPECIAL PROVISIONS RELATING TO THE EXMOUTH AND TEIGNMOUTH URBAN DISTRICT COUNCILS

61.—(1) In this section—

"the Exmouth Council" means the Exmouth Urban District Council;

"the Act of 1920" means the Exmouth Urban District Council Act, 1920;

"the signed map" means the map signed in quadruplicate by the Right Honourable the Lord Jessel the chairman of the committee of the House of Lords to which the Bill for this Act was referred of which one copy has been deposited in the office of the Clerk of the

Further powers as to the pleasure grounds in Exmouth.

PART VIII
—cont.

Parliaments, one copy in the Private Bill Office of the House of Commons, one copy with the clerk of the Council and one copy with the clerk of the Exmouth Council;

“ the specified lands ” means the lands coloured blue on the signed map.

(2) Notwithstanding anything contained in section 8 (Lands, &c. to be maintained as pleasure grounds) of the Act of 1920, the Exmouth Council may in addition to exercising the powers conferred upon them by Part III (Management of lands foreshore and pleasure grounds) of the Act of 1920—

- (a) erect, provide and maintain on the specified lands, buildings for any purpose for the benefit of the public and not being buildings authorised by section 10 (Power to provide buildings for concerts, &c.) of the Act of 1920 or fun fairs or amusement arcades;
- (b) without prejudice to the generality of the provisions of paragraph (a) of this subsection, erect, provide and maintain on the specified lands, shops and stalls for the sale of refreshments or of articles or commodities of any kind, and buildings, structures and apparatus for the giving of entertainments, exhibitions and amusements (not being fun fairs or amusement arcades);
- (c) let to any person any part of the specified lands for the purpose of erecting, providing and maintaining thereon such buildings, shops and stalls as are mentioned in paragraph (a) or paragraph (b) of this subsection; and
- (d) permit any person to erect, provide and maintain on the specified lands any such buildings, shops and stalls as aforesaid:

Provided that the Exmouth Council shall not exercise any of the powers conferred upon them by this subsection upon any part of the specified lands which is not, at the date of the passing of this Act held by, or leased to them, as pleasure grounds, unless and until that part is so held by or leased to them.

(3) The Exmouth Council may let, or permit any person to occupy for such periods, and upon such terms and conditions, as they think fit, any buildings, shops and stalls erected or provided by them under the powers of this section.

(4) The Exmouth Council may—

- (a) upon such terms and conditions as they think fit, permit any person by whom any buildings, shops and stalls are erected or provided or occupied, or to whom they are let under this section, to make charges for the use of the same or for admission to entertainments, exhibitions and amusements therein;

(b) make such charges as are referred to in paragraph (a) of this subsection in respect of any buildings, shops or stalls erected or provided by them under the powers of this section.

(5) For the avoidance of doubt and without prejudice to the foregoing provisions of this section it is hereby declared that the Exmouth Council may erect, provide and maintain chalets and beach huts and buildings, stalls and structures for the sale of refreshments on the lands hatched red on the signed map and may make charges for the use thereof.

(6) Nothing in this section shall authorise the Exmouth Council themselves to carry on any trade or business (other than the provision and sale of refreshments) in any shop or stall provided under the powers of this section.

(7) Section 22 (Saving for covenants affecting pleasure grounds and seashore) of the Act of 1920 shall extend and apply to the powers conferred upon the Exmouth Council by this section as if they were conferred upon that council by Part III (Management of lands, foreshore and pleasure grounds) of the Act of 1920.

62.—(1) In this section—

As to ferry services between Teignmouth and Shaldon.

- “ the Act of 1824 ” means the Act 5 George 4 c. cxiv;
- “ the Act of 1926 ” means the Teignmouth and Shaldon Bridge Act, 1926;
- “ the Act of 1949 ” means the Teignmouth and Shaldon Bridge Act, 1949;
- “ the Teignmouth Council ” means the urban district council of Teignmouth;
- “ the ferry limits ” means so much of the river Teign as is for the time being within the urban district of Teignmouth;
- “ the signed map ” means the map signed in quadruplicate by the Right Honourable the Lord Jessel the chairman of the committee of the House of Lords to which the Bill for this Act was referred, one copy of which has been deposited in each of the following offices:—
 - (a) the office of the Clerk of the Parliaments House of Lords;
 - (b) the Private Bill Office of the House of Commons;
 - (c) the office of the clerk of the Teignmouth Council;
 - (d) the principal office of the Teignmouth Harbour Commissioners;
- “ the new ferry services ” means the ferry services authorised by subsection (2) of this section.

(2) The Teignmouth Council may maintain, work and use ferry services for passengers, animals, vehicles and goods within the

PART VIII
—cont.

ferry limits at such points as they may deem expedient and either in substitution for or in addition to any ferry service provided by them under section 44 (Power to work and maintain ferry) of the Act of 1926:

Provided that the Teignmouth Council shall not under the powers of this subsection establish a ferry service—

- (i) at any point on the left bank of the river Teign upstream of the point marked A on the signed map opposite to the western termination of the highway known as “Ivy Lane”; or
- (ii) at any point on the right bank of the said river downstream of the point marked B on the signed map opposite to the easterly boundary of the premises known as “the Undercliff Hotel”;

without the consent of the Teignmouth Harbour Commissioners and of the Teignmouth Quay Company (Limited).

(3) For the purposes of maintaining, working and using the new ferry services the Teignmouth Council may purchase, construct, hire and provide, employ, maintain, use, work and sell or lease such vessels as they may deem necessary together with all proper appliances and conveniences.

(4) The Teignmouth Council may demand and take for the use of the new ferry services any tolls not exceeding the sums mentioned in Part I of the Second Schedule to this Act and for any other services rendered by the Council in connection with the ferry services and for the conveyance of animals (other than dogs), vehicles and goods on the ferry vessels such reasonable charges as the Teignmouth Council may think fit.

(5) The provisions of the Act of 1926 mentioned in Part II of the said Second Schedule are incorporated with and form part of this section and shall extend and apply to and for the purposes of this section as fully and effectually as if the ferry referred to therein included the new ferry services and as if such provisions, with any other necessary modifications, had been re-enacted in this section.

(6) The provisions of the Act of 1824, the Act of 1926 and the Act of 1949 mentioned in Part III of the said Second Schedule are hereby repealed.

PART IX

MISCELLANEOUS

Supply of
goods by
Council to
other
authorities.

63.—(1) The Council may purchase and store and supply to an authority any goods or materials required for the discharge of the functions of that authority and for those purposes the Council and any 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 an authority for the purpose of the erection, alteration or extension or repair and maintenance of houses or other buildings by or on behalf of that authority.

(2) For the purposes of this section the expression " authority " means an authority discharging functions within the county being—

- (a) a local authority or a joint committee appointed by two or more local authorities;
- (b) any statutory undertakers or other body of persons discharging functions in pursuance of any enactment;
- (c) a voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise of the powers of this section.

64.—(1) For the better performance of their respective powers or duties, provision may be made by agreement between two authorities to whom this section applies for the taking by either party thereto of action of the following kinds:—

Provision of reciprocal services, etc., by Council and other bodies.

- (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 the 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 (Interpretation of " provide ") of the Act of 1936 it shall be made under the said section 271 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 authority to whom this section applies or any person carrying out work for or on behalf of the Council.

(4) This section applies to the Council, the Devon River Board, a local authority and the council of a county borough, and in its application to the Council extends so as to authorise the Council to enter into agreements with any voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise of the powers of this section for the taking by the Council of action of any of the kinds mentioned in subsection (1) of this section.

PART IX
—cont.Electronic or
mechanical
accounting
equipment.

65. At any time after the Council 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 local authority or other person in the county use or permit that local authority or other person to use the said equipment for the purposes of that local authority or other person and they may make such charges as may be agreed for the use of the said equipment.

Publication
and
acquisition of
records, etc.

66.—(1) The Council may—

(a) preserve, arrange, index, classify, exhibit and publish such records, deeds and other documents of the Council or in their care or custody and of or relating to the county or such extracts from or copies of them or reference to their contents; and

(b) purchase or otherwise acquire or accept the custody of such records, deeds and other documents of or relating to the county;

as the Council may think to be of public interest.

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

Acquisition
of works of
art produced
to order.

67.—(1) The Council may enter into and carry into effect agreements or arrangements—

(a) for the taking and purchase of any photograph ; or

(b) for the production to their order of any picture or sculpture or other work of art and for the purchase or sale thereof by the Council when completed.

(2) 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 (Provisions as to precepts) of the Rating and Valuation Act, 1925.

Commemora-
tive plaques.

68. The Council may provide and on a conspicuous external part of any house, building or place in the county cause to be put up with the consent of the owner of such house, building or place, commemorative plaques indicating events of public interest in connection with such house, building or place or the site thereof, and may thereafter with the like consent maintain any such plaque or any plaque put up by any other person or body:

Provided that the powers conferred by this section on the Council shall not without the consent of the Minister of Works be exercisable in respect of any ancient monument being any such monument as is referred to in either sub-paragraph (i) or sub-paragraph (ii) of paragraph (b) of subsection (1) of section 15 (Interpretation) of the Ancient Monuments Act, 1931.

69.—(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 IX
—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".

70. A resolution of the Council under section 277 (Appearance of local authorities in legal proceedings) 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.

Authorisation
of appearance
of Council's
officers in
legal pro-
ceedings.

71.—(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 at least two-thirds 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.

72.—(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;

PART IX
—cont.

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 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;
 - (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.

73.—(1) The Council may make arrangements for—

- (a) providing aged persons and persons to whom section 29 (Welfare arrangement for blind, deaf, dumb and crippled persons, etc.) of the Act of 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 (Duty of local authorities to provide accommodation) of the Act of 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.

PART IX
—cont.

(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.

74.—(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—

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;

PART IX
—cont.

(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 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 (Cancellation of registration) 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 (Inspection of nursing homes) of the Act of 1936 to inspect a nursing home being a medical practitioner 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 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. The patient may require that any such interview or examination shall be conducted in the presence of one other person nominated by him.

(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.

75.—(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 Act of 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 accommodated 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 (Registration of disabled persons' or old persons' homes) of the Act of 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 (Inspection of disabled persons' and old persons' homes) of the Act of 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.

PART IX
—cont.

(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 in respect of which the Council have made arrangements under section 26 (Provision of accommodation in premises maintained by voluntary organisations) of the Act of 1948 or to any old persons' home maintained by the Salvation Army (whether or not it has been provided in pursuance of those arrangements).

Social
rehabilitation.

76.—(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—

- (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;
- (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) 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.

(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.

(4) For the purposes of the National Assistance Act, 1948, and the Children Act, 1948, a person in accommodation provided by the Council under this section without the county shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily resident immediately before he was admitted to such accommodation whether or not he in fact continues to be ordinarily resident in that area.

77.—(1) In this section—

PART IX
—cont.

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 (Duty of local authority to provide for orphans, deserted children, etc.) or subsection (4) of section 6 (Application of preceding provisions to children already subject, or becoming subject, to orders of court) of the Children Act, 1948, or committed to their care by an order of any court under the Children and Young Persons Act, 1933, the Matrimonial Proceedings (Children) Act, 1958, or the Matrimonial Proceedings (Magistrates’ Courts) Act, 1960; and

Deeds, etc.,
of apprenticeship.

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.

78.—(1) In this section—

Return of
library books,
etc.

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;

PART IX
—cont.

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.

(3) Without prejudice to any other powers with respect to articles borrowed from a library the authority by whom the library is maintained may recover from any person failing to return any article borrowed from that library within such period as may be prescribed as aforesaid such reasonable sum as they may prescribe in respect of each day or each week or part of a week during which he fails to return the article together with any expenses incurred in sending to him notices in respect of the article:

Provided that the sum prescribed as aforesaid shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education in respect of any week or part of a week during which the article is not returned as aforesaid.

(4) Where a library authority become entitled under this section to recover any sum from any person that person shall not have any right until that sum has been duly paid to borrow any other article from any library maintained by that authority.

Maintenance
of certain
buildings.

79. The Council may make such contribution as they may think fit towards the cost of maintenance of any building in the county which is included in the list of buildings prepared or approved by the Minister under section 30 (Lists of buildings of special architectural or historic interest) of the Act of 1947.

As to warning
posts and
signs.

80.—(1) The Council, a local authority or parish council may erect and maintain such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions existing in the vicinity of such posts and signs 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 Council may contribute to the expenses incurred by a local authority or parish council in exercising the powers of this section.

(3) Nothing in this section shall be in derogation of any order or regulation made by the Minister of Transport in respect of traffic signs or any general or special directions given by him in pursuance of the Road Traffic Act, 1960.

PART IX
—cont.

81. The provisions of the Town Police Clauses Act, 1847, shall extend to empower the council of an urban district to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of such council in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provisions as
to motor
vehicles let
for hire.

Provided that—

- (a) this section shall not apply to any such vehicle which is kept by any company, firm or person in connection with any business carried on by such company, firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Act, 1960, or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles;
- (b) nothing in this section shall empower the council of an urban district to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

82.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority as if the local authority were therein referred to in substitution for the Council and the word “ district ” were substituted for the word “ county ”.

Application
to certain
authorities of
provisions of
Part IX.

(2) The provisions hereinbefore referred to are:—

- Section 68 (Commemorative plaques);
Section 69 (As to minutes of Council meetings, etc.);
Section 70 (Authorisation of appearance of Council's officers in legal proceedings);
Section 71 (Delegation of powers to sub-committees);
Section 79 (Maintenance of certain buildings).

(3) Section 65 (Electronic or mechanical accounting equipment) of this Part of this Act shall apply to the mayor, alderman and burgesses of the borough of Torquay as if that local authority

PART IX
—cont.

were substituted for the Council and as if the expression “any other local authority” were substituted for the expression “any local authority”.

PART X
GENERAL

Apportionment of expenses in case of joint owners.

83. 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, and those expenses or any part of them are recoverable by the Council, they shall (if no provision is made in the enactment or in any other enactment applied thereto or incorporated as to the incidence of the expenses so recoverable) 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.

Local inquiries.

84.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purposes 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

85.—(1) 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 30 (Offences in respect of telephone boxes, etc.) and section 81 (Provisions as to motor vehicles let for hire) thereof) by any person other than a party aggrieved or the Council or the local authority as the case may be.

(2) Proceedings in respect of an offence under section 28 (Prohibition on solicitation of school children to sell or exchange articles, etc., at schools) shall only be taken by the local authority.

Appeals.

86.—(1) Section 300 (Appeals and applications to courts of summary jurisdiction) 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 section 301 (Appeals to quarter sessions against decisions of justices) and section 302 (Effect of decision of court upon an appeal) 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.

87. Section 265 (Protection of local authorities and their officers from personal liability) 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.

Protection of members and officers from personal liability.

88.—(1) The sections of the Act of 1936 mentioned in Part I of the Third 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.

Provided that section 293 of the Act of 1936 shall not apply to the recovery of sums due under section 78 (Return of library books, etc.) of this Act.

(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), Part V (Public health) and section 34 (Prescription of signs, etc., to be used on certain buildings) of this Act.

89. The provisions of section 83 (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 83 to local authorities.

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

For protection of certain statutory undertakers.

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

"apparatus" means—

(a) mains, pipes or other apparatus belonging to or maintained by any water undertakers, the Southern Gas Board or the South Western Gas Board;

PART X
—cont.

(b) electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Central Electricity Generating Board and the South Western Electricity Board;

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

“the authority” means the Council, a local authority, the highway authority or the standing joint committee, as the case may be;

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

“operational land” has the same meaning as in section 119 of the Act of 1947;

“position” includes depth;

“the undertakers” means—

the Southern Gas Board;

the South Western Gas Board;

the Central Electricity Generating Board;

the South Western Electricity Board;

water undertakers;

or any of them, as the case may be:

“water undertakers” means any company, local authority, board, committee or other person authorised by a local enactment to supply water in any part of the county and any local authority or board supplying water under the Act of 1936 in any part of the county:

(2) Subject to the provisions of sections 64 and 65 of the Housing Act, 1957, as extended and applied by section 12 (Application of certain provisions of the Housing Act, 1957), of this Act nothing in section 8 (Development of land) of this Act shall relieve the authority from liability for damage caused by them to any apparatus in the exercise of the powers of the said section:

(3) Nothing in section 17 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:

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

- (4) Nothing in the following sections of this Act shall relieve the authority or any person acting by the requirement or with the consent of the authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the authority or such person shall so exercise those powers as not to obstruct or render less convenient the access to any apparatus:—

Section 18 (Milk stands in highways);

Section 26 (Extension of section 126 of the Highways Act, 1959);

Section 29 (Police telephone call boxes and shelters):

- (5) Before the authority give any consent pursuant to section 21 (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 premises or person to whom such consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:
- (6) Before the authority grant any licence under section 20 (Licence to erect scaffolding) of this Act they shall 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 may be required to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:
- (7) Nothing in section 34 (Prescription of signs, etc., to be used on certain buildings) of this Act shall authorise the authority to require the undertakers to affix on any building, or part of a building on operational land of those undertakers, any sign, symbol or notice:
- (8) Nothing in section 61 (Further powers as to the pleasure grounds in Exmouth) of this Act shall relieve the Exmouth Urban District Council from liability for

PART X
—cont.

damage caused by them in the exercise of the powers of the said section and the said council shall so exercise those powers as not to obstruct or render less convenient the access to any apparatus:

- (9) (a) Any difference which may arise between the authority and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may if he thinks fit require the authority to execute any temporary or other work so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Arbitration.

91. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration then unless otherwise provided such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Saving for
powers of
Treasury.

92. 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 (Treasury control of borrowing, etc.) of the Borrowing (Control and Guarantees) Act, 1946.

Saving for
town and
country
planning.

93. 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 (Development orders) and subsection (1) of section 118 (Application to land regulated by special enactments) of that Act.

Saving for
Minister of
Agriculture,
Fisheries and
Food.

94. Nothing in this Act shall authorise the Council or any local authority to erect any building or fence or construct any other work on any land belonging to them to which section 194 of the Law of Property Act, 1925, applies where access to such land is prevented or impeded unless pursuant to that section the consent of the Minister of Agriculture, Fisheries and Food is obtained.

95. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Cornwall nothing contained in this Act shall extend to authorise the Council or a local authority to take, enter upon or interfere with any land (including land covered with water) or water or take away or affect any rights, powers, privileges or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under section 39 (Proviso for exercise of powers when the Duchy of Cornwall is vested in the Crown) of the Duchy of Cornwall Management Act, 1863, to exercise all or any of the said rights, powers, privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said Duchy or as the case may be the consent of the said Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained.

PART X
—cont.

Saving rights
of Duchy of
Cornwall.

96.—(1) 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 or any local authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land or hereditaments or any rights of whatsoever description—

Crown rights.

- (a) 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; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council or any local authority—

- (a) to carry out code regulated works within the meaning of the Act of 1950, in any highway vested in or maintained by the Minister of Transport; or
- (b) to carry out any works by reason only that such works involve or are likely to involve an alteration in any telegraphic line of the Postmaster-General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

PART X

—cont.

Repeal.

97. The provisions of the local enactments specified in the Fourth Schedule to this Act (being provisions relating to certain local authorities which are rendered redundant by the equivalent provisions of this Act) are hereby repealed.

Costs of Act.

98. The costs, charges and expenses preliminary to and of 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

BONDS

1. Bonds issued under this Act shall—
 - (a) bear interest at such rate as the issuing authority may determine at the time of the issue of the bonds;
 - (b) be issued in amounts of five pounds and multiples of five pounds;
 - (c) be issued for periods of not less than five years.
2. The bonds shall be deemed to be loan capital within the meaning of section 8 of the Finance Act, 1899.
3. The provisions of section 115 (Composition for stamp duty by county councils &c.) of the Stamp Act, 1891, shall, with the necessary adaptations, apply to the issuing authority as if bonds issued by the issuing authority were stock or funded debt of the issuing authority within the meaning of that section.
4. The bonds may be issued at such price as the issuing authority may from time to time determine; but not, without the consent of the Minister at a discount.
5. Bonds shall not be issued of greater aggregate nominal amount than will together produce, according to the price of issue, the amount of money for the time being authorised to be borrowed by the issuing authority.
6. Where a bond has been issued at a discount, so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by statute and repayable out of the revenues of the issuing authority on or before the date for repayment specified in the certificate issued in respect of the bond.
7. The issuing authority shall repay the bonds by means of a sinking fund and shall make the first payment to the sinking fund within twelve months from the issue of the bonds.
8. The bonds shall be repayable at par, unless previously cancelled by purchase in the open market or by agreement with the bondholder, at a place and on the date specified in the certificates issued in respect of the bonds; and no interest shall be payable on a bond in respect of any period after the date upon which the bond is repayable.
9. The issuing authority shall cause to be kept a register of all persons who are holders for the time being of the bonds. The register shall contain the following particulars:—
 - (a) the name, address and description of each holder, a statement of the bonds held by him, the price at which they are issued, the date for repayment and the number and dates of the certificates issued to him as hereinafter provided;
 - (b) the date of registration of each holder, and the date on which he ceased to be registered.

1st SCH.
—cont.

10. The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act.

11. The issuing authority shall issue to each holder of a bond a certificate under seal in respect thereof, duly numbered and dated, and specifying the amount of the bond and the date for repayment. The certificate shall be in the form appended to this schedule or in a form substantially to the like effect.

12. The certificate shall be prima facie evidence of the title of the person therein named, to the bond therein specified.

13. If a certificate is worn out or damaged, the issuing authority on the production thereof, may cancel it and issue a new certificate in its stead.

14. If a certificate is lost or destroyed, the issuing authority, on proof thereof to their satisfaction, and, if they so require, on receiving an indemnity against any claims in respect thereof, may issue a new certificate instead of the certificate lost or destroyed.

15. An entry of a substituted certificate shall be made in the register.

16. The transfer of a bond shall be by deed in the form appended to this schedule, or in a form substantially to the like effect.

17. A bond may be transferred in whole or in part, so however that any part transferred shall not be for an amount other than five pounds or a multiple of five pounds.

18. The deed of transfer shall be delivered to, and retained by, the issuing authority; and the issuing authority shall enter a note thereof in a register to be called the "Register of Transfers of..... bonds", and shall endorse on the deed of transfer a notice of that entry.

19. The issuing authority shall, upon receipt of the deed of transfer duly executed and stamped together with the certificate issued in respect of the bond, enter the name of the transferee in the register, and shall issue a new certificate or certificates to the transferee, or to the transferor and transferee, as the case may require.

20. Until the deed of transfer and the certificate have been delivered to the issuing authority as aforesaid, the issuing authority shall not be affected by the transfer, and the transferee shall not be entitled to receive any payment of interest on the bond.

21. The issuing authority before registering a transfer of a bond may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

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

23. A person becoming entitled to a bond by reason of the death or bankruptcy of a holder, or by any lawful means other than a transfer, may, by the production of such evidence of title as the issuing authority may require, either be registered as holder of the bond, or, instead of being himself registered, may make such transfer of the bond as the holder could have made; and the issuing authority shall issue a certificate accordingly.

24. Until such evidence as aforesaid has been furnished to the issuing authority, the issuing authority shall not be affected by the transmission of the bond; and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

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

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

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

FORMS

CERTIFICATE

No.....

(date)

..... per centum Bond for £.....
repayable at par on the 19..... at the.....

This is to certify that
of.....
is the registered holder of a bond for pounds (£.....)
issued by the.....
under the Devon County Council Act, 1961.

The common seal of the
.....
was hereto affixed in the presence
of }
.....

DEED OF TRANSFER

I
in consideration of the sum of
paid by
(hereinafter called "the transferee") hereby transfer to the

1ST SCH.
—cont.

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

And I the transferee hereby agree to accept the said.....
..... subject to the conditions aforesaid.

As witness our hands and seals this day of.....
nineteen hundred and

SECOND SCHEDULE

PROVISIONS RELATING TO FERRY SERVICES OF TEIGNMOUTH URBAN
DISTRICT COUNCIL

PART I

FERRY TOLLS

							s.	d.
For each crossing—								
For each person	...	...	...	...	...	...	1	0
For each dog	...	...	...	...	...	...		4

PART II

PROVISIONS OF ACT OF 1926 APPLIED

- Section 32 (Purchase of lands by agreement);
 Section 46 (Subsidiary works in connection with ferry);
 Section 47 (Bye-laws as to ferry);
 Section 48 (Ferry to be open to traffic);
 Section 50 (Arrangements for provision of ferry service by other parties);
 Section 53 (Power to charge for goods accommodation in connection with ferry);
 Section 55 (Lists of tolls, &c., to be exhibited);
 Section 56 (Taking and recovery of tolls, &c.);
 Section 58 (Persons may be prevented from using bridge or ferry on refusal to pay tolls);
 Section 59 (Penalties on persons practising frauds);
 Section 60 (Penalties in case of offences by toll collectors);
 Section 61 (Power to compound for payment of tolls, &c.);
 Section 62 (Exemptions from tolls, &c., in case of persons in service of Crown, &c.);
 Section 101 (Works below high-water mark to be subject to approval of Board of Trade);
 Section 102 (Survey of works by Board of Trade);
 Section 103 (Abatement of work abandoned or decayed);
 Section 104 (Provision against danger to navigation);
 Section 105 (Lights on works during construction);
 Section 106 (Permanent lights on works);
 Section 107 (Recovery of penalties);
 Section 108 (Recovery of demands);
 Section 110 (Crown rights);
 Section 112 (Saving for Teignmouth Harbour Commissioners);
 Third Schedule.

PART III

2ND SCH.
—cont.

PROVISIONS OF ACT OF 1824, ACT OF 1926 AND ACT OF 1949 REPEALED

The Act of 1824—

- Section LIV (Power to the Company to make Approaches from Teignmouth Roads);
 Section LXXVIII (Power to erect Turnpikes, and take Tolls);
 Section XCII (Bridge to be public upon Payment of Tolls);
 Section XCIII (Bridge not to be deemed a County Bridge);
 Section XCVI (Penalty for conveying Persons over the River within a certain Distance otherwise than over the Bridge);

The schedule.

The Act of 1926—

- Subsection (2) of section 5 (Partial repeal of Act of 1824);
 Section 6 (Savings from effect of repeal);
 Section 7 (Undertaking to continue vested in Company);
 Section 13 (Power to deviate);
 Section 14 (Power to make subsidiary works);
 Section 15 (Penalty for obstructing works);
 Section 16 (Alteration of position of mains and pipes);
 Section 17 (Power to stop up or interfere temporarily with streets, &c.);
 Section 18 (Sewers or drains to be removed arched over or filled-up);
 Section 19 (Power to stop up streets);
 Section 24 (As to maintenance of bridge);
 Section 25 (Agreements with local authorities for lighting or cleansing bridge);
 Section 28 (Sale of materials);
 Section 33 (Persons under disability may grant easements, &c.);
 Section 34 (Correction of errors in deposited plans and book of reference);
 Section 35 (As to private rights of way over lands taken compulsorily);
 Section 36 (Power to Company to enter upon property for survey and valuation);
 Section 37 (Costs of arbitration in certain cases);
 Section 38 (Compensation in cases of recently altered buildings);
 Section 39 (Power to acquire easements);
 Section 42 (Period for compulsory purchase of lands);
 Section 43 (For protection of Great Western Railway Company);
 Section 45 (Limits of ferry);
 Section 51 (Tolls and charges in respect of bridge);
 Section 57 (Tickets to be delivered denoting payment of bridge tolls);
 Section 63 (Conversion of shares);
 Section 64 (Division of new shares amongst holders of existing shares);
 Section 65 (New certificates for converted shares);

2ND SCH.
—cont.

- Section 66 (Capital);
 Section 67 (Issue of shares);
 Section 68 (Receipt in case of persons not sui juris);
 Section 69 (Preference shares);
 Section 70 (As to disposal of shares);
 Section 71 (Power to borrow);
 Section 72 (Appointment of receiver);
 Section 73 (Debenture Stock—Ranking of mortgages and debenture stock);
 Section 74 (Issue of redeemable preference shares or debenture stock);
 Section 75 (Priority of mortgages and debenture stock over other debts);
 Section 76 (Application of moneys);
 Section 77 (Ordinary meetings);
 Section 78 (Number of directors);
 Section 79 (Qualification of directors);
 Section 80 (Quorum of meetings);
 Section 81 (Directors);
 Section 82 (Continuing directors);
 Section 83 (Notice of candidature for office of director);
 Section 84 (Appointment of managing director);
 Section 85 (Notice of ordinary meetings);
 Section 86 (Defining right of voting by shareholders);
 Section 87 (Appointment of proxies);
 Section 88 (Joint holders);
 Section 89 (Interim dividend and annual accounts);
 Section 90 (Closing of transfer books);
 Section 91 (Reserve fund may be created by Company);
 Section 92 (Interest not to be paid out of capital);
 Section 93 (Auditors);
 Section 94 (Determination of remuneration of secretary and auditors);
 Section 96 (Power to lease undertaking or tolls);
 Section 98 (Power to make superannuation and other allowances);
 Section 99 (Power to directors to make donations, subscriptions, &c.);
 Section 113 (Costs of Act);

So much of the First Schedule as relates to sections LIV, LXXVIII, XCII, XCIII and XCVI of, and the schedule to, the Act of 1824;

The Second Schedule.

The Act of 1949—

- Section 3 (Reduction of capital);
 Section 4 (Investments);
 Section 8 (Abandonment of ferry undertaking);
 Section 9 (Winding up of Company);
 Section 10 (Resolutions of directors);
 Section 12 (Copy of Acts to be registered);
 Section 13 (Costs of Act).

THIRD SCHEDULE
SECTIONS OF ACT OF 1936 APPLIED

PART I
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283	Notices to be in writing; forms of notices, etc.
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285	Service of notices, etc.
288	Penalty for obstructing execution of Act.
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304	Judges and justices not to be disqualified by liability to rates.
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Dartmouth Corporation Act, 1928—

Section 16 (Further powers for the acquisition of land).

Sidmouth Urban District Council Act, 1933—

Section 38 (Further powers for the acquisition of land).

Plympton St. Mary Rural District Council Act, 1945—

Section 17 (Further powers for the acquisition of lands).

PART II

LOCAL ENACTMENTS RENDERED REDUNDANT BY SECTION 8 (DEVELOPMENT
OF LAND) OF THIS ACT

Ilfracombe Urban District Council Act, 1936—

Section 17 (Power to develop lands).

Torquay Corporation Act, 1937—

Section 16 (Power to develop lands).

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LOCAL ENACTMENT RENDERED REDUNDANT BY SECTION 41 (GENERAL
INSURANCE FUND) OF THIS ACT

Torquay Corporation Act, 1934—

Section 104 (Insurance fund).

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LOCAL ENACTMENT RENDERED REDUNDANT BY SECTION 42 (SCHEME FOR
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Plympton St. Mary Rural District Council Act, 1945—

Section 94 (Scheme for equated periods).



Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 19.
Town Police Clauses Act, 1847 ...	10 & 11 Vict. c. 89.
Duchy of Cornwall Management Act, 1863	26 & 27 Vict. c. 49.
Telegraph Act, 1869 ...	32 & 33 Vict. c. 73.
Public Health Act, 1875 ...	38 & 39 Vict. c. 55.
Local Loans Act, 1875 ...	38 & 39 Vict. c. 83.
Telegraph Act, 1878 ...	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882 ...	45 & 46 Vict. c. 56.
Local Government Act, 1888 ...	51 & 52 Vict. c. 41.
Stamp Act, 1891 ...	54 & 55 Vict. c. 39.
Public Works Loans Act, 1897 ...	60 & 61 Vict. c. 51.
Finance Act, 1899 ...	62 & 63 Vict. c. 7.
Small Dwellings Acquisition Act, 1899 ...	62 & 63 Vict. c. 44.
Cinematograph Act, 1909 ...	9 Edw. 7 c. 30.
Ministry of Transport Act, 1919 ...	9 & 10 Geo. 5 c. 50.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Exmouth Urban District Council Act, 1920	10 & 11 Geo. 5 c. cxxxi.
Salmon and Freshwater Fisheries Act, 1923	13 & 14 Geo. 5 c. 16.
Law of Property Act, 1925 ...	15 & 16 Geo. 5 c. 5.
Public Health Act, 1925 ...	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act, 1925 ...	15 & 16 Geo. 5 c. 90.
Trustee Act, 1925 ...	15 Geo. 5 c. 12.
Teignmouth and Shaldon Bridge Act, 1926	16 & 17 Geo. 5 c. lxxi.
Road Traffic Act, 1930 ...	20 & 21 Geo. 5 c. 43.
Land Drainage Act, 1930 ...	20 & 21 Geo. 5 c. 44.
Ancient Monuments Act, 1931 ...	21 & 22 Geo. 5 c. 16.
Local Government Act, 1933 ...	23 & 24 Geo. 5 c. 51.
Children and Young Persons Act, 1933 ...	25 Geo. 5 c. 12.
Public Health Act, 1936 ...	25 Geo. 5 & 1 Edw. 8 c. 51.
Factories Act, 1937 ...	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Pensions (Increase) Act, 1944 ...	7 & 8 Geo. 6 c. 21.
Town and Country Planning Act, 1944 ...	7 & 8 Geo. 6 c. 47.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act, 1946 ...	9 & 10 Geo. 6 c. 81.
Pensions (Increase) Act, 1947 ...	10 & 11 Geo. 6 c. 7.
Fire Services Act, 1947 ...	10 & 11 Geo. 6 c. 41.
Agriculture Act, 1947 ...	10 & 11 Geo. 6 c. 48.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act, 1948 ...	11 & 12 Geo. 6 c. 26.
National Assistance Act, 1948 ...	11 & 12 Geo. 6 c. 29.
Children Act, 1948 ...	11 & 12 Geo. 6 c. 43.
Teignmouth and Shaldon Bridge Act, 1949	12 & 13 Geo. 6 c. xvi.
Lands Tribunal Act, 1949 ...	12 & 13 Geo. 6 c. 42.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.

Short title	Session and chapter
Rivers (Prevention of Pollution) Act, 1951	14 & 15 Geo. 6 c. 66.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 45.
Children and Young Persons (Amendment) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 50.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2 c. 25.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2 c. 26.
Oil in Navigable Waters Act, 1955	3 & 4 Eliz. 2 c. 25.
Local Authorities (Expenses) Act, 1956	4 & 5 Eliz. 2 c. 36.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2 c. 39.
Housing Act, 1957	5 & 6 Eliz. 2 c. 56.
Matrimonial Proceedings (Children) Act, 1958	6 & 7 Eliz. 2 c. 40.
Prevention of Fraud (Investments) Act, 1958	6 & 7 Eliz. 2 c. 45.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
Pensions (Increase) Act, 1959	7 & 8 Eliz. 2 c. 50.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2 c. 53.
Factories Act, 1959	7 & 8 Eliz. 2 c. 67.
Mental Health Act, 1959	7 & 8 Eliz. 2 c. 72.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.
Matrimonial Proceedings (Magistrates' Courts) Act, 1960	8 & 9 Eliz. 2 c. 48.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.

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73. Welfare of aged and handicapped persons.

Section

- 74. Special provisions as to registration of nursing homes.
- 75. Special provisions as to registration of disabled persons' and old persons' homes.
- 76. Social rehabilitation.
- 77. Deeds, etc., of apprenticeship.
- 78. Return of library books, etc.
- 79. Maintenance of certain buildings.
- 80. As to warning posts and signs.
- 81. Provisions as to motor vehicles let for hire.
- 82. Application to certain authorities of provisions of Part IX.

PART X

GENERAL

- 83. Apportionment of expenses in case of joint owners.
- 84. Local inquiries.
- 85. Restriction on right to prosecute.
- 86. Appeals.
- 87. Protection of members and officers from personal liability.
- 88. Application of general provisions of Act of 1936.
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- 94. Saving for Minister of Agriculture, Fisheries and Food.
- 95. Saving rights of Duchy of Cornwall.
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SCHEDULES:

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Second Schedule—Provisions relating to ferry services of Teignmouth Urban District Council—

Part I—Ferry tolls.

Part II—Provisions of Act of 1926 applied.

Part III—Provisions of Act of 1824, Act of 1926 and Act of 1949 repealed.

Third Schedule—Sections of Act of 1936 applied—

Part I—Sections applied generally.

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Fourth Schedule—Local enactments repealed—

Part I—Local enactments rendered redundant by section 7 (Further powers for acquisition) of this Act.

Part II—Local enactments rendered redundant by section 8 (Development of land) of this Act.

Part III—Local enactment rendered redundant by section 41 (General insurance fund) of this Act.

Part IV—Local enactment rendered redundant by section 42 (Scheme for equated periods) of this Act.