



## CHAPTER liii

An Act to authorise the Urmston Urban District Council to supply heat by means of hot water and steam to make further and better provision for the improvement health and local government of the urban district of Urmston and for other purposes. [30th July 1949.]

**W**HEREAS the urban district of Urmston in the county palatine of Lancaster (in this Act referred to as "the district") is under the government of the urban district council of Urmston (in this Act referred to as "the Council"):

And whereas by the Urmston Urban District Council Act 25 & 26 Geo. 5. 1935 (in this Act referred to as "the Act of 1935") further and c. lxxxviii. better provision was made for the improvement health local government and finance of the district:

And whereas under the powers of the Housing Act 1936 the 26 Geo. 5. & Council have with the approval of the Minister of Health con- 1 Edw. 8. c. 51. structed and equipped a boiler-house and established an undertaking for the direct supply of hot water and the supply of heat by means of hot water or steam to buildings in areas comprised in certain housing estates in the district and have obtained the supply of water for such undertaking from the lord mayor aldermen and citizens of the city of Manchester the authorised undertakers for the supply of water throughout the district:

And whereas it is expedient to empower the Council to supply heat as defined in this Act and hot water within the district:

And whereas it is expedient that further and better provision should be made for the health good government and improvement of the district and that the powers of the Council in regard thereto should be enlarged as in this Act provided:

And whereas it is expedient that the provisions in regard to the finances of the Council which are contained in this Act should be made:

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

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

23 & 24 Geo. 5. c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed:

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

## PART I

## PRELIMINARY

Short title.

1. This Act may be cited as the Urmston Urban District Council Act 1949.

Division of  
Act into Parts.

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

Part I.—Preliminary.

Part II.—Heating undertaking.

Part III.—Streets and buildings.

Part IV.—Sewers drains &c.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Human food.

Part VII.—Parks &c.

Part VIII.—Lands.

Part IX.—Financial provisions.

Part X.—Miscellaneous.

Part XI.—General.

Incorporation  
of Acts.  
8 & 9 Vict.  
c. 18.

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act.

Interpretation.

26 Geo. 5. &  
1 Edw. 8. c. 49.

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



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

PART I  
—cont.

“The district” means the urban district of Urmston ;

“The Council” means the urban district council of Urmston ;

“The clerk” “the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the clerk the surveyor the medical officer of health and any sanitary inspector of the Council ;

“The county council” means the county council of the administrative county of the county palatine of Lancaster ;

“The Minister” except where otherwise provided means the Minister of Health ;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and the Town and Country Planning Act 1947 ;

9 & 10 Geo. 5.  
c. 57.  
10 & 11 Geo. 6.  
c. 51.

“Heat” means heat supplied or intended to be supplied by means of hot water or steam ;

“The heating undertaking” means the undertaking authorised by Part II of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Council for or in connection with the supply of heat or hot water ;

“The authority” means the British Electricity Authority ;

“The electricity board” means the North Western Electricity Board ;

“The gas board” means the North Western Gas Board ;

“The corporation” means the lord mayor aldermen and citizens of the city of Manchester ;

“The commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

10 & 11 Geo. 6.  
c. 49.

“Local planning authority” has the same meaning as in the Town and Country Planning Act 1947 ;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same ;

38 & 39 Vict.  
c. 55.

PART I  
—cont.55 & 56 Vict.  
c. 57.

“The Act of 1892” means the Private Street Works Act 1892 ;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not ;

“Child” means a person under the age of sixteen years ;

“Food” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938 ;

1 & 2 Geo. 6.  
c. 56.

“Public service vehicle” has the same meaning as in the Road Traffic Acts 1930 to 1947 ;

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

“The Act of 1935” means the Urmston Urban District Council Act 1935 ;

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

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

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council ;

38 & 39 Vict.  
c. 83.

“Authorised security” means any mortgage stock 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 ;

“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 Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction



of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed 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 of the Act of 1933 ;

“ The canal company ” means the Manchester Ship Canal Company ;

“ The Barton Dock estate ” means so much of the Barton Dock estate as is within the district and as is shown by a red colour on the plan signed in duplicate by Ernest Leonard Leeming on behalf of the Council and by Charles Ernest Lucette on behalf of the canal company of which plan one copy has been deposited with the clerk and one copy with the secretary of the canal company ;

“ Trafford Park ” means—

(a) the portion within the district of the area known as Trafford Park as defined in section 4 (Interpretation) of the Trafford Park Act 1904 ; and

(b) the area within the district known as Trafford Park extension containing 37 acres or thereabouts situate on the south side of the Bridgewater Canal at Barton and bounded by a line commencing at a point on the south-west side of the Bridgewater Canal 1,620 feet measured in a south-easterly direction along the canal bank from the centre line of the aqueduct carrying the said canal over the Manchester Ship Canal thence proceeding in a south-westerly direction for a distance of 390 feet to the east side of Ashburton Road thence in a southerly direction along that side of that road for a distance of 660 feet to a point on that side of that road opposite the point of junction of the centre lines of Ashburton Road and Redclyffe Road thence proceeding in a straight line in a south-easterly direction for a distance of 1,640 feet thence proceeding at an angle of 90 degrees in a north-easterly direction for a distance of 985 feet to the south-west side of the said Bridgewater Canal and thence proceeding in a north-westerly direction along the canal bank for a distance of 1,543 feet to and terminating at the point of commencement ;

“ Estate road ” means any road or street already laid out or hereafter to be laid out in Trafford Park.

## PART II

## HEATING UNDERTAKING

Supply of  
heat in the  
district.

5.—(1) The Council may supply heat to any premises in the district upon and subject to the terms and conditions provided by this Act and such other terms and conditions as may be agreed between the Council and the owners or occupiers of those premises:

Provided that in the exercise of the powers of this section the Council shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Council enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice thereof to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice shall be given by the Council to the owner of such premises.

Supply of  
hot water.

6. The Council may in addition to or instead of supplying heat to any premises to which they are authorised by this Act to supply heat supply hot water to such premises and the provisions of this Act relating to the provision storage transmission distribution and supply of heat and the collection and recovery of charges therefor by the Council shall apply to the provision storage transmission distribution and supply of hot water and the collection and recovery of charges therefor by the Council.

Works for  
provision of  
heat.

7.—(1) Subject to the provisions of this Part of this Act the Council may—

- (a) on lands in the district belonging or leased to them; and
- (b) where they enter into any agreement under section 19 (Power to buy heat in bulk) of this Act also on in or under any lands in respect of which provision is made by such agreement for the exercise of rights for the purpose;

erect lay down maintain work and use stations boiler-houses mains pipes and other works for providing storing transmitting and distributing heat or taking a supply of heat for the purposes of this Part of this Act and for producing any material product matter or thing arising or used in the process of such provision of heat including the generation of electricity together with such buildings boilers engines machinery sidings matters and things of whatever description as may be required by the Council to enable them to provide store transmit and distribute heat for such purposes and the Council may accordingly on those lands provide store transmit and distribute heat and may produce such materials products matters and things:

Provided that nothing in this section shall be taken to dispense with the consent of any government department to any



use of any lands of the Council in any case in which such consent would have been required if this section had not been enacted.

PART II  
—cont.

(2) Any electrical works or apparatus erected laid down maintained worked and used in pursuance of subsection (1) of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Post-<sup>41 & 42 Vict.</sup>master-General or with telegraphic communication by means of <sup>c. 76.</sup>any such line.

(3) Any electricity generated by the Council as aforesaid may be sold to—

(a) the authority ; or

(b) with approval of the authority the electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the authority and the electricity board) elsewhere.

(4) (a) The authority shall take all the electricity generated by the Council as aforesaid which is not—

(i) required for or in connection with the supply of heat ; or

(ii) supplied with the approval of the authority to the electricity board ;

upon such terms and conditions as may be agreed between the Council and the authority or in default of agreement determined by arbitration as hereinafter provided on the basis of a supply by a willing seller to a willing buyer.

(b) Any matter to be determined by arbitration under this subsection shall be referred to and determined by an arbitrator to be agreed upon between the Council and the authority or in default of agreement to be appointed by the President of the Institution of Electrical Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

8.—(1) If the Council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act the Council shall forthwith give to the Minister of Fuel and Power and the authority and the gas board notice of such resolution together with such information with regard to such station as the authority or the gas board may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities

As to construction of station for providing heat.



PART II  
—cont.

of heat required by the Council for the purposes of the heating undertaking and of the times and form at and in which such quantity or quantities will be required. Any dispute between the Council on the one hand and the authority or the gas board on the other hand as to whether any information is reasonably required by the authority or the gas board under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the authority or the gas board may serve upon the Council a counter-notice offering a supply of heat to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Council and the authority or the gas board as the case may be.

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Council and the authority or the gas board as the case may be the terms and conditions upon which a supply of heat is to be given to the Council by the authority or the gas board for the purposes of the heating undertaking are not agreed between them the Council shall submit to the Minister for determination the question whether a supply of heat shall be afforded to the Council by the authority or the gas board and (if he determines that a supply of heat is to be afforded by the authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

(4) If the Minister determines that a supply of heat shall be afforded to the Council by the authority or the gas board the authority or the gas board as the case may be shall afford such a supply in accordance with terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the authority or the gas board offered a supply of heat to the Council then if within twenty-eight days after the receipt of the determination of the Minister the authority or the gas board give notice in writing to the Minister and the Council that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat to the Council and the Council shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Council serve on the authority or the gas board as the case may be a notice requiring a supply in which case the authority or the gas board as the case may be shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.



9.—(1) The Council by means of an order made by the Council and submitted to the Minister and confirmed by him may be authorised to purchase land compulsorily for the purposes of the heating undertaking and for the purpose of the erection thereon of any station for transforming converting or distributing electricity required for the purposes of the heating undertaking.

PART II  
—cont.  
Compulsory  
acquisition  
of land for  
heating  
undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

9 & 10 Geo. 6.  
c. 49.

(3) In this section the expression "land" includes easements and other rights in respect of land and the Council may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land. In relation to the compulsory acquisition of any such easement or other right the Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or other right is acquired and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or other right.

(4) As regards any lands in respect of which the Council have acquired easements or rights only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights have the same rights of using and cultivating the said lands at all times as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Council to acquire the land the Council shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (5) of this section.

PART II  
—cont.

Application  
of powers &c.  
of Act of  
1936 to  
Council.

10.—(1) For the purposes of this Part of this Act the Council shall have the like powers and duties and be subject to the like restrictions as a local authority who supply water under the Act of 1936 have and are subject to under section 119 of that Act with respect to the laying and maintenance of water mains and for that purpose the mains and pipes for supplying heat shall be deemed to be water mains and section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) and section 333 (Protection for works of dock undertakers and for railways) of the Act of 1936 shall apply to the exercise of those powers.

(2) The Council may in any street within the district lay down such service pipes with such stopcocks and other fittings as they deem necessary for supplying heat to premises within the district and may from time to time inspect repair alter or renew and may at any time remove any service pipe stopcock or other fitting laid down in a street whether by virtue of this subsection or otherwise.

(3) (a) Where a service pipe has been lawfully laid down in on or over any land not forming part of a street the Council may from time to time enter upon that land and inspect repair alter renew or remove the pipe or lay down a new pipe in substitution therefor but shall pay compensation for any damage done by them.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by an arbitrator to be appointed in default of agreement by the Minister.

(4) The Council shall not without the consent of the canal company or otherwise than in accordance with such terms and conditions as the canal company in giving their consent may impose lay down any main pipe stopcock or fittings in or under any part of the Barton Dock estate other than a street to which the public have rights of access.

(5) In this section the expression "service pipe" means a pipe for supplying heat from a main to any premises.

Works  
constructed  
before  
passing of  
this Act to  
be part of  
heating  
undertaking.

11. The boiler-house and boiler equipment and the mains pipes and other works constructed by the Council in accordance with the consent of the Minister given before the date of the passing of this Act for the purposes mentioned in section 7 (Works for provision of heat) of this Act shall be deemed always to have formed part of the heating undertaking.

Construction  
&c. of electric  
wires &c.

12.—(1) The following provisions of the Third Schedule to the Water Act 1945:—

(a) in Part V (Power to lay mains &c.) of the said schedule section 19 (except in subsection (1) thereof the words



“and also subject to the provisions of the next succeeding section outside those limits”) and section 21; and

PART II  
—cont.

- (b) Part VI (Breaking open streets &c.) of the said schedule (except in section 22 thereof the words “and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains” and in section 25 subsection (4) thereof);

shall apply with the necessary modifications to the construction laying down erection and maintenance in under or over any street within the district of any electric lines wires conductors or apparatus which the Council may and which they are hereby authorised to construct lay down or erect for the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (3) of section 7 (Works for provision of heat) of this Act.

(2) All provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines wires conductors or apparatus to be constructed laid down or erected under the authority of this section and references in those provisions to undertakers shall be construed as referring to the Council. 62 & 63 Vict. c. 19.

(3) The powers of this section shall not be exercised except with the consent of the authority and the electricity board.

**13.—(1) Before the Council—**

- (a) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act; or

Consultation  
with under-  
takers as to  
certain works.

- (b) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section;

they shall give to the Minister and to the authority and the electricity board and the gas board and the corporation notice of their proposals and such information with regard thereto as the authority or the electricity board or the gas board or the corporation may within six weeks of the receipt of such notice reasonably require and shall consult with the authority and the electricity board and the gas board and the corporation on such proposals Any dispute between the Council and the authority

PART II  
—cont.

or the electricity board or the gas board or the corporation as to whether any information is reasonably required by the authority or the electricity board or the gas board or the corporation under this subsection shall be referred to and determined by the Minister.

(2) Without prejudice to the generality of subsection (1) of this section such information shall include particulars of the proposals (if any) of the Council as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes and apparatus of the authority and the electricity board and the gas board and the corporation from damage or injury arising directly or indirectly from any mains or pipes to be laid down or placed by the Council under the powers of this Part of this Act ;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom ;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted and distributed by the Council ;
- (d) the methods for measuring the volume temperature and pressure of the hot water or steam so stored transmitted or distributed ; and
- (e) the independent testing of such measurements.

(3) The authority and the electricity board and the gas board and the corporation or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the Minister with respect to such proposals.

(4) If no such representations are made the Council shall not proceed except in accordance with the proposals sent to the authority and the electricity board and the gas board and the corporation or any alteration thereof which may be agreed.

(5) If any such representations are made the Council shall not proceed with their proposals except with the approval of the Minister and in accordance with any modification of such proposals which the Minister may require.

(6) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

(7) In and for the purposes of this section "the Minister" means the Minister of Fuel and Power.



14.—(1) In any premises in which the Council supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such radiators pipes apparatus meters and fittings (in this Part of this Act called “fittings”) as may be required for or in connection with the utilisation of the heat so supplied and may instal repair or alter any such fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair or alteration. Power to supply fittings.

(2) The Council may make such charges as may be agreed or in default of agreement as may be reasonable for any fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any fittings let by the Council for hire and marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof—

(a) shall not be subject to distress or to the landlord’s remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be ; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the Council: 1 & 2 Geo. 6.  
c. 53.

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All fittings supplied by the Council under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Council.

(5) (a) The Council shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums necessary to provide for the repayment of moneys so borrowed.

(b) The total sums expended and received by the Council in connection with the purposes of this section in any year including interest and any sums necessary to provide for the repayment of moneys so borrowed shall be separately shown in the published accounts of the Council for that year.

(6) If any person wilfully injures or suffers to be injured any fittings belonging to the Council he shall be liable to a penalty

PART II  
—cont.

not exceeding five pounds and the Council may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

Interference  
with apparatus  
&c.

**15.**—(1) If any person wilfully and without the consent of the Council turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Council and thereby causes the supply of heat for the purposes of the heating undertaking to be interfered with he shall be liable to a fine not exceeding five pounds and (whether proceedings are taken against him in respect of his offence or not) the Council may recover from him the amount of any damages sustained by them and if such amount does not exceed twenty pounds the same may be recovered summarily as a civil debt.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of the heating undertaking he shall (without prejudice to any other right or remedy of the Council) be liable to a fine not exceeding five pounds.

(3) The provisions of this section shall not extend to or affect the exercise by the corporation of the powers conferred upon them by any enactment byelaw or regulation relating to their water undertaking.

Collection and  
recovery  
of heating  
charges.

**16.**—(1) The Council may from time to time prescribe a scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for re-connecting premises thereto and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the Council to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Council either as a simple contract debt in any court of competent jurisdiction and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any instalment of a heating charge payable by him in respect of any premises the Council may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the instalment due:

Provided that if before the expiration of the said seven days notice in writing is given to them that there is a dispute as to the amount due in respect of the heating charge or as to the liability



to pay the charge they shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

PART II  
—cont.

(3) Without prejudice to any other method of recovery any heating charges payable by the tenant of any premises belonging to the Council connected as aforesaid may be recovered as rent due from him.

17.—(1) Subject to the provisions of this section any authorised officer of the Council shall on producing if so required some duly authenticated document showing his authority have a right to enter at all reasonable hours any premises to which the Council are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises upon which any fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid—

Power to  
enter premises.

- (a) for the purpose of inspecting and examining any fittings required for the purposes of this Part of this Act whether belonging to the Council or not ;
- (b) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act ;
- (c) for the purpose of ascertaining whether or not circumstances exist which would authorise the Council to take any action or execute any work under this Part of this Act ;
- (d) for the purpose of taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Council :

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier :

Provided also that nothing in this section shall authorise any authorised officer of the Council—

- (a) without the previous consent in writing of the authority or the electricity board or the gas board (as the case may be) to enter any premises occupied or used by the authority or the electricity board or the gas board in connection with the generation or supply of electricity or the manufacture or supply of gas other than offices or showrooms ; or
- (b) without the previous consent in writing of the commission to enter any premises (other than offices hotels or houses) occupied or used by the commission in connection with their undertaking.

PART II  
—cont.

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

(a) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry ; and

(b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

the justice may by warrant under his hand authorise the Council by any authorised officer to enter the premises if need be by force :

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

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

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

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

**18.**—(1) The Council may with the consent in writing of the owner of any building or wall or any bridge over any street attach thereto such brackets heating mains electric lines and attachments (in this section referred to as "attachments") as may be required for the purposes of the heating undertaking.

(2) Where in the opinion of the Council any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

Attachment  
of brackets  
&c. to  
buildings  
and bridges.



(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building or wall forming part of an aerodrome ; or
- (b) any building which is designated in a list compiled or approved by the Minister of Town and Country Planning as being a building of special architectural or historic interest or any building or wall which the owner thereof alleges to be a building or wall of such interest ; or
- (c) any building or wall or bridge owned by the commission or the canal company ; or
- (d) any building or wall owned by the authority or the electricity board or the gas board ;

but if in the opinion of the Council any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or wall or bridge they may appeal in the case of a building being or alleged to be of special architectural or historic interest to the Minister of Town and Country Planning in the case of a building or wall or bridge owned by the commission or the canal company to the Minister of Transport in the case of a building or wall owned by the electricity board or the gas board to the Minister of Fuel and Power and in any other case to the Minister and the Minister of Town and Country Planning the Minister of Transport the Minister of Fuel and Power or the Minister as the case may be may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or wall or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or wall or bridge the subsequent owner may give to the Council notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Council shall (unless otherwise agreed) within six months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or wall or bridge the owner of the building or wall or bridge may require the Council at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or wall or bridge.

PART II  
—cont.

(6) In this section—  
the expression “owner”—

(a) in relation to a building or wall occupied under a tenancy for a term of years whereof five years or more remain unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building or wall forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome; and

the expression “own” shall be construed accordingly; and

the expression “aerodrome” means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

10 & 11 Geo. 5.  
c. 80.

Power to  
buy heat in  
bulk.

**19.**—(1) The Council may enter into and carry into effect agreements with any persons competent to supply heat for the furnishing to the Council by such persons of a supply of heat for the purposes of this Part of this Act and any such agreement may provide for the provision by the Council or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) The Council may for the said purposes also enter into and carry into effect agreements for the taking and use of waste heat hot water or steam from any generating station or gasworks and any authority entitled to give any such supply may enter into such an agreement.

Reports and  
returns with  
respect to  
heating  
undertaking  
and supply  
of heat.

**20.**—(1) The Council shall give to the authority and the electricity board and the gas board and the corporation such reports and returns and such information with respect to the heating undertaking as the authority or the electricity board or the gas board or the corporation may reasonably require and the authority and the electricity board and the gas board shall give to the Council such reports and returns and such information with respect to any supply by them of heat as the Council may reasonably require.

(2) Any dispute between the Council on the one hand and the authority or the electricity board or the gas board or the corporation on the other hand as to whether any reports returns or information are reasonably required by the authority or the



electricity board or the gas board or the corporation or the Council (as the case may be) shall be determined by the Minister of Fuel and Power.

PART II  
—cont.

**21.** The Council may require any person desiring to take a supply of heat or to be supplied with fittings or materials under this Part of this Act to deposit with the Council such sum as the Council may reasonably require as security for the payment of any moneys which may become due from him to the Council in respect of such supply or of any fittings or materials supplied to him in connection therewith.

Power to  
require deposit  
as security  
for payment  
of accounts.

**22.** The Council may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of heat from any person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges ;

Discounts  
for prompt  
payment.

Provided that the Council shall make the same allowance to all persons under similar conditions.

**23.**—(1) If the occupier of any premises supplied with heat by the Council quits the premises without giving notice thereof to the Council in manner provided by this section he shall be liable to pay to the Council all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter for heating on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Council to supply heat to the premises whichever first occurs.

Notice to be  
given by  
persons  
supplied with  
heat before  
quitting  
premises.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Council at the Council offices so that it is received by the Council at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heat charges payable to the Council.

**24.**—(1) The provisions of section 27 of the Water Act 1945 shall apply to a supply of water required by the Council to be given to any premises for their use for the purposes of this Part of this Act and to the corporation whether or not the water so required to be supplied is used or intended to be used wholly or partly for the purpose of the transmission or distribution of a supply of heat or hot water to the premises Provided that the Council may require that any such supply of water required by them as aforesaid shall be of the like quality as if they had required a supply of water for domestic purposes.

Supply of  
water by  
corporation  
to Council for  
heating  
undertaking.

PART II  
—cont.

(2) Save as expressly provided by the foregoing subsection nothing in this Part of this Act shall affect the powers rights and obligations of the corporation in regard to the supply of water under any enactment or their powers rights and obligations incident or relating thereto.

(3) Except with the consent of the corporation the Council shall not use for the purposes of their heating undertaking any water other than water supplied by the corporation.

Application  
of byelaws for  
preventing  
waste &c.  
of water.

**25.**—(1) The statutory provisions in force in the district for preventing waste undue consumption misuse or contamination of water shall apply with respect to mains pipes or other works including water fittings (as defined in the Water Act 1945) used in connection with the supply and use of heat by means of hot water as though that hot water were water supplied by the corporation.

(2) If any person contravenes the statutory provisions as applied to mains pipes or other works including water fittings used in connection with the supply and use of heat by means of hot water the corporation may without prejudice to their right to take proceedings for a fine in respect of such contravention cause any such water fittings belonging to or used by that person which are not in accordance with the requirements of the statutory provisions to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(3) Any provision in any enactment relating to the Corporation corresponding with the provisions of Part XIII (so far as applicable) of the Third Schedule to the Water Act 1945 shall apply with respect and in relation to the mains pipes or other works including water fittings used in connection with the supply and use of heat by means of hot water in like manner and to the like extent as those provisions would apply if the hot water were water supplied by the corporation.

(4) For the purposes of this section the expression “the statutory provisions” shall mean any enactment (as defined in the Water Act 1945) relating to the corporation’s water undertaking and any byelaws regulations or orders made by the corporation under section 17 of the Water Act 1945 or any corresponding provision in any such enactment.

For protection  
of under-  
takers.

**26.** For the protection of the authority and the electricity board and the gas board and the corporation (each of whom is in this section referred to as “the undertakers”) the following



provisions shall unless otherwise agreed in writing between the Council and the undertakers apply and have effect:—

PART II  
—cont.

(1) In this section—

the expression “ apparatus ” means—

(a) as regards the authority and the electricity board the electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the authority or the electricity board (as the case may be); 45 & 46  
Vict. c. 56.

(b) as regards the corporation any mains communication pipes service pipes or water fittings as defined in the Water Act 1945; 8 & 9 Geo. 6.  
c. 42.

(c) as regards the gas board the mains pipes or other apparatus belonging to them;

the expression “ authorised work ” means any main service pipe conduit duct or other work laid down placed or executed by the Council for the purpose of the heating undertaking in the exercise of the powers of this Part of this Act or any Act incorporated therewith:

(2) Where the Council require to dig or sink any trench for laying down placing or constructing any authorised work near to which any apparatus has been lawfully placed the Council shall give to the undertakers to whom such apparatus belongs notice in writing of such requirement together with plans sections and particulars of the authorised work to be laid in such trench and if it should appear to the undertakers that the laying down placing or construction of such authorised work would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity gas or water by means thereof the undertakers may within fourteen days from the receipt of such notice give to the Council notice in writing requiring them to alter the position or depth of such apparatus in such manner as may be reasonably necessary for avoiding any such injury interference danger or impediment and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration All such alterations shall (save as in this section provided) be carried out by and at the expense of the Council with as little detriment and inconvenience to the undertakers as the circumstances will admit and to the reasonable satisfaction of the engineer of the undertakers and under his superintendence unless after receiving not less than

PART II  
—cont.

three days' notice for that purpose (which notice the Council are hereby required to give except in cases of emergency) he refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the laying down placing or construction of such work:

- (3) The Council in laying down placing or constructing any authorised work shall not interfere with the access to any apparatus to any greater extent than is necessary for the purpose of or in connection with the carrying out of that work and shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity gas or water into or through any apparatus without the consent (which shall not be unreasonably refused) of the undertakers or in any other manner than the undertakers shall reasonably approve nor in the case of apparatus proposed to be removed or displaced until good and sufficient apparatus and other works reasonably necessary or proper for continuing the supply of electricity gas or water as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Council have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the undertakers:

- (4) If the undertakers shall desire—

(a) to alter the position or depth of any apparatus which the Council may be required to alter under subsection (2) of this section and shall within the period of fourteen days referred to in that subsection give not less than seven days' notice in writing thereof to the Council; or

(b) to provide any apparatus in lieu of any apparatus proposed to be removed or displaced under subsection (3) of this section and shall within the period of fourteen days from the date of the giving of their consent under that subsection or as the case may be from the date of a determination that such consent is unreasonably refused give not less than seven days' notice thereof to the Council;

the undertakers may themselves carry out any of the said works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Council and all reasonable expenses properly incurred by them under this subsection shall be repaid to them by the Council:



(5) The reasonable expense of all repairs or renewals of—

(i) any apparatus existing at the time of the laying down placing or construction of the authorised work ; or

(ii) any apparatus substituted for such existing apparatus or any part thereof and being of reasonably similar size and type ;

which may at any time hereafter be rendered reasonably necessary by reason of—

(a) the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise of the powers of this Part of this Act ; or

(b) any subsidence resulting from the laying down placing construction or removal of any authorised work whether during the laying down placing construction or removal of the authorised work or at any time within two years thereafter ;

shall be borne and paid by the Council :

(6) The Council in laying down placing constructing or removing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply lines or pipes of any person supplied by the undertakers with electricity gas or water :

(7) If any difference shall arise between the Council and the undertakers or their respective engineers with respect to any matter under this section the matter in difference shall be referred to arbitration :

(8) In settling any question under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of their apparatus and any duties or obligations which the Council may be under in respect of the authorised work and may if he thinks fit require the Council to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used :

(9) Except with the consent of the corporation it shall not be lawful for any authorised work or any water fittings (as defined in the Water Act 1945) provided or used by the Council or any other person supplied with heat by the Council for the storage transmission distribution and use of heat supplied by the Council to any

PART II  
—cont.

premises to be connected with any apparatus or fittings provided or used for the transmission distribution and use of water supplied to the same premises by the corporation in such a manner as to permit the flow of water through such connection Any person committing a breach of this provision shall be subject to a penalty not exceeding five pounds.

Council not to be exempted from proceedings for nuisance.

**27.** Nothing in this Part of this Act shall exonerate the Council from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Application of Special Roads Act 1949 to heating undertaking. 12 & 13 Geo. 6. c. 32.

**28.** For the purposes of section 4 of the Special Roads Act 1949 the Council in relation to the powers conferred upon them by this Part of this Act shall be deemed to be statutory undertakers.

## PART III

## STREETS AND BUILDINGS

No building allowed until street defined.

**29.**—(1) Where plans and sections of a new street have been deposited with and approved by the Council no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person to erect the building or any fence nearer to the centre of the street than any posts or other marks by which the width of the street has been defined.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No building to be erected until street formed.

**30.**—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Council so to do construct the carriageway of such new street or such part of the new street as may be required by the Council in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street :

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council



shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

PART III  
—cont.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Act of 1892 or under the local Acts for the time being in force in the district.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(4) The provisions of this section shall not apply to the canal company in relation to any new street or part of a new street to be laid out by them on any part of the Barton Dock estate.

(5) Nothing in this section or in any requirement of the Council thereunder shall prevent or restrict the gas board from beginning to erect or proceeding with the erection of a pressure governor house for the purposes of their undertaking abutting on any new street or part of a new street before such new street or part thereof is constructed or sewered in accordance with any such requirement.

**31.**—(1) The Council may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the district by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence or similar erection at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

As to termination of new streets.

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence or similar erection shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Council under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**32.**—(1) Any person erecting setting up or placing any blind Window shade covering or awning over any footway shall so erect set blinds &c. up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway.

PART III  
—cont.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Council the safety and convenience of the public.

(3) Every person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Power to lay  
out grass  
margins &c.  
on streets.

**33.** The Council may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Council may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively:

Provided that—

- (1) Nothing in this section contained shall empower the Council to prevent any person residing in or the occupier of any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street:
- (2) For the purposes of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Council shall be deemed to be the undertakers.

Prohibition  
of persons  
vehicles &c.  
on grass  
margins.

**34.**—(1) In so far as the Council may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street and is mown or maintained by the Council in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding one pound.

(2) Nothing contained in this section shall affect—

- (a) the duty of the Council under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930; or

20 & 21 Geo. 5.  
c. 43.



(b) the statutory rights of any statutory undertakers with respect to any area which is situate in or forms part of a street.

**35.** The Council when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Council under this section shall be deemed part of the expenses of carrying out the private street works in any such street. Planting of trees in private streets.  
Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Council shall be deemed to be the undertakers.

**36.—(1)** The Council during and for the purpose of the execution of any works forming part of the heating undertaking and in connection with the purposes mentioned in section 154 Temporary stoppage of streets.  
(Power to purchase premises for improvement of streets) of the Public Health Act 1875 and section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same.

(2) The Council shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

(3) The Council shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from the undertaking of the canal company or any station or depot of any railway undertakers or any school maintained by the local education authority.

(4) The Council shall not without the consent of the canal company exercise the powers of this section in respect of any street (other than a street to which the public have rights of access) within the Barton Dock estate.

PART III  
—cont.

Restrictions  
on rights of  
breaking up  
streets.

**37.**—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the district either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Council shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Council it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Council which consent shall not be unreasonably withheld and the Council may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Council to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Council and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Council in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with water gas or electricity as the case may be.

In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

**38.**—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Council made with the consent of the local planning authority for the district in which the highway is situate that a highway within the

Stopping up  
and diversion  
of highways.



district not being a trunk road is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the district can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted:

PART III  
—cont.

Provided that the Council shall not make an application under this section in regard to a county road without the consent of the county council which shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

(2) Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(3) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council; and

19 & 20 Geo. 5.  
c. 17.

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the district.

(4) On the hearing of such an application the Council and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Council or by any such person as aforesaid who was or claimed to be heard by the court.

PART III  
—cont.42 & 43 Vict.  
c. 49.  
23 & 24 Geo. 5.  
c. 38.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order ;
- (b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal ;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a rehearing.

(6) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever :

(7) Provided that—

- (i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of the local planning authority for the district in which that land is situate and of every person having a legal interest in that land is produced to and deposited with the court ; and
- (ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace for the administrative county of the county palatine of Lancaster.

(8) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court shall forthwith transmit the order to the clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (7) of this section among the records of quarter sessions.



(9) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable :

Provided that the owner of any land shall not be required to maintain so much of a highway as is diverted from his land.

(10) Any application or order under this section—

(a) may include two or more highways which are connected with each other ;

(b) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle way or footway.

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

**39.**—(1) Where any highway or portion of a highway is stopped up in pursuance of an order made under section 38 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Council and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up:—

(a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Council of his intention to remove the line or that part thereof as the case may be ;

(b) The Postmaster-General may by notice to the Council in that behalf abandon the said line or any part thereof and shall be deemed as respects the 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 line and any telegraphic line connected therewith which is rendered useless in consequence

PART III  
—cont.

of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;

- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Council and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any highway has been stopped up the Council shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) Expressions in this section have the same meaning as in the Telegraph Act 1878.

Maintenance  
of footpaths  
&c.

40.—(1) The owner of every house fronting adjoining or abutting on a highway which is not repairable by the inhabitants at large shall maintain the footpath on the frontage of such house and the approach to such house from the highway (exclusive of so much of such footpath or approach as passes through the garden of or through any land within the curtilage of such house) in accordance with the reasonable requirements of the Council.

(2) Any person who contravenes the provisions of this section after the expiration of a period of twenty-eight days (or such longer period as may be allowed by the Council) from the receipt of notice from the Council shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Urgent repairs  
of private  
streets.

41.—(1) In any street not being a highway repairable by the inhabitants at large the Council may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves defray the cost of the repairs out of the general rate fund:

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed ten pounds for each one hundred yards of the length of the street.

(2) The exercise by the Council of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the district relating to private street works or private improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

(3) Section 16 of the Act of 1935 is hereby repealed.



42.—(1) In this section the expression “ private street works ” has the same meaning as in section 6 (Private street works) of the Act of 1892.

PART III  
—cont.

Application of  
Act of 1892  
to parts of  
public streets.

(2) Notwithstanding anything contained in the Act of 1892 where it appears to the Council that by reason of additions made otherwise than by the giving up for the purpose by the Council of lands owned by them to an existing footpath bridle path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) a new street has been formed the Council may in respect of such street or any part of such street carry out private street works under the provisions of the Act of 1892 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 repairable.

(3) Notwithstanding anything contained in the Act of 1892 the Council may under the provisions of that Act carry out private street works throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (2) of this section the Council shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so repairable.

(4) For the purposes of any apportionment under subsection (3) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.

43.—(1) In this section—

“ neglected site ” means the site of a demolished building in the district which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

As to neglected  
sites.

(2) A court of summary jurisdiction on complaint by the Council may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Council at any time after the expiration of such time may enter upon the neglected site and execute the order.

(4) All expenses incurred by the Council under subsection (3) of this section in relation to a neglected site may be recovered by the Council from the owner of the neglected site and if the amount does not exceed twenty pounds in a summary manner.



PART III  
—cont.Saving for  
Trafford Park.

44.—(1) Nothing in section 29 (No building allowed until street defined) and section 30 (No building to be erected until street formed) of this Act shall apply within Trafford Park.

(2) Nothing in section 37 (Restrictions on rights of breaking up streets) of this Act shall in any way restrict the exercise by the owners referred to in section 25 (As to estate roads in Barton-upon-Irwell) of the Trafford Park Act 1904 of the powers conferred by the said section nor the enjoyment by those owners of the rights and privileges thereby conferred upon them.

## PART IV

## SEWERS DRAINS &amp;C.

Apportionment  
to frontagers  
of expenses  
of sewer  
constructed  
under public  
highway.

45.—(1) Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of section 46 (Provisions applicable to the last preceding section) of this Act the expenses incurred by the Council in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the district but shall become operative as from the date of such publication. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

Provisions  
applicable  
to the last  
preceding  
section.

46.—(1) The sum apportionable under the last preceding section of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Council shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.



(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of a street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say)—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) to such a distance that the part of that wall remaining (if any) is less than half the previous height of the building (the height being measured from the ground level to the highest point of the building);

(ii) the conversion into a house of any building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory workshop shop or place of public resort; and

(iv) any extension by reason whereof the area occupied by the site of a building will (with any previous extension made since the date in question)



PART IV  
—cont.

be increased by an area equal to more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date.

15 & 16 Geo. 5.  
c. 22. (5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in section 45 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Council or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Council from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

As to evasion  
by owners  
of sewerage  
expenses.

47. If on a complaint by the Council to a court of summary jurisdiction it is proved to the satisfaction of the court—

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting



adjoining or abutting on a street within the meaning of section 45 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act ; and

- (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the said section of this Act ;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under the said section 45 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act may be recovered and is charged on the premises under the said last preceding section of this Act.

48. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Act of 1936 may be exercised in pursuance of any general or special directions given by the Council in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

Further power to examine and test drains &c. believed to be defective.

49. The Council at the request of the owner or occupier of any premises may undertake the cleansing of any water-closets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Council and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

Cleansing of sinks and gullies.

50.—(1) Any person who stops up damages injures or removes any surface water drain or land drain by means of which water is conveyed from lands which do not belong to that person shall unless—

Penalty for damage to surface water drains &c.

- (a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the Council ; or

PART IV  
—cont.

(b) he shows to the satisfaction of a court of summary jurisdiction that no material detriment is caused to such lands by stopping up damaging injuring or removing such drain ;

be liable to a penalty not exceeding five pounds and the Council may give notice to the owner or occupier of the land on which such drain is situate requiring him to restore the drain to its former condition.

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

## PART V

## INFECTIOUS DISEASE AND SANITARY PROVISIONS

For preventing  
obstruction to  
streams by  
culverts &c.  
20 & 21 Geo. 5.  
c. 44.

51.—(1) In this and the next succeeding section the expression—

“ main river ” shall have the same meaning as in the Land Drainage Act 1930 and the main river shall be as shown upon the map of any catchment area prepared in pursuance of section 5 of the said Act of 1930 and for the time being in force ;

“ stream ” shall include any part of any river and of any tributary thereof within the district and any part of any stream brook and watercourse and of any channel culvert and water passage in or through or passing by the district :

Provided that the expression “ stream ” shall not include any main river of the Rivers Mersey and Irwell Catchment Board but shall include tributaries of any such river in the district which do not form part of a main river.

(2) Where any obstruction is or may be caused to any stream by any inadequate or insufficient culvert channel or other work the Council may reconstruct or remove such culvert channel or work or may construct and maintain a proper and sufficient culvert channel or other work.

(3) The Council and any other local authority or person affected may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction repair maintenance or removal for the purposes of this section.

(4) Nothing in this section shall be deemed to restrict the exercise by the Council of their powers in relation to culverts channels or other works.



(5) The provisions of this section shall not apply to any railway lands or works belonging to the commission and used by them for the purposes of their railways without their consent:

Provided that consent under this subsection shall not be unreasonably withheld and if any question arises as to whether or not consent is unreasonably withheld either party may require that it shall be referred to an arbitrator.

52.—(1) If any stream or any part thereof is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Council may by notice require the owner or occupier of any lands abutting on any part of such stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such stream is obstructed or impeded to cleanse or put in proper order such stream or part thereof so as to allow the proper flow of water in such stream and in the event of any person to whom any such notice is lawfully given by the Council neglecting to comply with the requirements of such notice within one month from the service on him of such notice the Council may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(2) Any work which the Council may require to be carried out under this section may be executed by and at the expense of the Council:

Provided that the Council shall not exercise any undue discrimination against any person.

(3) Nothing in this section shall authorise the Council to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

53.—(1) The Council may make byelaws—

(a) for requiring the sterilisation in such manner as may be prescribed by the byelaws of animal feeding meat exposed or offered for sale for consumption by dogs cats or other animals;

(b) for prohibiting the sale or offer or exposure for sale of animal feeding meat for consumption by dogs cats or other animals unless such meat has been so sterilised;

(c) for empowering any authorised officer of the Council to examine any animal feeding meat which is offered

Byelaws as  
to meat for  
feeding  
animals.

PART V  
—cont.

or exposed for sale for consumption by dogs cats or other animals and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid:

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is supplied to a zoological garden or to a menagerie for consumption by carnivorous animals which has been examined and passed as fit for animal food by an authorised officer.

(2) In and for the purposes of this section the expression "authorised officer" means any officer of the Council who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purposes of the examination or seizure of meat under the provisions of that Act the expression "animal feeding meat" means any flesh of cattle horses asses mules swine sheep or goats which is not sold or intended for sale for human consumption and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance and the expression "flesh" includes any part of an animal.

Prohibition  
on sale of  
verminous  
articles.

54.—(1) No person shall—

- (a) prepare for sale;
- (b) sell or offer for sale; or
- (c) deposit for the purpose of sale or preparation for sale;

any furniture mattress bed-linen clothing or similar article (in this section called "article") if the same is to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a person contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Council upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfected or destroyed as the case may require and may recover the cost of so doing from such person.

(3) (a) The medical officer and the sanitary inspector may enter the premises of any dealer in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(b) Every dealer who refuses to permit the medical officer or the sanitary inspector to enter any premises or make any inspection which he is authorised under the provisions of this section to enter or make or obstructs him in the execution of his duty under such provisions shall be liable to a penalty not exceeding five pounds.



(4) For the purposes of this section—

“preparation for sale” shall not include disinfestation;

“dealer” means any person who trades or deals in any of the articles referred to in this section.

55.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Council for the purpose.

Registration of  
hairdressers  
and barbers  
and premises.

(2) The Council may make byelaws for the purpose of securing—

(a) the cleanliness of any premises registered under this section and of the instruments towels materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(3) The person registered shall keep a copy of the byelaws made by the Council under this section and the certificate of registration displayed in the registered premises.

(4) (a) Any officer of the Council or other person duly authorised in writing in that behalf by the Council and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in which there is reason to suppose that the said trade or business is being carried on:

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer or person except a qualified medical practitioner in the employment of the Council or the sanitary inspector.

(b) Every person who refuses to permit any officer or authorised representative of the Council to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART V  
—cont.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on is not registered in accordance with subsection (1) of this section or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the cancellation or suspension of the registration.

Smokeless  
zones.

**56.**—(1) The Council may by order to be confirmed by the Minister prohibit the emission of smoke from any premises in any area or areas within the district (other than Trafford Park and the Barton Dock estate and any part of the undertaking of the canal company) which may be prescribed in such order.

(2) Before submitting an order under subsection (1) of this section to the Minister the Council shall publish in the London Gazette and in one or more local newspapers circulating in the district a notice—

- (i) stating that such an order has been made and is about to be submitted to the Minister for confirmation ;
- (ii) stating the general effect of the order ;
- (iii) describing the area or areas to which the order applies ;  
and
- (iv) stating that within a period of twenty-eight days from the date of the first publication of the notice any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of such notice to the clerk.

(3) If no objection is duly made or if all objections so made are withdrawn then the Minister may if he thinks fit confirm the order with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

(4) An order made under the foregoing provisions of this section may—

- (a) in relation to any premises specified in the order—
  - (i) provide that the premises shall be excluded from the area ;
  - (ii) provide that the application of the order to the premises shall be deferred for such period as may be specified ;



(b) provide that the application of the order to premises used for any of the following processes shall be deferred for such period as may be specified or indefinitely—

- (i) the working of a mine ;
- (ii) the smelting of ores and minerals ;
- (iii) the calcining puddling and rolling of iron and other metals ;
- (iv) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals ; and
- (v) the reception treatment and disposal of sewage by the corporation :

Provided that the application of the order to the premises referred to in paragraph (b) of this subsection shall not be deferred on the ground that they are used for any of the said processes unless the Minister is satisfied that the inclusion of the premises within the operation of the order would obstruct or interfere with any such processes.

(5) An order made under this section shall come into operation on but not until such date as may be specified in the order which shall be not less than six months after the date of the first publication of the notice of the confirmation of the order.

(6) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order made under this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted arose solely from the consumption of coke anthracite or any other fuel of a type specified by the Council used in a furnace stove or other appliance suitable for burning such fuel and properly maintained and used.

(7) So soon as may be after an order made under this section has been confirmed by the Minister the Council shall publish in one or more local newspapers circulating in the district a notice stating that the order has been confirmed and naming a place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the public inquiry in support of his objection.

(8) A copy of a newspaper containing a notice published in pursuance of this section shall be sufficient evidence of the publication of the notice.



PART V  
—cont.

(9) An order under this section may contain such provisions as the Minister may think expedient—

(a) for enabling the lessee or tenant of any premises within the area to which the order relates who has to incur expense in executing works or providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the order and the owner of such premises to enter into and fulfil agreements making such variations of the terms of the lease or tenancy of the premises as may be reasonable having regard to the expense to be incurred and to other relevant circumstances ; and

(b) for enabling any such lessee or tenant who has been unable to make an agreement with the owner thereof under paragraph (a) of this subsection to apply to the county court for an order making such variations of the terms of the lease or tenancy of the premises as aforesaid and for enabling the court to make such an order.

(10) An order under this section may be varied or revoked by another order made by the Council and confirmed by the Minister.

(11) Nothing in this section or in any order made thereunder shall apply to any existing generating station of the authority or to any generating station or any works for the manufacture or storage of gas permission for the construction or extension of which by the authority or the gas board (as the case may be) is granted or deemed to be granted in accordance with the provisions of the Town and Country Planning Act 1947.

(12) Nothing in this section or in an order made thereunder shall apply to smoke emitted from a railway locomotive or a locomotive used by the corporation at their sewage works at Davyhulme.

(13) The Council may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of any order made by the Council and confirmed by the Minister under this section.

Prevention of  
smoke from  
industrial  
furnaces.

**57.**—(1) As from the commencement of this section no person shall instal in any building whether erected before or after the passing of this Act any furnace for steam raising or for any manufacturing or trade purpose unless such furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding ten pounds and any person who after conviction of an offence of installing a furnace



in contravention of those provisions uses that furnace shall unless it has been amended so as to comply with those provisions be liable to a penalty not exceeding two pounds for each day on which he so uses the furnace.

PART V  
—cont.

(3) If a person before installing in a building a furnace to which this section applies submits to the Council plans proposals and particulars of the proposed furnace and furnishes them with such other necessary information in regard thereto as they may require the Council shall within a period of six weeks from the date upon which such plans proposals particulars and information are received by them serve a notice upon such person stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke and if they are so satisfied or if they do not serve a notice upon such person before the expiration of the said period of six weeks no proceedings shall be taken against him under this section in respect of the installation of that furnace in accordance with the plans proposals particulars and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke the Council shall consult with the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated continuously without emitting smoke the Council or a court shall if either of the parties so desire have regard to cost and to local conditions and circumstances.

## PART VI

### HUMAN FOOD

58.—(1) The occupier of any shop cellar passage or other space forming the whole or part of a building being a shop cellar passage or other space in which food (other than (a) milk (b) meat to which the Public Health (Meat) Regulations 1924 to 1948 apply and (c) food which is packed in tins or other strongly constructed and impervious cases) is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall take all such steps as may be reasonably necessary to guard against the contamination of such food by animals and insects and shall cause such food to be so placed as to prevent mud filth or other contaminating substance being splashed or blown thereon.

Precautions  
against  
contamination  
of food.

(2) Any person who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.



## PART VII

## PARKS &amp; C.

Closing of  
Abbotsfield  
Park for  
horticultural  
show.

53 & 54 Vict.  
c. 59.

**59.** Notwithstanding anything contained in the proviso to section 44 (Parks and pleasure grounds) of the Public Health Acts Amendment Act 1890 the Council may close to the public on the first Monday in August in every year or on any public holiday which may hereafter be substituted for the said first Monday in August Abbotsfield Park and may grant the use of the same either gratuitously or for payment for the purposes of the Urmston Annual Horticultural Show.

Transmission  
of entertain-  
ments.

**60.**—(1) The Council may provide erect maintain and use such apparatus and conveniences as they may consider necessary for the purpose of transmitting any concert or entertainment or any part thereof from a building or recreation ground belonging to the Council at which such concert or entertainment is provided to any other building or recreation ground at which concerts or entertainments may be provided by the Council and for that purpose may erect and maintain posts and wires in any street. The Council shall not exercise the powers of this section so as to interfere with any overhead electricity lines of the electricity board.

32 & 33 Vict.  
c. 73.

(2) Nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the Council or any other body or person from any obligation to obtain any licence under the Wireless Telegraphy Acts 1904 to 1926 or the Wireless Telegraphy Act 1949 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

As to use  
of parts of  
recreation  
grounds for  
parking places.

15 & 16 Geo. 5.  
c. 71.

25 & 26 Geo. 5.  
c. 47.

**61.**—(1) The provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 shall extend to enable the Council from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds or pleasure grounds not exceeding in the case of any park recreation ground or pleasure ground one acre or one-eighth of the area of such park recreation ground or pleasure ground (whichever may be the less) as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall mutatis mutandis apply and have effect for the purposes of this subsection.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section.



62. No power conferred upon the Council by the preceding sections of this Part of this Act shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Council without an Order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

PART VII  
—cont.

Saving for trusts covenants &amp;c. in conveyances and leases.

## PART VIII

## LANDS

63. On selling any land the Council—

Reservation of easements &amp;c. by Council.

(a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;

(b) may make the sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the deposit or discharge of manure sewage or other impure matter or otherwise as they think fit.

64.—(1) With respect to any land acquired under this Act the Council may if they think fit—

Powers of leasing.

(a) accept a surrender of any lease of the land granted by them and grant either to the lessee or tenant under the surrendered lease or to any other person a new lease of all or any of the land leased by the surrendered lease;

(b) grant reversionary leases of all or any of the said land;

(c) enter into and carry into effect any agreement for or in respect to the surrender or grant of any such lease;

(d) in any such lease or agreement give to the lessee or tenant or intended lessee or tenant on such terms and conditions as the Council think fit an option to purchase the fee simple in reversion or other the reversionary interest of the Council in all or any of the land leased or agreed to be leased.

(2) In this section the expression "lease" includes a letting.

65. The power of the Council of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under this Act.

Provision of substituted sites.

## PART IX

## FINANCIAL PROVISIONS

66.—(1) The Council may from time to time independently of any other borrowing power borrow at interest the sum or sums

Power to borrow.

PART IX  
—cont.

requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Council may determine not exceeding five years from the passing of this Act.

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

As to exercise  
of borrowing  
powers.  
8 & 9 Geo. 6.  
c. 18.

**67.** It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Accounts of  
undertakings.

**68.**—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Council (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking (including the income from any authorised fund provided in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or used for those purposes under any enactment;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in section 69 (Application of revenue of undertakings) of this Act other than the purpose mentioned in paragraph (e) of this subsection.

(2) The Council shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.



(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

PART IX  
—cont.

69.—(1) If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council 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 Council out of the general rate fund in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Council may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in the renewal and the construction extension or improvement of any works and conveniences for the purposes of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by any enactment) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council.

(2) Any reserve fund which has been provided in respect of any undertaking of the Council and which is in existence on the first day of April one thousand nine hundred and forty-nine shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking; or

PART IX  
—cont.

(c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Date of  
operation of  
certain  
sections.

70. The two last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty-nine.

Recovery of  
rate &c. from  
persons  
removing.

71.—(1) If a justice is satisfied on complaint by any officer of the Council duly authorised that any person is quitting or about to quit any premises in the 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 person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Council and to detain them until the complaint is determined upon the return of the summons.

(2) Section 118 of the Act of 1935 is hereby repealed.

Recovery of  
rates from  
certain owners.

72.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Council so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Council 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 Council 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.

15 & 16 Geo. 5.  
c. 90.

(3) This section shall not apply to any hereditament to which subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 as amended by section 55 of the Local Government Act 1948 applies by virtue of a resolution of the Council.



73. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the district 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.

PART IX  
—cont.

As to recovery  
of rates from  
tenants and  
lodgers.

## PART X

### MISCELLANEOUS

74.—(1) The Council may remove any dilapidated monument from a grave space in a cemetery belonging to the Council but in the case of a grave the owner of which can be found only with the consent of the owner.

As to  
monuments  
in cemeteries.

(2) The Council may set apart a portion not exceeding one acre or one-half whichever may be the less of that part of any such cemetery where at the date of the passing of this Act no grave spaces have been sold as a part where no monuments may be erected on grave spaces therein.

(3) For the purposes of this section "monument" includes a monument tombstone kerb or memorial or ornament of any description so erected or placed that any part of it is above the level of the ground immediately surrounding the grave space.

(4) The Council shall cause to be made a record of the removal of any monument removed under the powers of this section showing the particulars respecting each monument so removed as a separate entry and such record shall be deposited at the General Register Office of Somerset House London with the miscellaneous records in the custody of the Registrar-General.

75.—(1) The Council may in connection with the maintenance of any cemetery provided by them under the Public Health Acts or any burial ground provided by them under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

As to  
maintenance  
of cemeteries  
&c.

(2) Before the Council exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the district notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice in writing to the Council of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice) If any objection shall be so given to the Council and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.



PART X  
—cont.

Amendment  
of section 38  
of Act of  
1935.

Silencers for  
internal  
combustion  
engines.

76. Section 38 (Compensation for injuring lamps &c.) of the Act of 1935 shall be read and have effect as if the word "twenty" had been inserted therein instead of the word "ten."

77.—(1) Every person who uses a stationary internal combustion engine within the district shall provide and use an effective silencer on the exhaust of such engine and shall at all times keep such silencer in proper repair.

(2) The Council shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Council if the silencer be found in proper order but otherwise at the expense of the person aforesaid:

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway undertakers and used by them for the purposes of their railway undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Council to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Byelaws as  
to camping  
grounds.

78.—(1) The Council for the purpose of securing the amenities of the district in relation to the use of camping grounds and movable dwellings situate thereon may make byelaws with respect to any camping grounds within the district whether provided by the Council or not—

(a) for preventing the amenities of the district being prejudicially affected by the state or condition of any such camping ground;

(b) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon;

(c) for preventing annoyance to the residents in or visitors to the district by the conduct of occupiers of or persons frequenting movable dwellings situate on any such camping ground.

(2) (a) A copy of any byelaws made by the Council under this section shall be appended to any licence granted by them under section 269 of the Act of 1936.

(b) The Council in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.



(3) Byelaws made under the provisions of this section shall not apply to—

PART X  
—cont.

- (a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society or any local education authority ;
- (b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter ;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;
- (d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;
- (e) a movable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of movable dwellings ; or
- (f) to a movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business :

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society body association organisation or authority by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only

PART X  
—cont.

- apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) in respect of a movable dwelling of any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ; and
- (v) if any society or body referred to in the said paragraph (a) are using any camping ground provided by the Council or if any person being a member of any such society or body or of any society or organisation referred to in paragraph (e) or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the Council under this section respecting that camping ground.

Shelters &c.  
for passengers.

79.—(1) The Council may erect and maintain on any street in the district at suitable stopping places on the routes of public service vehicles or on lands belonging to them shelters and other accommodation for intending passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles.

(2) The Council shall not in pursuance of this section erect any shelter or other accommodation or rail—

- (i) so as to cause interference with or to render less convenient the access to or exit from any station or depot belonging to any railway undertakers : or
- (ii) in any street or road belonging to or repairable by any railway undertakers ; or
- (iii) on any bridge carrying any street or road over any railway or the approaches thereto ;

except in each case with the previous consent in writing of the railway undertakers concerned which consent shall not be unreasonably withheld ; or



(iv) on any part of the highway without the consent of the highway authority which consent shall not be unreasonably withheld and may be given subject to such reasonable terms and conditions as such highway authority may think fit ; or

(v) on any estate road without the consent of Trafford Park Estates Limited and the Trafford Park Company which consents shall not be unreasonably withheld.

(3) Any question which may arise as to whether any consent required by subsection (2) of this section is unreasonably withheld or whether any such terms or conditions are unreasonable shall be referred to and determined by the Minister of Transport.

(4) The Council may make byelaws for the regulation use and management of any such shelters and other accommodation.

(5) The Council may enter and carry into effect agreements with any person authorised to run public service vehicles within the district for and in relation to the erection maintenance and use of any such shelters and other accommodation and rails and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

**80.** The Council may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds. As to prizes for garden competitions.

**81.—(1)** The Council may if they think fit grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any employee who may die in their service not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment : Power to grant allowances or gratuities in certain cases.

Provided that this section shall not apply—

(a) in the case of a widow to whom a pension is granted in pursuance of section 9 (Allocation of part of superannuation benefits to wife or husband) of the Local Government Superannuation Act 1937 ; or

(b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Act 1925 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

1 Edw. 8. &  
1 Geo. 6. c. 68.

15 & 16 Geo. 5.  
c. 84.

9 & 10 Geo. 6.  
c. 62.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

PART X  
—cont.

Undertakings  
to bind  
successive  
owners.

**82.**—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Council to or by the owner of any legal estate in land or property on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Council and such owner or his successor in title or person claiming through or under him shall be entitled to require from the Council a copy of such undertaking or agreement.

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

(3) Any such undertaking or agreement of such owner shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

## PART XI

## GENERAL

Restriction  
on right to  
prosecute.

**83.** Section 298 of the Act of 1936 shall apply to offences created by or under Parts III IV V VI VII and X of this Act as if they were offences created by or under that Act.

As to appeals.

**84.**—(1) Any person aggrieved by any requirement refusal or other decision of the Council or of any officer thereof under Part III (Streets and buildings) Part IV (Sewers drains &c.) Part V (Infectious disease and sanitary provisions) or Part VI (Human food) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Council with regard to the same matter.



(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken ;

(b) the Council shall not execute such work or take such action ; and

(c) any such person may carry on such business and use such premises for such purpose ;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Council effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

**85.** As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be (a) in the case of byelaws made under section 79 (Shelters &c. for passengers) of this Act the Secretary of State (b) in the case of byelaws made under section 53 (Byelaws as to meat for feeding animals) of this Act the Minister of Food and (c) in all other cases the Minister. Byelaws.

**86.** When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the district directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936. Compensation how to be determined.

**87.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such Damages and charges to be settled by court.

PART XI  
—cont.

damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

## Inquiries.

**88.** The Minister and the Minister of Fuel and Power and the Minister of Transport may hold such inquiries as they consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

Application of  
provisions of  
Act of 1936.

**89.**—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative).

(2) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable to Part III (Streets and buildings) Part IV (Sewers drains &c.) Part V (Infectious disease and sanitary provisions) and Part VI (Human food) of this Act (that is to say):—

Section 277 (Power of councils to require information as to ownership of premises);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Section 292 (Power to make a charge in respect of establishment expenses);



- Section 293 (Recovery of expenses &c.) ;  
 Section 295 (Power of local authority to grant charging orders) ;  
 Section 329 (Saving for certain provisions of the Land Charges Act 1925) :

PART XI  
—cont.

Provided that the said sections 287 and 288 shall not apply to the provisions of section 54 (Prohibition on sale of verminous articles) and section 55 (Registration of hairdressers and barbers and premises) of this Act.

90.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Council of which date public notice shall be given by the Council by advertisement in one or more local newspapers circulating in the district. Commence-  
ment of certain  
provisions of  
this Act.

Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of the first publication of the advertisement:

Provided that as respects the provision of section 55 (Registration of hairdressers and barbers and premises) of this Act the application for the registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to section 55 (Registration of hairdressers and barbers and premises) and section 57 (Prevention of smoke from industrial furnaces) of this Act.

(4) As respects the provision of section 55 (Registration of hairdressers and barbers and premises) of this Act it shall be lawful for any person who when such provision comes into operation—

- (a) is carrying on any such business or using any premises for any such purpose ; and  
 (b) has made application in accordance with the provisions of this Act for such registration as is required by this Act ;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 84 (As to appeals) of this Act.

91. Where under this Act any question difference or dispute is to be referred to an arbitrator or to arbitration other than questions differences or disputes to which the provisions of the Application of  
Arbitration  
Acts 1889 to  
1934.



PART XI  
—cont.

Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question difference or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

For protection  
of statutory  
undertakers.

92. For the protection of the British Electricity Authority the electricity board and the gas board (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Council and the undertakers apply and have effect:—

- (1) In this section "apparatus" means mains cables wires pipes syphons hydrants meters and other works and apparatus belonging to the undertakers and "position" includes depth:
- (2) If it shall be agreed between the Council and the undertakers or (in case of difference) determined by arbitration that in consequence of—
  - (a) the stopping up or diversion under an order made pursuant to section 38 (Stopping up and diversion of highways) of this Act of any highway or any length of a highway; or
  - (b) the addition to the carriageway of a street under the powers of section 33 (Power to lay out grass margins &c. in streets) of this Act of any portion of a footway or (in the case of apparatus erected laid or placed on or above the surface of the ground) the addition to the footway of a street under those powers of any portion of a carriageway; in under upon or over which any apparatus is situate;

it is reasonably necessary that any apparatus should be removed or diverted or that the position of any apparatus should be altered or that works (hereinafter referred to as "protective works") for the protection of any apparatus should be executed the undertakers may and (if so required by the Council) shall remove or divert or alter the position of or execute protective works in respect of the apparatus according as and in such manner as may be agreed or determined by arbitration and the Council shall repay to the undertakers the amount of the costs and expenses reasonably incurred by the undertakers in or in connection with such removal diversion or alteration or the execution of such protective works (which costs and expenses are hereinafter referred to as "the said expenses"):



Provided that if in carrying out any such diversion or alteration of position or the execution of protective works—

(a) (i) the undertakers erect lay or place new apparatus in substitution for their existing apparatus ; and

(ii) the existing apparatus was erected laid or placed before the commencement of the period of seven years and six months immediately preceding the diversion or alteration of position of the apparatus or the execution of such protective works ; or

(b) the said expenses are enhanced by—

(i) the substitution for the existing apparatus of apparatus of greater dimensions (other than length) or of greater capacity or apparatus of improved type ; or

(ii) the laying or placing of apparatus at a depth greater than that of the existing apparatus except where and to the extent to which such greater depth is reasonably necessary in order to avoid interference with other underground apparatus works or structures ;

the undertakers shall themselves bear (in the case referred to in paragraph (a) of this proviso) such proportion of the said expenses as represents the estimated saving of expense to the undertakers resulting from the consequent deferment of the date at which the existing apparatus would have required to be renewed and (in the case referred to in paragraph (b) of this proviso) such proportion of the said expenses as represents the amount by which such expenses exceed the cost which would have been incurred if the dimensions (other than length) or the capacity of the apparatus so laid or placed had been the same as those of the original apparatus or if the apparatus had been laid or placed at the same depth as the existing apparatus :

Provided also that where the apparatus had been laid or placed in under upon or over the part of the highway street or footway affected within the period of two years immediately preceding the giving of the relevant notice required by subsection (4) of this section and at the time of the laying or placing of that apparatus the Council had given to the undertakers notice in writing of their intention of exercising the powers necessitating the removal or diversion or alteration of position of the apparatus or the execution of protective

PART XI  
—cont.

works with a statement of the manner in which and the extent to which they intended to exercise such powers no part of the said expenses shall be repayable by the Council if the said powers are exercised by the Council in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the undertakers:

- (3) Notwithstanding the giving up under the powers of section 38 (Stopping up and diversion of highways) of this Act of any highway or any length of a highway in under upon or over which highway or length of a highway any apparatus is situate the undertakers shall (unless the apparatus is removed or diverted under the provisions of subsection (2) of this section or unless new apparatus has been laid in substitution therefor) continue to have the same powers and rights in respect of such apparatus as if the land in under upon or over which the same is situate had continued to be part of the street or highway:
- (4) The Council shall give to the undertakers not less than twenty-eight days' notice in writing of their intention to exercise any of the powers referred to in subsection (2) of this section with respect to any portion of a highway street or footway in under upon or over which any apparatus is situate and such notice shall be accompanied by a plan and (in the case of the addition of part of the footway to the carriageway) a section showing the nature and extent of the proposals in so far as they relate to any such portion of a highway street or footway as aforesaid:
- (5) If within twenty-eight days after the receipt from the Council of any notice under subsection (4) of this section of their intention to exercise any such powers as are referred to in that subsection the undertakers give to the Council notice in writing of their intention (otherwise than by the requirement of the Council) to remove or divert or alter the position of or to execute protective works in respect of any apparatus affected by the exercise of such powers and at the same time deliver to the Council a plan section and particulars of any such diversion or alteration of position or particulars of any such protective works (as the case may be) the Council shall not exercise the powers referred to in the notice given by them as aforesaid until—
  - (a) it shall have been agreed between the Council and the undertakers or settled by arbitration whether such intended removal diversion or alteration of



position of apparatus or the execution of such intended protective works is reasonably necessary ; and

(b) the plans sections and particulars of any diversion or alteration of position to be carried out or the particulars of any protective works to be executed have been so agreed or settled :

Provided that if the proposals contained in any notice given to the Council by the undertakers under this subsection and any plans sections or particulars delivered to the Council with such notice are not disapproved by the Council within twenty-eight days after the receipt thereof the said proposals shall be deemed for the purposes of this section to be reasonably necessary and the Council shall be deemed to have approved such plans sections or particulars ;

- (6) Forthwith after the completion of any such removal or diversion or alteration of position of apparatus or of any such protective works the undertakers shall if reasonably required by the Council fill in the excavation and make good the surface of the ground to the reasonable satisfaction of the Council :
- (7) Notwithstanding the stopping up temporarily of any street under the powers of section 36 (Temporary stoppage of streets) of this Act the undertakers their officers servants and workmen shall at all times have such rights of access to all or any apparatus situate in over or under such street as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon over or under such street as may be necessary for inspecting repairing renewing or removing such apparatus or of laying or placing new apparatus :
- (8) The Council shall not exercise the powers of section 35 (Planting of trees in private streets) of this Act so as to cause damage to or obstruct or render less convenient the access to any apparatus of the undertakers :
- (9) If any shelter erected by the Council under the powers of section 79 (Shelters &c. for passengers) of this Act is situate over any apparatus laid or placed before the erection of the shelter and the undertakers at any time after such erection give to the Council notice of their desire to obtain access to any such apparatus the Council shall either remove temporarily the shelter or so much thereof as shall require to be removed in order to afford such access or (if the Council determine not to remove the shelter or part thereof) bear

PART XI  
—cont.

any additional expense due to the existence of the shelter which may reasonably be incurred by the undertakers in obtaining such access:

- (10) Any difference or dispute which may arise between the Council and the undertakers under this section shall be referred to arbitration.

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 Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

## Costs of Act.

94. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

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