



CHAPTER xx

An Act to empower the urban district council of Uttoxeter to acquire lands to authorise them to continue and maintain a racecourse on part of such lands to alter the statutory provisions applicable to the Council's water undertaking to confer upon the Council further powers for the improvement and good government of their district and for other purposes. [3rd July 1951.]

WHEREAS the urban district of Uttoxeter (in this Act referred to as "the district") is under the local government of the urban district council of Uttoxeter (in this Act referred to as "the Council") :

And whereas for many years a racecourse has been maintained on certain lands within the district but the continuance thereof has become impracticable by reason of the expiration of a lease of part of the said lands to the proprietors and the impossibility of acquiring additional lands by agreement for the efficient administration of the racecourse :

And whereas it is expedient to empower the Council to acquire the necessary lands by agreement or compulsorily and to carry on or to arrange for the carrying on of races on the said racecourse and that subject thereto the said lands or part thereof should be made available for the purposes of section 4 (Extension of powers of local authorities) of the Physical Training and Recreation Act 1937 under the control of the Council and for the other purposes authorised by this Act :

And whereas by the joint effect of the Uttoxeter Water Act 1892 and the Uttoxeter Order 1898 which was scheduled to and confirmed by the Local Government Board's Provisional Orders

1 Edw. 8 &
1 Geo. 6. c. 46.
55 & 56 Vict.
c. clxxxix.
61 & 62 Vict.
c. lxxxii.

Confirmation (No. 9) Act 1898 the Council are now authorised to supply water within their district as it was constituted at the date of the said Order :

19 Geo. 5. c. 17. And whereas the district was extended by the Staffordshire Review Order 1934 made under section 46 (First general review of county districts) of the Local Government Act 1929 so as to include portions of the parishes of Bramshall and Uttoxeter Rural and it is expedient to extend the limits of the Council for the supply of water by the inclusion of the said added areas therein and to provide that the water undertaking of the Council shall be carried on under Part IV (Water supply) of the Public Health Act 1936 as amended by the Water Acts 1945 and 1948:

26 Geo. 5. &
1 Edw. 8. c. 49.
8 & 9 Geo. 6.
c. 42.
11 & 12 Geo. 6.
c. 22.

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 other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Council for and in connection with the following purposes :—

	£
The purchase of lands under the powers of this Act	11,523
The laying out and levelling of land	1,916
Buildings	5,260
Movable equipment	151
The fencing and improvement of the race-course	1,752
The strengthening and improvement of stands	3,840

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Council should be empowered to borrow money for those purposes as provided by this Act :

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

And whereas a plan showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of Stafford and are hereinafter respectively referred to as the deposited plan and the deposited book of reference :

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 (that is to say):—

PART I

PRELIMINARY

1. This Act may be cited as the Uttoxeter Urban District Short title.
Council Act 1951.

2. This Act is divided into Parts as follows (that is to say):— Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Racecourse.

Part IV.—Water supply.

Part V.—Streets sewers and sanitary and other provisions.

Part VI.—Finance.

Part VII.—General.

3. The Lands Clauses Acts (so far as the same are applicable Incorporation for the purposes and are not inconsistent with the provisions of Acts. of this Act) are hereby incorporated with this Act with the following exception and modification (namely):—

(a) Sections 127 to 132 of the Lands Clauses Consolidation 8 & 9 Vict.
Act 1845 are not incorporated with this Act ; c. 18.

(b) The bond required by section 85 (Promoters to be allowed to enter on and use lands before purchase on making deposit by way of security and giving bond) of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act the several words and expressions to Interpretation. which meanings are assigned 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 the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings And—

“The clerk” means the clerk of the Council ;

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

PART I
—cont.1 & 2 Geo. 6.
c. 56.9 & 10 Geo. 5.
c. 57.
10 & 11 Geo. 6.
c. 51.
12 & 13 Geo. 6.
c. 42.

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

“The district” means the urban district of Uttoxeter;

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

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

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

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 Part V of the Town and Country Planning Act 1947 the Lands Tribunal Act 1949 and by this Act;

“The medical officer” means the medical officer of health of the Council;

“The Minister” means the Minister of Local Government and Planning;

“The racecourse” means the lands shown on the deposited plan and described in the deposited book of reference;

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 and the Lands Tribunal Act 1949.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Council may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of Part III (Racecourse) of this Act.

(2) The powers of the Council for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December one thousand nine hundred and fifty-one.

6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county of Stafford for the correction thereof.

PART II
—cont.

Correction of errors in deposited plan and book of reference.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the county council of the administrative county of Stafford and a copy thereof shall be deposited with the clerk and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

7. Any person acting on behalf of the Council and duly authorised by the clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Council not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

8. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty ;

(b) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

9.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Council any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

Grant of easements by persons under disability.

PART II
—cont.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of
substituted
sites.

10. 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.

Extinction of
private rights
of way.

11.—(1) Any private right of way over land that may be acquired compulsorily under this Act (other than the private rights of way over the enclosure numbered 1 on the deposited plan reserved in an indenture of conveyance made the thirty-first day of August one thousand nine hundred and twenty-one between Frank Frederic Flint Hawthorn of the one part and the Uttoxeter Race Course Limited of the other part) shall if the Council so resolve and give notice in writing of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Power to
reinstate
owners or
occupiers of
property.

12.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Council may pay or receive money for equality of exchange.

Powers of
leasing.

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

- (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 with 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.

14.—(1) The Council may—

Retention and
disposal of
land.

(a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Act ;

(b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form) ;

(c) appropriate any such land for any purpose for which they are authorised to acquire land ;

(d) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest ;

(e) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition ;

(f) on any such exchange pay or receive money for equality of exchange :

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

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

PART II
—cont.

Reservation of
easements etc.
by Council.

15. On selling any land the 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.

Proceeds of
disposal of
surplus land.

16.—(1) Any capital money received by the Council on the resale or exchange of or by leasing any land acquired under this Act may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land.

(2) Any capital money so received and not so applied shall be applied in or towards the extinguishing of any loan raised by the Council under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Council otherwise directs and subject in that event to such conditions as he may impose be in addition to and not in substitution for such method of extinguishing the loan as may have been adopted by the Council under any enactment.

(4) Any capital money received by the Council on the resale or exchange of or by leasing any land acquired under any enactment other than this Act shall be applied in the same manner as capital money received under that enactment is applicable or in such other manner as may be approved by the Minister.

Extension of
power to
acquire land by
agreement.

17.—(1) The Council may by agreement acquire (whether by purchase lease or exchange) and hold any land which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district notwithstanding that the land may not be immediately required.

(2) Any land acquired under this section may be appropriated by the Council subject to and in accordance with the provisions of section 163 (Power to appropriate land) of the Local Government Act 1933 as if it were not required for the purposes for which it was acquired.

(3) Pending such appropriation as aforesaid all expenses incurred by the Council under this section shall be payable out of the general rate fund.

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

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

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

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

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

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

19. The Council shall not under the powers of this Act acquire or use otherwise than by agreement any lands which may be the property of the British Transport Commission but nothing in this section shall be deemed to imply that the lands delineated on the deposited plan include any such property.

PART III

RACECOURSE

20.—(1) The Council may carry on races on the racecourse and may arrange for any purpose incidental thereto including the erection and construction of all necessary and convenient buildings structures parking places and appliances and the provision in connection with any races of refreshments (subject to the provisions of all enactments relating thereto) and programmes and the advertising of such races.

(2) The Council may also—

(a) permit the racecourse to be used by any other person on such terms as to payment or otherwise as the Council may think fit and may authorise that other person to make charges for admission thereto ;

(b) let any portion of the racecourse for the provision of appliances and conveniences in connection with race-meetings ; and

(c) themselves make charges for admission to the racecourse or the enclosures provided therein and for any refreshment (subject to the said provisions) or programmes supplied in connection therewith.

PART II
—cont.

Undertakings
and agreements
binding
successive
owners.

15 & 16 Geo. 5.
c. 22.
16 & 17 Geo. 5.
c. 11.

For protection
of British
Transport
Commission.

Use of
racecourse.

PART III
—cont.

(3) The Council may let the racecourse and any stands stables or other buildings or enclosures used in connection therewith for such period as they think fit not exceeding twenty-one years.

Use of
racecourse for
recreation.

21. The racecourse when acquired by the Council (except any part or parts thereof which may be required for the purposes of and in connection with racing and except during the period of the letting any parts thereof which may from time to time be the subject of a letting under the next succeeding section of this Act) shall be deemed to be lands acquired by the Council for the purpose of gymnasiums playing fields holiday camps or camping sites or for the purpose of centres for the use of clubs societies or organisations having athletic social or educational objects or partly the one and partly the other as the Council may from time to time determine and the Council may exercise in regard thereto respectively the powers conferred upon them by the Physical Training and Recreation Act 1937 as if the same had been acquired by them under section 4 (Extension of powers of local authorities) of that Act:

Provided that the Council may at any time (in addition to any powers conferred upon them by this Act) with the consent of the Minister (after holding a public inquiry if he thinks fit) and subject to such conditions (if any) as he may impose use any part or parts of the racecourse for purposes other than the purposes hereinbefore referred to.

Power to let
or otherwise
deal with parts
of racecourse.

22. The Council shall have the following powers in relation to the racecourse:—

- (1) The Council may let such part or parts of the racecourse as may be necessary for the purpose of erecting and maintaining enclosures stands and other buildings booths tents and stalls in connection with the racecourse or the Council may themselves erect and maintain such enclosures stands buildings booths tents or stalls and may also erect and maintain keepers' and caretakers' houses:
- (2) The Council may let any part of the racecourse not exceeding five acres for a period not exceeding six weeks in any year for the purposes of circuses and other public entertainments:
- (3) The Council may set apart or let for such periods not exceeding three months in any year as they may think fit any part of the racecourse not exceeding thirty-four acres for the purpose of holding fairs agricultural horticultural and other shows and for such periods not exceeding one year as they may think fit for camping grounds athletic sports cricket football lawn tennis

and other games and other like purposes and may make agreements as to the control and maintenance of the parts so set apart subject as hereinafter mentioned:

PART III
—cont.

(4) The Council or their tenants or licensees may make charges for admission to any part of the racecourse:

(5) The Council may let the racecourse for the grazing of cattle horses or sheep and they may fence off or otherwise enclose the whole or any part or parts so let so as to prevent the straying of animals and they may make such charge therefor as they think fit.

23. Subject to the provisions of this Act the Council may make byelaws for any of the following purposes relating to any part or parts of the racecourse to which the public have for the time being an unrestricted right of access (that is to say):—

Byelaws
relating to the
racecourse.

- (a) for preventing fires and nuisances and for preserving order;
- (b) for preventing bird-catching bird-trapping and taking birds' eggs or nests and for preventing or regulating the killing taking injuring shooting chasing or disturbance of animals or birds and for preventing or regulating the setting of traps nets snares or other engines for any of those purposes;
- (c) for preventing persons other than persons entitled so to do under the provisions of this Act from turning out or permitting horses cattle sheep or other animals to graze or feed upon such parts of the racecourse and for removing therefrom any horses cattle sheep or other animals so turned out or permitted to graze or feed and to regulate the grazing of horses cattle sheep and other animals upon such parts of the racecourse;
- (d) for preventing or regulating the firing or discharge of firearms or the throwing or discharge of missiles and the use of model aircraft;
- (e) for preventing the digging or taking of turf loam stone sand gravel or other substances;
- (f) for preventing the injuring cutting or felling of ferns gorse timber or other trees shrubs brushwood or other plants;
- (g) for preventing injury to or the defacement or removal of seats fences barriers or other things put up by the Council and the disfigurement of seats fences barriers building or trees by posting or painting bills placards or notices thereon or otherwise;

PART III
—cont.

- (h) for preventing or regulating the deposit upon such parts of the racecourse of any rubbish manure or other substance ;
- (i) for regulating the playing of games and preventing the training and racing of horses or other animals except by the lessees tenants and licensees of the Council ;
- (j) for regulating the use of the parts of the racecourse upon which persons may play games hold athletic sports exercise or train horses and hold meetings and shows and for prohibiting the use for the purposes aforesaid of other parts of the racecourse ;
- (k) for preventing or restraining any improper or offensive use of such parts of the racecourse or anything tending to the injury or disfigurement thereof.

PART IV

WATER SUPPLY

Extension of
water limits.

24. The limits of the Council for the supply of water as defined by section 4 (Limits of Act) of the Uttoxeter Water Act 1892 as amended by article II of the Uttoxeter Order 1898 shall be extended so as to include so much of the district as prior to the first day of April one thousand nine hundred and thirty-four was included within the rural district of Uttoxeter.

Council to
have powers of
urban
authority for
supply of
water.

25. Within the limits of the Council for the supply of water the Council as from the first day of April one thousand nine hundred and fifty-two shall have and enjoy and may exercise all the powers rights and authorities and shall be subject to all the obligations of and restrictions on an urban authority under Part IV (Water supply) of the Public Health Act 1936 as amended by the Water Acts 1945 and 1948 as if the Council were supplying water under the first-mentioned Act as so amended.

Collection of
water rate etc.

26. Any water rate or charge payable to the Council in respect of premises within the district may be collected together with the general rate.

Repeal of
water
enactments.

27. The enactments hereinafter mentioned are hereby repealed as from the first day of April one thousand nine hundred and fifty-two to the extent hereunder mentioned :—

Uttoxeter Water Act 1892—

- Section 2 (Incorporation of general Acts) ;
- Section 4 (Limits of Act) ;
- Section 10 (Period for compulsory purchase of land) ;
- Section 13 (Power to take easements &c. by agreement) ;
- Section 14 (Restriction on taking houses of labouring classes) ;

- Section 17 (Reservation of water rights &c. on sale) ;
 Section 20 (Constant supply and pressure) ;
 Section 21 (Rates for supply of water for domestic purposes) ;
 Section 22 (Restricting obligation of sanitary authority to supply water) ;
 Section 23 (Sanitary authority not bound to supply several houses by one pipe) ;
 Section 24 (Incoming tenant not to be liable for arrears of water rate except by express agreement) ;
 Section 25 (Byelaws for preventing waste &c. of water) ;
 Section 26 (Public drinking fountains) ;
 Section 27 (Charges for supply of water for other than domestic purposes) ;
 Section 30 (Power to borrow) ;
 Section 31 (Provisions of Public Health Act 1875 as to mortgages to apply) ;
 Section 32 (Period for discharge of borrowed money) ;
 Section 33 (Provision for repayment of mortgages) ;
 Section 34 (Power to borrow under Local Loans Act 1875) ;
 Section 35 (Power to reborrow) ;
 Section 36 (Certain regulations of Public Health Act as to borrowing not to apply) ;
 Section 37 (Sinking funds may be adjusted in certain events) ;
 Section 39 (Protection of lender from inquiry) ;
 Section 40 (Sanitary authority not to regard trusts) ;
 Section 42 (Application of water revenue of sanitary authority) ;
 Section 43 (Audit of accounts) :

Uttoxeter Order 1898—

- Article II ;
 Article VIII ;
 Article IX ;
 Article XI ;
 Article XIII ;
 Article XIV.

PART V

STREETS SEWERS AND SANITARY AND OTHER PROVISIONS

28.—(1) No part of any awning over the footway of a street Awnings over in the district being a highway repairable by the inhabitants at footways. large shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway.

PART V
—cont.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the Council may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

(4) The provisions of section 290 (Provisions as to appeals against and the enforcement of notices requiring execution of works) of the Public Health Act 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) In this section the expression "awning" includes a blind shade or other covering.

Separate
sewers for foul
water and
surface water.
38 & 39 Vict.
c. 55.

29. For the purpose of facilitating the disposal of sewage the powers of the Council under section 157 (Byelaws; new streets buildings &c.) of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in the district to provide separate sewers for foul water drainage and surface water drainage respectively.

Provisions as
to tents vans
etc.
51 & 52 Vict.
c. 52.

30.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 in its application to the district be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access.

(3) Any person aggrieved by the refusal of the Council to give their consent under the last preceding subsection may appeal to a court of summary jurisdiction.

(4) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

Prohibition of
tuberculous
persons from
handling food.

31.—(1) If the medical officer certifies—

(a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and

(b) that he is occupied in the cooking preparation or handling of food in the district intended for consumption by persons other than himself or members of his household ; and

(c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons ;

the medical officer or any other person authorised in that behalf by the Council may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Council may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a court of summary jurisdiction may on the application of the Council order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the Council.

(4) If any person fails to comply with any such order he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

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

33. When any part of a park or pleasure ground provided by or under the management and control of the Council is set apart by them under paragraph (b) of subsection (1) of section 76 (Powers as to parks and pleasure grounds) of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the Council may permit the exclusive use by any club or other body of persons of— Power to let parks etc. for games.
7 Edw. 7. c. 53.

(a) any portion of the part set apart as aforesaid ; and

(b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section ;

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

PART V
—cont.

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

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

Parking places
in parks etc.
15 & 16 Geo. 5.
c. 71.
25 & 26 Geo. 5.
c. 47.

34.—(1) For the purpose of providing a parking place under section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Council may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control:

Provided that the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less.

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

Golf courses.

35.—(1) The Council may provide a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the district.

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

(3) The Council may either—

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

(4) The Council may—

- (a) at any such golf course provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto ;

- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid ;
- (c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments ;
- (d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of beer intoxicating liquors and tobacco at any such golf course.

(5) The Council may make byelaws for regulating the use of golf courses provided under this section whether within or without the district and the conduct of persons using them or resorting thereto.

36. No power conferred upon the Council by the three last preceding sections of this Part of this Act shall be exercised in such a manner—

Saving for trusts etc.

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Council without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person ; or
- (b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Council without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

37.—(1) The Council may make byelaws—

Byelaws as to pleasure fairs.

- (a) for regulating the hours during which pleasure fairs may be open to the public ;
- (b) for securing safe and adequate means of ingress to and egress from any pleasure fair ;
- (c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression “ pleasure fair ” means any place—

- (i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies ; and
- (ii) for admission to which or for the use of the contrivances in which a charge is made.

PART V
—cont.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;
- (c) merry-go-rounds roundabouts swings switchback railways ;
- (d) cocoanut shies hoop-las shooting galleries ;
- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (c) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Council shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Council in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

(6) Different byelaws may be made under this section for different kinds of pleasure fairs.

PART VI

FINANCE

Power to
borrow.

38.—(1) Subject to the provisions of this Act the Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective

sums mentioned in the second column thereof and they shall repay any sum so borrowed within such periods as the Council may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

Purpose	Amount	Period for repayment
(a) The purchase of lands including the payment of compensation.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The laying out and levelling of the land the fencing and improvement of the racecourse buildings movable equipment and the strengthening and improvement of stands.	£12,919	Ten years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with 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 by this section for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

39. So long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

40. 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.

41.—(1) If in respect of any financial year the moneys received by the Council on account of the revenue of any of the Council's undertakings (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 in respect of that undertaking properly chargeable to revenue the Council (if they think fit)

PART VI
—cont.

may in respect of that year apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in the reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) in the renewal 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 the Council may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the reserve fund so provided amounts to the maximum reserve fund for the time being prescribed by the Council in respect of that undertaking.

(2) Any reserve fund which has been provided in respect of any of the Council's undertakings and which is in existence on the first day of April one thousand nine hundred and fifty-two 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 that undertaking; or
- (c) in or towards the payment of the cost of acquiring land for or 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) In this section the expression "statutory securities" means securities in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council

PART VI
—cont.

42. Any expenses incurred by the Council in connection with the lands acquired under the powers of this Act shall be charged to and upon the general rate fund and the general rate.

Expenses in connection with lands acquired.

43.—(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

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

(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 Acts 1925 to 1943 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

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 VII

GENERAL

44. Where in pursuance of any enactment the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of such terms or conditions shall as regards liability to a penalty and other consequences be deemed equivalent to the execution of the works or the doing of the act or thing without the required consent.

Breach of conditions of consent of Council.

45. Whenever the Council or any officer of the Council under any enactment execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on their part or the part of any contractor or other person employed by them be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Council in the absence of negligence

In executing works for owner Council liable for negligence only.

PART VII
—cont.

as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Application of section 265 of Public Health Act 1875.

46. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local Act or Order for the time being in force applying to the Council as if the same were re-enacted therein.

Confirming authority for byelaws.

47. As respects byelaws made under this Act the confirming authority for the purpose of section 250 (Procedure etc. for making byelaws) of the Local Government Act 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

23. (Byelaws relating to the racecourse).	Secretary of State.
35. (Golf courses).	Secretary of State.
37. (Byelaws as to pleasure fairs).	Secretary of State.

Restriction on right to prosecute.

48. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council.

Damages and charges to be settled by court.

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

Determination of compensation.

50. When any compensation costs damages or expenses is or are by this Act 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 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Public Health Act 1936.

Appeals.

51.—(1) Section 300 (Appeals and applications to courts of summary jurisdiction) of the Public Health Act 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301

(Appeals to quarter sessions against decisions of justices) and 302 (Effect of decision of court upon an appeal) of that Act shall apply accordingly.

PART VII
—cont.

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

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

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

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

52. The sections of the Public Health Act 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):—

Application of
provisions of
Public Health
Act 1936.

- Section 271 (Interpretation of “ provide ”) ;
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers) ;
- Section 276 (Power of local authority to sell certain materials) ;
- Section 277 (Power of councils to require information as to ownership of premises) ;
- 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 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) ;

PART VII
—cont.

- Section 292 (Power to make a charge in respect of establishment expenses);
- Section 293 (Recovery of expenses &c.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);
- 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);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that the said sections 287 289 291 294 295 and 329 shall only apply to the provisions of Part V (Streets sewers and sanitary and other provisions) of this Act.

Inquiries by
Minister.

53. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents or approvals under this Act and section 290 (Power of government departments to direct inquiries) of the Local Government Act 1933 shall apply accordingly.

Saving for
town and
country
planning.

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

Costs of Act.

55. 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 out of the general rate fund or general rate or out of moneys to be borrowed under the authority of this Act for that purpose.

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

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

PART II

LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plan and book of reference.
7. Power to enter for survey or valuation.
8. Disregard of recent improvements and interests.
9. Grant of easements by persons under disability.
10. Provision of substituted sites.
11. Extinction of private rights of way.
12. Power to reinstate owners or occupiers of property.
13. Powers of leasing.
14. Retention and disposal of land.
15. Reservation of easements etc. by Council.
16. Proceeds of disposal of surplus land.
17. Extension of power to acquire land by agreement.
18. Undertakings and agreements binding successive owners.
19. For protection of British Transport Commission.

PART III

RACECOURSE

20. Use of racecourse.
21. Use of racecourse for recreation.
22. Power to let or otherwise deal with parts of racecourse.
23. Byelaws relating to the racecourse.

PART IV

WATER SUPPLY

24. Extension of water limits.
25. Council to have powers of urban authority for supply of water.
26. Collection of water rate etc.
27. Repeal of water enactments.

PART V

STREETS SEWERS AND SANITARY AND OTHER PROVISIONS

28. Awnings over footways.
29. Separate sewers for foul water and surface water.
30. Provisions as to tents vans etc.
31. Prohibition of tuberculous persons from handling food.
32. Prizes for garden competitions.
33. Power to let parks etc. for games.
34. Parking places in parks etc.
35. Golf courses.
36. Saving for trusts etc.
37. Byelaws as to pleasure fairs.

PART VI

FINANCE

38. Power to borrow.
39. Saving for powers of Treasury.
40. As to exercise of borrowing powers.
41. Application of general rate fund for certain purposes.
42. Expenses in connection with lands acquired.
43. Power to grant allowances or gratuities in certain cases.

PART VII

GENERAL

44. Breach of conditions of consent of Council.
45. In executing works for owner Council liable for negligence only.
46. Application of section 265 of Public Health Act 1875.
47. Confirming authority for byelaws.
48. Restriction on right to prosecute.
49. Damages and charges to be settled by court.
50. Determination of compensation.
51. Appeals.
52. Application of provisions of Public Health Act 1936.
53. Inquiries by Minister.
54. Saving for town and country planning.
55. Costs of Act.