



CHAPTER xliv

An Act to extend the boundary of the city of Worcester and of the county of the same city to make further provision for the improvement health local government and finances of the city and for other purposes.

[1st August 1951.]

WHEREAS—

(1) The city of Worcester and the county of the same city is a county borough under the local government of the mayor aldermen and citizens of the city of Worcester (in this Act called "the Corporation"):

(2) The parishes of Hindlip North Claines Saint Martin County and Warndon in the rural district of Droitwich and the parish of Whittington in the rural district of Pershore are respectively situated in the administrative county of Worcester and adjoin or are in close proximity to the city:

(3) It is expedient to alter and extend the boundary of the city so as to include therein parts of the said parishes:

(4) It is expedient to include in the said rural district of Pershore a part of the said rural district of Droitwich:

(5) It is expedient to make further provision in relation to the health local government and improvement of the city:

(6) It is expedient to make further provision in regard to the finances of the city:

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

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

(9) 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:

23 & 24 Geo. 5.
c. 51.

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

Short and
collective
titles.

1.—(1) This Act may be cited as the Worcester Corporation Act 1951.

(2) The local Acts as defined in section 4 (Interpretation) of this Act and this Act may together be cited as the Worcester Corporation Acts 1885 to 1951.

Division
into Parts.

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

Part I.—Preliminary.

Part II.—Extension of city.

Part III.—Land.

Part IV.—Streets.

Part V.—Sanitation and buildings.

Part VI.—Nuisances and offensive trades.

Part VII.—Infectious diseases.

Part VIII.—Food.

Part IX.—Establishments for massage or special treatment.

Part X.—Parks cemeteries and other municipal property.

Part XI.—Sale of coke wood fuel etc.

Part XII.—Weights and measures.

Part XIII.—Public order and public safety.

Part XIV.—Finance rating superannuation etc.

Part XV.—Miscellaneous.

Part XVI.—General.

Incorporation
of Lands
Clauses Acts.

3. The Lands Clauses Acts (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

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 sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

PART I
—cont.

- “ The Act of 1885 ” and “ the Act of 1926 ” mean respectively the Worcester Extension Act 1885 and the Worcester Corporation Act 1926 ; 48 & 49 Vict.
c. clxiv.
16 & 17 Geo. 5.
c. xcvi.
- “ The Act of 1929 ” “ the Act of 1933 ” and “ the Act of 1936 ” mean respectively the Local Government Act 1929 the Local Government Act 1933 and the Public Health Act 1936 ; 19 & 20 Geo. 5.
c. 17.
- “ The Act of 1950 ” means the Public Utilities Street Works Act 1950 ; 14 Geo. 6.
c. 39.
- “ The added areas ” means the added part of Hindlip the added part of North Claines the added part of Saint Martin County the added part of Warndon and the added part of Whittington ;
- “ The added part of Hindlip ” “ the added part of North Claines ” “ the added part of Saint Martin County ” “ the added part of Warndon ” and “ the added part of Whittington ” mean respectively the parts of those parishes which are included within the inner edge of the pink line on the city map and “ the excluded part of Hindlip ” “ the excluded part of North Claines ” “ the excluded part of Saint Martin County ” “ the excluded part of Warndon ” and “ the excluded part of Whittington ” mean respectively the remaining parts of those parishes ;
- “ The appointed day ” for the purposes of this section and of Part II (Extension of city) of this Act means the first day of April nineteen hundred and fifty-two and for the purpose of any other provision in this Act has the meaning assigned to it by section 219 (The appointed day) of this Act ;
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money ;
- “ The city ” means before the appointed day the existing city of Worcester and county of the same city and on and after the appointed day the city of Worcester and county of the same city as altered by this Act ;
- “ The city map ” means the map marked “ city map ” signed in triplicate by Raymond Jones Gunter the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of which map has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office ;

PART I
—cont.10 & 11 Geo. 6.
c. 49.

“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 ;

“Contravention” includes a failure to comply and “contravene” shall be construed accordingly ;

“The Corporation” means the mayor aldermen and citizens of the city acting by the council ;

“Corporation undertaking” means the water undertaking of the Corporation and any undertaking of the Corporation for the time being existing from which revenue is derived and which is determined by a resolution of the council to be a Corporation undertaking ;

“The council” means the council of the city ;

“The county” means the administrative county of Worcester and “the county council” means the county council of the county ;

51 & 52 Vict.
c. 41.

“County offices” means any land or building which is for the time being occupied and used by the county council for the purposes of the Local Government Act 1888 or any Act amending or extending the same ;

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

“The Droitwich district” and “the Droitwich Council” mean respectively the rural district of Droitwich and the council of that district ;

“The electricity board” means the Midlands Electricity Board ;

“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 city ;

“Existing” in relation to any area altered by this Act means existing immediately before the appointed day ;

“Financial year” means the period of twelve months ending on the thirty-first day of March ;

1 & 2 Geo. 6.
c. 56.

“Food” has the same meaning as in the Food and Drugs Act 1938 ;

“The gas board” means the West Midlands Gas Board ;

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

- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by this Act ;
- “ The local Acts ” means the local Acts specified in Part I of the First Schedule to this Act and the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders ;
- “ The Minister ” means the Minister of Local Government and Planning ;
- “ The parish councils ” means the parish councils of the parishes of North Claines and Whittington and the parish meetings of the parishes of Hindlip Saint Martin County and Warndon ;
- “ The parishes map ” means the map marked “ parishes map ” signed in triplicate by Raymond Jones Gunter the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of which map has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office ;
- “ The Pershore district ” and “ the Pershore Council ” mean respectively the rural district of Pershore and the council of that district ;
- “ Revenues of the Corporation ” includes all such funds rates contributions and revenues receivable by the Corporation as are mentioned in section 218 of the Act of 1933 ;
- “ The rural districts ” means the Droitwich district and the Pershore district and “ the rural councils ” means the councils of those districts ;
- “ Statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;
- “ Statutory security ” means any security 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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery ;

PART I
—cont.9 & 10 Geo. 5.
c. 57.10 & 11 Geo. 6.
c. 51.12 13 & 14
Geo. 6. c. 42.38 & 39 Vict.
c. 83.

PART I
—cont.1 & 2 Will. 4.
c. 48.

“The shirehall” means the county hall courts of justice offices and judge’s lodgings erected by the justices of the peace in quarter sessions for the county in pursuance of powers conferred by section 21 of the Act 1 & 2 William 4 cap. 48 and vested in the county council by virtue of the Local Government Act 1888 and includes the land and buildings adjoining and on the north side of the shirehall bounded on the north by St. Mary Street on the south by the shirehall on the east by Sansome Walk and on the west by Foregate Street which are for the time being occupied and used for the purposes of the Local Government Act 1888 or any Act amending or extending the same ;

41 & 42 Vict.
c. 76.

“Telegraphic line” has the same meaning as in the Telegraph Act 1878 ;

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

“The transferred Droitwich area” means so much of the Droitwich district as comprises the part of the parish of Saint Martin County which is by this Act transferred to the parish of Spetchley in the Pershore district ;

“Weighing machine” means (except in section 173 (Personal weighing machines) of this Act) a weighing machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the loading thereof.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

EXTENSION OF CITY

*Preliminary*Commence-
ment of
Part II.

5. Save as otherwise expressly provided and except so far as there may be anything in the subject-matter or context inconsistent therewith this Part of this Act shall come into operation on the appointed day :

Provided that for the purposes of—

(a) the preparation of the register of local government electors to be published in the year nineteen hundred and fifty-two ;

(b) any election under the Act of 1933 for any area consisting in whole or in part of any area affected by this Act held on or after the appointed day and proceedings preliminary or relating thereto and the qualification of candidates for election at any such election ; and

(c) the preparation of any precept or contribution order to be issued or made in respect of any period commencing on or after the appointed day ;

this Part of this Act shall operate from the date of the passing of this Act.

6.—(1) Copies of the city map and of the parishes map certified by the town clerk to be true shall be sent by him as soon as may be after the passing of this Act to the clerk of the county council to the clerks of the rural councils to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Ministers of Local Government and Planning Health Transport Agriculture and Fisheries and Fuel and Power respectively to the Postmaster-General and to the Boundary Commission for England. City and parishes maps.

(2) Copies of or extracts from the city map or the parishes map certified by the town clerk to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such map so far as it relates to the boundary of any area altered by this Part of this Act.

(3) The city map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the city and the parishes map shall at all reasonable times be open to the inspection of any person liable to any rate leviable in any parish altered by this Part of this Act and any such person shall be entitled to a copy of or extract from such map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Alteration of areas

7.—(1) The boundary of the existing city the area whereof is included within the outer edge of the blue line on the city map shall be altered so as to include in addition to that area so much of the rural district of Droitwich as comprises the added part of Hindlip the added part of North Claines the added part of Saint Martin County and the added part of Warndon and so much of the rural district of Pershore as comprises the added part of Whittington. Extension of city and alteration of county districts.

PART II
—cont.

(2) The boundary of the city shall be that shown by the inner edge of the pink line on the city map and the whole of the area within that boundary shall for all purposes be the city and the county borough of Worcester.

(3) The added areas shall be transferred from the county of Worcester to the county of the city of Worcester.

(4) The transferred Droitwich area shall cease to form part of the Droitwich district and shall be transferred to and form part of the Pershore district.

Alteration
of parishes.

8.—(1) The added areas shall be added to and form part of the parish of Worcester.

(2) So much of the parish of North Claines as is coloured green on the parishes map and the excluded part of Hindlip (except the part specified in subsection (3) of this section) shall together form the parish of Hindlip.

(3) So much of—

(a) the parish of North Claines as is coloured purple on the said map ;

(b) the parish of Hindlip as is coloured yellow on the said map ;

(c) the parish of Saint Martin County as is coloured grey on the said map ;

and the excluded part of Warndon shall together form the parish of Warndon.

(4) The excluded part of North Claines (except the parts thereof which are specified in subsections (2) and (3) of this section) shall form the parish of North Claines.

(5) So much of the parish of Saint Martin County as is coloured brown on the said map shall be added to and form part of the parish of Spetchley in the Pershore district.

(6) The parish of Saint Martin County shall cease to exist.

(7) The excluded part of Whittington shall form the parish of Whittington.

Wards of
city.

9. Subject to the provisions of the Act of 1933 the following provisions shall have effect:—

(1) For the purposes of the election of councillors the city shall continue to be divided into six wards and save as provided by this section the wards of the existing city shall remain unaltered and shall be wards of the city:

(2) So much of the added areas as lies to the north of the Newtown road shall be included in the Saint Martin's Ward and the remainder of the added areas shall be included in the Saint Peter's Ward.

10. The council shall not later than the first day of November nineteen hundred and fifty-two or such later date as the Secretary of State may allow present a petition under and in accordance with the provisions of section 25 of the Act of 1933 praying for any of the things mentioned in paragraphs (b) to (e) of subsection (1) of that section.

PART II
—cont.

Further alterations of wards.

11.—(1) The added areas shall cease to form part of any electoral division of the county.

County electoral divisions.

(2) The transferred Droitwich area shall be separated from the Claines electoral division of the county and shall be included in the Upton Snodsbury electoral division of the county.

Members of local authorities

12.—(1) The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing city shall on the appointed day become the mayor aldermen and councillors of the city and shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

Existing mayor aldermen and city councillors.

(2) Any councillors who represent immediately before the appointed day a ward of the city which is extended by this Part of this Act shall on and after that day represent that ward as so extended.

13. Any person who immediately before the appointed day is a county councillor representing an existing electoral division of the county which is altered by this Part of this Act shall be deemed to have been elected to represent that division as so altered and shall retire from office on the day on which he would have retired from office if this Act had not been passed.

County councillors.

14.—(1) On the appointed day the number of councillors of the Droitwich Council shall be reduced by one and the person who immediately before the appointed day is the rural district councillor for the existing parish of Saint Martin County shall retire from office on that day.

Rural district councillors and parish councillors for altered parishes.

(2) Subject to the provisions of the last foregoing subsection and of any order made by the county council under section 141 of the Act of 1933 the rural councils shall continue and shall be deemed to have been elected and shall be respectively the rural district councils for the respective rural districts of Droitwich and Pershore as altered by this Act and any person immediately before the appointed day in office as a rural district councillor for any existing parish which is altered by this Part of this Act shall on the appointed day become a rural district councillor for that parish as so altered and shall retire from office on the day on which he would have retired from office if this Act had not been passed.

PART II
—cont.Parish
councils
and parish
councillors.

15. Subject to the provisions of any order made by the county council under section 141 of the Act of 1933 the parish councils of the existing parishes of North Claines and Whittington shall be the parish councils of those parishes as respectively altered by this Act and any person immediately before the appointed day in office as parish councillor for either of those parishes shall on the appointed day become parish councillor for that parish as altered by this Act and shall retire from office on the day on which he would have retired from office if this Act had not been passed.

Qualification
for election
and office.

16. For the purposes of the application to the city of the provisions of paragraph (c) of section 57 of the Act of 1933 the added areas shall be deemed always to have formed part of the city.

Saving for
qualification
of aldermen
and
councillors.

17. Any alderman or councillor who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of areas made by this Part of this Act.

Casual
vacancies.

18.—(1) Any casual vacancy which may exist on the date of the passing of this Act or may occur after that date in the office of rural district councillor for the parish of Saint Martin County shall not be filled.

(2) Any casual vacancy which may exist on the appointed day in the office of councillor for any electoral division ward or parish which is altered by this Part of this Act shall be deemed to exist in the office of councillor for that electoral division ward or parish as altered by this Part of this Act.

*Property liabilities powers etc. of existing authorities*Property
liabilities etc.
of Corpora-
tion.

19. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing city (not being property held on any charitable trust) shall by virtue of this Part of this Act be held by the Corporation for the benefit of the city and the Corporation shall hold enjoy and may exercise for the benefit of the city all the powers which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing city and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing city shall on that day attach to them in respect of the city.

Debts of
Corporation.

20. So much of any sums borrowed by the Corporation or by their predecessors as immediately before the appointed day is owing and charged upon a fund or rate of the existing city or the revenues of the Corporation of the existing city shall be

charged upon the revenues of the Corporation and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation.

PART II
—cont.

21.—(1) The county council the standing joint committee of the county the rural councils (except as provided in section 41 (Contribution orders precepts and arrears of rates) of this Act) and the parish councils shall cease to exercise any powers or discharge any duties within any part of the added areas.

Powers of
county rural
and parish
councils.

(2) The Droitwich Council (except as aforesaid) shall cease to exercise any powers or discharge any duties within the transferred Droitwich area.

22.—(1) Subject to the provisions of this Part of this Act and to any necessary adjustments any property or liabilities which immediately before the appointed day is or are vested in or attach to—

Property etc.
of rural
councils
and parish
councils.

(a) either of the rural councils or any of the parish councils in relation exclusively to any part of the added areas shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation and shall be a matter for adjustment under this Part of this Act ;

(b) the Droitwich Council in relation exclusively to any part of the transferred Droitwich area shall by virtue of this Part of this Act be transferred to and vest in or attach to the Pershore Council and shall be a matter for adjustment under this Part of this Act.

(2) Any property or liabilities which immediately before the appointed day is or are vested in or attach to any of the said councils in relation to any part of the added areas or as the case may be any part of the transferred Droitwich area conjointly with any other area shall be a matter for adjustment under this Part of this Act.

23. The Saint Martin County parish meeting shall liquidate so far as practicable before the appointed day all current debts and liabilities incurred by them.

Liquidation
of current
debts and
liabilities.

24.—(1) The accounts of the Saint Martin County parish meeting shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed.

Audit of
accounts of
parish meeting.

(2) Any sum certified by the district auditor to be due from any person at the audit of the accounts to which this section applies shall be paid to the treasurer and shall if necessary be a matter for adjustment under this Part of this Act.

(3) This section shall apply to the accounts of any officer of the said parish meeting as it applies to the accounts of that parish meeting.

PART II
—cont.Jurisdiction
of city justices
coroner etc.
extended.*Administration of justice and county administration*

25.—(1) The powers and duties of the quarter sessions recorder sheriff coroner and clerk of the peace of the existing city of the court of pleas and of the judge registrar and other officers of that court of the justices of the peace appointed for the existing city and of the clerk to those justices and of the police constables and other peace officers of the existing city shall extend to and apply throughout the city:

Provided that—

- (a) every person alleged to have committed an offence in any part of the added areas before the appointed day shall be tried and dealt with as if this Act had not been passed ;
- (b) any proceeding which before the appointed day has been begun by or is pending before any court or coroner or justice in relation to any matter arising in or concerning the added areas or any part thereof may be carried on continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division or coroner's district of the county or of any probation area comprised in the county.

11 & 12 Geo. 6.
c. 58.

(3) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948 is in force and the probationer is residing in any part of the added areas the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence.

(4) Nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the city as the supervising court from dealing with the probationer in pursuance of any power conferred on them by the said Act of 1948.

Transfer of
lists of
prisoners etc.

26. Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connection with any action or proceeding pending or existing at the appointed day and appertaining to the added areas shall be delivered transferred and signed in like manner (as nearly as may be) as is required upon a new sheriff coming into office and as if the sheriff of the city were as respects the added areas the new sheriff in succession to the sheriff of the county.

County police.

27.—(1) On the appointed day such members (if any) of the police force of the county as before that day shall have been determined by agreement subject to the approval of the Secretary

of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the city :

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the police force of the county who is transferred in accordance with the provisions of subsection (1) of this section shall be deemed to have been duly appointed as a member of the police force of the city under section 191 of the Municipal Corporations Act 1882 and to have been duly attested as such and shall hold in that force the same rank as he held immediately before the appointed day in the police force of the county.

(3) Where a member of the police force of the county is so transferred he shall be deemed for the purposes of any regulations made under the Police Act 1919 and the Police Pensions Act 1948 to have left the police force of the county with the written consent of the chief constable of the county for the purpose of joining the police force of the city.

28. Any county road or county bridge so far as situate within the added areas shall by virtue of this Part of this Act be transferred to and vest in the Corporation.

29.—(1) The provisions of this section shall apply in the case of a child who is on the appointed day in the care of a local authority and who was when received into care under subsection (1) of section 1 of the Children Act 1948 ordinarily resident in the added areas.

Any question arising under this subsection as to the ordinary residence of a child shall be determined as though it arose under subsection (4) of section 1 of the Children Act 1948.

(2) The Corporation may take over the care of a child with the concurrence of the local authority in whose care he then is.

(3) A local authority with a child in their care may recover from the Corporation any expenses in respect of the child duly incurred under Part II of the Children Act 1948 by them on or after the appointed day (including any expenses so incurred after he has ceased to be a child within the meaning of the said Act and if the Corporation take over the care of him including also any travelling or other expenses incurred in connection with the taking over).

(4) Where the care of a child is taken over from another local authority under subsection (2) of this section the provisions of the Children Act 1948 shall apply as respects that child as though he were in the care of the Corporation under section 1 of the said Act and any resolution with respect to him passed

PART II
—cont.

by that other local authority under section 2 of the said Act and still in force shall as from the date on which his care was taken over be deemed for the purposes of all the provisions of the said Act relating to such a resolution to have been passed by the council.

Executive
councils.

30.—(1) The Minister of Health may by order made before the appointed day make such provision as seems to him expedient for all or any of the following matters:—

9 & 10 Geo. 6.
c. 81.

- (a) for providing that the names of medical practitioners who immediately before the appointed day are providing general medical services in the added areas under the National Health Service Act 1946 shall be included in the medical list of the executive council of the city;
- (b) for providing that any services under Part IV of the said Act of 1946 commenced before the appointed day shall or may be completed as if this Act had not been passed;
- (c) for providing for the transfer to the executive council of the city of any property rights or liabilities of the executive council of the county which relate exclusively to the added areas;
- (d) for the making of financial adjustments between the said executive councils;
- (e) for providing that the executive council of the county shall continue to act as the executive council for the added areas until such date as may be specified in the order not being later than the thirty-first day of December nineteen hundred and fifty-two; and
- (f) for any supplementary or incidental matters.

(2) Any order made under this section may be revoked or varied by a subsequent order of the Minister of Health made before or after the appointed day.

(3) Subject to any order made under this section the persons who immediately before the appointed day are members of the respective executive councils of the county and the city shall be deemed to have been appointed as and shall be members of the respective executive councils of the county and the city as altered by this Part of this Act.

Local Acts adoptive Acts byelaws etc.

Local Acts.

31.—(1) The unrepealed provisions of the local Acts or any other local Act or Order having the effect of an Act of Parliament and affecting the existing city or the Corporation thereof as the same respectively are in force within the existing city immediately before the appointed day shall extend and apply to

the city and any reference in any such Act or Order to the existing city and the Corporation thereof shall be deemed to refer to the city and the Corporation thereof.

PART II
—cont.

(2) The provisions of any protective section for the benefit of the county council or of either of the rural councils or of any of the parish councils or the predecessors of any of such councils contained in any local Act or Order by whomsoever obtained so far as they relate to or affect any part of the added areas shall enure on and after the appointed day to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any of such councils or their predecessors as the case may be.

32.—(1) Subject to the provisions of subsection (3) of this section the provisions of any public general Act in force throughout— Adoptive Acts.

(a) the existing city by virtue of an adoption by the council or their predecessors ;

(b) the existing Pershore district by virtue of an adoption by the Pershore Council or their predecessors ;

and any order in force under such Act throughout either of those areas shall apply to that area as altered by this Part of this Act.

(2) Subject to the provisions of subsection (3) of this section the provisions of any public general Act in force in any part of—

(a) the added areas by virtue of an adoption by either of the rural councils or their predecessors ; or

(b) the transferred Droitwich area by virtue of an adoption by the Droitwich Council or their predecessors ;

and any order in force under such Act in any part of those areas shall cease to have effect in relation to such areas.

(3) This section shall not apply to any order made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925. 7 Edw. 7.
c. 53.
15 & 16 Geo. 5.
c. 71.

33. Subject to the provisions of any order which the Minister may hereafter make the provisions of any order heretofore made by the Local Government Board or the Minister of Health or the Minister and conferring upon the council of the existing city or the Pershore Council any of the powers relating to the matters mentioned in section 33 of the Local Government Act 1894 or in section 271 of the Act of 1933 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if for any reference in those provisions to any area altered by this Part of this Act there were a reference to that area as so altered. Powers under section 33 of Act of 1894 and section 271 of Act of 1933.
56 & 57 Vict.
c. 73.

PART II
—cont.Orders under
Shops Act
1950.14 Geo. 6.
c. 28.Orders under
Wild Birds
Protection
Acts.Orders under
Public Health
Acts Amend-
ment Act
1907 or
Public Health
Act 1925.

34.—(1) Any order which is in force under the Shops Act 1950 immediately before the appointed day in the existing city shall extend to the added areas and any order under that Act which is then in force in the county shall cease to extend to the added areas.

(2) Any such orders shall be revocable in the manner provided by the said Act and regulations made thereunder.

35. Any order under the Wild Birds Protection Acts 1880 to 1939 which is in force immediately before the appointed day in the existing city shall extend to the added areas and any order under those Acts which is then in force in the county shall cease to extend to the added areas.

36.—(1) Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925:—

(a) The provisions of any order made before the appointed day and declaring to be in force throughout the existing city any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing city extended and applied to the city and as if such parts or sections were accordingly declared to be in force within the city ;

(b) The provisions of any other order made under either of those Acts which is in force immediately before the appointed day throughout the existing city shall extend and apply to the added areas ;

(c) The provisions of any order made before the appointed day and declaring to be in force within any part of the added areas any parts or sections of either of those Acts shall cease to apply to any such part of the added areas and the parts or sections declared by any such order to be in force shall (save as in this section provided) cease to be in force within any such part of the added areas but this section shall not prejudice or affect any proceedings which are pending on the appointed day.

(2) The provisions of the foregoing subsection shall extend and apply to the existing Pershore district the Pershore district as altered by this Part of this Act and the transferred Droitwich area as the same respectively apply to the existing city the city and the added areas.

37. Section 1 of the Sunday Entertainments Act 1932 shall from the appointed day extend to the city as before that day it extended to the existing city.

Sunday
Entertain-
ments Act
1932.22 & 23 Geo. 5.
c. 51.

38.—(1) All byelaws made by the Corporation or by the watch committee of the existing city and in force immediately before the appointed day shall apply to the city until repealed or altered and any byelaw made by the county council or the standing joint committee of the county or by either of the rural councils and in force immediately before the appointed day shall on that day cease to apply within the added areas.

PART II
—cont.

Byelaws
regulations
and scales
of charges.

(2) All byelaws made by the Pershore Council and in force immediately before the appointed day shall apply to the Pershore district as altered by this Act until repealed or altered and any byelaw made by the Droitwich Council and in force immediately before the appointed day shall on that day cease to apply within the transferred Droitwich area.

(3) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas or the transferred Droitwich area may be taken in the case of the added areas by the Corporation and in the case of the transferred Droitwich area by the Pershore Council.

(4) In this section “byelaws” includes any regulation scale of charges list of tolls or table of fees or payments (other than a table of fees and charges referred to in the next succeeding section).

39.—(1) The area of the Corporation as burial board for the existing city shall be altered by the inclusion in such area of the added areas and the Corporation shall have within such area as so altered to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906.

(2) Any table of fees and charges in force in respect of any existing burial ground maintained by the Corporation shall extend and apply to inhabitants of the burial area of the Corporation as altered by this section as such table applies to inhabitants of the existing burial area of the Corporation.

(3) Except as by this Part of this Act expressly provided nothing therein shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired before the appointed day or prejudicially affect any right privilege authority or duty which immediately before the appointed day is exercisable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

Rating and valuation

40.—(1) As soon as practicable after the appointed day the county council and each of the rural councils shall as regards any cash balances remaining in their hands at the appointed day

Apportionment of
balances and
sums received
under precepts.

PART II
—cont.

after deducting therefrom all undischarged liabilities normally payable therefrom which have accrued up to the appointed day estimate the proportion thereof derived from contributions paid by any part of the added areas and shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the county council or either of the rural councils under a precept issued or rate made before that day in respect of any part of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balances or sums received shall be subject to review on an adjustment under this Part of this Act.

Contribution orders precepts and arrears of rates.

41.—(1) Notwithstanding the alteration of areas effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas shall be collected and recovered by the Corporation.

(3) Any rates so collected or recovered shall be a matter for adjustment under this Part of this Act.

Rating area and valuation lists.

42.—(1) The added areas shall form part of the rating area of the city and the transferred Droitwich area shall form part of the rating area of the Pershore district.

(2) Until new valuation lists come into force the valuation lists for the city the Droitwich district and the Pershore district respectively shall be amended by transferring thereto respectively the portions of the valuation lists which refer to hereditaments situated in the added areas or the transferred Droitwich area with any modifications that may be necessary to give effect to the next succeeding section.

Deduction in ascertaining rateable value of certain properties.
15 & 16 Geo. 5.
c. 90.

43. For the purposes of all valuation lists of the city under the Rating and Valuation Act 1925 the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the deduction made from the net annual value of similar hereditaments in the existing city.

Officers

Officers include servants.

44. In section 45 (Officers continued) and section 47 (Compensation to existing officers) of this Act the expression "officer" includes a servant.

45. All officers of the Corporation of the existing city and of the rural councils who hold office immediately before the appointed day shall continue in office and shall hold their office by the same tenure as before that day.

PART II
—cont.
Officers
continued.

46. The auditors of the existing city appointed under section 239 of the Act of 1933 who are in office on the appointed day shall continue in office and shall be the city auditors until their successors are appointed.

City auditors.

47.—(1) Every existing officer who suffers loss of employment or diminution of emoluments which is attributable to the passing of this Part of this Act shall be entitled to have his case considered for the payment of compensation by the Corporation such compensation to be determined in accordance with the provisions of the schedule to the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Part of this Act.

Compensation
to existing
officers.

(2) For the purposes of this section and the said regulations as applied thereby the expression “existing officer” means a person who immediately before the passing of this Act devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

(a) to any of the following employments or to two or more or to any combination of such employments (namely):—

(i) employment under the Crown or in the local government service in Great Britain ; or

(ii) employment by any authority or body for the purposes of the Crown or of local government service in Great Britain ; or

(iii) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority or body ; or

(b) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to—

(i) employment as a superintendent registrar or registrar of births and deaths or as a registrar of marriages or as a person designated by a local authority to act as a deputy superintendent registrar or registrar of births and deaths ; or

PART II
—cont.

(ii) war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (a) of this subsection or any combination thereof.

(3) Nothing in this section or the regulations thereby applied shall entitle a person to have his case considered for compensation unless—

- (a) the cause of the claim arises not later than ten years after the passing of this Act;
- (b) the claim is made not later than two years after the date on which the cause of claim arises; and
- (c) the other conditions prescribed by paragraph (b) of regulation 5 of the said regulations are fulfilled.

Supplementary provisions

Provision as
to register
of electors.

48.—(1) At a local government election for any electoral area consisting in whole or in part of any area affected by this Act held on or after the sixteenth day of March nineteen hundred and fifty-two and before the appointed day the town clerk in the case of an election for an electoral area within the city and the electoral registration officer of the registration area in the case of an election for an electoral area outside the city shall make such alteration or rearrangement of the register of local government electors as may be necessary for the purpose of such election.

(2) The additional expense (if any) incurred by the town clerk or the electoral registration officer (as the case may be) which may be solely attributable to an alteration or rearrangement of the register of local government electors under this section shall be defrayed by the Corporation.

Jury service.

49. For the purpose of summoning jurors and of jury service any of the existing parishes shall be deemed to continue unaltered until a new jurors' book for the parish as altered comes into force.

Local land
charges
registers.

15 & 16 Geo. 5.
c. 22.

50.—(1) Within one month after the appointed day—

- (a) the local registrars for the county and the rural districts respectively under the Land Charges Act 1925 and the rules made thereunder shall supply to the local registrar for the city an office copy of every entry in the local land charges register relating to any land situate within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules;
- (b) the local registrar for the Droitwich district shall supply to the local registrar for the Pershore district an office copy of every entry in the local land charges register relating to any land situate within the

transferred Droitwich area and shall be paid by the Pershore Council in respect thereof such fees as are prescribed by the rules referred to in paragraph (a) of this subsection.

PART II
—cont.

(2) The local registrars shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges registers.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day (whichever be the earlier day) the following provisions shall have effect in respect of all land within the added areas or the transferred Droitwich area :—

- (a) The local registrar for the city or the local registrar for the Pershore district (as the case may be) shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the appropriate rural district and in the register for the county ;
- (b) Where application is made for an official search the local registrar for the city or the local registrar for the Pershore district (as the case may be) shall issue free of charge a certificate of official search in the register of the city or (as the case may be) of such district and shall forward to the local registrar for the appropriate rural district the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application ;
- (c) The local registrars for each of the rural districts and the local registrar for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed ;
- (d) Where an entry of a local land charge which has been duly made in the local land charges register of the county or of either of the rural districts is required by this section to be transferred from the register of such county or district to the register of the city or (as the case may be) to the register of the Pershore district such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the city or as the case may be of such district.

PART II
—cont.
Town
planning.

51.—(1) As from the passing of this Act the Corporation shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land within the added areas which are in the possession or under the control of the county council or either of the rural councils for the purposes of or in connection with the Town and Country Planning Act 1947 and the county council and the rural councils shall supply to the Corporation such information and shall afford to them such assistance for the purposes of or in connection with the said Act as the Corporation may reasonably require.

(2) An office copy of every entry in the register relating to any land within the added areas kept by the county council under section 14 of the said Act of 1947 shall within one month after the appointed day be supplied to the town clerk by the clerk of the county council or the clerk of either of the rural councils having the custody of that part of the register in which the entry appears as the case may be.

(3) The town clerk shall within one month after the receipt of the office copy mentioned in subsection (2) of this section enter the same with any necessary modifications in the register kept by the Corporation under section 14 of the said Act of 1947.

(4) Any application for planning permission or for any consent or approval under the said Act of 1947 or for a determination under section 17 of that Act made to the county council or either of the rural councils on their behalf before the appointed day and not determined before that day shall so far as it relates to land within the added areas be treated as a like application made to the Corporation and shall be treated as having been so made on the appointed day :

Provided that it shall not be necessary for the Corporation to consult with any authority person or body with whom consultation has already taken place in relation to that application.

(5) Any order agreement permission approval determination consent notice proceeding or decision made taken or given by the county council as local planning authority under the said Act of 1947 (except Part II thereof) or having effect as if so made taken or given and in force immediately before the appointed day shall so far as it relates to any land within the added areas have effect as if it had been made taken or given by the Corporation as such authority in respect of that land.

(6) Any direction approval consent or decision given by the Minister of Town and Country Planning the Minister or the Minister of Transport under or in pursuance of the said Act of 1947 (except Part II thereof) or any enactment thereby repealed affecting the county council as local planning authority and in force immediately before the appointed day shall so far as it

relates to any land within the added areas have effect as if the same had been given to the Corporation as local planning authority.

PART II
—cont.

(7) Where before the appointed day a development plan which contains proposals as to the added areas is submitted by the county council under Part II of the said Act of 1947 then if at that day—

(a) a development plan has not been submitted by the Corporation with respect to the whole of their areas ;
or

(b) a development plan has been approved by the Minister with respect to the whole of their area ;

such proposals shall be deemed to be either a development plan relating to the added areas submitted by the Corporation with the consent of the Minister under subsection (5) of section 5 of the said Act of 1947 or (as the case may be) proposals for alterations or additions to the approved development plan and any further proceedings in relation thereto may be taken by the Corporation or the Minister separately from the proceedings on the development plan submitted by the county council.

52.—(1) The clerk of the county council and the clerk of each of the rural councils shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry in any register or list of his council under any enactment rule order or regulation for the time being in force which relates to any property matter or thing in or which otherwise affects the added areas and the town clerk shall include in the appropriate register or list of the Corporation the particulars sent to him under this section.

(2) The clerk of the Droitwich Council shall as soon as may be after the passing of this Act and in any case before the appointed day send to the clerk of the Pershore Council a copy of every entry in any register or list of his council under any enactment rule order or regulation for the time being in force which relates to any property matter or thing in or which otherwise affects the transferred Droitwich area and the clerk of the Pershore district shall include in the appropriate register or list of that district the particulars sent to him under this section.

(3) Any exemption in force immediately before the appointed day from the operation of any such enactment rule order or regulation which may have been granted by the county council or by either of the rural councils in respect of any such property matter or thing shall continue in force until the exemption shall expire.

(4) This section shall not extend to any matter for which provision is made in section 50 (Local land charges registers) or section 51 (Town planning) of this Act.

PART II

—cont.

(5) In this section “register” includes a list kept under 23 & 24 Geo. 5. section 21 of the Pharmacy and Poisons Act 1933. c. 25.

Financial
adjustments.

53. Where in consequence of any alteration of areas or authorities made by this Part of this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration or of any financial relations is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 151 of the Act of 1933 as if this Act were an order made under Part VI of that Act.

Parish books
and
documents.

54.—(1) All public books writings and papers of any of the parishes altered by this Part of this Act relating exclusively to any part of the added areas and all documents relating exclusively to any part of the added areas and directed by law to be kept with the public books writings and papers of such parish (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the county council or of either of the rural councils relating exclusively to any part of the added areas shall be deposited in such custody as the Corporation may direct.

(2) All plans papers and writings of the Droitwich Council relating exclusively to any part of the transferred Droitwich area shall be deposited in such custody as the Pershore Council may direct.

(3) Any ratepayer of any of the existing parishes shall at all times have the same right of inspection and of making extracts from the public books writings papers and documents referred to in this section as he would have had if this Act had not been passed.

As to
registration
districts.

55. Nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in sections 24 and 131 of the Act of 1929.

Saving for
private street
works.

55 & 56 Vict.
c. 57.

56.—(1) No alteration effected by this Part of this Act shall affect any notices given or proceedings taken by or on behalf of the county council under the Private Street Works Act 1892 in relation to any street situated within the added areas or any part thereof but such proceedings may be continued and completed by such council in accordance with the provisions of the said Act as if this Act had not been passed.

(2) Where before the appointed day any works under the Private Street Works Act 1892 have been completed in a street situated within the added areas or any part thereof no alteration effected by this Part of this Act shall affect the liability of any

owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the authority who would have been entitled to recover the same if this Act had not been passed and in the like manner.

PART II
—cont.

57.—(1) No alteration effected by this Part of this Act in the area of any local or other authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument or any licence permission or exemption (subsisting immediately before the appointed day) entered into made issued or granted by any such authority or their predecessors:

Savings for
actions
contracts
licences etc.

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation; and
- (b) all contracts deeds bonds agreements and other instruments or any licence permission or exemption (subsisting immediately before the appointed day) entered into made issued or granted by any such authority (or their predecessors) or by the city justices in relation exclusively to any part of the added areas shall continue in force as fully and effectually as if instead of such authority (or their predecessors) the Corporation had been a party thereto or had issued or granted the licence permission or exemption as the case may be.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

58. Nothing in this Part of this Act shall—

- (1) be construed as restricting any power under the Act of 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee;
- (2) alter the area of any constituency or affect the powers of the Corporation or the county council under section 11 of the Representation of the People Act 1949;
- (3) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment;

Other saving
provisions.

12 13 & 14
Geo. 6. c. 68.

PART II
—cont.20 & 21 Geo. 5.
c. 43.

(4) authorise the Corporation to run omnibuses or public service vehicles on any route on which they were not immediately before the appointed day authorised to run under the local Acts or under section 101 of the Road Traffic Act 1930 ;

11 & 12 Geo. 6.
c. 26.

(5) (save as in this Part of this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 or of Parts III and IV of the Local Government Act 1948 ; or

(6) affect land tax.

As to
shirehall
etc.4 & 5 Geo. 5.
c. clxxxiv.

59. Notwithstanding anything in this Part of this Act the shirehall shall continue to be construed and taken to be within the county for the purposes mentioned in section 2 of the Local Government Board's Provisional Order Confirmation (No. 19) Act 1914 and all other county offices any part of which is situate within a distance of four hundred and forty yards from the front door of the shirehall shall be similarly construed and taken.

PART III

LAND

Proceeds of
disposal of
surplus land.

60.—(1) Any capital money received by the Corporation 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 Corporation under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Corporation 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 Corporation under any enactment.

(4) Any capital money received by the Corporation 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.

Development
of land.

61.—(1) The Corporation may (with the consent of the Minister) lay out and develop any land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain

houses shops offices warehouses and any other buildings and construct sewer drain pave channel and kerb streets roads and highways:

PART III
—cont.

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

(2) The Corporation may use or dispose of the building or other materials of any houses or structures on any land acquired or appropriated by them which they deem it necessary or desirable to pull down.

62.—(1) The Corporation 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 city notwithstanding that the land may not be immediately required.

Extension of
power to
acquire land
by agreement.

(2) Any land acquired under this section may be appropriated by the Corporation subject to and in accordance with the provisions of section 163 of the Act of 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 Corporation under this section shall be payable out of the general rate fund.

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

Undertakings
and agree-
ments binding
successive
owners.

(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 Corporation 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.

16 & 17 Geo. 5.
c. 11.

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

PART IV

STREETS

General

Interpretation
of Part IV.

64.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

“classified road” has the same meaning as in the Act of 1929;

“street byelaws” means any byelaws for the time being in force in the city with respect to the construction and laying out of new streets;

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

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

New streets

Prohibition
of building
until street
defined.

65.—(1) Where a plan and sections of a new street have been deposited with the Corporation in pursuance of street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street 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 on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the Corporation may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street; and

(b) in the case of a contravention of subsection (2) remove the building or structure;

and in either case recover the expenses of so doing from that person.

66.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws:

Prohibition of building until street formed and sewered.

Provided that where the plan shows that the street will exceed one hundred yards in length the Corporation shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the Corporation may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

(4) The execution of any works under the provisions of this section shall not relieve any person from any liability under section 150 of the Public Health Act 1875 or the Private Street Works Act 1892 if the Corporation adopt that Act.

38 & 39 Vict.
c. 55.

67.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out:

Termination of new streets.

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

PART IV
—cont.

(3) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove the structure and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Rounding or
splaying off
corners at
street
junctions

68.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purposes of safety by notice require that the corners formed at the junction of the new street with another street (whether existing or intended but not being a trunk road) shall be rounded or splayed off in such manner as may be specified in the notice.

(2) Any such notice—

- (a) shall be given to the person by whom or on whose behalf the plan and sections were deposited; and
- (b) shall be binding on successive owners of the land to which it relates; and
- (c) shall be treated for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as if the said requirement were a restriction on the user of land imposed thereby and shall be registered accordingly under the said section as a local land charge.

(3) The Corporation shall pay compensation to any person injuriously affected by the exercise of the powers conferred by this section and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

69.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purpose of securing the proper laying out or development of any estate through which the street is to run by notice require that such provision shall be made—

Adjustment of boundaries of estates in connection with streets.

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith; and

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate;

as may be necessary or desirable having regard to the line and layout of the new street.

(2) Any such notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or the widening or adaptation of a road foot-path or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the Corporation and the persons interested in the respective estates be determined by a single arbitrator to be appointed in default of agreement by the Minister.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation but no such award shall provide for the payment of money by any other person without his consent.

(6) Any award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land or the removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall unless and except in so far as the award may otherwise provide be paid by the Corporation.

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts if any as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions if any so far as the same are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

PART IV
—cont.

(10) For the purposes of this section the Corporation may themselves purchase any land by agreement and—

- (a) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit ; or
- (b) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange ; or
- (c) may appropriate any such land for any purpose approved by the Minister ;

and until any such sale lease exchange or appropriation may occupy manage or let the land or any part thereof in such manner as they think reasonable :

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

(11) In this section the expression “estate” includes any parcel of land.

Improvement of streets

70.—(1) Subject to the provisions of this section the Corporation shall have power—

- (a) to cause trees or shrubs to be planted in any street in the city or in tubs placed by them for the purpose in any such street ;
- (b) to provide baskets of plants or flowers and attach the same to posts or standards in any such street ;
- (c) to cause grass verges or gardens to be laid out in any such street ;
- (d) to erect and maintain guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens ;
- (e) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof ;
- (f) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden :

Provided that the Corporation shall not under the powers of paragraph (b) of this subsection attach a basket to any post or standard (other than a post or standard provided by them) except with the consent of the owner thereof.

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

(3) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in the Corporation or upon land so vested which forms part of such a street:

Provided that when carrying out in any street or any part thereof any works under section 150 of the Public Health Act 1875 or the Private Street Works Act 1892 if the Corporation adopt that Act the Corporation may exercise any such power in the street or that part thereof with the consent of the majority in number and rateable value of the owners of land abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

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

(5) Section 1 of the Roads Improvement Act 1925 shall cease to apply to the Corporation and anything done by the Corporation under that section before the passing of this Act shall be deemed to have been done under this section. 15 & 16 Geo. 5. c. 68.

(6) Nothing in this section shall affect the duty of the Corporation to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

71.—(1) Subject to the provisions of this section the Corporation may vary the relative widths of the carriageway and footway or footways in any street in the city being a highway repairable by the inhabitants at large. Variation of width of carriageways and footways.

(2) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

(3) At least twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or any footway of a classified road the Corporation shall send notice of the proposed work to the Minister of Transport.

(4) The Corporation shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway canal or inland navigation or upon the

PART IV
—cont.

approaches to any such bridge without the consent in writing of the railway canal or inland navigation undertakers concerned:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

Adjustment
of boundaries
of streets.

72.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the city not being a trunk road for the adjustment of the boundary of the street.

(2) For the purposes of this section the Corporation—

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

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

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

(4) During the said period of one month any four ratepayers of the city may appeal to a court of summary jurisdiction against the proposal to enter into the agreement.

(5) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the Corporation in any case in which the consent of that department would have been required if this Act had not been passed.

(6) In this section the expression “ratepayers” has the same meaning as in the Rating and Valuation Act 1925.

Enforcement
of improve-
ment line.

73.—(1) At any time after prescribing the improvement line of any street under section 33 of the Public Health Act 1925 the Corporation may by notice require the owner of any building which or any part of which was beyond or in front of the improvement line when it was prescribed to demolish set back or alter the said building within such reasonable time not less than six months from the service of the notice as may be stated therein so that it shall not project beyond or in front of the improvement line.

(2) For the purpose of complying with any such notice the owner may notwithstanding anything in any lease or other agreement enter upon any land or building affected by any requirement of the notice and carry out the work required by the notice.

(3) Where any building is demolished set back or altered in compliance with a notice under this section the Corporation shall pay compensation to any owner or tenant thereof for any damage or loss sustained by him in consequence of the compliance and the amount of such compensation shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith ; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street ;

the amount of the enhancement in value shall be set off against the compensation :

Provided that any such enhancement in value shall be estimated on the assumption that planning permission in respect of the land would be granted under the Town and Country Planning Act 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

(5) If any person fails to comply with a notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(6) In this section the expression “ building ” includes a structure.

74.—(1) So much of section 149 of the Public Health Act 1875 as relates to fences and posts for the safety of foot passengers in streets repairable by the inhabitants at large shall extend to streets in the city which are not so repairable. Guard rails in private streets.

(2) The Corporation shall not without the consent of the undertakers concerned exercise the powers of this section—

(a) in any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers ; or

(b) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers :

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

PART IV
—cont.

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

Direction
signs.

75.—(1) The Corporation may on a conspicuous part of any building structure or land in the city at or near the corner of any street cause to be put up or painted signs indicating the classified road number of the street and the direction and distance to towns railway stations public buildings and other places of a public character.

(2) At least one month before exercising their powers under this section the Corporation shall give to the owner of the building structure or land notice of their decision so to do together with particulars of the size design and position of the sign proposed and any person aggrieved by the decision of the Corporation may appeal to a court of summary jurisdiction.

(3) If any person wilfully and without the consent of the Corporation removes obliterates alters defaces or obscures any such sign otherwise than in the course of demolishing or altering the building or structure or executing work on the land he shall be liable to a penalty not exceeding forty shillings and the Corporation may recover from him the expenses of replacing or making good the sign.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1947 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

Attachment of
street lamps
brackets etc.

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

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

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

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice

requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

PART IV
—cont.

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

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

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

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

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

Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.

The Minister of
Civil Aviation. 12 13 & 14
Geo. 6. c. 67.

Building which—

The Minister.

(i) is subject to a building preservation order made under section 29 of the Town and Country Planning Act 1947; or

(ii) is included in a list of buildings of special architectural or historic interest compiled or approved by the Minister of Town and Country Planning or the Minister under section 30 of the last-mentioned Act; or

(iii) is alleged by the owner thereof to be a building of special architectural or historic interest;

(iv) is owned by statutory water undertakers.

Building owned by railway canal dock or inland navigation undertakers.

The Minister of
Transport.

Building owned by electricity or gas undertakers.

The Minister of
Fuel and Power.

PART IV
—cont.

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

“ owner ” means—

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

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

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

Protection and repair of streets

Erection of
structures at
street corners.

77.—(1) No person shall place or erect in the city any structure at or within a distance of ten yards from the corner of any street unless he has given to the Corporation notice of his intention so to do accompanied by plans and particulars of the structure and the Corporation have approved the placing or erection thereof under this section.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they disapprove the placing or erection of the structure or that they approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice :

Provided that a notice shall not be given under this subsection except on the ground that the structure would by obstructing the view of foot passengers or drivers of vehicles constitute a danger to the traffic on the street upon adjoining or near to which it is proposed to be placed or erected or (as the case may be) would constitute such a danger unless placed or erected subject to the conditions or modifications specified in the notice.

(3) The Corporation may at any time within the said five weeks give notice that they approve the placing or erection of the structure in accordance with the plans and particulars submitted to them and if within the said five weeks the Corporation have not given notice under the last foregoing subsection they shall be deemed for the purposes of this section to have approved the placing or erection of the structure in accordance with those plans and particulars.

(4) Where the Corporation have approved the placing or erection of the structure it shall not be placed or erected—

(a) otherwise than in accordance with the plans and particulars submitted as aforesaid ; or

(b) if notice has been given under subsection (2) of this section of any conditions or modifications otherwise than in accordance with those conditions and with the said plans and particulars as modified by the notice.

(5) Any person giving notice under subsection (1) of this section who is aggrieved by any notice given under subsection (2) thereof may within twenty-one days from the service of the last-mentioned notice appeal to the Minister of Transport who may make such order as he thinks fit and whose decision shall be final.

(6) If any person places or erects any structure in contravention of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds.

(7) The foregoing provisions of this section shall not apply to a temporary structure required to be placed or erected at or within a distance of ten yards from the corner of a street for the purpose of the construction alteration repair or maintenance of any building or works :

Provided that if any such temporary structure is not removed when the construction alteration repair or maintenance of the building or works is completed the person who placed or erected it shall be liable to a penalty not exceeding five pounds.

(8) Where any person is convicted of an offence under either of the last two foregoing subsections the court by which he is convicted may order him within such time as may be fixed by the order to remove the structure in respect of which he was convicted and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues ; and

(b) the Corporation after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing ;

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the structure.

(9) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925.

(10) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

PART IV
—cont.Application of
building line
to walls etc.

78.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in the city any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding five pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction alteration repair or maintenance of any building or works:

Provided that if any such temporary structure is not removed when the construction alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

(4) Where any person is convicted of an offence under either of the last two foregoing subsections the court by which he was convicted may order him within such time as may be fixed by the order to remove the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues ;
and

(b) the Corporation after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing :

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the structure.

(5) Where after the expiration of five years from the passing of this Act there is on any site in the city a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

(a) the Corporation may by notice stating the effect of paragraphs (b) and (c) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with those provisions ;

(b) if the owner or occupier complies with the said notice the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing ;

(c) if the owner or occupier fails to comply with the said notice the Corporation at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the expression “ building line ” in relation to any land means—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment ; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 140 of the Housing Act 1936 ; or

26 Geo. 5. &
1 Edw. 8.
c. 51.

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

51 & 52 Vict.
c. 52.

(7) The provisions of this section shall not apply to any wall erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purposes of their railway dock canal or inland navigation undertaking.

79.—(1) Where the owner or occupier of any premises in the city which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the Corporation may by notice to the owner or occupier as the case may be either—

Crossings over
footways.

(a) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice ; or

(b) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified ; or

(c) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified :

Provided that the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport or otherwise than in accordance with any conditions attached by him to his consent.

PART IV
—cont.

(2) Any person aggrieved by a requirement of or a condition imposed by the Corporation under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If the Corporation make any requirement under paragraph (a) or paragraph (b) of subsection (1) of this section such works as may be necessary to secure compliance with that requirement may be executed by the Corporation but not by any other person and the Corporation may recover the expenses of so doing from the owner or occupier.

(4) If the Corporation impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the city and the following provisions of this subsection shall have effect in lieu thereof as respects streets in the city which are repairable by the inhabitants at large:—

(a) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the Corporation giving particulars of the work proposed;

(b) The Corporation may approve the work proposed either with or without modifications or propose alternative work or reject the application:

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport;

(c) The Corporation shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;

(d) The applicant may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work;

(e) As soon as practicable after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the applicant as the case may require ;

(f) References in this subsection to an estimate of the cost of the work shall include an estimate of the cost of altering the apparatus of any statutory undertakers and any reference to works approved or proposed by the Corporation shall include the alteration of any such apparatus.

(7) The expenses incurred or payable by the Corporation in altering the apparatus of any statutory undertakers shall be deemed to be part of the expenses payable under subsection (3) of this section and part of the cost of the work for the purposes of subsection (6).

80.—(1) In this section the expression “ retaining wall on a street ” means a wall which— Retaining walls.

(a) is situated wholly or partly within twelve feet of a street in the city ; and

(b) is of greater height than six feet ; and

(c) serves or is intended to serve as a support for earth or other material on one side only ; and

(d) does not form part of a permanent building.

(2) After the passing of this Act no retaining wall on a street shall be erected otherwise than in accordance with plans sections and specifications approved by the Corporation and if any person erects such a wall in contravention of this subsection he shall be liable to a penalty not exceeding five pounds.

(3) If any retaining wall on a street—

(a) is in such disrepair as to be liable to endanger persons using the street ; or

(b) being a wall erected before the passing of this Act or erected in contravention of the last foregoing subsection is so constructed as to be liable as aforesaid ;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent the wall being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

PART IV
—cont.

(4) The provisions of this section shall not apply to a retaining wall on a street erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway dock canal or inland navigation undertaking.

Fencing of
forecourts.

81.—(1) Where the forecourt of any premises abutting on a street in the city or any steps or projection or goods (whether for sale or not) placed in any such forecourt is or are a source of danger obstruction or inconvenience to the public the Corporation may by notice require the owner or occupier of the premises to fence the forecourt from the street.

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

Forecourts
injurious to
amenities of
street.

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

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

(3) In this section the expression “erection” does not include an advertisement to which regulations made under section 31 of the Town and Country Planning Act 1947 for the time being apply.

Awnings over
footways.

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

(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 Corporation 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) If an awning placed before the passing of this Act would if placed after the passing thereof have contravened the provisions of subsection (1) of this section the Corporation may give to the owner or occupier of the premises to which the awning is appurtenant not less than one month's notice to remove the awning or to alter it so as to comply with the said provisions.

(5) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under subsection (3) or subsection (4) of this section as they apply in relation to the notices mentioned in subsection (1) of that section.

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

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

Provided that the cost of the repairs executed in any street in any 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 Corporation of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the city relating to private street works or private street improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

85.—(1) If—

- (a) any owner of land fronting adjoining or abutting on a private street in the city transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that part; and
- (c) the Corporation are unable to recover those expenses in whole or in part from the person to whom that part or portion of the part was transferred or by the sale thereof; and
- (d) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works;

Evasion by
owners of
private street
works
expenses.

PART IV
—cont.

then the expenses so apportioned or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from the said owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

(2) In this section the following expressions have the following meanings :—

“ private street ” means—

(a) a street to which section 150 of the Public Health Act 1875 applies ; or

(b) (if the Corporation adopt the Private Street Works Act 1892) a street within the meaning of that Act ; or

(c) land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Town and Country Planning Act 1947 ;

“ private street works ” means works executed under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 (if the Corporation adopt that Act) or in relation to land which is deemed to be a private street as aforesaid works executed under the said section 150 or (as the case may be) the said Act of 1892 as applied by subsection (3) of the said section 48 ;

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

Maintenance
of footpaths
etc.

86.—(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 in accordance with the reasonable requirements of the Corporation :

Provided that nothing in this section shall authorise the Corporation to make any requirement with regard to the maintenance of any such footpath or approach as is within the curtilage of a house.

(2) Any person aggrieved by a requirement of the Corporation under this section may appeal to a court of summary jurisdiction.

(3) Any person who contravenes the provisions of this section after receiving not less than twenty-eight days' notice from the Corporation shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

*Miscellaneous*PART IV
—cont.

87.—(1) Subject to the provisions of this section a court of summary jurisdiction—

Stopping up
and diversion
of highways.

(a) if satisfied on the application of the Corporation that a highway within the city is unnecessary may by order authorise the stopping up thereof ; and

(b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An application or order under this section—

(a) may provide for 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 ;

(b) may be made with respect to any length of a highway ;

(c) may be made with respect to two or more highways or lengths of highways which are connected with each other ;

and in relation to any application or order in respect of a length of a highway or two or more highways or lengths of highways any reference in the subsequent provisions of this section to a highway shall be construed as a reference to that length or those highways or lengths of highways as the case may be.

(3) No application or order shall be made under this section with respect to a trunk road or a public path within the meaning of Part IV of the National Parks and Access to the Countryside Act 1949.

12 13 & 14
Geo. 6. c. 97.

(4) No order shall be made under this section unless the court is satisfied that notice of the intention to apply for the order specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing the effect of the order)—

(a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport ; and

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as may be 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 the 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 city.

PART IV
—cont.

(5) No order under this section authorising the diversion of a highway—

- (a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court ;
- (b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(6) On the hearing of the application the Corporation the local planning authority 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.

42 & 43 Vict.
c. 49.
23 & 24 Geo. 5.
c. 38.

(7) An appeal against a decision of a court of summary jurisdiction under this section may be brought to quarter sessions by the Corporation the local planning authority and any person who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and 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) where more than two persons were heard or claimed to be heard in opposition to the application 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 but without prejudice to the right of any of those persons to appear 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.

(8) Where by reason of the diversion of a highway under this section any person is relieved from liability to repair the highway he shall be liable to pay to the Corporation such sum as may be agreed between him and the Corporation or in default of agreement as may be determined by arbitration to represent the value to him of the relief and any such sum shall be payable either—

- (a) as a lump sum ; or

(b) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

(9) Every order made under this section—

(a) shall have annexed thereto a plan signed by the chairman of the court ; and

(b) shall be transmitted by the clerk of the court to the clerk of the peace together with any written consents produced to the court under subsection (5) of this section ;

and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (5) of this section among the records of quarter sessions.

(10) Every order made under this section shall be binding on all persons whatsoever.

(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.

88.—(1) Where in pursuance of section 72 (Adjustment of boundaries of streets) of this Act the Corporation enter into an agreement with a person having a legal interest in land adjoining a street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street :

For protection
of Postmaster-
General.

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

(2) As between the Corporation and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Public Utilities Street Works Act 1950 or the rights of the Postmaster-General and the Corporation thereunder.

(3) Where any highway or length of a highway is stopped up in pursuance of an order made under section 87 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation

PART IV
—cont.

to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or length 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 length 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 (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation 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 Corporation 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 Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence 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 Corporation and the provisions of the Telegraph Acts 1863 to 1949 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(4) As soon as the whole or any length of any highway has been stopped up the Corporation 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 (3) of this section shall commence to run from the date on which such notice is sent.

(5) In this section—

- (a) the expression “alter” has the same meaning as in the Telegraph Act 1878 ; and
- (b) references to a length of a highway shall where the order referred to in subsection (3) hereof provides for the diversion of a highway apply to the part of the highway stopped up.

89. For the purpose of—

PART IV

—cont.

Temporary
stoppage
of streets.

- (a) widening opening enlarging or otherwise improving any street for the purpose of which premises have been purchased under section 154 of the Public Health Act 1875 or making any new street for the purpose of which premises have been so purchased ; or
- (b) providing a parking place for vehicles under section 68 of the Public Health Act 1925 ;

the Corporation may break up and for any reasonable time stop up divert and interfere with any street in the city and divert the traffic therefrom and prevent persons using it :

Provided that the Corporation shall not exercise the powers of this section—

- (i) as respects any trunk road without the consent of the Minister of Transport ; or
- (ii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land ; or
- (iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport undertakers.

90.—(1) Where the plans of any new building intended or adapted for use as a house have been deposited with the Corporation in pursuance of building byelaws they may by notice prohibit either the erection of the building or the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

Means of
access to
buildings.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

- (a) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936 ; or
- (b) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun ;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the Corporation to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

PART IV
—cont.

(4) If under section 229 (For protection of gas and electricity boards) of this Act any expenses are payable by the Corporation in respect of the alteration of the position of the apparatus of the gas board or the electricity board by reason of the provision of means of communication under this section those expenses shall be repaid to the Corporation by the person by whom the means of communication are provided.

(5) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Pavement
lights and
ventilators.

91.—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the city may with the consent of the Corporation provide means for the admission of light or air to the premises through the pavement.

(2) (a) In giving their consent under this section the Corporation may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers.

(b) Any such terms and conditions 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) Anything done before the passing of this Act which would have been lawfully done under this section if done after the passing thereof is hereby ratified.

Decorations
in streets.

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

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

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport.

93.—(1) After the passing of this Act no part of any building (including the foundations) shall except with the consent of the Corporation be constructed so as to extend under the footway of any street at a less depth than six feet below the surface of such footway. Restriction on buildings under footways.

(2) Any person aggrieved by the refusal of the Corporation to give their consent under this section may appeal to a court of summary jurisdiction.

(3) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(4) Where any person is convicted of an offence under subsection (1) of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove or alter the part of the building so that it no longer contravenes the provisions of this section and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding forty shillings for each day on which the failure continues; and

(b) the Corporation after giving him notice of their intention so to do may remove the part of the building concerned and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the part of the building.

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

94. If any tree or structure or any part thereof shall fall on or across any street the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated from the occupier thereof. Removal of trees etc. from streets.

95.—(1) The Corporation may remove and store any furniture articles goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any street and which— Removal of furniture from streets.

(a) may have remained there for more than forty-eight hours; or

(b) are likely to cause an obstruction;

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

PART IV
—cont.

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

- (a) they shall if and as soon as it is reasonably practicable so to do notify the person whom they believe to be the owner thereof; and
- (b) they shall not exercise any power to sell any such furniture articles goods or materials whether under section 276 of the Act of 1936 or otherwise until after the expiration of fourteen days from the date of such notification or three months from the day on which they removed the furniture articles goods or materials whichever shall first occur.

Mixing of
mortar
in streets.

96.—(1) No person shall mix mortar or any like substance in any street repairable by the inhabitants at large except upon such board or in such receptacle as will protect the street from such mortar or substance:

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

(2) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding forty shillings.

PART V

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Recovery
of expenses
of sewerage
public
highway.

97.—(1) Where the council—

- (a) resolve to construct a sewer in a street or part of a street in the city being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and
- (b) include in the resolution a declaration that the construction of the sewer will in the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Corporation in a local newspaper circulating in the city and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) A copy of such a newspaper containing any such notice shall be sufficient evidence of the publication of the notice.

PART V
—cont.

98. Where land in the city in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the length of sewer :

Recovery
of expenses
of sewerage
prospective
street.

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

99.—(1) If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

Prevention
of evasion
of liabilities
under last two
preceding
sections.

(a) that by reason of any transfer of land any part of any premises (hereafter in this section referred to as “the severed part”)—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one preceding section of this Act applies ; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last preceding section applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

(b) that the transfer was intended for the purpose of evading liability under the Second Schedule to this Act imposed by the last but one preceding or the last preceding section as the case may be ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

(a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

PART V
—cont.

(b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;

(c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders under any provision of subsection (2) of this section may be made on separate complaints made by the Corporation at different times.

(5) For the purposes of this section the expression “ transfer ” includes any disposal of land whether by way of sale lease exchange gift or otherwise.

Recovery
of cost of
maintaining
public sewers.

100. Section 24 of the Act of 1936 shall have effect in its application to the city as if the following were substituted for the proviso to subsection (1) of that section :—

“ Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice ”.

Separate
sewers for foul
water and
surface water.

101. For the purpose of facilitating the disposal of sewage the powers of the Corporation under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in the city to provide separate sewers for foul water drainage and surface water drainage respectively.

Delegation
of power to
examine and
test drains etc.

102.—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall if the council by resolution so determine have effect in the city for such period as may be specified in the resolution either as respects the whole of the city or as respects such part or parts thereof as may be so specified.

(2) Where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing—

(a) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance ; or

(b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water ;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cesspool is found to be in proper condition the Corporation shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

103.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the city a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice. Summary power to remedy stopped-up drains etc.

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

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

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

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

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

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

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

PART V
—cont.Power to repair
drains and
private sewers.**104.**—(1) If any drain or private sewer in the city—

- (a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation ; and
- (b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds ;

the Corporation may after giving not less than seven days' notice to the owner or owners cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the owner or owners of the drain or sewer in such proportions (if there is more than one owner) as the surveyor may determine :

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

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

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

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

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

Penalty for
improper
construction or
repair of water-
closet etc.

105.—(1) If a water-closet drain or soil pipe in the city is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) A person charged with an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

- (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence ; and

(b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

(a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

106. For the purposes of section 44 of the Act of 1936 any part of a building in the city being a part occupied as a dwelling shall be treated as a separate building and where two or more parts of such a building are occupied as dwellings by separate families each such part shall be treated as a separate building:

Closet
accommodation for
separate
dwellings.

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting such part of the building shall for the purposes of this section be deemed to be the owner.

107. The Corporation may at the request in writing of the owner or occupier of any premises in the city undertake the cleansing of any drains water-closets sinks or gullies in or connected with the premises and may make such charge if any for so doing as they think fit.

Power to
cleanse
drains etc.

108.—(1) The Corporation may by notice require a contractor engaged in or upon any building operations or the construction or reconstruction of any works in the city within such time as may be specified in the notice—

Sanitary
conveniences
for persons
employed on
construction
work.

(a) to provide in connection therewith sufficient and satisfactory accommodation in the way of sanitary conveniences for the accommodation of the workpeople employed thereon; and

(b) where persons of both sexes are employed in or in connection with the operations or works to provide separate accommodation as aforesaid for persons of each sex;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works to which section 107 or section 108 of the Factories Act 1937 applies.

1 Edw. 8. &
1 Geo. 6. c. 67.

PART V
—cont.

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

Sanitary
conveniences
used in
common.

109.—(1) Where two or more sanitary conveniences are provided for or in connection with two or more separate houses in the city and are used in common by the occupiers of the houses the owner of the houses—

(a) shall so far as is reasonably practicable allot the conveniences to the occupiers of particular houses so as to ensure that they are allocated proportionately (as nearly as may be) amongst the houses; and

(b) shall cause to be affixed to and maintained on the door or walls of each convenience a notice identifying the house the occupiers of which are entitled to use it.

(2) If any person fails to comply with the provisions of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Abandoned
drains to
be cut off.

110.—(1) Where after the passing of this Act any person shall—

(a) reconstruct any drain which communicates with any sewer or other drain;

(b) lay such drain in a new position; or

(c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end.

(2) Any person who knowingly contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Buildings and structures

Ruinous and
dilapidated
buildings and
neglected sites.

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

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

(a) to execute such works of repair or restoration; or

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

as may be necessary for remedying the cause of complaint.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the city is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

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

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

(6) In this section the expression "building" includes any structure.

112.—(1) Where after the passing of this Act—

- (a) any person erects or raises a building in the city (in this section referred to as the "taller building") to a greater height than an adjoining building ; and
- (b) any chimneys or flues of the adjoining building are in the party wall or in an external wall of the adjoining building ;

New building
overreaching
adjoining
chimneys.

the Corporation may by notice—

- (i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher ; and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him.

(2) Any person aggrieved by a requirement of the Corporation under this section may appeal to a court of summary jurisdiction.

PART V
—cont.

(3) If any person fails to comply with a notice under this section he shall be liable to a penalty not exceeding twenty pounds and in the case of a notice served under paragraph (i) of subsection (1) of this section the Corporation may themselves execute such work as may be necessary to comply with the notice and recover the expenses of so doing from the person on whom the notice was served.

Power to order
alteration
of domestic
chimneys.

113.—(1) If a court of summary jurisdiction is satisfied upon a complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the city is prejudicial to the health of any of the inhabitants of the city or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

(a) to cause it to be raised to a height so specified; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order will not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Cellars and
rooms below
subsoil
water level.

114.—(1) No person shall in or in connection with any house shop or office in the city construct without the consent of the Corporation any cellar or room the floor level of which is lower than the ordinary level of the subsoil water on under or adjacent to the site of the house shop or office.

(2) Any consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein and any such conditions shall be binding on successive owners of the house shop or office.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under this section or by any conditions attached to such consent may appeal to a court of summary jurisdiction.

(4) If any person constructs a cellar or room in contravention of subsection (1) of this section or any conditions attached to any consent under this section—

(a) he shall be liable to a penalty not exceeding twenty pounds; and

(b) the Corporation may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will

no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the Corporation may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

PART V
—cont.

(5) If any person uses a cellar or room in contravention of any such conditions he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(6) The provisions of the last two foregoing subsections shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as to the avoidance for want of registration as a local land charge of any prohibition or restriction imposed by virtue of any such conditions.

(7) Nothing in this section shall apply to the construction of any cellar or room in connection with any shop or office which forms part of a railway station.

115.—(1) Every house erected in the city after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the city not so provided shall if reasonably practicable be so provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

Food storage
accommodation.

(2) Any person aggrieved by a requirement imposed by a notice under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The owner of any house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

(a) the expression “house” includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

(b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and

PART V
—cont.

- (c) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

Separate
approach
for separate
tenements.

116.—(1) The powers of the Corporation under section 6 of the Housing Act 1936 shall include power to make byelaws for requiring in the case of houses let in lodgings or occupied by members of more than one family a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

(2) No byelaw made under this section shall impose any requirement on the owner of a house which without his consent is let in lodgings or for occupation by more than one family.

Extension of
powers under
section 9 of
Housing Act
1936.

117.—(1) A house in the city which is occupied or is of a type suitable for occupation by persons of the working classes shall be deemed for the purposes of section 9 of the Housing Act 1936 to be not in all respects fit for human habitation—

(a) if it is not kept repaired and painted sufficiently to prevent the dilapidation thereof and to secure reasonable amenities for the occupiers thereof; or

(b) if the interior surface of the walls thereof is not papered or painted with oil-bound water paint or distempered with washable distemper sufficiently as aforesaid.

(2) On an appeal to the county court under section 15 of the said Act by a person aggrieved by a notice requiring the execution of works to remedy the defects referred to in the preceding subsection the court shall take into consideration—

(a) in the case where the person aggrieved is a lessee or agent for a lessee the length of the unexpired period of the lease;

(b) the period for which the house is likely to continue occupied;

(c) the expenditure incurred on the house during the preceding three years by the person having control of the house or the owner thereof;

(d) in the case of any house the rent of which is subject to control in pursuance of the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 the financial return accruing to the owner in respect of his ownership of the house; and

(e) whether the condition of the house is or is not due to the wilful default or neglect of the occupier.

(3) In this section the expressions “house” “owner” and “person having the control of the house” have the same meanings as in the Housing Act 1936.

118.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the city without first giving notice to the Corporation of his intention so to do and the Corporation may require such person to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

(a) the shoring up of adjacent buildings ; and

(b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site ;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation :

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Any person aggrieved by a requirement of the Corporation under the preceding subsection may appeal to a court of summary jurisdiction.

(3) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the applicant may agree in writing to allow they give notice to him that they have decided to the contrary.

(4) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

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

(6) All expenses incurred by the Corporation under subsection (4) of this section may be recovered by the Corporation from the owner of the site of the demolished building.

(7) Any person who contravenes the provisions of this section or of any term or condition imposed 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.

(8) Nothing in this section shall apply in relation to—

- (a) any poultry-house greenhouse coal shed or cycle shed or other similar structure ; or
- (b) any building belonging to any statutory undertakers and held by them for the purposes of their undertaking:

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

As to defective premises.

119.—(1) Where the Corporation are satisfied that—

- (a) any house in the city or the roof of any building in the city is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance ; and
- (b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or building (in this section referred to as “the premises”) the procedure prescribed in sections 93 to 95 of the Act of 1936 ;

the Corporation may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve upon the person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the Corporation intend to remedy the defective state of the premises themselves and specifying the defects which they intend to remedy.

(2) Not later than the end of the seventh day after the Corporation have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the Corporation stating that he intends to remedy the defective state of the premises and if such person having duly served such counter-notice commences within such time thereafter as the Corporation consider reasonable to execute such works and take such steps as may be necessary to remedy such defective state and so long as he progresses to the satisfaction of the Corporation with the execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such premises.

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the premises to which such notice relates and subject to the provisions of subsection (4) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) (a) In proceedings to recover expenses under subsection (3) of this section it shall be a defence to prove that—

- (i) the alleged defective state did not exist at the time of the service of the notice ; or
- (ii) the need to abate the defective state was not so urgent as to justify the Corporation themselves executing such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936 ; or
- (iii) the person upon whom the notice was served having duly served a counter-notice under subsection (2) of this section commenced within a reasonable time and progressed reasonably with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the premises.

(b) A person against whom proceedings are taken under subsection (3) of this section shall upon information duly laid by him and on giving to the Corporation not less than three clear days' notice of his intention be entitled to have any person to whose act default or sufferance he alleges that the defective state of the premises was due brought before the court in the proceedings and if the original defendant proves that the defective state of the premises arose or continued by the act default or sufferance of that other person the court shall have power—

- (i) to order that such expenses as aforesaid may be recovered from that other person ; or
- (ii) to apportion the expenses between persons by whose acts defaults or sufferances the defective state of the premises arose or continued in such manner as the court may deem fair and reasonable.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing contained in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in such premises.

(6) The powers and functions of the Corporation under this section may be exercised by the medical officer or the sanitary inspector.

120.—(1) Where plans of a house are in accordance with building byelaws deposited with the Corporation the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath. Provision of
bathrooms.

PART V
—cont.

(2) If the Corporation reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been rejected on account of such non-conformity.

Further provisions as to means of escape from fire in case of certain buildings.

121.—(1) Section 60 of the Act of 1936 shall within the city have effect as if the following were substituted for subsection (4) of that section:—

“(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

(a) is let in flats or tenement dwellings ; or

(b) is used as an inn hotel boarding-house hospital nursing home boarding school children’s home or similar institution or as a restaurant shop store office or warehouse”.

(2) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of section 60 of the Act of 1936 in relation to—

(a) any building let in flats or tenement dwellings ; or

(b) premises referred to in paragraph (b) of subsection (4) of the said section 60 as amended by this section ;

not being a building or premises in respect of which a notice could have been given under the said section before the coming into operation of this section the following provisions shall apply and have effect:—

(i) in the case of expenditure incurred in relation to any such building as aforesaid let in flats or tenements such expenditure shall for the purpose of paragraph (a) of subsection (1) of section 2 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 be deemed to be expenditure on the improvement of the dwelling-houses within such building and the owner of the building may apply to the county court for an order apportioning such expenditure on the several dwelling-houses comprised in such building and the court may on such application make such order as may be just and equitable in all the circumstances ;

(ii) in the case of expenditure incurred in relation to any such premises as aforesaid if the owner thereof alleges that any tenant of the premises should meet or contribute to meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of section 60 of the Act of 1936) apply to the county court for an order making such

variations of the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances.

PART V
—cont.

122.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

Further provision for public and other buildings.

(a) the apparatus or fittings for lighting or heating the building require alteration ; or

(b) the arrangement of the chairs and seating requires alteration ; or

(c) any floor requires strengthening in order to prevent overloading ;

the Corporation may by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary :

Provided that—

- (i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Act 1909 is for the time being in force ;
- (ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

6 & 7 Vict.
c. 68.
9 Edw. 7. c. 30.

(2) The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section.

123.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the city be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Provisions as to tents vans etc.

(2) It shall not be lawful without the written consent of the Corporation 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 who contravenes the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

PART V
—cont.Cleansing
of filthy or
verminous
premises.*Filthy or verminous premises or articles*

124. Section 83 of the Act of 1936 shall in its application to the city have effect as if the following were substituted for subsection (1) thereof:—

“ (1) Where the local authority upon consideration of a report from any of their officers or other information in their possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937—

(a) are in such a filthy or unwholesome condition as to be prejudicial to health ; or

(b) are verminous ;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them and by either—

(i) distempering or whitewashing the interior surface thereof ; or

(ii) in the case of premises used for human habitation or as shops or offices papering or painting the said interior surface ;

and the notice may require among other things the removal of wallpaper or other covering of the walls or in the case of verminous premises the taking of such steps as may be necessary for removing or destroying vermin ”.

Power to
require
vacation of
premises
during
fumigation.

125.—(1) If the Corporation serve notice under subsection (3) of section 83 of the Act of 1936 as amended by the last preceding section on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

(a) the notice to the occupier may also require that the premises shall be vacated until such time as the Corporation are satisfied that it is safe for the occupier to return ; and

(b) the Corporation may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required to vacate any premises under this section for any period unless shelter or other accommodation has been provided for him by the Corporation free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

(3) Any person aggrieved by a requirement of the Corporation under this section may appeal to a court of summary jurisdiction.

(4) If any person fails to comply with a notice under this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

(5) The Corporation may pay to any person vacating premises in pursuance of a notice under this section such reasonable allowance as they think fit towards his expenses in removing from and returning to the premises.

(6) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed to cease to apply to any house or premises by reason only of the fact that the house or premises have been vacated in compliance with a notice served under this section.

126.—(1) No dealer shall in the city—

Prohibition
of sale of
verminous
articles.

(a) prepare for sale ;

(b) sell or offer or expose for sale ; or

(c) deposit for sale or preparation for sale ;

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

(2) If any household article which is verminous is on any premises in the city—

(a) being prepared or offered by a dealer for sale ; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale ;

the medical officer or the sanitary inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the Corporation may recover from the dealer the expenses incurred by the medical officer or the sanitary inspector in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding twenty pounds.

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

(5) For the purposes of this section—

(a) the expression “dealer” means a person who trades or deals in any household article ;

(b) the expression “household article” means an article of furniture bedding or clothing or any similar article ;

(c) the expression “preparation for sale” shall not include disinfestation.

PART VI

NUISANCES AND OFFENSIVE TRADES

Tipping of
spoil and
refuse.

127.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

(2) Byelaws made by virtue of this section may—

(a) contain provisions for imposing on persons offending against the byelaws penalties not exceeding fifty pounds for each offence and in the case of a continuing offence a daily penalty not exceeding ten pounds ;

(b) provide that any spoil or refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulate or control the tipping of spoil or refuse—

(a) by railway canal or inland navigation undertakers for the purpose of constructing widening or maintaining any railway canal inland navigation dock or wharf works ; or

(b) by the Severn River Board for the purpose of land drainage or flood alleviation.

Smoke from
industrial
furnaces.

128.—(1) As from the appointed day no person shall instal in any premises in the city whether erected before or after the passing of this Act any furnace for steam raising or for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if after there has been a conviction of an offence of installing a furnace in contravention of those provisions any person uses that furnace he shall unless it has been altered so as to comply with those provisions be liable to a penalty not exceeding five pounds for each day on which he so uses the furnace :

Provided that a person so using such furnace shall not be liable to the last-mentioned penalty unless he himself was convicted of the said offence or if he was not so convicted unless prior to such use or the continuance of the use he had received notice from the Corporation that there had been a conviction in respect of the installation of such furnace.

(3) If a person before installing in any premises a furnace to which this section applies submits to the Corporation a plan and specification of the proposed furnace and furnishes them

with such other information in regard thereto as they may reasonably require the Corporation may within six weeks from the receipt of the plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

- (a) if the notice states that they are so satisfied ; or
- (b) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

no proceedings shall be taken against that person under this section in respect of the installation of the furnace in accordance with the plan specification and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the Corporation shall consult 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 as aforesaid—

- (a) a court in any proceedings under this section ; and
- (b) the Corporation on considering a plan specification and other information received under subsection (3) of this section ;

shall have regard to cost and to local conditions and circumstances.

129.—(1) No person shall cause or permit to be discharged in the city so as to be prejudicial to the health of or a nuisance to the inhabitants of the neighbourhood— Discharge of steam and waste gas.

- (a) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof ; or
- (b) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected ;
- (c) any spent or ejected steam arising or produced in the course of any trade or business.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall apply to steam gas or water discharged from a railway locomotive.

130.—(1) A stationary internal combustion engine shall not be used in the city unless an effectual silencer is provided and used on the exhaust of the engine. Silencers for internal combustion engines.

PART VI
—cont.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the Corporation may give him notice that the engine is being or has been so used and if after the elapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(3) An authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have the right—

(a) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section ; and

(b) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require such silencer to be taken off and removed ;

and any expenses incurred under this subsection by any such officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof :

Provided that this subsection shall not apply to any premises belonging to railway undertakers and used by them for the purpose of their railway undertaking.

Noise or
vibration
nuisance.

131.—(1) Any excessive or unreasonable or unnecessary noise or vibration which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936 :

Provided that—

(a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise or vibration having regard to the cost and to other relevant circumstances ;

(b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless it is made by not less than three occupiers of premises within hearing of the noise ;

(c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

(2) Nothing in this section shall apply to a noise or vibration occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

PART VI
—cont.

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

132. Section 81 of the Act of 1936 in its application to the city shall be extended so as to empower the Corporation to make byelaws prescribing the times and the days of the week during which trade refuse may be set fire to or burned in yards and gardens. Byelaws as to burning of refuse.

PART VII

INFECTIOUS DISEASES

133.—(1) On the application of the medical officer the occupier of any building in the city which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. Information to be furnished by occupier in case of notifiable disease.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a penalty not exceeding forty shillings.

(3) In this section—

(a) the expression “notifiable disease” means—

(i) any notifiable disease as defined by section 343 of the Act of 1936; and

(ii) any infectious disease to which section 144 of that Act for the time being applies in the city by virtue of regulations made under section 143 thereof; and

(b) the expression “occupier” includes—

(i) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been; and

(ii) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person.

PART VII

—cont.

Prohibition of
tuberculous
persons from
handling food.**134.**—(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 city 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 Corporation may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation 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 Corporation 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 Corporation.

(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.

PART VIII

FOOD

Registration of
hawkers of
food and their
premises.**135.**—(1) As from the appointed day the following provisions shall have effect in the city:—

- (a) No person shall sell or offer or expose for sale any food from or upon a cart barrow or other vehicle or from or upon a basket pail tray or other receptacle unless he is registered by the Corporation;
- (b) No premises shall be used as storage accommodation for food intended for sale from or upon a cart barrow or other vehicle or from or upon a basket pail tray or other receptacle unless the premises are registered by the Corporation:

Provided that nothing in this subsection shall apply—

- (i) to the sale or offer or exposure for sale of food by a person keeping open shop for the sale of food or by a

person employed and in the course of his employment by such a person or to the use by a person so keeping open shop or by a person employed and in the course of his employment by such a person of any premises as storage accommodation for food intended for sale by him or his employer as the case may be ;

- (ii) to the sale or offer or exposure for sale of food by a dairyman registered under regulations for the time being in force under Part II of the Food and Drugs Act 1938 as amended by any subsequent enactment or by a person employed and in the course of his employment by such a dairyman or to the use by any person as storage accommodation for food of a dairy so registered ;
- (iii) to the use by any person as storage accommodation for food of premises registered under section 14 of the Food and Drugs Act 1938 ;
- (iv) to the sale or offer for exposure for sale of food by any person on premises owned or occupied by him or his employer or to the use by any person of any premises owned or occupied by him or his employer as storage accommodation for food intended for sale by him or his employer on those or any other such premises ;
- (v) to the sale or offer or exposure for sale of food by any person or to the use of any premises as storage accommodation for food intended for sale if the profits of the sale are devoted to a religious or charitable purpose.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the occupier or intending occupier thereof.

(4) If it appears to the Corporation—

- (a) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or
- (b) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of subsection (1) of section 13 of

PART VIII
—cont.

the Food and Drugs Act 1938 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the Corporation shall serve on that person or on the person applying for the registration of the premises or in the case of premises which are registered the occupier of the premises a notice—

- (i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is proposed that a committee of the council shall take the matter into consideration ; and
- (ii) informing him that he may attend before the said committee with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse to register him or the premises or revoke his or their registration as the case may be.

(5) If a person on whom a notice is served under the last preceding subsection fails to show cause to the satisfaction of the said committee the Corporation may refuse to register him or the premises or revoke his or their registration as the case may be and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(6) Any person aggrieved by a decision of the Corporation under the last preceding subsection may appeal to a court of summary jurisdiction.

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

(8) In this section the expression “ food ” does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination.

Notification of premises for sale etc. of food.

136.—(1) As from the appointed day any person intending to use for—

- (a) the sale or offer or exposure for sale ; or
- (b) the storage for the purposes of sale ; or
- (c) the preparation for sale of any food (other than milk) intended for human consumption ;

any premises which were not so used immediately before the appointed day shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) Any person who shall use any premises for any of the purposes mentioned in subsection (1) of this section shall unless—

- (a) those premises were used for such purpose immediately before the appointed day ; or
- (b) he has given notice to the Corporation in accordance with subsection (1) of this section ;

be liable to a penalty not exceeding ten pounds.

(3) Nothing in this section shall apply to—

- (a) the sale or offer or exposure for sale or the storage for the purposes of sale in any premises used as a cinematograph theatre of ice-cream or sugar confectionery ; or
- (b) premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises.

137.—(1) The Corporation 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 an authorised officer to examine any animal feeding meat which is offered 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 :

Byelaws as to
meat for
feeding
animals.

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 and which has been examined and passed as fit for animal food by an authorised officer.

(2) In this section—

the expression “ authorised officer ” means any officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act relating to unsound food ; and 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.

PART IX

ESTABLISHMENTS FOR MASSAGE OR SPECIAL TREATMENT

Definition of establishment for massage or special treatment.

138. In this Part of this Act the expression " establishment for massage or special treatment " means any premises used or represented as being or intended to be used for the reception or treatment of persons requiring—

- (a) massage or chiropody ; or
- (b) electric treatment or radiant heat light electric vapour or other baths for therapeutic treatment ; or
- (c) other similar treatment.

Establishments for massage or special treatment to be licensed.

139. As from the appointed day no person shall carry on an establishment for massage or special treatment without a licence from the Corporation authorising him so to do.

Applications for licences.

140.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in the application state—

- (a) his full name ;
- (b) his age and nationality ;
- (c) his technical qualifications ;
- (d) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body ;
- (e) the name under which and the address at which the establishment is carried on or proposed to be carried on ;
- (f) the nature of the establishment and of the business carried on or proposed to be carried on thereat ;
- (g) whether and if so to what extent he is or has been interested in any other establishment for massage or special treatment ; and
- (h) such further information (if any) as the Corporation may reasonably require with respect to him or the establishment carried on or proposed to be carried on by him.

(2) The person making an application under this section shall when making the same pay to the Corporation a fee of five shillings in respect of an application for the grant or renewal of a licence and the fees paid on any such application may be retained by the Corporation whether such licence is or is not granted or renewed.

(3) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

141.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an establishment for massage or special treatment of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the treatment afforded or in the nature of the business carried on at the establishment and generally for securing the proper conduct of the establishment: Grant of licences.

Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years ; or
- (b) to any person who may be unsuitable to hold such licence ; or
- (c) in respect of any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable ; or
- (d) in respect of any establishment which has been or is being improperly conducted ; or
- (e) in respect of any establishment in which massage or special treatment is or may be administered by any person who does not possess such technical qualifications as may be reasonably necessary ; or
- (f) in respect of any establishment which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(3) Where an application is made for the renewal of a licence and objections have been taken to such renewal or when it is proposed to revoke a licence notice to that effect shall at least seven days before the question of renewal or revocation is considered be given to the applicant or holder of the licence

PART IX
—cont.

and if within three days after the receipt of such notice the applicant or holder requires to be heard the application shall not be refused or the licence revoked unless the Corporation has afforded him an opportunity of being heard before a committee of the council against the refusal or revocation.

Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid right of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by subsection (4) of this section and the time within which such appeal may be brought.

(4) Any person aggrieved by a refusal of the Corporation to grant or renew a licence or a revocation of a licence under this Part of this Act or by any conditions attached to such a licence may appeal to a court of summary jurisdiction.

(5) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

Byelaws as to
establishments
for massage or
special
treatment.

142.—(1) The Corporation may make byelaws—

- (a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his establishment for massage or special treatment ;
- (b) prescribing the entries to be made in connection with such business in such books or cards or forms ;
- (c) for preventing fraud and immorality in the conduct of establishments so licensed ; and
- (d) generally for regulating any premises used for the purposes of or in connection with any such establishment.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made under this section.

Powers of
entry and
inspection.

143.—(1) Any officer of or other person duly authorised by the Corporation in that behalf may—

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which there is reasonable cause to believe are used for the purposes of or in connection with an establishment for massage or special treatment ; and
- (b) inspect such premises and the books cards or forms kept in connection with the establishment carried on at those premises.

(2) The provisions of subsections (2) to (5) of section 287 of the Act of 1936 shall have effect as if they were re-enacted in this section and in terms made applicable thereto.

144.—(1) Every person who carries on an establishment for massage or special treatment without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give such particulars as are required by this Part of this Act to be given shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a fine impose any period of imprisonment not exceeding three months.

PART IX
—cont.

Penalties for offences in respect of establishments for massage etc.

(2) Every person who—

(a) contravenes the provisions of any byelaw made under this Part of this Act ; or

(b) issues publishes or displays or causes to be issued published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice from the Corporation that the licence relating to such establishment has expired or has been refused or revoked under the provisions of this Part of this Act ; or

(c) contravenes the provisions of subsection (2) of section 142 (Byelaws as to establishments for massage or special treatment) of this Act ;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) In respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

145. The provisions of this Part of this Act shall not apply to an establishment for massage or special treatment carried on by a registered medical practitioner.

Saving for establishments carried on by medical practitioners.

146.—(1) Subject as hereinafter provided the provisions of this Part of this Act prohibiting a person from carrying on an establishment for massage or special treatment without a licence from the Corporation authorising him so to do shall not apply to a registered member of the Chartered Society of Physiotherapy or a registered member of the Society of Chiropodists Limited (By Guarantee) carrying on or proposing to carry on any such establishment with respect to which there has been lodged with the Corporation a certificate in a form to be approved by the Corporation and signed by two registered medical practitioners not being in partnership with each other and not having any

Saving for members of certain societies.

PART IX
—cont.

financial or other interest in such establishment to the effect that the person carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor :

Provided that any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein ; or
- (b) for a period extending beyond the expiration of one month after the date of the annual meeting fixed for the purpose of considering applications under this Part of this Act.

(2) Any registered member of either of the said societies carrying on an establishment for massage or special treatment with respect to which a valid certificate is deposited with the Corporation under subsection (1) of this section is in this section referred to as a “ registered member ”.

(3) During the validity of any such certificate the provisions of this Part of this Act (other than section 139 (Establishments for massage or special treatment to be licensed) section 140 (Applications for licences) and section 141 (Grant of licences)) shall apply to a registered member and to the establishment carried on by him—

- (a) as if he held a licence under this Part of this Act ; and
- (b) as if the premises with respect to which the certificate has been given were the premises specified in the licence :

Provided that no person other than the medical officer or a registered medical practitioner shall be entitled for the purposes of this Part of this Act to inspect the premises at which the establishment is carried on or the books cards or forms kept in connection with such establishment.

(4) The provisions of this section shall apply to a registered member and to the establishment carried on by him so long only as he complies with the provisions of the charter granted to the Chartered Society of Physiotherapy and with the byelaws made thereunder or with the memorandum and articles of association of the said Society of Chiropodists and with the byelaws made thereunder as the case may be.

147. Notwithstanding anything in this Part of this Act the provisions thereof shall not apply to—

- (1) any hospital provided by the Minister of Health ; or
- (2) any nursing home which is for the time being registered under the Act of 1936 or exempted from registration under that Act by a certificate granted by either the Corporation or the said Minister and at which the persons administering massage or special treatment have such technical qualifications as may be reasonably necessary ; or

Saving for
certain
premises.

- (3) any premises used for the reception or treatment of persons for any purpose to which the provisions of this Part of this Act apply but not so used for the purpose of gain or reward; or
- (4) any premises being an establishment for massage or special treatment merely by reason of face or scalp massage being administered in those premises.

PART X

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

148. When any part of a park or pleasure ground provided by or under the management and control of the Corporation is set apart by them under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the Corporation may permit the exclusive use by any club or other body of persons of—

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

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

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

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

149.—(1) For the purpose of providing a parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Corporation 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.

6 Edw. 7. c. 25.

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

PART X
—cont.

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

(3) The Corporation may either—

(a) themselves manage any boating pool provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit; or

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

53 & 54 Vict.
c. 59.

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

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

Golf courses.

151.—(1) The Corporation 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 city.

(2) The Corporation 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 of the Act of 1936 as applied by this Act.

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

152.—(1) The Corporation may provide a roller-skating rink and for that purpose may— Roller-skating rinks.

- (a) by agreement acquire whether by way of purchase lease or exchange land within the city ; or
- (b) utilise any part of a park recreation ground or open space provided by them or under their management and control :

Provided that the part of any park recreation ground or open space utilised under this section shall not exceed one-eighth of the area of such park recreation ground or open space or one acre whichever be the less.

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

(3) The Corporation may either—

- (a) themselves manage any roller-skating rink 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 Corporation may—

- (a) at any such roller-skating rink provide and sell refreshments of all kinds (other than intoxicating liquor) 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 ;

PART X
—cont.

(c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments as aforesaid ;

(d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of tobacco at any such roller-skating rink.

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

Saving for trusts etc.

153. No power conferred upon the Corporation by the preceding sections of this Part of this Act shall be exercised in such a manner—

(1) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person ; or

(2) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

Agreements to maintain graves and tombstones.

154.—(1) The Corporation may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a cemetery provided by the Corporation and the following provisions shall apply in relation to any such agreement:—

(a) the said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities ;

(b) if and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum ;

(c) at the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Corporation may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment ;

(d) the amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery.

(2) In this section—

the expression “cemetery” includes a burial ground and a crematorium;

the expression “grave” includes a grave space niche or urn;

the expression “tombstone” includes a monument or other memorial of a deceased person.

155.—(1) The powers of the Corporation in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and keep in order any grave or tombstone therein subject to the following provisions:—

Extension of
power to
maintain burial
grounds.

(a) Before exercising the powers of this section the Corporation shall give notice of their intention so to do—

(i) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the city with an interval between each publication of not less than six clear days; and

(ii) by displaying the notice in a conspicuous position in the burial ground;

(b) Any such notice shall—

(i) contain a description of the works intended to be executed; and

(ii) specify the date on which it is intended that those works will commence which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid; and

(iii) state the effect of paragraph (c) of this subsection;

(c) If notice of objection to the execution of any such works and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the works to which the objection relates shall not be executed without the consent of the Minister.

(2) In this section—

the expression “burial ground” includes a cemetery;

the expression “grave” includes a grave space;

the expression “tombstone” includes a monument or other memorial of a deceased person.

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—cont.Powers as to
disused part of
burial ground.

156.—(1) In this section the expressions “owner” “burial ground” and “disused” have the same meanings as in the Open Spaces Act 1906.

(2) Where part of a burial ground belonging to the Corporation is disused (other parts being still used for interments) the Corporation subject to the provisions of section 11 of the said Act of 1906 may manage the disused part remove or change the position of any tombstone or monument therein and lay out and maintain the same as a garden but the public shall not have access thereto except to such extent as the Corporation may permit.

(3) Where part of a burial ground in the city not belonging to the Corporation is disused the owner thereof may convey such part to or grant any term of years or other limited interest therein to or make any agreement with the Corporation for the purposes of this section and the Corporation may accept such conveyance thereof or grant of interest therein and enter into such agreement.

(4) Subject to the terms upon which the Corporation have acquired part of a burial ground or an interest therein and to the terms of any agreement made under this section the Corporation may exercise in such part of the burial ground the powers referred to in subsection (2) of this section.

(5) Where the Corporation in the exercise of their powers under this section remove or change the position of any tombstone or monument relating to the remains of any deceased person the Corporation shall cause to be made a record of such tombstones or monuments and of their situation when re-erected showing the particulars respecting each tombstone and monument as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

Removal of
human
remains.

157.—(1) In the exercise of the powers of the last foregoing section the remains of any deceased person interred in the part of the burial ground in which the powers are exercised shall not be disturbed unless the Corporation find it necessary and in that case the Corporation shall remove or cause to be removed the remains of any deceased person which have to be disturbed:

Provided that a Secretary of State on the application of the Corporation and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice once in each of three successive weeks in a local newspaper circulating in the city to the effect

that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

PART X
—cont.

(3) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person in respect of whose remains the Corporation have published a notice under subsection (2) of this section may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the previous consent of the incumbent of the parish.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the Worcester County Court and such county court shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the person giving the same or (as the case may be) the person specified in any order made under subsection (4) of this section shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be re-interred in a burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject in the case of remains removed from consecrated ground to their re-interment in consecrated ground but in the case of a churchyard only with the previous consent of the incumbent of the parish.

(7) All memorial stones containing inscriptions relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and replaced at the place of re-interment of such remains or at such place as the said county court may direct subject in the case of a churchyard to the approval of the incumbent of the parish in which such churchyard is situate on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such memorial stones and their situation when replaced showing the

PART X
—cont.

particulars respecting each memorial stone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) Any jurisdiction or power conferred on the Worcester County Court by this section may be exercised by the registrar of the court.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

Aerodrome
undertaking.

158.—(1) In the event of the Corporation establishing in pursuance of sections 19 and 20 of the Civil Aviation Act 1949 an aerodrome and any ancillary business in connection therewith (in this section referred to as “the aerodrome undertaking”) they may either—

(a) themselves manage the aerodrome undertaking making such reasonable charges in respect thereof as they think fit; or

(b) subject to the provisions of subsection (6) of the said section 19 let it or any part thereof for such consideration and on such terms and conditions as they think fit:

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Minister of Civil Aviation in pursuance of powers conferred on him by or under the said Act.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Minister of Civil Aviation and subject to the like control by him under the Civil Aviation Act 1949 as if this Act had not been passed.

PART XI

SALE OF COKE WOOD FUEL ETC.

Definitions
in Part XI.

159. In this Part of this Act—

“coke” includes coke and any solid fuel derived from coal or of which coal or coke is a constituent;

“the Act of 1889” means the Weights and Measures Act 1889.

52 & 53 Vict.
c. 21.

Application of
Act of 1889.

160. The provisions of sections 20 to 22 and 24 to 29 of the Act of 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the city and those provisions (except section 28 and the byelaws made thereunder) shall apply to the sale within the city of wood fuel and peat in quantities of fourteen pounds or over.

161. The Corporation may make byelaws—

PART XI

—cont.

- (1) regulating for the purposes of this Part of this Act and of the Act of 1889 the sale of wood fuel and peat in quantities of fourteen pounds or over but not exceeding two hundredweights ;
- (2) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried on any vehicle in which wood fuel or peat is carried for sale or delivery to a purchaser ; and
- (3) prescribing the distance beyond which wood fuel or peat is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of section 27 of the Act of 1889 as applied by this Act.

Byelaws
relating to
wood fuel
and peat.

162. If any person wilfully makes any false statement as to the weight of any coke wood fuel or peat or any part thereof or as to the tare weight of any vehicle from which coke wood fuel or peat is being sold delivered or offered or exposed for sale or wilfully increases the weight of any such coke wood fuel or peat by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coke wood fuel or peat is or may be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Penalty
for fraud.

163. Proviso (a) to section 27 of the Act of 1889 in its application to the city shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Amendment of
section 27 of
Act of 1889.

164.—(1) Every vehicle carrying coal coke wood fuel or peat for sale or for delivery on sale by retail shall have the seller's name and place of business clearly marked and visible on such vehicle :

Vehicles
carrying coal
etc. for sale or
delivery
on sale.

Provided that vehicles belonging to or used by the National Coal Board shall sufficiently comply with the provisions of this section if the words "National Coal Board" are clearly marked on such vehicles and visible from the near side thereof.

(2) Any person who in the city uses a vehicle to which this section applies and which is not in conformity therewith shall be liable to a penalty not exceeding five pounds.

165.—(1) Any person selling or intending to sell or exposing for sale coal coke wood fuel or peat from or on a vehicle otherwise than in sacks shall before leaving the place at which the coal coke wood fuel or peat was loaded unless the ticket or note required by section 21 of the Act of 1889 in respect of such load

Sale of coal etc.
otherwise than
in sacks.

PART XI
—cont.

has already been sent by post or otherwise to the purchaser or his servant be furnished with such ticket or note and shall on demand produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation and shall deliver such ticket or note to the purchaser or his servant before any part of the coal coke wood fuel or peat is unloaded.

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

Sale in sacks of
coal etc.
exceeding two
hundred-
weights.

166.—(1) Where—

(a) any quantity of coal coke wood fuel or peat exceeding two hundredweights is delivered by means of any vehicle to a purchaser ; or

(b) any person sells or intends to sell or exposes or offers for sale coal coke wood fuel or peat from or on any vehicle in quantities exceeding two hundredweights ;

and such coal coke wood fuel or peat is carried on such vehicle in sacks the net weight of coal coke wood fuel or peat in any one sack shall be equal to one of the following weights (that is to say) :—

two hundredweights ;

one hundredweight ;

one-half of a hundredweight ;

one-quarter of a hundredweight ;

and each sack shall be legibly marked so as to show the net weight of coal coke wood fuel or peat carried in such sack and a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures shall be carried on such vehicle.

(2) If default is made in complying with any of the requirements of the preceding subsection or the net weight of coal coke wood fuel or peat in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in section 21 of the Act of 1889 the seller of the coal coke wood fuel or peat and the person responsible for loading the coal coke wood fuel or peat on such vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds.

(3) In addition to the matters which in accordance with the said section 21 of and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal coke wood fuel or peat in each of such sacks and the said section 21 in its application to the city shall be read and have effect accordingly.

167.—(1) The foregoing provisions of this Part of this Act shall come into operation on but not until the first day of January nineteen hundred and fifty-two.

PART XI
—cont.

Notice of this
Part of Act.

(2) (a) The Corporation shall forthwith after the passing of this Act cause public notice to be given of the effect of this Part of this Act by advertisement in a local newspaper circulating in the city and otherwise in such manner as the Corporation think sufficient.

(b) No evidence shall be required in any proceedings that the provisions of this subsection have been complied with.

PART XII

WEIGHTS AND MEASURES

168. Any person keeping or acting as a keeper of a weighing machine who—

Offences by
weighing
machine
keepers and
others.

(a) if he weighs a vehicle with or without loading does not weigh it fairly ;

(b) fails to deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading ;

(c) gives to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof ;

(d) weighs any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and fails to give immediate notice thereof to the person interested therein ; or

(e) knowingly assists in or connives at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or makes or connives at making any false representation of the weight of the same respectively ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding six months.

169.—(1) The driver of any vehicle loaded with any goods (excepting coal coke (as defined in Part XI (Sale of coke wood fuel etc.) of this Act) wood fuel or peat) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf

Drivers to take
vehicles to
weighing
machines
on request.

PART XII
—cont.

the same shall be consigned or of any of their respective agents or of an inspector of weights and measures or other officer appointed for the purpose by the Corporation take such vehicle with or without the loading thereof to be weighed by any weighing machine stamped by an inspector of weights and measures :

Provided that no such vehicle shall be required to be taken for that purpose for any distance greater than two miles out of the direct road by which it would otherwise be necessary to pass.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would otherwise be necessary to pass than one half-mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All charges made under subsection (2) of this section together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to such weighing machine as hereinbefore is directed or shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) For the purposes of this section the word "driver" includes the owner driver or person in charge of any vehicle.

(6) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle loaded with goods to be sold as aforesaid and consigned for delivery within the city.

Penalties
on persons
committing
frauds.

170.—(1) Any person who in regard to the weighing of any vehicle (other than a vehicle to which section 162 (Penalty for fraud) of this Act applies) at any weighing machine or any instrument stamped by an inspector of weights and measures—

- (a) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof :
- (b) shall alter any ticket denoting the weight of any such vehicle or of the loading of the same ;
- (c) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly tender a false statement to a weighing machine keeper respecting the weight of any such vehicle or the loading thereof ;

- (d) after the weighing of such vehicle with the loading of the same shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket ;
- (e) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof ;
- (f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be again weighed at the same machine ;
or
- (g) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding six months.

(2) Section 23 of the Weights and Measures Act 1889 shall cease to have effect with reference to any vehicle in which coal is carried in the city or the person in charge of such vehicle.

171.—(1) Any person who knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing machine to denote the weight of a different vehicle or loading shall be liable to a penalty not exceeding five pounds.

Further offences in relation to weighing machines.

(2) Any person in charge of a vehicle who in regard to the weighing of such vehicle at any weighing machine refuses after being requested so to do by any person keeping or who acts as a keeper of the weighing machine to give his name and address or who wilfully gives an incorrect name or address shall be liable to a penalty not exceeding five pounds.

PART XII

—cont.

Deficient
weight
measure or
number.

172.—(1) Any inspector of weights and measures of the Corporation showing his authority if required may at all reasonable times—

- (a) enter any building or other place in which any article is sold or is made up or exposed for sale by weight or measure or in which articles are sold or are set apart or kept or exposed for sale in numbers or in which any article is weighed or measured or any articles are numbered with a view to their being bought or sold and require such articles to be weighed measured or numbered in his presence ; or
- (b) stop any vehicle or any person carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery and require such article or articles to be weighed measured or numbered in his presence.

(2) If the weight measure or number thereof when so ascertained does not correspond with the weight measure or number thereof which has been represented by the person who has sold or made up or kept or exposed the same for sale or delivery or who has weighed measured or numbered the same with a view to purchase or sale or delivery such inspector may seize impound and convey such article or articles to an office provided for the purpose by the Corporation.

(3) The person who has sold or delivered or made up or kept or exposed the same for sale or delivery or who has incorrectly weighed measured or numbered the same with a view to purchase or sale or delivery shall be guilty of an offence and shall be liable to a fine not exceeding five pounds and for any subsequent offence to a fine not exceeding ten pounds.

(4) If any person obstructs any weighing measuring or numbering by this section authorised he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any pre-packed article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a

defence for the defendant to prove to the satisfaction of the court either—

PART XII
—cont.

- (a) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency ;
or
- (b) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency ; or
- (c) in case of a pre-packed article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being infringed.

(7) A person against whom proceedings are brought in respect of an offence against this section shall upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention be entitled to have any person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(8) Where a defendant seeks to avail himself of the provisions of the last preceding subsection—

- (a) the prosecution as well as the person whom the defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(9) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered post to the defendant nor unless in the case of any alleged

PART XII
—cont.

deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

(10) A prosecution under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions a police authority or a local authority.

(11) For the purpose of this section unless the context otherwise requires—

the expression “ purchaser ” includes any person acting on behalf of the purchaser ;

the expression “ pre-packed article ” means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be pre-packed unless the contrary is proved.

16 & 17 Geo. 5.
c. 63.

(12) The provisions of this section shall not apply to the sale of coal coke (as defined in Part XI (Sale of coke wood fuel etc.) of this Act) wood fuel or peat nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

(13) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle carrying articles consigned for sale or delivery by weight or measure or in numbers within the city.

Personal
weighing
machines.

173.—(1) In this section the expression “ personal weighing machine ” means any weighing machine in the city which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

(a) for the use of which a charge is made or is proposed to be made ; or

(b) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Corporation may make byelaws—

(a) generally with respect to the examination on verification and to the inspection of personal weighing machines and the distinguishing marks to be affixed to personal weighing machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled ;

(b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines ;

(c) for fixing the limits of error to be allowed on verification and inspection of any personal weighing machine ;

(d) for fixing the fees to be paid to the Corporation for the examination and marking of personal weighing machines submitted for verification or for the examination of such personal weighing machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(4) On and after the expiration of the said period a personal weighing machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and such stamp has not been cancelled and on or after the expiration of the said period the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(5) If any person forges or counterfeits or removes any such stamp or distinguishing mark as is referred to in the last preceding subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing machine on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (a) Any inspector of weights and measures of the Corporation may at all reasonable times examine and inspect any personal weighing machine which is used or exposed for use and may seize and detain any personal weighing machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing machine which he is authorised to examine and inspect.

PART XII
—cont.

(b) Any person who neglects or refuses to produce for such examination and inspection any such personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine or inspect the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence to a penalty not exceeding ten pounds.

(7) For the purpose of this section a personal weighing machine shall not be deemed to be stamped by reason of its bearing a cancelled stamp.

(8) A personal weighing machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used or exposed for use under this section.

(9) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating within the city.

(b) No evidence shall be required in any proceedings that the provisions of this subsection as to public notice have been complied with.

174. Nothing in this Part of this Act shall apply to weighing machines to which section 15 of the Coal Mines Regulation Act 1887 applies.

Saving for weighing machines used in connection with mines.

50 & 51 Vict.
c. 58.

Barriers in streets.

PART XIII

PUBLIC ORDER AND PUBLIC SAFETY

175.—(1) For the purpose of securing public order or public safety or preventing congestion of traffic the Corporation may in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street in the city will be thronged or obstructed cause barriers to be erected in any street in the city and kept in position for so long as may be necessary for that purpose:

Provided that the Corporation shall not exercise the powers of this subsection—

(a) as respects any trunk road without the consent of the Minister of Transport; or

(b) in any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers or so as to obstruct the access to or exit from any station dock wharf or depot of any transport undertakers without the consent of those undertakers ;

(c) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) The consent of any undertakers under proviso (b) to the preceding subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) For the purpose of erecting barriers in a street under this section the Corporation may provide slots or sockets in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier erected under this section he shall be liable to a penalty not exceeding five pounds.

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

176.—(1) No procession shall pass through the streets of the city unless written notice stating the route by which and the time at which it will so pass has been delivered at the office of the town clerk and the principal police station in the city at least thirty-six hours (exclusive of Sundays) before the time so stated. Notice of street processions.

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

(3) In this section the expression "procession" means any public or ceremonial procession or any circus procession or procession of wild animals :

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

177.—(1) Subject to the provisions of this section the Corporation may provide— Police telephone call boxes and shelters.

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

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

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

PART XIII
—cont.
52 & 53 Vict.
c. 73.

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

(3) The Corporation shall not exercise the powers of this section—

(a) without the consent of the Minister of Transport in any street being a trunk road ; or

(b) without the consent of the undertakers concerned—

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street ; or

(ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers ; or

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of such undertakers.

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

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

(a) in the case of a consent of the Minister of Transport be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers ;

(b) in the case of any other consent be referred to and determined by the Minister of Transport.

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

178.—(1) If any person wilfully and without the consent of the Corporation—

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

Offences in
respect of
telephone
boxes fire
hydrants etc.

- (b) removes, obliterates, alters, defaces or obscures any plate or mark provided by the Corporation for indicating the position of any such call box installation, shelter or box or the position of any fire hydrant;

he shall be liable to a penalty not exceeding five pounds and the Corporation may recover from him the expenses of removing the obstruction or replacing or making good the plate or mark.

(2) If any person—

- (a) telephones or causes to be telephoned from any such call box any statement which he knows to be false; or
(b) for the purpose of requiring the services of the police or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the city by the Postmaster-General;

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

179.—(1) As from the appointed day no person shall commence to erect in the city a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Corporation of his intention so to do accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require and the Corporation have approved the erection of the stand under this section. Safety of stands.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand but only subject to—

- (a) such modifications of the plan, section and particulars submitted to them; and
(b) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the Corporation shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the Corporation may allow.

PART XIII
—cont.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the Corporation have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to a court of summary jurisdiction.

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time ; or

(b) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice ; or

(c) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time ; or

(d) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section ;

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings :

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

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

(8) The provisions of this section shall not apply to any stand erected by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(9) In this section the expression “ stand ” includes a structure but does not include a building or extension of a building to which building byelaws are applicable.

180.—(1) As from the appointed day the provisions of Part IV of the Public Health Acts Amendment Act 1890 shall in their application to the city extend to any place ordinarily used for any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music:

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—cont.

Boxing and
wrestling
entertainments.

Provided that the said provisions shall not extend to any premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under that Act are complied with as though a boxing or wrestling entertainment were a stage play.

(2) For the purposes of this section the expression “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

- (a) by travelling showmen at pleasure fairs;
- (b) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit; or
- (c) by any university university college college of a university training college establishment of further education or school.

181.—(1) The Corporation may make byelaws—

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

Byelaws as to
pleasure fairs
and roller-
skating rinks.

(2) In this section—

- (a) 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;
- (b) the expression “roller-skating rink” means any place which is for the time being used wholly or mainly for roller-skating and for admission to which a charge is made.

(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;

PART XIII
—cont.

- (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 place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place ; or
- (c) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (d) any entertainment the profits whereof are devoted to a religious or charitable purpose ; or
- (e) any entertainment in any permanent premises in respect of which a licence under the Cinematograph Act 1909 is for the time being in force.

(5) The Corporation 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 Corporation 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 pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

Touting
hawking etc.

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

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

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

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

(ii) take any photograph by way of trade or business of any person :

Provided that—

(i) the Corporation shall not withhold their consent under paragraph (b) of this subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons ;

(ii) for the purpose of the said paragraph (b) the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business.

(2) This section applies to any place—

(a) in any street or part of a street or public footpath or public place within one hundred yards of the river Severn ;

(b) in any park pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation or under their management and control ;

(c) in any other street or part of a street to which this section may be applied by byelaws made by the Corporation under this section ;

(d) in any parking place for vehicles or station for public service vehicles provided or appointed by the Corporation.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section or by any terms or conditions attached to such consent may appeal to a court of summary jurisdiction.

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

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

PART XIII
—cont.Further powers
to make
byelaws as to
boats.

183.—(1) For the prevention of noise or of danger obstruction or annoyance to persons boating or bathing or using the bank or quays of the river Severn the Corporation may make byelaws prohibiting regulating or controlling the mooring of boats against along or near such parts of the river bank or quays as may be specified in the byelaws.

(2) The said byelaws may also provide for charging such fee as may be prescribed by the byelaws for any licence or permission to moor a boat against along or near any part of the river bank or quays owned by or let to the Corporation.

(3) Byelaws made under this section may contain different provisions for different classes or descriptions of boats.

(4) No byelaw made under this section shall prevent the owner of any part of the river bank or quays or any person with his consent exercising any rights which he could have exercised if the byelaw had not been made.

PART XIV

FINANCE RATING SUPERANNUATION ETC.

Power to
borrow.

184.—(1) Subject to the provisions of this Act the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 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 requisite for those purposes and they shall repay any sum so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the second column of the said table (namely):—

1	2
PURPOSE	PERIOD FOR REPAYMENT
(a) The payment of any sums to the county council or to any other authority or body under or in pursuance of Part II (Extension of city) of this Act.	Forty-five years from the date or dates of borrowing.
(b) The payment of any capital sums under the provisions of section 47 (Compensation to existing officers) of this Act.	Twenty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	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 the said Part IX and the period fixed by this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

185. It shall not be lawful to exercise the powers of borrowing conferred by this Act (except the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

PART XIV
—cont.
Saving for powers of Treasury.
8 & 9 Geo. 6.
c. 18.
9 & 10 Geo. 6.
c. 58.

186. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Receipts in case of minors.

187.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called “Worcester Corporation Bonds” (and in this Act referred to as “bonds”) in accordance with the provisions of this Act.

Power to borrow by issue of bonds.

(2) Where the Corporation raise money by the issue of bonds sections 209 to 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Third Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict.
c. 9.
7 Edw. 7. c. 13.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

54 & 55 Vict.
c. 39.

188.—(1) Notwithstanding anything contained in any enactment on and after the thirty-first day of March nineteen hundred and fifty-two the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

Consolidated loans fund.

(a) all moneys borrowed by the Corporation by the issue of authorised securities together with all moneys borrowed without or pending the issue of an authorised security in connection with the exercise of any statutory borrowing power ;

(b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are to be applied by the Corporation with due authority to another capital purpose ; and

PART XIV
—cont.

- (c) the appropriate sums provided in each financial year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (b) in the exercise of any statutory borrowing power by the transfer of the required amount to the appropriate account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve depreciation contingency superannuation insurance capital renewal repairs art or other similar fund (hereinafter referred to as “the lending fund”) and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and
- (b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not

repaid to the lending fund at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid shall (subject to any prescribed limit on the amount of the lending fund) be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) The powers conferred by this section shall not be exercised by the Corporation except in accordance with a scheme to be made by the Corporation and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(7) Any scheme approved under this section may from time to time be extended amended or revoked by a scheme made and approved in like manner as the original scheme.

189.—(1) The Corporation may at any time and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid. Scheme for equated periods.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

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

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the

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—cont.

several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

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

Capital fund.

190.—(1) The Corporation may (if they think fit) establish a fund to be called “the capital fund” to which they may pay—

- (a) any sums derived from the sale of any property of the Corporation ;
- (b) the surplus of the revenue income over the revenue expenditure of the general rate fund (not required by law to be applied to or carried forward for any other purpose) on the thirty-first day of March in any year ; and
- (c) such other sums from the revenue of the general rate fund as the council may by resolution direct not being moneys directed by law to be applied to any other purpose :

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (b) and (c) of this subsection (in addition to the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of four times the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 ; and
- (ii) payments into the capital fund shall not be made whenever that fund amounts to seventy-five thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Corporation may apply the moneys in the capital fund in defraying any expenditure to which capital is properly applicable (other than expenditure in connection with any of the Corporation undertakings) or in providing money for repayment of loans (but not in making the annual payment required to be made therefor) :

Provided that the amount to be expended under this subsection shall not exceed the sum of ten thousand pounds in any one transaction unless a greater sum shall in any case be allowed by the Minister.

(3) (a) Pending the application of moneys in the capital fund to the purposes authorised by the last preceding subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the capital fund in the manner provided by the foregoing paragraph and any income arising from the application of the capital fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (ii) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital fund.

(4) All moneys derived from the sale of any land of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation.

(5) Any sum derived from the sale of any corporate land of the Corporation as defined in section 305 of the Act of 1933 and paid to the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

(6) Nothing in this section shall affect the operation of paragraphs (a) (b) or (c) of subsection (1) of section 8 of the Local Authorities Loans Act 1945 in any case in which the moneys in the capital fund are used in pursuance of that section.

191.—(1) The Corporation may (if they think fit) provide a Reserve funds. reserve fund in respect of each of the Corporation undertakings by setting aside such an amount as they 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 fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of each such undertaking.

(2) Any reserve fund formed under this section shall be applicable—

(a) to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed ; or

(b) to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking ; or

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—cont.

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

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.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) Any income arising from the investment or use of the moneys in a reserve fund shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to such reserve fund.

Renewal and
repairs fund.

192.—(1) The Corporation may (if they think fit) establish a fund (to be called “the renewal and repairs fund”) for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply the moneys of the fund in defraying such expenditure but this section shall not apply to expenditure in connection with any buildings works plant appliances or things for the purposes of any of the Corporation undertakings in respect of which they have provided a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay into the renewal and repairs fund such sums as they think fit from the revenue of the general rate fund (including a sum equal to the interest earned on the renewal and repairs fund and any income arising from the application of that fund to the purposes authorised) but the maximum amount standing to the credit of the renewal and repairs fund shall not except with the approval of the Minister at any time exceed fifty thousand pounds.

(3) (a) Pending the application of moneys in the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in the manner provided by this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

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

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

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

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks; or

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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

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

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

PART XIV
—cont.

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

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

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

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

(8) In this section "the prescribed amount" means such sum as may from time to time be prescribed by resolution of the council.

Art fund.

194.—(1) The Corporation may (if they think fit) establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the public library museum and art gallery or other building of the Corporation and such fund shall be formed by paying thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial

year the equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

Provided that when the art fund shall amount to the sum of twenty thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced below the sum of twenty thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of twenty thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised by this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by the proviso to the preceding subsection) an amount equivalent to such income shall be credited to the art fund.

195. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water rate or charge which may be due from him to the Corporation and intends to evade payment of the same 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 person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

196.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate or the water rate charged on such hereditament the owner shall be liable to pay to the Corporation 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 Corporation from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of rates from certain owners.

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

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—cont.

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

(3) This section shall not apply to any hereditaments in the case of the general rate to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of resolutions of the council.

Payments due
to deceased
employees.

197.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance pension gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of subsection (1) of section 46 of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Provided that—

(a) the Corporation may (notwithstanding the receipt of a notice under proviso (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946 ;

(b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of the preceding subsection (except under proviso (a) thereof)

to any person other than the personal representative of the deceased employee the Corporation shall require either—

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—cont.

(a) a statutory declaration (or when payment is made to the Crown or to the Duchy of Lancaster or to the Duchy of Cornwall a statement) by the person or one of the persons to whom the Corporation may pay or propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that any death duties payable in respect of such sum have been paid or that no such duties are payable.

(3) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

198.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment of pension etc. of person of unsound mind. 53 & 54 Vict. c. 5.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice of their intention in that behalf specifying the name and address of

PART XIV
—cont.

that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Master in Lunacy:

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

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

Gratuities
to servants.

199. The Corporation may and shall be deemed always to have had the power to grant to any of their servants who has ceased to be employed by them a gratuity by way of periodical payments not exceeding in any year one-half of the annual emoluments of the employment:

Provided that the Corporation shall not under the powers of this section grant a gratuity to any servant who is entitled to a superannuation allowance under the Local Government Superannuation Act 1937.

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

Power to grant
allowances or
gratuities in
certain cases.

200.—(1) The Corporation may if they think fit grant 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 a gratuity not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment:

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 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 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.

201. The Corporation may pay—PART XIV
—cont.

- (a) reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the city ;
- (b) reasonable expenses in connection with official and courtesy visits by or on behalf of the Corporation and payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Corporation in connection therewith ; and
- (c) reasonable expenses in connection with the presentation of the freedom of the city to persons whom the council may resolve to admit as honorary freemen.

Expenses
of public
ceremonies etc.

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

Subscriptions
to scientific
bodies and
other expenses.

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

PART XV

MISCELLANEOUS

203. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the city and its neighbourhood.

Information
centres.

204. The Corporation may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens or to the allotments provided by the Corporation such sum as they may think fit not exceeding in any one year the sum of two hundred pounds.

Prizes for
garden and
allotments
competitions.

205. The Corporation may let on hire plants flowers and other floral decorations and may make such charges therefor as they may think fit.

As to hire
of floral
decorations.

PART XV
—cont.Medicated and
other baths.

206. The Corporation may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water but excluding baths for use for therapeutic purposes) and they may demand and take reasonable charges for the use thereof.

Acquisition
of certain
residuals etc.
and disposal
thereof.

207.—(1) The Corporation may acquire and convert utilise treat or otherwise make merchantable any condemned meat and by-products not required by persons whose business is that of manufacturing working up processing producing selling or offering for sale by-products which may at any time be in any slaughter-house or abattoir in the city.

(2) Any condemned meat or by-product acquired or made merchantable under the powers of this section may be sold or otherwise disposed of by the Corporation.

(3) For the purposes of this section “by-products” means and includes any material arising from any part of an animal after slaughter and whether in its natural state or after treatment.

School
agreements.

208.—(1) Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary school may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case.

(2) For the purposes of this section the expression “secondary school” includes—

(a) a secondary school as defined by section 114 of the Education Act 1944; and

(b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of that Act is provided.

7 & 8 Geo. 6.
c. 31.Powers to use
ladders etc. for
entry or
inspection.

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

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

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

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

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

210.—(1) As from the appointed day no person shall carry on the business of a hairdresser or barber on any premises in the city unless he and those premises are registered by the Corporation. Hairdressers
and barbers.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

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

(a) the cleanliness of premises registered under this section and of the 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.

(4) If any person carries on business in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

(a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds ; and

(b) in the case of a contravention of a byelaw to a penalty not exceeding five pounds ;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last preceding subsection—

(a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings ; and

PART XV
—cont.

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a court of summary jurisdiction made on his application.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings.

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

Provisions
as to motor
vehicles let
for hire.
10 & 11 Vict.
c. 89.

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

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

For preventing
obstruction to
streams by
culverts etc.

212.—(1) Where any obstruction is or may be caused to any river or stream (other than the river Severn) by any inadequate or insufficient culvert channel or other work the Corporation may within the city reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) The Corporation and any person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

PART XV
—cont.

- (a) restrict the exercise by the Corporation of their powers in relation to culverts channels or other works ; or
- (b) impose upon the Corporation any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the Corporation 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.

213.—(1) If any river or stream (other than the river Severn) or any part thereof within the city is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream. Cleansing of rivers and streams.

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

(3) Nothing in this section shall authorise the Corporation 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.

214.—(1) Any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours for the purpose of— Entry for purposes of last two preceding sections.

- (a) inspecting any river or stream (other than the river Severn) or any culvert channel or other work ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under the last two preceding sections ;

PART XV
—cont.

(c) taking any action or executing any work authorised or required by the last two preceding sections to be taken or executed by the Corporation:

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.

(2) The provisions of this section shall not authorise any officer of the Corporation to enter 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.

(3) If any person who in compliance with the provisions of this section is admitted into a factory workshop or workplace discloses to any person any information obtained by him in the factory workshop 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 penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Dangerous
trees.

215.—(1) If it appears to the Corporation that any tree within the city is in such a condition as to be dangerous to persons or buildings in or on premises adjoining the premises on which such tree is growing the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to remove top lop or prune the tree within twenty-one days so as to prevent such danger.

(2) Any person aggrieved by a requirement imposed by a notice under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If any person fails to comply with a notice served on him under this section the Corporation may themselves carry out the requirement of their notice and recover from that person the expenses reasonably incurred by them in so doing.

Derelict petrol
tanks.

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

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used

for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

PART XV
—cont.

(3) Any person failing to comply after due warning with the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928. 18 & 19 Geo. 5.
c. 32.

217. Any compensation recoverable by the Corporation for damage caused by negligence to any lamp or lamp-post belonging to them or any apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt. Summary
recovery of
damages for
negligence.

PART XVI

GENERAL

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

1	2
137 (Byelaws as to meat for feeding animals) ...	Minister of Food.
142 (Byelaws as to establishments for massage or special treatment).	Secretary of State.
150 (Boating pools)	Secretary of State.
151 (Golf courses)	Secretary of State.
158 (Aerodrome undertaking)	Minister of Civil Aviation.
161 (Byelaws relating to wood fuel and peat) ...	Board of Trade.
173 (Personal weighing machines)	Board of Trade.
181 (Byelaws as to pleasure fairs and roller-skating rinks).	Secretary of State.
182 (Touting hawking etc.)	Secretary of State.
183 (Further powers to make byelaws as to boats) ...	Secretary of State.

219.—(1) For the purposes of this Act (except Part II (Extension of city) thereof) the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed
day.

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

PART XVI
—cont.

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

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

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

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

(4) Either—

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

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

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

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

(a) immediately before that day was carrying on that business or using any premises for that purpose ; and

(b) had before that day duly applied for the licence or registration required by that provision ;

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 221 (Appeals) of this Act.

Restriction
on right to
prosecute.

220. Proceedings in respect of an offence created by or under this Act (except Part XI (Sale of coke wood fuel etc.) and Part XII (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

221.—(1) Section 300 of the Act of 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 and 302 of that Act shall apply accordingly.

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

(a) involves the execution of any work or the taking of any action ; or

(b) makes it unlawful for any person to carry on 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 Corporation themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

222. Where under the provisions of this Act or any local Act for the time being in force in the city the Corporation shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Corporation or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

223. Whenever the Corporation or any of their officers 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 Corporation 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 of their officers or any contractor or other person employed by them or him 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 paid by the Corporation or such officer in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Corporation liable for negligence only.

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

Damages and charges to be settled by court.

PART XVI
—cont.Application of
Arbitration
Act.14 Geo. 6.
c. 27.Determination
of
compensation.Inquiries by
Ministers.Application of
provisions of
Act of 1936.

225. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the 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 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 Act 1950 shall apply to any such arbitration.

226. 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 of the Act of 1936.

227. The Minister the Minister of Transport the Minister of Fuel and Power and the Minister of Civil Aviation may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

228.—(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 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 (Powers 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);
- 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) :

PART XVI
—cont.

Provided that—

(a) the said sections 277 287 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets) Part V (Sanitation and buildings) Part VI (Nuisances and offensive trades) Part VII (Infectious diseases) and Part VIII (Food) of this Act and in section 179 (Safety of stands) section 210 (Hair-dressers and barbers) and section 215 (Dangerous trees) of this Act ;

(b) the said section 293 shall not apply to the provisions contained in the following sections of this Act (namely):—

- Section 205 (As to hire of floral decorations) ;
 Section 206 (Medicated and other baths) ; and
 Section 207 (Acquisition of certain residuals etc. and disposal thereof).

(2) The following sections of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the city as if such sections were re-enacted in that local Act and in terms made applicable thereto (that is to say):—

- Section 283 (Notices to be in writing ; forms of notices &c.) ;
 Section 285 (Service of notices &c.).

(3) Section 75 (Authentication and service of notices &c.) of the Act of 1926 is hereby repealed.

229. For the protection of the gas board and the electricity board (each of whom is in this section referred to as “the board”) the following provisions shall unless otherwise agreed in

For protection of gas and electricity boards.

PART XVI
—cont.

writing between the Corporation and the board apply and have effect:—

(1) In this section—

“ apparatus ” means—

(a) in relation to the gas board mains pipes and other works and apparatus belonging to that board and includes any structure constructed for lodging apparatus therein ; and

(b) in relation to the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to that board ;

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

“ position ” includes depth :

(2) Whenever the Corporation in the exercise of the powers of section 72 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land there being in such first-mentioned land any apparatus the Corporation shall give notice to the board of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the board shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street or the board if it is reasonably necessary may and (if reasonably so required by the Corporation) shall alter the position of such apparatus to such other position as may be reasonable :

(3) Not less than twenty-eight days before the Corporation—

(a) pursuant to section 79 (Crossings over footways) of this Act—

(i) require or approve (with or without modifications) the construction or formation of a carriage-crossing across a grass verge or footway in which any apparatus is situated ; or

(ii) require the strengthening or adapting of any such footway ; or

(iii) propose alternative work ; or

(iv) allow subject to conditions the use of any such verge or footway as a crossing for any horse-drawn or mechanically propelled vehicle (other than a motor-cycle) ; or

(b) pursuant to section 90 (Means of access to buildings) of this Act require the provision of means of communication across any verge or footway in which any apparatus is situated ;

they shall give notice to the board and if by reason of the carrying out of any work it shall be reasonably necessary to alter the position of the apparatus the board may and if reasonably so required by the Corporation shall alter the position of the apparatus to such other position as may be reasonable :

(4) The board shall within twenty-eight days after the receipt of a notice from the Corporation pursuant to subsection (3) of this section give to the Corporation notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) under the provisions of that subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable :

(5) (a) Whenever by virtue of the provisions of section 87 (Stopping up and diversion of highways) of this Act any highway or any length of highway in which any apparatus is situated is stopped up or diverted and it is reasonably necessary to remove such apparatus the board may—

(i) remove the apparatus to and relay or replace the same in the highway (if any) substituted for the highway or length of highway so stopped up or diverted or in such other position as may be agreed or determined by arbitration ; or

(ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus ;

(b) Whenever by reason or in consequence of the exercise by the Corporation of the powers of the said section 87 any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the board such a sum as may be agreed between the Corporation and the board or as failing agreement between them may be determined by arbitration to be the value of the apparatus

PART XVI
—cont.

so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation :

- (6) The Corporation shall repay to the board the reasonable expenses incurred by the board of or in connection with—

(a) the alteration of the position of any apparatus under subsection (2) or subsection (3) of this section ;
or

(b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of subsection (5) of this section ;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection :

Provided that subsections (3) (4) and (5) of section 23 of the Act of 1950 which imposes limitations on undertakers' rights to payments shall so far as applicable extend and apply to any payment to be made by the Corporation under paragraphs (a) and (b) of this subsection as if the works therein mentioned were undertakers' works within the meaning of subsection (2) of the said section 23 and as if in the said subsection (3) the words from " existing apparatus was " to " then " were omitted :

- (7) (a) The board shall not be entitled to any payment in connection with the exercise of the powers of section 72 (Adjustment of boundaries of streets) or section 87 (Stopping up and diversion of highways) of this Act if the existing apparatus of the board was laid or placed within two years immediately preceding the giving of the notice referred to in subsection (2) of this section or the making of an application under the said section 87 (as the case may be) and if notice in writing of their intention to exercise the powers of the said section 72 or of the said section 87 (as the case may be) was given by the Corporation to the board within eight days from the relevant date and within twenty-nine days from the relevant date a plan and section of the proposals of the Corporation were furnished by them to the board and the proposals of the Corporation were carried out in accordance with the said plan and section or without any departure therefrom materially affecting the board ;

(b) For the purposes of this subsection “the relevant date” means the date on which the intention to lay or place the apparatus was signified to the Corporation by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the Act of 1950 applied or by notice under section 6 of that Act if such laying or placing was not such a work:

- (8) For the purposes of section 65 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (9) Nothing in section 66 (Prohibition of building until street formed and sewerred) of this Act shall prevent—
- (a) the gas board from beginning to erect or proceeding with the erection of a pressure governor house for the purposes of their undertaking; or
- (b) the electricity board from beginning to instal or proceeding with the installation of apparatus for the purposes of their undertaking;
- abutting on any new street before such new street is constructed or sewerred in accordance with street byelaws:
- (10) Nothing in section 73 (Enforcement of improvement line) of this Act shall apply to any building or structure used in connection with the works for the manufacture or storage of gas or with the supply of electricity permission for the construction or extension of which by the board is granted or deemed to be granted in accordance with the provisions of the Town and Country Planning Act 1947:
- (11) The Corporation shall so exercise the powers of the following sections of this Act:—
- section 70 (Trees grass verges and gardens);
- section 92 (Decorations in streets);
- section 175 (Barriers in streets);
- as not (so far as reasonably practicable) to render less convenient the access to any apparatus and shall not under the powers of the said section 70 make any attachment to any post or standard of the board without their consent:
- (12) Nothing in the following sections of this Act (namely):—
- section 104 (Power to repair drains and private sewers);
- section 212 (For preventing obstruction to streams by culverts etc.);

PART XVI
—cont.

section 213 (Cleansing of rivers and streams);
section 214 (Entry for purposes of last two preceding sections);

shall authorise the Corporation to execute any works in or under any operational lands within the meaning of the Town and Country Planning Act 1947 of the gas board without the consent of the gas board but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by arbitration:

(13) Nothing in the following sections of this Act (namely):—

section 127 (Tipping of spoil and refuse);

section 129 (Discharge of steam and waste gas);

shall extend to the tipping by the gas board of spoil or refuse or the use of any spoil or refuse tip or the necessary discharge of steam or gas on any lands used in connection with the manufacture of gas:

(14) Before any authorised officer of the Corporation in exercise of the powers of section 130 (Silencers for internal combustion engines) of this Act enters any premises occupied or used by the gas board in connection with the manufacture storage or supply of gas he shall give reasonable notice of his intended entry into such premises and shall observe any precautions reasonably required by the gas board in the interests of safety and for preventing interference with the supply of gas:

(15) (a) Any difference which may arise between the Corporation and the board under this section shall be referred to arbitration;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Saving for town and country planning.

230. 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.

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

SCHEDULES

THE FIRST SCHEDULE

PART I

LOCAL ACTS

Session and chapter	Short title
48 & 49 Vict. c. clxiv	Worcester Extension Act 1885
16 & 17 Geo. 5. c. xcvi	Worcester Corporation Act 1926

PART II

CONFIRMATION ACTS

Session and chapter	Short title	Order
4 & 5 Geo. 5. c. clxxxiv	Local Government Board's Provisional Order Confirmation (No. 19) Act 1914	Worcester (Extension) Order 1914
15 & 16 Geo. 5. c. lxxxiii	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1925	Worcester Order 1925
21 & 22 Geo. 5. c. xxxiv	Ministry of Health Provisional Order Confirmation (City of Worcester) Act 1931	City of Worcester (Extension) Order 1931

THE SECOND SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING
SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in the city multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a court of summary jurisdiction and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(a) shall order the Corporation to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and

(b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Corporation subject to and in accordance with the following provisions:—

(a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied

therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land :

(b) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal :

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

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

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected ;

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Corporation with respect to any such remission may appeal to a court of summary jurisdiction.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

2ND SCH.
—cont.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as “the provisional charge”) becomes actually charged on the whole or part of the premises under the foregoing provisions of this schedule—

- (a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;
- (b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

- (a) a building shall be deemed to be a new building erected after the relevant date unless its erection 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) either completely or to such a distance that the part of that wall remaining is less than half the previous height of the building (the height being measured from 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 shop or place of public resort ;

- (iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of 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 ;

- (c) the expression “the relevant date” means—

- (i) in relation to an apportionment under section 97 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council the date when the resolution became operative ; and

- (ii) in relation to an apportionment under section 98 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

THE THIRD SCHEDULE

PROVISIONS AS TO CORPORATION BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a lower price than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenue of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) shall be repayable at par at the office of the treasurer on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may issue a new certificate in lieu of the certificate lost or destroyed.

3RD SCH. —cont.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No. Date

CITY OF WORCESTER

WORCESTER CORPORATION BONDS

.....per centum Worcester Corporation bond repayable at par on the.....19..... at the.....

This is to certify that..... of is the registered holder of a Corporation bond for..... pounds (£.....) issued by the mayor aldermen and citizens of the city of Worcester under the Worcester Corporation Act 1951 at

The corporate seal of the mayor aldermen and citizens of the city of Worcester was hereunto affixed in the presence of }

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

WORCESTER CORPORATION BONDS

I in consideration of the sum of..... paid by (hereinafter called "the transferee") do hereby assign and transfer to the transferee..... To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

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

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of Transfers of Worcester Corporation Bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

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

10.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest-warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

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

3RD SCH.
—cont.

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

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