

ELIZABETH II



1970 CHAPTER xxv

An Act to confer further powers on the West Riding County Council in relation to lands and the finances of the administrative county of the West Riding of Yorkshire; and for other purposes. [29th May 1970]

WHEREAS it is expedient that further and better provision should be made with reference to lands and for the finances of the administrative county of the West Riding of Yorkshire and that the powers of the county council of that administrative county should be enlarged and extended as by this Act provided:

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

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

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

1933 c. 51.

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the West Riding County Council Act 1970.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Finance.
 Part III.—Miscellaneous and general.
- Interpretation. 3.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:—
- 1933 c. 51. “ the Act of 1933 ” means the Local Government Act, 1933;
- 1937 c. 68. “ the Act of 1937 ” means the Local Government Superannuation Act, 1937;
- 1961 c. 62. “ the Act of 1961 ” means the Trustee Investments Act, 1961;
- “ the Council ” means the county council of the county;
- “ the county ” means the administrative county of the West Riding of Yorkshire;
- “ the county fund ” means the county fund of the county;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the fund ” means the superannuation fund maintained by the Council under Part I of the Act of 1937;
- 1952 c. 55. “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952;
- “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946;
- 1946 c. 31. “ operational land ”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect

of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held for the purpose of the carrying on of statutory undertakings and, in relation to the Post Office, has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act, 1969;

PART I
—cont.

1969 c. 48.

“ the railways board ” means the British Railways Board;

“ revenues ” has the same meaning as in section 218 of the Act of 1933;

“ the river authority ” means any river authority having jurisdiction within the county;

“ signature ” includes a facsimile of a signature by whatever process reproduced;

“ statutory undertakers ” means any company, body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity, gas or water and for the purposes of sections 13 and 14 of this Act includes the Post Office.

(2) Any reference in this Act to an 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

FINANCE

4. In addition to the modes of borrowing prescribed by the Act of 1933, the Council may raise money—

Power to
raise money
by bills.

(1) for any purpose for which the Council are authorised to borrow;

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

by means of bills (to be called “ West Riding County Council bills ” and in this section referred to collectively as “ bills ” and separately as “ a bill ”), subject to and in accordance with the following provisions:—

(a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

(b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

PART II
—cont.

- (c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:
- (d) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:
- (e) The Council may make regulations providing for—
- (i) the preparation and form and the mode of issue, payment and cancellation of bills;
 - (ii) the issue of a new bill in lieu of one defaced, lost or destroyed;
 - (iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;
 - (iv) the giving of a proper discharge on the payment of a bill; and
 - (v) the amendment or revocation of any regulations previously made or deemed to have been made under this paragraph:
- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (g) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—
- (i) the sum of four million five hundred thousand pounds; or
 - (ii) one-fifth of the amount estimated to be produced by the levying of rates in the county during the then current financial year to meet liabilities falling to be discharged by the Council;
- whichever is the greater:
- (h) Subject to the provisions of the last preceding paragraph the Council may renew a bill at maturity:
- (i) The Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Council to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

5. In addition to any other method by which the Council may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

PART II
—cont.
Power to raise money by bearer bonds.

6.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

Power to raise money abroad.

(2) (a) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(b) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there were substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there were substituted a reference to the sum expressed in terms of the foreign currency (adjusted where necessary to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

7. It shall not be lawful to exercise the powers of borrowing conferred by the foregoing provisions of this Part of this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Saving for powers of Treasury.
1946 c. 58.

8.—(1) Subject to the provisions of this section, the powers exercisable by the Council under the Act of 1961 to invest any property belonging to the wider-range part of the fund shall include power to invest such property in such manner as they think fit (and whether alone or in association with any other person) in the acquisition, development or management of land situated in the United Kingdom and used or to be used for residential, commercial or industrial purposes, but Part IV of Schedule 1 to the Act of 1961 shall not apply to any investment made under this subsection.

Investment of superannuation fund in acquisition, etc., of land.

(2) So long as the value of the investments of property for the time being made under the powers conferred by the foregoing

PART II
—cont.

subsection is equal to or greater than one-quarter of the total value of the assets of the fund, no further investment may be made thereunder.

(3) For the purposes of the last foregoing subsection, the value of any investment of property shall be deemed to be the value of the investment at the time at which it was made.

(4) Subsections (2) to (7) of section 6 of the Act of 1961 shall apply in relation to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the exercise by the Council of the powers conferred by section 1 of that Act to invest any property belonging to the wider-range part of the fund in a manner specified in Part III of Schedule 1 to that Act.

(5) In this section “property” and “the wider-range part” in relation to the fund have the same meanings as they have for the purposes of the Act of 1961.

Further extension of power to invest super-annuation fund moneys.

9.—(1) In its application to the investment by the Council under subsection (3) of section 21 of the Act of 1937 of any moneys forming part of but not for the time being required to meet payments out of the fund, the Act of 1961 shall have effect as if—

(a) for paragraphs 3 and 4 of Part II of Schedule 1 to that Act there were substituted the following paragraphs:—

“3. In fixed-interest securities issued by any public, municipal or local authority, or any publicly controlled or nationalised industry or undertaking, whether established within or outside the United Kingdom.

4. In fixed-interest securities issued by the government of any territory outside the United Kingdom.”;

(b) for paragraph 6 of Part II of the said Schedule 1 there were substituted the following paragraph:—

“6. In debentures issued by a company incorporated in the United Kingdom or established under the law of any territory outside the United Kingdom.”;

(c) in paragraph 9 of Part II of the said Schedule 1 the words “in the United Kingdom”, where first occurring, were omitted and as if the following sub-paragraph were added at the end thereof:—

“(g) any public, municipal or local authority established outside the United Kingdom.”;

(d) the following paragraph were added at the end of Part III of the said Schedule 1:—

“ 4. In any securities issued by a company established under the law of any territory outside the United Kingdom and not being securities falling within Part II of this Schedule.”;

(e) the following paragraph were inserted after paragraph 2 of Part IV of the said Schedule 1:—

“ 2A. The securities mentioned in paragraph 4 of Part III of this Schedule do not include shares or debenture stock not fully paid up (except shares or debenture stock which, by the terms of issue, are required to be fully paid up within nine months of the date of issue).”;

(f) paragraph 3 of Part IV of the said Schedule 1 were omitted.

(2) Paragraph 1 and sub-paragraph (a) of paragraph 2 of Part IV of the said Schedule 1 shall not apply in relation to any investment by the Council which is authorised by virtue of the provisions of the foregoing subsection.

(3) Notwithstanding anything in the Act of 1961, the Council may invest any moneys referred to in subsection (1) of this section in any manner specified in Part III of Schedule 1 to that Act, as amended by this section, and may also from time to time vary any such investments:

Provided that no such moneys as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said schedule as so amended equals or exceeds three-quarters of the total value of the assets of the fund.

(4) For the purposes of subsection (3) of this section the value of any investment of moneys forming part of the fund shall be treated as being the value of the investment at the time at which it was made.

10. The provisions of the last two foregoing sections shall have effect notwithstanding anything in subsection (3) of section 21 of the Act of 1937. Section 21 (3) of Act of 1937 not to limit foregoing powers.

11. All costs, charges and expenses incurred by the Council in investing moneys forming part of the fund, or otherwise in relation thereto, shall be paid by the Council out of the fund. Expenses of investment of superannuation fund.

PART III

MISCELLANEOUS AND GENERAL

Compulsory
acquisition of
easements.

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

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

1946 c. 49.

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

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

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

1965 c. 56.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within section 8 of the Compulsory Purchase Act, 1965.

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

13.—(1) If the Council—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act;

PART III

—cont.

Suspension of
restrictive
covenants.

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or in pursuance of any enactment) as to the user thereof or the building thereon, the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Council shall—

- (a) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected, and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;
- (b) on or before the date of the first publication of the said notice serve by registered post or the recorded delivery service on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the foregoing paragraph of this subsection; and
- (c) on or before the date of the first publication of the said notice cause a notice containing the like particulars to those specified in paragraph (a) of this subsection to be posted in a prominent position on the land to which the resolution relates once at least in each of four successive weeks.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister within the period specified in the notice referred to in subsection (3) of this section and by sending a copy of such objection and of the grounds thereof to the Council.

PART III
—cont.

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

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

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

1965 c. 56. (7) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act, 1965, to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof, and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961.

1961 c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates, or, if the Council convey the land to any body for any of the purposes of the Education Acts, 1944 to 1968, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Council under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts, 1944 to 1968, remain unenforceable only so long as the land is used for that purpose.

(9) If the Council dispose of any land to which the restriction suspended under the powers of this section relates they shall in

two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) Nothing in this section shall apply to any restriction for the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of any statutory undertakers or the railways board contained in any deed, wayleave, agreement or other instrument.

(11) Nothing in this section shall apply to any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave, agreement or other instrument and imposed by or enuring for the benefit of the National Coal Board for the purpose of safety.

(12) Nothing in this section shall apply to any restriction for the protection of or for preventing interference with the use of or for securing access to land used in the performance of their statutory functions or apparatus of the river authority contained in any deed, wayleave, agreement or other instrument.

(13) In this section the expression "the appropriate Minister" means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire that land.

14.—(1) Whenever it becomes necessary for the Council, or any of their officers, servants, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Council may, after notice to such owner or occupier, apply to a magistrates' court for an order under this section.

Entry on land
for certain
purposes.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Council, or any of their officers, servants, contractors or workmen, may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter, examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-eight days' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

PART III
—cont.

(3) Before making a trial hole in any land in exercise of the powers of this section the Council shall give to the statutory undertakers not less than fourteen days' notice specifying the situation of the land in which it is proposed to make the trial hole.

(4) The Council shall at their own expense make good and restore to their former condition any lands laid open by them, or their officers, servants, contractors or workmen, and shall make good, to the reasonable satisfaction of the owner or occupier of the lands entered, all damage or loss sustained by him in consequence of such entry, examination or laying open, and any dispute as to the amount of damage or loss so sustained as aforesaid shall, in default of agreement, be assessed by a magistrates' court, and the amount so assessed shall be recoverable in such court.

(5) If any statutory undertakers refuse to permit any of their operational lands, or the railways board or the British Transport Docks Board refuse to permit any lands belonging to them and used for the purposes of their undertaking, or the river authority refuse to permit any lands belonging to them and used for any purpose in connection with the performance of any of their functions, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section, application under that subsection shall not be made to a magistrates' court but any question arising as to whether permission for any such lands to be so entered upon, examined or laid open is unreasonably withheld shall be determined by a single arbitrator appointed in default of agreement by the President of the Institution of Civil Engineers, and if the arbitrator shall determine that such permission is unreasonably withheld, the Council shall have the like powers of entering, examining and laying open the said lands for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

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

Local
inquiries.

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

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

PART III
—cont.

16. The written consent of the Attorney-General shall be a requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Council.

Restriction
on right to
prosecute.

17. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act shall authorise the Council to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

Crown
rights.

18. The sections of the Public Health Act, 1936, mentioned in the Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application
of general
provisions
of Public
Health Act,
1936.
1936 c. 49.

19. It shall not be lawful to exercise the power conferred by any of the provisions of this Act except in compliance with the Exchange Control Act, 1947.

Saving for
exchange
control.
1947 c. 14.

20. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto, shall be paid by the Council out of the county fund.

Costs of
Act.

Section 18.

SCHEDULE

1936 c. 49.

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 PRINTED IN ENGLAND BY THE OYEZ PRESS
 PRINT DIVISION OF THE SOLICITORS' LAW STATIONERY SOCIETY, LTD.

FOR C. H. BAYLIS
 Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

2s. 0d. [10p] net



West Riding County Council Act 1970

CHAPTER xxv

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PRELIMINARY

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