

# Monmouthshire County Council Act, 1956

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### CHAPTER xxxi

An Act to confer further powers on the Monmouthshire County Council and local authorities in the administrative county of Monmouth in relation to lands and highways and the local government improvement health and finances of the county to enact provisions with respect to public entertainments and for other purposes. [15th March 1956.]

#### **W**HEREAS—

(1) It is expedient that further and better provision should be made with reference to lands and highways and for the local government improvement health and finances of the administrative county of Monmouth and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") and of the local authorities within that administrative county should be enlarged and extended as by this Act provided:

(2) It is expedient to confer further powers on the Council and local authorities with reference to premises used for certain classes of public entertainment:

(3) It is expedient that the other provisions in this Act should be enacted:

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

(5) 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:

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 Monmouthshire County Council Act 1956.

Division of  
Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Highways.

Part IV.—Camps pleasure grounds and cemeteries.

Part V.—Public health.

Part VI.—Licensing of entertainments public order etc.

Part VII.—Weights and measures.

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Part X.—Protective provisions.

Part XI.—General.

Incorporation  
of Lands  
Clauses Acts.

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

## Interpretation.

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

(2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires the following expressions have the following meanings:—

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

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

- “ Act of 1947 ” means the Town and Country Planning Act 1947 ;
- “ Act of 1950 ” means the Public Utilities Street Works Act 1950 ;
- “ apparatus ” in relation to any statutory undertakers has the same meaning as in section 206 (For protection of statutory undertakers) of this Act ;
- “ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;
- “ burial authority ” has the same meaning as in section 11 of the Burial Act 1900 ;
- “ claimed road ” means a county road in respect of which a local authority have claimed or may hereafter claim under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair ;
- “ commission ” means the British Transport Commission ;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;
- “ Council ” means the county council of the county ;
- “ county ” means the administrative county of Monmouth ;
- “ county fund ” means the county fund of the Council ;
- “ county road ” has the same meaning as in Part III of the Local Government Act 1929 ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof ;
- “ district ” means a borough or an urban or rural district in the county ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;
- “ financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March next following ;
- “ food ” has the same meaning as in section 135 of the Food and Drugs Act 1955 ;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district ;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport and Civil Aviation or with his consent the

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—cont.

authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;

(b) in the case of a county road other than a claimed road and in the case of any other road for the time being maintained by the Council the Council ; and

(c) in the case of any other highway repairable by the inhabitants at large the local authority for the district in which the highway is situate ;

“ 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 Act of 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act ;

“ local authority ” means the council of a district ;

“ mine ” and “ quarry ” have the same respective meanings as in the Mines and Quarries Act 1954 and include anything deemed to form part of a mine or quarry respectively for the purposes of that Act ;

“ Minister ” means the Minister of Housing and Local Government ;

“ parish council ” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish ;

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

“ rural district ” means a rural district in the county ;

“ rural district council ” means the council of a rural district ;

“ standing joint committee ” means the Standing Joint Committee of the Monmouthshire Quarter Sessions and the Council appointed under section 30 of the Local Government Act 1888 ;

“ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 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 the council of any county or county district or by any authority being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery ;

“ statutory undertakers ” means any company body or person authorised by any Act of Parliament or order having the force of an Act to supply electricity gas or water and “ statutory water undertakers ” shall be construed accordingly ;

“ street ” and “ road ” have the meanings assigned to the word “ street ” in the Act of 1936 ;

“ urban district ” means a borough or an urban district in the county ;

“ urban district council ” means the council of an urban district ;

“ verge ” includes land situate between two carriageways and any part of a street which is not a carriageway footway or cycle track.

(3) Unless otherwise expressly stated 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.

(4) For the purposes 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.

**5.**—(1) In this Act the expression “ the appointed day ” means The such day as may be fixed by resolution of a local authority appointed day. subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The local authority shall cause to be published in a local newspaper circulating in the district notice—

(a) of the passing of any such resolution and of the day fixed thereby ; and

(b) of the general effect of the provisions of this Act coming into operation as from that day ;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

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—cont.

## (4) Either—

- (a) a copy of any such newspaper containing any such notice ; or
- (b) a photostatic or other reproduction certified by the clerk of the local authority to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice ;

shall be evidence of the publication of the notice and of the date of publication.

(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 220 (Appeals) of this Act.

Application  
of certain  
provisions  
of Act.

6.—(1) Except as provided in subsections (2) and (3) of this section and in section 7 (Certain provisions of Act not to operate in rural districts until adopted or applied) of this Act Part V (Public health) of this Act (except section 76 (Power to require communication of premises with public sewer in certain cases) thereof) shall come into operation on the first day of July nineteen hundred and fifty-six.

(2) The sections in Part V of this Act to which section 5 (The appointed day) of this Act applies shall come into operation on such later day as may be fixed under the said section 5.

(3) If at any time before the first day of April nineteen hundred and fifty-six a poll is demanded for the purpose of determining whether Part V of this Act or any sections therein (other than the said section 76) shall come into operation in any urban district and if the result of such a poll taken in any district is against such part or any such sections coming into operation in that district that part or those sections shall not come into operation therein except as provided in subsection (7) of this section.

(4) Any such poll may be demanded by the urban district council or by a requisition in writing signed by not less than one

hundred persons registered in accordance with the provisions of the Representation of the People Acts as local government electors in the district and delivered to the mayor or to the chairman of the urban district council as the case may be.

(5) If a poll is demanded in any district in pursuance of this section the mayor or the chairman of the council (as the case may be) shall proceed by poll to take the opinion of the electors upon the question upon which the poll is demanded unless the demand is withdrawn not later than the third day before the day fixed for the poll.

(6) The provisions of paragraphs 12 to 19 of the Ninth Schedule to the Act of 1933 and the regulations made and the forms prescribed under those provisions shall apply to the taking of a poll under this section as if polls under this section were polls of local government electors in connection with the promotion of Bills by urban district councils:

Provided that the failure to comply with any requirements so made applicable shall not invalidate the poll if the said requirements have been substantially complied with and the failure has not affected the result of the proceedings thereunder.

(7) If the result of any poll taken under this section is against Part V of this Act or any sections therein coming into operation in any urban district the urban district council may at any time after the expiration of three years from the date on which the last poll was taken determine that the question shall again be submitted to the local government electors and in that case a poll shall again be taken in accordance with the provisions of this section.

(8) If the result of any poll taken under subsection (7) of this section is in favour of the coming into operation of any of the sections referred to therein any such sections shall (notwithstanding anything therein providing for any such section to have effect as from the appointed day fixed for the district in which the poll was taken) come into operation on the expiration of a period of three months after the declaration of the result of the poll.

(9) If in pursuance of this section a poll is taken in any district the clerk shall immediately after the result has been declared give notice of such result to the Secretary of State the Minister the Minister of Transport and Civil Aviation the Minister of Agriculture Fisheries and Food and the Council.

(10) A certificate purporting to be signed by the clerk stating—

(a) the result of a poll demanded under this section in respect of his district;

(b) that no such poll has been demanded; or

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(c) that no such poll has been demanded except in reference to the sections mentioned in the certificate ;  
shall be evidence of the statement contained therein.

(11) In this section the expression " clerk " means the town clerk of a borough or the clerk of an urban district council.

Certain provisions of Act not to operate in rural districts until adopted or applied.

7. The sections of this Act of which the numbers and marginal notes are set out in the First and Second Schedules to this Act shall not apply to a rural district or to any part thereof or be exercisable by a rural district council unless and until in the case of the sections set out in the said First Schedule they have adopted those sections in accordance with section 8 (Adoption by rural district councils of certain provisions of Act) of this Act or in the case of the sections set out in the said Second Schedule the sections have been applied to their districts pursuant to section 9 (Application of certain provisions of Act to rural districts) of this Act.

Adoption by rural district councils of certain provisions of Act.

8.—(1) A rural district council may adopt in respect of their district or a part thereof all or any of the sections of this Act of which the numbers and marginal notes are set out in Part I of the First Schedule to this Act.

(2) The adoption by a rural district council of all or any of the said sections of this Act shall be by a resolution of that council passed in accordance with the provisions contained in Part II of the said First Schedule and upon a resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the district or to the part thereof to which the said resolution relates.

Application of certain provisions of Act to rural districts.

9.—(1) On the application of a rural district council the Secretary of State in respect of the sections of this Act referred to in Part I of the Second Schedule to this Act and the Minister in respect of the sections of this Act referred to in Part II of that schedule may by order to be published in the London Gazette or in such other manner as the Secretary of State or the Minister (as the case may be) may direct apply to the district or to any part thereof any of the said sections and upon such order coming into force the sections of this Act to which it relates shall apply to the district or to such part thereof from such date as may be specified in that behalf in the order.

(2) Before any application is made to the Secretary of State or the Minister for an order under this section notice of the intended application specifying the sections of this Act in respect of which an order is desired shall be published by the rural district council intending to apply for the order once at least in each of two successive weeks in one or more newspapers circulating in their district.



PART II

LANDS

10.—(1) Section 158 of the Act of 1933 shall in relation to the acquisition by the Council of land have effect as if the words “with the consent of and subject to any conditions imposed by the appropriate Minister” and subsection (3) of the said section were omitted therefrom. Amendment of section 158 of Act of 1933 in relation to Council.

(2) Any land acquired by the Council under the said section 158 after the passing of this Act shall be deemed for the purposes of this Part of this Act to be land acquired under this Act.

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

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

12.—(1) Subsections (1) and (2) of section 163 of the Act of 1933 shall apply to any land acquired by the Council under this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used. Appropriation and disposal of land.

(2) Notwithstanding anything in subsection (1) of the said section the purpose for which the Council may appropriate any such land shall not require the approval of the Minister unless it was acquired after the passing of this Act under section 158 of the Act of 1933.

(3) The Council may sell lease exchange (either with or without paying or receiving any money for equality of exchange) or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form):

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land for a consideration 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.

(4) Nothing in this section shall authorise the disposal of any land by the Council whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Council.

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(5) Subsection (3) of section 163 and sections 164 and 165 of the Act of 1933 shall not apply to any land acquired by the Council under this Act.

Application  
of capital  
money.

**13.** Section 166 of the Act of 1933 shall apply to capital money received by the Council in respect of the sale leasing exchange or other disposition of land under section 12 (Appropriation and disposal of land) of this Act as it applies to capital money received in respect of a transaction under section 164 or section 165 of that Act.

Compensation  
may be in land.

**14.** The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

Development  
of land.

**15.—(1)** The Council 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 industrial buildings warehouses and other buildings and construct sewer drain pave channel and kerb streets:

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

(2) The Council 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.

(3) In this section the expression "industrial buildings" means buildings designed or suitable for use for carrying on any industrial process.

Application of  
certain  
provisions  
of Part II  
to local  
authorities.

**16.—(1)** Subject to the provisions of this Act the foregoing provisions of this Part of this Act except section 10 (Amendment of section 158 of Act of 1933 in relation to Council) shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of the expression "local authority" for "Council".

(2) In its application to a local authority section 12 (Appropriation and disposal of land) of this Act shall have effect as if in subsection (2) thereof for the words "after the passing of this Act under section 158 of the Act of 1933" there were substituted the words "under section 17 (Acquisition of land in advance of requirements) of this Act."

**17.**—(1) A local authority may acquire by agreement whether by way of purchase lease or exchange any land whether situate within or without their district for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of their district notwithstanding that the land is not immediately required.

PART II  
—cont.  
Acquisition  
of land in  
advance of  
requirements.

(2) Any land acquired under this section may until it is appropriated under section 163 of the Act of 1933 be used for the purpose of any of the functions of the local authority and until it is so appropriated all expenses incurred by the local authority in respect of the land shall be payable out of the general rate fund.

(3) Section 158 of the Act of 1933 shall not apply to the acquisition of land or to land acquired by the local authority and any land acquired by the local authority under that section before the commencement of this Act shall be deemed to have been acquired under this section.

**18.**—(1) A local authority may by means of an order made by the local authority and submitted to the appropriate Minister and confirmed by him be authorised to purchase land compulsorily—

Purchase of  
land for certain  
purposes.

(a) for the purpose of the provision of shelters and other accommodation for persons intending to travel on public service vehicles ; and

(b) in the case of Abergavenny Borough Council and Pontypool Urban District Council for the purposes of their markets.

(2) 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 that Act.

(3) In this section the expression “appropriate Minister” means the Minister of Transport and Civil Aviation in respect of the provision of shelters and other accommodation as aforesaid and the Minister in respect of markets.

### PART III

#### HIGHWAYS

**19.** In this Part of this Act unless the context otherwise requires the following expressions have the following meanings:—

Interpretation  
of Part III.

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

PART III  
—cont.

“ private street ” means a street within the meaning of the Private Street Works Act 1892 or a street to which section 150 of the Public Health Act 1875 applies or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947 ;

“ private streets authority ” means the Council and any local authority entitled to exercise the powers of the Private Street Works Act 1892 or of section 150 of the Public Health Act 1875 ;

“ private street works ” means works executed under the provisions of any enactment relating to private streets for the time being in force in a district ;

“ street byelaws ” means any byelaws for the time being in force in any district with respect to the level width and construction 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 ;

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

*New streets*

Prohibition  
of building  
until street  
defined.

20.—(1) Where a plan and sections of a new street have been deposited with a local authority 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 local authority 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.

**21.**—(1) Where a plan and sections of a new street deposited with a local authority 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 bylaws:

PART III  
—cont.

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 local authority 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 local authority may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under the provisions of any enactment relating to private street works for the time being in force in the district.

**22.**—(1) Where a plan and sections of a new street deposited with a local authority 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 III  
—cont.

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

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

Adjustment of  
boundaries  
of estates in  
connection  
with streets.

**23.**—(1) Where a plan and sections of a new street deposited with a local authority 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—

(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 lay-out 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 footpath 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 local authority and the persons interested in the respective estates be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the local authority 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 local authority.

(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.

(10) For the purposes of this section the local authority 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 local authority shall not without the consent of the Minister sell or lease any such land for a consideration 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*

24.—(1) Where a plan and sections of a new street deposited with a local authority 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.

Rounding or  
splaying off  
corners at  
street  
junctions.

(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.

PART III  
—cont.

(3) The local authority shall pay compensation to any person injuriously affected by the exercise of 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.

(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 local authority may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

Trees grass  
verges and  
gardens.

**25.**—(1) Subject to the provisions of this section the Council or a local authority shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs ;
- (b) to attach baskets for plants to posts or standards provided by the Council or the local authority (as the case may be) or with the consent of the owner thereof to any other posts or standards ;
- (c) to lay out grass verges or gardens ;
- (d) to provide 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.

(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) 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.

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Council or a local authority or to any such land as is referred to in subsection (1) of this section and anything done by the Council or a local authority under that section with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Council or a local authority to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

(6) Where a local authority incur expenses under this section in connection with a claimed road the expenses shall not be treated as part of the cost towards which the Council are required to make an annual payment except where and so far as the Council consent to their being so treated.

(7) A local authority may with the consent of the Council exercise the powers conferred by this section in a street being a county road notwithstanding that the street is not vested in the local authority.

(8) Where the Council or a local authority carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

26.—(1) Subject to the provisions of this section the Council may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street being a county road in the county for the adjustment of the boundary of the street. Adjustment of boundaries of streets.

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

- (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

PART III  
—cont.

(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) As from the date of any such exchange as aforesaid all public rights over the part of any such street so exchanged shall be extinguished.

(4) 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 district in which such land is situate.

(5) During the said period of one month any four ratepayers may appeal to a magistrates' court against the proposal to enter into the agreement.

(6) 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 Council in any case in which the consent of that department would have been required if this Act had not been passed.

(7) In this section the expression "ratepayer" means a person who is liable to any rate in respect of property in the district in which the land is situate entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

(8) The powers of this section shall not be exercisable by the Council in respect of any street being a claimed road but in respect of any such street or any street being an unclassified road and not being a county road the said powers may be exercised by the local authority in which such street is vested and this section shall have effect accordingly as if references to such local authority were substituted therein for references to the Council.

Breaking up  
and temporary  
stoppage  
of streets.

27. For the purpose of—

- (a) making any new street ; or
- (b) providing a parking place for vehicles under section 68 of the Public Health Act 1925 ;

a local authority may break up and for any reasonable time stop up divert and interfere with any street within their district and divert the traffic therefrom and prevent persons using it:

Provided that the local authority shall not exercise the powers of this section—

- (i) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation ; or
- (ii) as respects any county road other than a claimed road without the consent of the Council ; or

- (iii) 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
- (iv) 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 ; or
- (v) so as to obstruct or interfere with the access to any apparatus of statutory undertakers.

**28.**—(1) A highway authority may without being required to obtain any such approval as is mentioned in section 263 of the Act of 1936 for the purpose of carrying away water from the surface of any highway wholly or partly fill up any watercourse or ditch adjoining the highway and substitute therefor a pipe drain or culvert with all necessary gullies and other means of conveying surface water into and through it upon giving to the owner or occupier thereof twenty-eight days' notice of their intention to do so and upon paying the owner or occupier for the damages which he shall sustain thereby the amount of such damages to be settled in default of agreement in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919:

Piping etc.  
of roadside  
ditches.

Provided that the highway authority shall make reasonable provision for the reception into any such pipe drain or culvert of any water other than foul water which at the time of the exercise of the powers of this subsection drained from the adjoining land into the said watercourse or ditch.

(2) All pipes laid by the highway authority under the powers of the foregoing subsection shall remain the property of the highway authority and shall be maintained by them and the highway authority shall indemnify any owner or occupier in respect of any claim against such owner or occupier arising from the existence on the land belonging to or occupied by him (as the case may be) of any pipe laid under the powers of the said subsection.

(3) (a) Where the owner or occupier of any land adjoining a highway in the county desires to lay a pipe in any ditch which adjoins and carries away water from the surface of the highway he shall give notice of his intention to the highway authority.

(b) Within twenty-one days of the receipt of such notice the highway authority may by notice specify the diameter of the pipe to be used by such person and may impose such conditions as they think necessary to secure the adequate drainage of surface water from the highway.

PART III  
—cont.

(c) If such person shall lay a pipe without giving the notice required by paragraph (a) of this subsection or shall lay a pipe of a diameter other than that specified or fail to comply with conditions imposed by the highway authority the highway authority may by notice require the removal of the pipe or the execution of such works as may be necessary to comply with the conditions imposed by them.

(d) The provisions of subsection (3) of section 263 of the Act of 1936 shall apply in relation to any conditions imposed by the highway authority under this subsection with any necessary modifications including the omission of the words "as a condition of approving plans or sections under this section".

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

(4) This section shall not apply to a ditch vested in a highway authority.

(5) The powers of subsection (1) of this section shall not be exercised without the consent of the commission in relation to any ditch vested in the commission and used by them for the purpose of their railway or canal undertaking and subsection (3) of this section shall not apply to any such ditch:

Provided that the consent of the commission under this subsection shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(6) In relation to the execution of any works by the highway authority in pursuance of the powers of subsection (1) of this section in any land adjoining a highway being controlled land within the meaning of the Act of 1950 Part II of the Act of 1950 shall have effect as if after the words "tunnelling or boring under the street" there were inserted the words "or under controlled land abutting on the street".

Power to erect  
fences in roads.

**29.**—(1) A highway authority may place and keep in repair on any road in the county fences and posts for the safety of persons using the road.

(2) The Council may contribute to expenses incurred by the council of an urban district under this section in placing and keeping in repair fences and posts on so much of any road as is adjacent to any land or premises owned occupied or maintained by the Council.

(3) The powers of this section shall not be exercised—

(a) in any case to which section 194 of the Law of Property Act 1925 applies without compliance with the provisions of that section; or

(b) so as to interfere with existing vehicular access to any land or premises.

(4) The highway authority shall not without the consent of the undertakers concerned exercise the powers of this section on any road not being a highway repairable by the inhabitants at large—

(a) where such road belongs to or is repairable by any railway dock canal inland navigation or passenger road transport undertakers and forms the approach to any dock station wharf or depot of those undertakers; or

(b) so as to obstruct or interfere with the access to or exit from any such premises;

but such consent shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

(5) In its application to urban districts section 149 of the Public Health Act 1875 shall have effect as if the words “and may place and keep in repair fences and posts for the safety of foot-passengers” were omitted therefrom.

(6) The provisions of section 278 of the Act of 1936 shall have effect as if references therein to that Act included reference to this section.

(7) In this section the expression “highway authority” in relation to a road not being a highway repairable by the inhabitants at large means the local authority in whose district the road is situated.

**30.**—(1) The Council and any parish council with the consent of the highway authority and subject to such conditions as the highway authority may impose may in proper and convenient situations in any road or roadside waste forming part of a highway provide and erect and maintain seats for the use of the public. Public seats  
in roads.

(2) The Council may contribute towards the expenses incurred by any parish council in exercising the powers of this section.

#### *Protection and repair of highways*

**31.**—(1) Any person with the consent of the highway authority and subject to such conditions as the highway authority may impose may in proper and convenient situations in any road or roadside waste forming part of a highway provide stands for milk churns and containers: Milk stands in  
highways.

Provided that the consent of the highway authority shall not be given to the provision of any such stand in any road or roadside waste in such a situation as to obstruct an existing access to any land or premises abutting on such road.

PART III  
—cont.

(2) If any person without the consent of the highway authority provides stands for milk churns and containers in any road or any such roadside waste he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the highway authority may themselves remove the stands so provided and recover from him the expense of so doing.

Pavement  
lights and  
ventilators.

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

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) The giving of consent by the highway authority shall not relieve the owner or occupier of the premises from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

(4) 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.

Erection of  
structures  
at street  
corners.

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

Provided that this subsection shall not apply to the placing or erection of any structure being development which by virtue of the Act of 1947 and any development order for the time being in force thereunder may be undertaken only with permission granted on an application or being an advertisement which may be displayed only with consent granted on an application under regulations for the time being in force under section 31 of that Act.

(2) Within five weeks from the receipt of such a notice from any person the highway authority 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 the 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 highway authority 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 highway authority 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 highway authority 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 specifying any conditions or modifications has been given under subsection (2) of this section 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 and Civil Aviation 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 demolition alteration repair or maintenance of any building or works :

Provided that if any such temporary structure is not removed when the construction demolition 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

PART III  
—cont.

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 highway authority 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 highway authority 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).

Removal of  
trees etc. from  
streets.

34. Where any tree or structure or any part thereof falls on or across any street so that obstruction or danger is caused or is likely to be caused to persons or vehicles using such street or the footway thereof the highway authority may remove and pending such removal may fence light and watch 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 situate from the occupier thereof.

Application of  
building line to  
walls etc.

35.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in a district 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 demolition alteration repair or maintenance of any building or works:

Provided that if any such temporary structure is not removed when the construction demolition 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 any of the foregoing provisions 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 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 local authority 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 local authority 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 a district 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 local authority 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 local authority 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 local authority 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 local authority 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 local authority under subsection (2) of section 140 of the Housing Act 1936 ; or

PART III  
—cont.

(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 local authority) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

(7) The provisions of this section shall not apply—

(a) 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; or

(b) to any structure which is erected on land belonging to any statutory undertakers so long as that land is used primarily for the purposes of works in connection with the provision of a supply of electricity gas or water.

Crossings over  
footways.

36.—(1) Where the owner or occupier of or any person residing in any premises in the county which abut on or have access to any street repairable by the inhabitants at large habitually uses 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) for the purpose of taking such horse or vehicle on or off those premises the highway authority may give notice to the owner (if he habitually so uses the grass verge or footway) or (in any other case) the occupier either—

(a) that they propose to construct across the grass verge or footway a carriage-crossing of such materials and in such manner as they may specify in the notice; or

(b) in the case of a footway that they propose to strengthen or adapt it in such manner as they may so specify; or

(c) imposing such reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as they may so specify:

Provided that this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Act of 1947.

(2) Any person aggrieved by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) The highway authority may agree with the owner or occupier (as the case may be) for the execution by him on their behalf of such works as may have been specified in a notice served under paragraph (a) or paragraph (b) of subsection (1) of this section and where the highway authority themselves execute such works they may recover the expenses of so doing from the owner or occupier.

(4) If the highway authority 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 if in force in a district shall cease to be in force therein and if not in force in a district shall not be declared to be in force therein and the following provisions of this subsection shall have effect in substitution therefor as respects streets in any district which are repairable by the inhabitants at large:—

- (a) Any person may request the highway authority in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a grass verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing:
- (b) The highway authority may approve the request either with or without modifications or propose alternative work or reject the application:
- (c) The highway authority shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work requested 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 highway authority the amount of the said estimate and require them to execute the work as approved or proposed by them:
- (e) As soon as practicable after such a deposit has been made the highway authority 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 highway authority by or to the applicant as the case may require.

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

- (a) serves or is intended to serve as a support for earth or other material on one side only; and
  - (b) does not form part of a permanent building;
- and this section applies to any length of a retaining wall being a length—
- (i) any cross-section whereof is wholly or partly within twelve feet of a street in a district; and

PART III  
—cont.

(ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans sections and specifications approved by the local authority (after consultation with the highway authority where the local authority is not the highway authority) and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a penalty not exceeding five pounds.

(3) Any person aggrieved by the refusal of the local authority to approve any plans sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a magistrates' court.

(4) If any length of a retaining wall to which this section applies—

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

(b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid ;

the local authority or where the local authority is not the highway authority the highway authority may by notice to the owner or occupier require him to execute such work as may be necessary to prevent it 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.

(5) The provisions of this section shall not apply to a retaining 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 purpose of their railway dock canal or inland navigation undertaking.

(6) The provisions of this section shall not apply to a retaining wall erected by the highway authority.

Hoads to be  
set up during  
building  
operations.

**38.**—(1) Every person intending to build or take down any building or to alter or repair the outward part of any building in or abutting on any road in the county being a road repairable by the inhabitants at large shall if required by the highway authority—

(a) before beginning the same cause close-boarded hoards or fences to be put up to the satisfaction of the highway authority in order to separate the building from the road ;

- (b) make a convenient covered platform and handrail to serve as a footway for passengers outside such hoard or fence ;
- (c) maintain such hoard or fence with such platform and handrail as aforesaid in good condition to the satisfaction of the highway authority during such time as they may require and cause the same to be sufficiently lighted during the night ; and
- (d) remove such hoard or fence with such platform and handrail as aforesaid when required by the highway authority.

(2) Any person aggrieved by a requirement of the highway authority under the foregoing subsection may appeal to a magistrates' court.

(3) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 80 of the Towns Improvement Clauses Act 1847 and of section 34 of the Public Health Acts Amendment Act 1890 shall not apply to any building operations in the county.

39.—(1). Where the forecourt of any premises abutting upon a street in a district is unfenced and is habitually used or is open to use by the public as part of the footway of such street the local authority may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same :

Maintenance of forecourts to which public have access.

Provided that a notice under this section shall not take effect until the expiration of twenty-eight days from the service thereof and if within that period the owner or occupier of the forecourt to which the notice relates having a right to exclude the public therefrom takes effective steps to do so the notice shall be withdrawn.

(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 and for the purpose of such application subsection (3) of the said section 290 shall have effect as if at the end of paragraph (a) thereof there were inserted the words " or that the notice ought to have been withdrawn ".

(3) Notwithstanding anything in the said section 290 the local authority may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of that section.

PART III  
—cont.

(4) For the purposes of section 300 of the Act of 1936 as applied by this Act the date on which a notice under this section takes effect shall be deemed to be the date of the service of the notice.

(5) The powers of this section shall be exercisable in relation to the forecourt of any premises in respect of which there is a justices' licence for the time being in force for the sale of intoxicating liquor for consumption on the premises only in respect of so much of such forecourt as is used solely by persons proceeding on foot either as part of the footway or for the purpose of access to the premises.

Forecourts  
injurious to  
amenities  
of street.

**40.**—(1) If a local authority by resolution determine that any stall or other erection on the forecourt of any premises in their district is by reason of its character injurious to the amenities of the street on which the forecourt abuts the local authority 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 Act of 1947 for the time being apply.

Awnings over  
footways.

**41.**—(1) No part of any awning over the footway of a street in a district being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than two feet 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 local authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

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

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

PART III  
—cont.

42.—(1) Where in any highway repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor to the highway authority may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

Fencing and  
lighting of  
obstructions in  
highways.

(2) Any expenses reasonably incurred by the highway authority in erecting maintaining or removing any such board or fence or in lighting any such hoarding scaffolding board or fence shall be recoverable from the owner of such hoarding or scaffolding or of the defective fitting or structure or from the person or persons responsible for the erection of the hoarding or structure on or over the highway or for the condition of the defective fitting or structure.

(3) The provisions of this section shall not apply in cases where there is a duty to secure the observance of the requirements of paragraphs (a) to (e) of subsection (1) of section 8 of the Act of 1950.

43.—(1) (a) Where in any street within the county repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such street or the footway thereof by reason of the deposit thereon or thereover of coal coke or wood (other than such deposit for the purpose of delivery through a coal-hole in such footway) the supplier or if such supplier can show that the person supplied requested such deposit then the person supplied with such coal coke or wood shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Control of  
dumping of  
coal etc. in  
streets.

(b) In this subsection the expression "supplier" means a person who under any express or implied contract made by him with any other person delivers to any premises owned or occupied by such other person coal coke or wood for consumption on those premises and the expression "person supplied" shall be construed accordingly.

(2) Subject to the provisions of subsection (3) of this section subsection (1) of this section shall come into force on the thirty-first day of December nineteen hundred and fifty-seven.

PART III  
—cont.

(3) (a) If not later than the first day of June nineteen hundred and fifty-seven it is represented to the Ministers that the date on which subsection (1) of this section is to come into force should be postponed and the Ministers are satisfied (after considering any such representations and any representations made to them by the Council) that the said date should be postponed they may make an order postponing the coming into force of subsection (1) of this section until such later date (not being earlier than six months after the date of such order) as may be specified in such order.

(b) Where any person represents to the Ministers that the date on which subsection (1) of this section shall come into force should be postponed he shall at the same time send to the Council a copy of any representations submitted by him to the Ministers.

(4) (a) The Council shall before the first day of July nineteen hundred and fifty-seven cause public notice to be given of the effect of subsection (1) of this section and that subject to any order which may be made by the Ministers in pursuance of subsection (3) of this section subsection (1) of this section will come into force on the thirty-first day of December nineteen hundred and fifty-seven.

(b) If in the event of representations being made to the Ministers that the date on which subsection (1) of this section is to come into force should be postponed the Ministers—

(i) determine that the said date should not be postponed the Council shall forthwith after the date of such determination cause public notice to be given confirming that subsection (1) of this section will come into force on the thirty-first day of December nineteen hundred and fifty-seven ;

(ii) make an order postponing the date of the coming into force of subsection (1) of this section the Council shall forthwith after the making of such order cause public notice to be given of the effect of subsection (1) of this section and of the date on which it will come into force.

(c) Notices to be given by the Council in pursuance of this subsection shall be by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think fit.

(d) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.



(5) When an order has been made by the Ministers in pursuance of subsection (3) of this section postponing the date of the coming into force of subsection (1) of this section and representations are made to them that the said date should be further postponed they may after considering such representations and any representations made to them by the Council make another order prescribing such later date for the coming into force of the said subsection as may be prescribed in such other order and so from time to time and in relation to any further order the Ministers may give such directions as they think fit as to the giving of notices relative to the order and as to the effect thereof.

(6) In this section the expression "the Ministers" means the Minister of Labour and National Service and the Minister of Fuel and Power acting jointly.

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

Mixing of  
mortar etc.  
in streets.

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

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

45.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the county—

Damage to  
trees etc. on  
highways and  
in open spaces.

(a) remove or cut any turf ; or

(b) pluck any bud blossom flower or leaf of any tree shrub or plant or remove cut or displace any plant if the tree shrub or plant has been planted by the person having control of the highway or open space for the purpose of improving the amenities thereof and adequate notice stating the effect of this paragraph is conspicuously placed on such highway or open space.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

PART III  
—cont.

(3) Nothing in this section shall apply to any open space vested in or under the control of the council of a district a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty or to any land as respects which byelaws made under the National Parks and Access to the Countryside Act 1949 are for the time being in force.

(4) In this section the expression "open space" has the same meaning as in the Open Spaces Act 1906.

*Private streets*

Urgent repairs  
of private  
streets.

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

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed forty pounds for each one hundred yards of the length of the street.

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

Extension  
of power to  
contribute to  
expenses of  
private street  
works.

**47.** The power of a private streets authority under section 15 of the Private Street Works Act 1892 to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under that Act in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the private streets authority under this section in respect of such premises.

Widening  
of private  
streets.

**48.** For the purpose of securing the proper lay-out of streets a private streets authority may enter into and carry into effect agreements with any persons having a legal interest in land adjoining any street in the county not being a highway repairable by the inhabitants at large whereby in consideration of the dedication by such persons of land for use as part of a public highway the private streets authority shall at their own expense

carry out such works in the street and on the land dedicated for use as a public highway as may be necessary to enable them to adopt the same as a highway repairable by the inhabitants at large and on a declaration made by the private streets authority when such works have been executed the street and the land dedicated for use as a public highway shall become a highway repairable by the inhabitants at large.

PART III  
—cont.

49.—(1) Where a private street in a district is laid out with a carriageway and footway the owner of every house fronting adjoining or abutting on such street shall maintain so much of the footway as abuts or adjoins the frontage of such house and the approach to such house from the street (exclusive of so much of such footway or approach as passes through any land within the curtilage of such house) in accordance with such reasonable requirements as may be specified in a notice given by the private streets authority. Maintenance of footways etc.

(2) Any person aggrieved by a requirement of the private streets authority under the foregoing subsection may appeal to a magistrates' court.

(3) Subject to such right of appeal as aforesaid if any person fails to comply with a notice given by the private streets authority under this section within twenty-eight days (or such longer period as may be specified in the notice or allowed by the private streets authority) from the receipt of such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) Nothing in this section shall be deemed to relieve a highway authority of their obligations under the National Parks and Access to the Countryside Act 1949 to repair public paths as defined in Part IV of the said Act of 1949.

50. If—

- (a) any owner of land fronting adjoining or abutting on a private street in the county 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 land ; and
- (c) the private streets authority are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and
- (d) a magistrates' court 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 III  
—cont.

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

Carriage-  
crossings at  
ends of private  
streets.

**51.**—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway in the county so repairable and the use of such street involves passage across or interference with any part of such highway the highway authority may give notice to the person by whom such street has been or is being laid out or constructed requiring the construction at his own expense of a carriage-crossing of such materials and in such manner as they may specify in the notice.

(2) Any person aggrieved by a requirement of the highway authority under the foregoing subsection may appeal to a magistrates' court.

(3) If the highway authority make any requirement under subsection (1) of this section they may also require that such works as may be necessary to secure compliance with that requirement shall be executed by the highway authority and not by any other person and the highway authority may recover the expenses of executing the works from the person by whom the street has been or is being laid out or constructed.

(4) Nothing in this section shall impose on the person by whom such street has been or is being laid out or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the surveyor of the highway authority made before the passing of this Act certified that such street had before the first day of July nineteen hundred and fifty-four been completed in accordance with plans and specifications approved and required by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at that date been taken over by the highway authority.

(6) Section 164 (Power to charge in respect of establishment expenses) of this Act shall apply in respect of the expenses recoverable by the highway authority under subsection (3) of this section as if the person by whom the street has been or is being laid out or constructed was an occupier of premises and the works were carried out on his application.

Application of  
Act of 1892 to  
parts of public  
streets.

**52.**—(1) Where in any district the Private Street Works Act 1892 is applicable and it appears to the private streets authority that a new street has been formed by reason of additions made

to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) otherwise than by the giving up for the purpose by such private streets authority of lands owned by them the private streets authority may notwithstanding anything in the said Act of 1892 carry out private street works under the provisions of the said Act of 1892 in respect of such street or any part of such street and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so repairable.

(2) Notwithstanding anything in the said Act of 1892 the private streets authority may in any district where that Act is applicable carry out private street works under the provisions of that Act throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (1) of this section the private streets authority shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so repairable.

(3) For the purposes of any apportionment under subsection (2) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.

53. Where a private streets authority propose to execute private street works with respect to any street or part of a street in the county and it appears to them that they should in connection with such private street works exercise their powers under section 15 of the Private Street Works Act 1892 or section 81 of the Public Health Act 1925 (as the case may be) to contribute the whole of the expenses incurred by them in executing such works they may by agreement with the owners of all the premises fronting adjoining or abutting on such street or part of a street and without compliance with the provisions of any enactment relating to private street works requiring the service of notices the preparation of estimates and apportionments and the deposit of plans and sections execute at their own expense such works as may be necessary to enable them to adopt the whole of such street or part of a street as a highway repairable by the inhabitants at large and on a declaration made by the private streets authority when such works have been executed the whole of such street or part of a street shall become a highway repairable by the inhabitants at large.

Power to make up private streets.

#### *Miscellaneous*

54.—(1) A local authority may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street

Decorations in streets.

PART III  
—cont.

in their district 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 pylon socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

(3) A local authority shall not exercise the powers of this section in any street in respect of which they are not a highway authority without the consent of the highway authority which consent may be given subject to such terms and conditions as the highway authority think fit.

Exercise by  
Council of  
powers with  
respect to  
county roads.

**55.**—(1) The Council shall with respect to county roads (not being claimed roads) and roads constructed by the Council or by some person under agreement with them which when completed are intended to become county roads have the functions of an urban district council or a local authority under the enactments mentioned in this section and those enactments shall apply accordingly.

(2) The enactments referred to in this section are as follows:—

The Towns Improvement Clauses Act 1847 (as incorporated with the Public Health Act 1875)—

- Section 68 (Houses projecting beyond line of street when taken down to be set back);
- Section 69 (Future projections of houses &c. to be removed on notice);
- Section 70 (Commissioners may cause existing projections to be removed and compensation to be made);
- Section 71 (Doors in future to be made to open inwards);
- Section 72 (Doors opening outwards may be altered by commissioners);
- Section 73 (Coverings for cellar doors to be made by occupier);
- Section 74 (Waterspouts to be affixed to houses or buildings);
- Section 75 (Ruinous or dangerous buildings to be taken down or secured by owners &c.);
- Section 76 (The expenses to be levied by distress on the owner);
- Section 77 (If owner cannot be found commissioners may take the house or ground making compensation provided by 8 & 9 Vict. c. 18);

Section 78 (Commissioners may sell the materials restoring to the owner overplus arising from the sale);

PART III  
—cont.

Section 81 (Penalty for not lighting deposits of building materials or excavations);

Section 82 (Penalty for continuing deposits of building materials or excavations an unreasonable time);

Section 83 (Dangerous places to be repaired or inclosed);

The Public Health Acts Amendment Act 1890—

Section 35 (As to repair of cellars under streets);

The Public Health Acts Amendment Act 1907—

Section 30 (Dangerous places to be repaired or enclosed);

Section 31 (Fencing lands adjoining streets);

The Public Health Act 1925—

Section 24 (Projections against or in front of houses or buildings).

(3) The Council shall not in the exercise of the powers of this section perform or discharge any of the functions under the enactments mentioned in this section in any district in which such enactments are for the time being in force except at the request of and by agreement with the local authority and during the continuance of such agreement such functions shall cease to be exercisable by such local authority in relation to the road to which the agreement applies:

Provided that nothing in this subsection shall prevent the Council from exercising any powers conferred on them by any other enactment.

(4) Any agreement made under the provisions of this section may relate to any one or more roads in a district.

(5) The functions conferred on the Council under the enactments referred to in this section shall not be exercised with respect to or so as to affect any advertisement within the meaning of section 119 of the Act of 1947.

#### PART IV

##### CAMPS PLEASURE GROUNDS AND CEMETERIES

56. In this Part of this Act unless the context otherwise requires the following expressions have the following meanings:—

“camping ground” means any area of land on which movable dwellings are situated or which is provided for the placing of movable dwellings;

PART IV  
—cont.

“movable dwelling” includes—

- (a) any tent ;
- (b) any structure capable of being moved from place to place ; and
- (c) any van cart carriage truck tramcar railway-carriage motor-car caravan trailer omnibus or other vehicle ;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for agricultural or other like purposes or in connection with building operations ;

(ii) any tent structure or vehicle temporarily used for the service of the council of any county county borough county district or other public authority ;

(iii) any canal boat or any other boat ;

(iv) any shelter provided for the treatment of tuberculosis or used in connection with an open air school ;

(v) any vehicle used by the commission in connection with the maintenance and repair of their undertaking ; or

(vi) any tent structure or vehicle belonging to any statutory undertakers and any trailer drawn by such vehicle if and so long as such tent structure vehicle or trailer is used by those undertakers for the purposes of their undertaking ;

“occupier” in relation to a movable dwelling includes an owner ;

“open space” has the same meaning as in the Open Spaces Act 1906.

*Movable dwellings and camping grounds*

57.—(1) Where it appears to a local authority—

- (a) that the amenities of any part of their district are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in their district ; or
- (b) that annoyance is caused to the residents in or visitors to any part of their district by reason of the noisy indecent or other offensive conduct of the occupiers

Court may prohibit movable dwellings in certain areas.



of or persons frequenting any movable dwelling or movable dwellings in their district ;

the local authority may make complaint to a magistrates' court and the court may by order—

- (i) require the removal by the occupier or occupiers thereof of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates within such period as may be prescribed by the order ; and
- (ii) prohibit the placing of any movable dwelling on or limit the number or define the class of movable dwellings to be at any one time placed or situate within the whole or some part of an area to be specified in the order.

(2) Any person aggrieved by any order made by a magistrates' court under subsection (1) of this section may appeal to quarter sessions.

(3) As soon as practicable after the making of an order under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings the terms of the order shall be published by the local authority or local authorities of the district or districts within which the area specified in the order is situate in one or more local newspapers circulating in their district or districts and by placards posted in conspicuous positions in or near to that area and such placards shall be left so posted so long as the order is in force.

(4) An order made by a magistrates' court under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings shall take effect as from the expiration of fourteen days from the first publication of the terms of the order in the local newspaper under subsection (3) of this section and the area specified in such order shall not extend beyond the distance of two hundred yards from the movable dwelling or all of the movable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any movable dwelling not being a movable dwelling to which the complaint related.

(5) (a) If any occupier of a movable dwelling fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order

PART IV  
—cont.

was made may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) If any person places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (a) Where a magistrates' court has made an order under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings an application for the rescission of the order may be made to the court—

- (i) at any time by the local authority on whose complaint the order was made ; or
- (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the local authority not less than fourteen days' notice of his intended application ;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local authority or local authorities of the district or districts within which the area to which the order related is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (3) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or more movable dwellings with respect to which the local authority have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

58.—(1) A local authority may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

PART IV  
—cont.

Byelaws as to  
camping  
grounds.

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

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

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

(2) (a) A copy of any byelaws made by a local authority under this section shall be appended to any licence granted by them under section 269 of the Act of 1936 in respect of any camping ground to which such byelaws relate.

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

59. The last two foregoing sections of this Act shall not apply to—

Saving from  
last two  
foregoing  
sections.

(a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society ;

(b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such association in pursuance of their charter ;

(c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake responsibility for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;

(d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;

(e) any movable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake responsibility for the good conduct of their members when in camp and for the proper use by their members of movable dwellings ; or

PART IV  
—cont.

- (f) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business:

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce the good conduct of their members and the proper use by their members of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ; and
- (v) if any society association or organisation referred to in the said paragraphs (a) and (b) are using any camping ground provided by a local authority or if any person being a member of any such society association or organisation or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association or organisation or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act relating to that camping ground.

60.—(1) A local authority may subject to the approval of the Minister by agreement purchase or take on lease land within their district and use the same or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of movable dwellings as may be prescribed from time to time by the local authority.

Provision  
of camping  
grounds by  
local  
authorities.

(2) A local authority may provide such buildings equipment and services and may execute such works as may be necessary or expedient in connection with the provision of a camping ground under this section.

(3) The local authority before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in their district and in such other manner (if any) as the Minister may direct.

The said notice shall state the matters mentioned in paragraph (d) of subsection (4) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk of the local authority.

(4) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider any representations on the proposal of the local authority which may be duly made with respect to any relevant circumstances and particularly as to—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties ;
- (b) the ability of the occupiers of movable dwellings to comply with any byelaws respecting the use of camping grounds made by the local authority under this Part of this Act ;
- (c) the distance between and area of camping grounds in the neighbourhood whether provided by the local authority under this section or not ; and
- (d) the area and situation of the proposed camping ground and the arrangements for providing a supply of water sanitation and other services with respect thereto ;

and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

PART IV  
—cont.

(5) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) cause a local inquiry to be held and subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry.

(6) The local authority shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(7) Where a local authority have provided under this section a camping ground they may permit the occupier of any movable dwelling to encamp upon that camping ground on payment of such fee as may be prescribed by the local authority.

*Parks and open spaces*

Power for  
Council to  
contribute to  
open spaces.

**61.** The Council may contribute towards the expenses incurred by a local authority parish council or joint board or committee of any local authorities or any trustees or public bodies in connection with the acquisition laying out and maintenance of land as and for any open space for public use and recreation.

As to closing of  
parks etc.

**62.** Section 44 of the Public Health Acts Amendment Act 1890 shall have effect in its application to a district as if—

(a) the urban authority had been empowered to close to the public any park or pleasure ground on six consecutive days (excluding Sunday) on any one occasion and in computing any period of six days Saturday and Monday shall be deemed to be consecutive days ;

(b) in the proviso to subsection (1) of that section the words "or public holiday" had been omitted and there were substituted the words "and on any public holiday on which the urban authority think fit to close to the public any such park or pleasure ground not more than one-quarter of the total area of all the parks or pleasure grounds provided by them shall be so closed at one and the same time".

Power to let  
parks etc. for  
games.

**63.** When any part of a park or pleasure ground provided by or under the management and control of a local authority 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 local authority 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 ;

PART IV  
—cont.

subject to such charges and conditions as the local authority think fit :

Provided that nothing in this section shall empower a local authority except with the consent of the Minister given to that authority either generally or in any particular case 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.

64. For the purpose of providing a parking place under section 68 of the Public Health Act 1925 a local authority may notwithstanding anything in any enactment to the contrary utilise any part of a park pleasure ground or open space provided by them or under their management and control or of any pleasure or recreation ground or open space provided by a parish council : Parking places  
in parks etc.

Provided that—

- (a) the powers of this section shall not be exercised without the consent of the Minister and where it is proposed to utilise any part of a pleasure or recreation ground or open space provided by a parish council without the consent of that parish council ;
- (b) the part of any park pleasure or recreation 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.

65.—(1) A local authority or a parish council may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool. Boating pools.

(2) The local authority or the parish council 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.

PART IV  
—cont.

(3) The local authority or the parish council 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.

(4) (a) If section 44 of the Public Health Acts Amendment Act 1890 is in force in a district the powers of the local authority or a parish council under subsection (2) of that section 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.

(b) If the said section 44 is not in force in a district the local authority may either themselves provide and let for hire or may license any person to let for hire any pleasure boats on a boating pool provided under this section and may make byelaws for regulating the numbering and naming of such boats the number of persons to be carried therein the boathouses and mooring places for the same and for fixing rates of hire and the qualifications of boatmen and for securing their good and orderly conduct while in charge of any boat.

## Aviaries.

**66.** A local authority may in any park pleasure ground or open space provided by them or under their management and control provide and maintain aviaries and may acquire and keep birds for the stocking of such aviaries.

## Climatological stations.

**67.**—(1) A local authority to which this section applies may in any park pleasure ground or open space provided by them or under their management and control provide and operate a climatological station.

(2) This section applies to Caerleon Urban District Council and Tredegar Urban District Council.

## Provision of bins for litter.

**68.**—(1) The Council may provide and place and maintain on any road or roadside waste forming part of a highway and a parish council may provide and place and maintain on any open space park or recreation ground belonging to or maintained by them and on any other land within the county to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles:

Provided that the powers of this section shall not be exercised—

- (a) as respects a road without the consent of the highway authority;



- (b) as respects an open space park or recreation ground without the consent of the local authority or parish council to whom the open space park or recreation ground belongs or by whom it is maintained;
- (c) as respects other land to which the public have access without the consent of the owner thereof.

(2) The Council may contribute towards the expenses incurred by a parish council in exercising the powers of this section and to those of a local authority exercising the powers of section 76 of the Act of 1936:

Provided that no contribution shall be made by the Council towards the expenses incurred by the council of an urban district in exercising the powers of the said section 76 except in relation to the provision of receptacles for refuse in streets repairable by the Council and in public places other than public places vested in the council of an urban district.

#### *Burial grounds*

69.—(1) Any burial authority in the county 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 burial ground or crematorium provided by the burial authority and the following provisions shall apply in relation to any such agreement:—

Agreements to  
maintain  
graves and  
tombstones.

- (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 burial authority 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 burial authority relating to the burial ground or crematorium.

PART IV  
—cont.

(2) Any agreement made by a burial authority before the passing of this Act in consideration of the maintenance of a grave or tombstone is hereby ratified.

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

“burial ground” includes a cemetery;

“grave” includes a grave space niche or urn;

“tombstone” includes a monument or other memorial of a deceased person.

Extension of  
power to  
maintain  
burial  
grounds.

**70.**—(1) The powers of a burial authority in the county in relation to a burial ground maintainable by them shall include power—

(a) to put and keep in order any tombstone therein;

(b) to level any grave therein or remove any tombstone or movable memorial on any grave therein or the railings surrounding any grave or tombstone therein.

(2) Before exercising the powers conferred by paragraph (b) of the foregoing subsection the burial authority shall give notice of their intention to do so—

(a) by publishing the notice once in each of two successive weeks in a local newspaper circulating in their area with an interval between each publication of not less than six clear days; and

(b) by displaying the notice in a conspicuous position in the burial ground.

(3) The said notice shall—

(a) contain brief particulars of the burial authority's proposals and if necessary specify an address at which full particulars of the proposals can be obtained;

(b) specify the date on which it is intended that the burial authority shall begin to carry out the proposals 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;

(c) state the effect of the next following subsection.

(4) If notice of objection to the proposals and of the ground thereof is given to the burial authority before the date so specified and is not withdrawn before the expiration of fourteen days from that date the proposals to which the objection relates shall not be carried out without the consent of the Minister.

(5) Unless within three months after the first publication of the notice as required by paragraph (a) of subsection (2) of this

section any tombstones memorials or railings removed under this section are claimed the burial authority may put them to such use as they may think appropriate or destroy them.

PART IV  
—cont.

(6) Where any tombstone is removed under this section the burial authority may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The burial authority shall cause to be made a record of each tombstone and memorial removed under this section and deposit a copy of the record with the Registrar General.

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

“burial ground” includes a cemetery;

“grave” includes a grave space;

“tombstone” includes a kerb and any fixed memorial to the dead.

## PART V

### PUBLIC HEALTH

71. In this Part of this Act unless the context otherwise requires the following expressions have the following meanings:—

Interpretation  
of Part V.

“clerk” means the town clerk of a borough or the clerk of an urban district council or of a rural district council;

“medical officer” “surveyor” and “sanitary inspector” mean respectively the medical officer of health the surveyor and any sanitary inspector of a district;

“notifiable disease” means—

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

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

“tenement dwellings” means a house which is let in lodgings or is occupied by members of more than one family.

### *Sewers drains and sanitary conveniences*

72.—(1) Where the local authority—

(a) resolve to construct a sewer in a street or part of a street in their district being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and

Recovery of  
expenses of  
sewering  
public  
highway.

PART V  
—cont.

- (b) include in the resolution a declaration that the construction of the sewer will in their opinion increase the value of premises fronting adjoining or abutting on the street or that part thereof;

then the provisions of the Third Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority 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 local authority in a local newspaper circulating in their district and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) Either—

- (a) a copy of any such newspaper containing a notice published in pursuance of this section; or
- (b) a photostatic or other reproduction certified by the clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of publication.

Recovery of expenses of sewerage prospective street.

**73.** Where land in a district in which a length of sewer has been constructed at the expense of the local authority after the coming into operation of this section becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Third Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority of the expenses incurred in constructing the length of sewer:

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.

Prevention of evasion of liabilities under last two foregoing sections.

**74.**—(1) If on a complaint by a local authority to a magistrates' court it is proved to the satisfaction of the court—

- (a) that by reason of any transfer of land any part of any premises in their district (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 section 72 (Recovery of expenses of sewerage public highway) 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 section 73 (Recovery of expenses of sewerage prospective street) of this Act 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 Third Schedule to this Act imposed by the said section 72 or section 73 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;

(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 local authority at different times.

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

75. Section 24 of the Act of 1936 shall have effect in its application to a district as if for the proviso to subsection (1) of that section there was substituted the following proviso:—

“Provided that unless in the opinion of the medical officer of health the surveyor or the sanitary inspector

Recovery of  
cost of  
maintaining  
public sewers.

PART V  
—cont.

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.”

Power to  
require com-  
munication of  
premises with  
public sewer in  
certain cases.

**76.**—(1) In any case where after the coming into operation of this section a local authority to which this section applies are providing or about to provide as part of a main drainage scheme a public sewer for serving any area in their district for which a public sewer (within the meaning of section 20 of the Act of 1936) was not previously provided they may by notice require the owner of any building in that area who is entitled to drain such building into the said public sewer but who cannot by reason of the existence of other satisfactory provision for the drainage thereof be required under section 39 of the Act of 1936 so to drain the same to drain such building into the said public sewer by means of a proper drain to the satisfaction of the local authority within a reasonable time specified in the notice:

Provided that the local authority shall not be entitled to serve such notice unless—

- (a) the public sewer will be within one hundred feet of the site of the building and at a level which makes it reasonably practicable to construct at a reasonable cost a drain for communication between the building and the sewer;
- (b) the value of the building has been increased or is likely to be increased through the availability of the public sewer and the main drainage scheme for the service thereof;
- (c) the drainage of the building to the public sewer will add to the amenity of the building or is needed for contributing to the general amenity of the area to be served by the sewer; and
- (d) the land intervening between the building and the public sewer is land through which such owner is entitled to construct a drain.

Any dispute between the local authority and the owner as to any matter provided for or referred to in this subsection or in such notice shall be determined by a magistrates' court.

(2) Every notice given by the local authority in pursuance of subsection (1) of this section shall state the effect of the provisions of the proviso to subsection (1) of this section and shall also draw attention to the right to appeal against such notice.

(3) If any owner on whom a notice has been served by the local authority in pursuance of subsection (1) of this section fails to comply therewith the local authority may themselves execute the works necessary for complying therewith and may recover from him the expenses reasonably incurred by them in so doing.

(4) Upon completion of the works required by the notice so as to cause the building to drain satisfactorily into the sewer the use of any cesspool pail collection system or other means previously used for disposing of foul drainage from the building shall be discontinued.

(5) This section shall apply—

(a) as from the first day of April nineteen hundred and fifty-six to each of the following local authorities in respect of the specified part of their district:—

Caerleon Urban District Council ;  
Risca Urban District Council ;

(b) as from such date as the Minister may by order prescribe to any local authority in respect of their district or part thereof other than the specified parts of the urban districts of Caerleon and Risca.

(6) In this section the expression “specified part” means—

(a) in relation to the urban district of Caerleon that part of the parish of Christchurch in the district known as Ultra Pontem lying to the south and east of the river Usk being enclosures numbered 100 to 102 104 216 217 217a 219 to 225 225a 226 to 244 and 270 to 272 on the 1/2500 ordnance map Monmouthshire sheet No. XXIX—9 and 10 (edition of 1920) and containing approximately 77·681 acres ;

(b) in relation to the urban district of Risca that part of the district known as Cwm-y-nant Ocherwith being enclosures numbered 741 742 and 802 to 806 on the 1/2500 ordnance map Monmouthshire sheet No. XXVIII—13 (edition of 1920) and containing approximately 22·769 acres.

**77.** For the purpose of facilitating the disposal of sewage the powers of a local authority under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in their district to provide separate sewers for foul water drainage and surface water drainage respectively. Separate sewers for foul water and surface water.

**78.—(1)** If a local authority by resolution so determine the following provisions of this section shall have effect in their district in substitution for section 48 of the Act of 1936 for such Delegation of power to examine and test drains etc.

PART V  
—cont.

period as may be specified in the resolution either as respects the whole of the district or as respects such part or parts thereof as may be so specified.

(2) Where it appears to the medical officer the surveyor 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 local authority shall as soon as possible reinstate any ground which has been opened by the medical officer the surveyor or the sanitary inspector and make good any damage done by him.

Summary  
power to  
remedy  
stopped-up  
drains etc.

**79.**—(1) If it appears to the medical officer the surveyor or the sanitary inspector that on any premises in a district 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.

(2) If the notice is not complied with the local authority 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 or from such other person as may be specified in an order of a court under the next following subsection:

Provided that where the said expenses do not exceed two pounds the local authority 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 local authority was reasonable ; and
- (b) whether the expenses incurred by the local authority in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served or wholly or partly by some other person ;

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.

**80.** A local authority may on the application of the owner or occupier of any premises in their district undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make and recover from the person so applying such charge (if any) for so doing as they think fit.

Power to  
cleanse  
or repair  
drains etc.

**81.**—(1) If any drain or private sewer in a district—

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the local authority; and

(b) can in the opinion of the local authority be sufficiently repaired at a cost not exceeding fifty pounds;

Power to  
repair drains  
and private  
sewers.

the local authority may after giving not less than seven days' notice to the person or persons concerned 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 person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine:

Provided that where the said expenses do not exceed two pounds the local authority 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 local authority 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.

(3) In this section the expression "person concerned" in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

PART V  
—cont.

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

## Conveniences

**82.**—(1) If a water-closet drain or soil-pipe in a district 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.

Closet  
accommodation for  
separate  
dwellings.

**83.** For the purposes of section 44 of the Act of 1936 any part of a building in a district being a part occupied as a separate dwelling shall be treated as a separate building:

Provided that where any part of a building occupied as aforesaid has been let for occupation as a separate dwelling without the consent in writing of the owner of the building the person so letting such part of the building shall for the purposes of the said section 44 be deemed to be the owner thereof.

*Verminous premises or articles*

PART V

—cont.

84. Section 83 of the Act of 1936 shall in its application to a district have effect as if for subsection (1) thereof there was substituted the following subsection:—

Cleansing  
of filthy or  
verminous  
premises.

“(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 or a mine or quarry—

(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.”

85.—(1) If a local authority serve a notice under subsection (3) of section 83 of the Act of 1936 as amended by the last foregoing 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—

Power to  
require  
vacation of  
premises  
during  
fumigation.

(a) the notice to the occupier may also require that the premises shall as from such date as may be specified in the notice be vacated until the local authority give the occupier further notice that the premises can safely be reoccupied ; and

(b) the local authority 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 local authority free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

PART V  
—cont.

(3) Accommodation provided by the local authority for the purposes of this section may include accommodation which is made available to the local authority by the Council on such terms and conditions as may be agreed between the local authority and the Council.

(4) Any person aggrieved by a requirement of the local authority under this section may appeal to a magistrates' court.

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

(6) The local authority 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.

Power to  
Council to  
provide  
disinfecting  
stations.

**86.**—(1) Section 166 of the Act of 1936 (which empowers local authorities to provide disinfecting stations) shall apply to the Council.

(2) The Council may combine with a local authority for the provision of a disinfecting station under the said section 166 as extended by this section.

Further  
powers for  
prevention  
of damage by  
rats and mice.

**87.**—(1) Where a local authority by agreement with the owner or occupier of any premises in their district take steps under the Prevention of Damage by Pests Act 1949 for the destruction of rats and mice on the premises of such owner or occupier or otherwise for keeping the premises free from rats or mice they may make and recover such reasonable charge for so doing as they think fit.

(2) Section 22 of the Prevention of Damage by Pests Act 1949 (which confers powers of entry) shall have effect in its application within the county as if after subsection (1) thereof the following provisions were inserted:—

“ (1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

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

(b) that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section;

the justice may by warrant under his hand authorise the local authority by any person duly authorised in writing to enter upon the land if need be by force:

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

(1B) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary and on leaving any such unoccupied land upon which he has entered by virtue of such a warrant shall leave it as effectually secured against trespassers as he found it.

(1C) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied."

**88.**—(1) No dealer shall in a district—

- (a) prepare for sale ;
- (b) sell or offer or expose for sale ; or
- (c) deposit for sale or preparation for sale ;

Prohibition  
of sale of  
verminous  
articles.

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 district—

- (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 local authority 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 the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

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

“ dealer ” means a person who trades or deals in any household article ;

PART V  
—cont.

“ household article ” means an article of furniture bedding or clothing or any similar article ;

“ preparation for sale ” does not include disinfestation and “ prepare for sale ” shall be construed accordingly.

*Buildings and structures*

Ruinous and dilapidated buildings and neglected sites.

**89.**—(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 a district and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building or part of a building in the district is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the local authority may by notice require the owner thereof—

(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 in the interests of amenity.

(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 district is lying on the site 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 local authority may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(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 and in their application to a notice given under subsection (2) of this section—

(a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material ; and

(b) subsection (6) of the said section 290 shall be construed as authorising the local authority to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

(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 material removed by the local authority under this section.

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

**90.**—(1) If it appears to a local authority that as the result of building operations or demolition work there is in any garden or on any vacant site in their district an accumulation of rubbish or other material which is unsightly or otherwise detrimental to the amenities of the neighbourhood and ought to be removed the local authority may serve a notice on the owner or occupier of such garden or vacant site requiring him to remove it and if such owner or occupier cannot be found or fails to comply with such notice the local authority may themselves do forthwith what they consider necessary to remove the accumulation and to prevent recurrence thereof. As to deposit of rubbish.

(2) 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 material removed by the local authority under this section.

(3) This section shall not apply to rubbish or material accumulated on any land in the district in the course of building operations or demolition work so long as the operations are or the work is proceeding and for a reasonable period thereafter or to material which has been accumulated for and is reasonably required for the carrying on of any process.

**91.**—(1) Where it appears to a local authority that any building in their district or any part of such building is in such a condition as to be dangerous to persons in such building or in any adjoining premises or using any street upon which such building abuts the local authority may until either— Recovery of expenses of watching etc. dangerous and dilapidated buildings.

(a) any order made by a magistrates' court under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed ; or

(b) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875 ;

employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing from the owner of the building :

Provided that the local authority shall forthwith give to the owner of any building notice that they propose to employ and

PART V  
—cont.

pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

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

Demolition  
of buildings.

92.—(1) As from the appointed day fixed for any district no person shall commence to demolish or take down any building or part thereof without first giving notice to the local authority of his intention so to do and the local authority 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 or other protection 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 local authority within a reasonable time to be prescribed by the local authority :

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 local authority under the foregoing subsection may appeal to a magistrates' court.

(3) Where notice is given to the local authority 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 local authority shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the person giving the notice 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 local authority may themselves enter upon the building and the site thereof and carry out the work.

(5) All expenses incurred by the local authority under subsection (4) of this section may be recovered by the local authority from the person who has given notice under subsection (1) of this section.

(6) 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 material removed by the local authority under this section.



(7) Any expenses or any part of the expenses incurred in pursuance of this section in the shoring up of a building not entitled to support from the building to be demolished or taken down may be recovered by the person who has given notice under subsection (1) of this section or the local authority (as the case may be) from the owner of the building to be shored up.

(8) If any person contravenes the provisions of this section or of any term or condition imposed under this section he shall be liable to a penalty not exceeding five pounds.

(9) This section shall not apply to—

(a) any poultry-house greenhouse coal-shed or cycle-shed or other similar structure ; or

(b) any building belonging to any statutory undertakers or the commission 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.

(10) This section shall not apply to any building or part of a building which is situate within the curtilage of or used solely in connection with a factory or mine and does not adjoin a street if the building or part (as the case may be) either—

(a) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground ;  
or

(b) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(11) In this section the expression “ factory ” has the same meaning as in the Factories Act 1937 and the expression “ building ” includes a factory chimney shaft.

**93.**—(1) No person shall in or in connection with any house shop or office in a district construct without the consent of the local authority 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. Cellars and rooms below subsoil water level.

(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.

PART V  
—cont.

(3) Any person aggrieved by the refusal of the local authority to give their consent under this section or by any conditions attached to such consent may appeal to a magistrates' court.

(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 local authority 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 local authority may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

(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) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect 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.

(8) In the case of premises in respect of which there is a justices' licence for the time being in force for the sale of intoxicating liquor the local authority shall not withhold their consent under this section to the construction of any cellar or room nor specify conditions which would prevent or restrict the use of any such cellar or room for purposes other than human habitation:

Provided that where any such premises cease to be licensed premises the local authority may exercise the powers of paragraph (b) of subsection (4) of this section in respect of any cellar or room therein or connected therewith which is used in contravention of any conditions specified by the local authority under subsection (2) of this section as if such cellar or room had been constructed in contravention of subsection (1) of this section.

Means of  
access to  
buildings.

94.—(1) Where the plans of any new building in a district intended or adapted for use as a house have been deposited with the local authority 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.

(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 local authority 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.

(4) Whenever the local authority by notice given under this section require the carrying out of work in a street they shall send a copy of such notice to the statutory undertakers concerned and such undertakers shall be entitled to execute such works as may be reasonably necessary for the protection of their apparatus and the cost reasonably incurred by them in so doing shall be recoverable by them summarily as a civil debt from the person by whom or on whose behalf the plans were deposited.

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

(6) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

**95.**—(1) Section 60 of the Act of 1936 shall have effect in its application to a district as if for subsection (4) thereof there was substituted the following subsection :—

“ (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

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

PART V  
—cont.

(b) is used as an inn hotel boarding-house hospital nursing home boarding school children's home aged persons' 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 building referred to in paragraph (a) of this subsection 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 between 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 premises referred to in paragraph (b) of this subsection if the owner thereof alleges that any tenant of the premises should meet or contribute towards 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.

(3) The said section 60 of the Act of 1936 as amended by this section shall not apply to any building or premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

96.—(1) If it appears to a local authority that for the purpose of preventing fire in any building in their district to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

Preventing fire  
in public or  
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 ; or
- (d) any of the materials from which any fireplaces flues chimney vents or other like parts of such building are constructed require alteration ;

the local authority may after consultation with the fire authority 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 Acts 1909 and 1952 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.

(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.

97.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes have been deposited with a local authority in pursuance of building byelaws and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the local authority shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

Height etc.  
of new  
chimneys.

- (a) the purpose of the chimney ;
- (b) the position and description of buildings near thereto ;
- (c) the levels of the neighbouring ground ; and
- (d) any other matters requiring consideration in the circumstances.

(2) If the local authority reject the plans under this section the notice given in pursuance of subsection (2) of section 64

PART V  
—cont.

of the Act of 1936 shall specify this section as that under the authority of which the plans have been so rejected.

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

*Nuisances*Tipping of  
spoil and  
refuse.

**98.**—(1) A local authority 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 dock or inland navigation undertakers for the purpose of constructing widening altering or maintaining any railway canal inland navigation dock harbour or wharf works ; or
- (b) by the Usk River Board the Wye River Board the Glamorgan River Board the Caldicot and Wentlooge Levels Drainage Board or the Lower Wye Internal Drainage Board for the purpose of land drainage or flood alleviation.

Smoke from  
industrial  
furnaces.

**99.**—(1) As from the appointed day in any district no person shall instal in any premises in that district any furnace 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 fifty pounds and if—

- (a) that person after conviction of the contravention ; or
- (b) any other person after notice of the conviction has been served on him by the local authority ;

uses the furnace he shall unless it has been altered so that it is so far as practicable capable of being operated as aforesaid be liable to a penalty not exceeding five pounds for each day on which he uses it until it is so altered.

(3) If a person before installing in any premises a furnace to which this section applies submits to the local authority a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the local authority 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 local authority 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 local authority 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.

**100.**—(1) No person shall cause or permit to be discharged from any premises in a district so as to be prejudicial to health or a nuisance—

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 ; or
- (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 :

Provided that in any proceedings brought under this section it shall be a defence for the defendant to prove that he has

PART V  
—cont.

used the best practicable means for preventing or mitigating the prejudice to health or the nuisance having regard to cost and to other relevant circumstances.

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

Silencers for  
internal  
combustion  
engines.

**101.**—(1) A stationary internal combustion engine shall not be used in a district unless an effectual silencer is provided and used on the exhaust of the engine.

(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 local authority may give him notice that the engine is being or has been so used and if after the lapse 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 local authority 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 the silencer to be taken off ;

and any expenses incurred under this subsection by any such officer may be recovered by the local authority 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 in the exercise of the powers conferred by this subsection on any premises belonging to railway undertakers and used by them for the purposes of their railway undertaking such officer shall conform to such reasonable requirements of the undertakers as are necessary to prevent obstruction to or interference with the working of the traffic of the undertakers.

(4) Nothing in this section shall apply to any internal combustion engine used below ground in a mine.

## Noise nuisance.

**102.**—(1) Any excessive or unreasonable or unnecessary noise 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 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 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 the complaint is made by not less than three occupiers of premises within hearing of the noise.

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

(3) Nothing in this section shall affect the power of the Council or the council of a borough in the county to make byelaws under section 249 of the Act of 1933.

**103.**—(1) No person shall for the purpose of any trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street. Restrictions on use of loudspeakers in streets.

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street unless he shall have given notice to the superintendent of police of the division in which such street is situated at least twenty-four hours before such loudspeaker is operated.

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

(4) This section shall not apply to the use of a loudspeaker—

(a) by the Council or a local authority or the police in the execution of their duty or in case of emergency ; or

(b) by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission or by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or any of their stations or depots or for communications between their staff ; or

(c) by statutory undertakers for the purpose of announcements in case of emergency to their customers or to the public generally ; or

(d) by a travelling showman in any part of a street while such part thereof is being used as a pleasure fair and such fair is open to the public ; or

PART V  
—cont.

(e) on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice-cream) where—

(i) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words) ;

(ii) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public such commodity conveyed by the vehicle ;

(iii) the loudspeaker is not operated between the hours of nine in the afternoon and eight in the forenoon or so as to be a nuisance.

In this paragraph “ice-cream” includes any similar commodity and the commodity known as “water ice”.

(5) Nothing in this section shall apply to the use within a motor vehicle of a wireless set used solely for the purposes of the occupants of the said vehicle.

(6) In this section the expression “loudspeaker” includes an amplifier or similar instrument.

Power to  
require the  
removal etc. of  
dangerous  
trees.

**104.**—(1) If it appears to the appropriate authority that for the prevention of danger to persons generally or to property or for the prevention or abatement of a nuisance any tree in a district should be removed cut or felled the appropriate authority may serve a notice on the owner or occupier of the premises on which the tree is growing or situated requiring him within fourteen days to remove cut or fell the tree or to execute such other works as the appropriate authority may consider necessary to prevent the danger or to prevent or abate the nuisance.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials shall have effect as if the expression “materials” included “timber”.

(3) 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 :

Provided that for the purposes of such application the said section 290 shall have effect as if for subsection (6) thereof there was substituted the following subsection :—

“(6) Subject to such right of appeal as aforesaid if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in so doing.”

(4) In this section "the appropriate authority" means in relation to any tree which endangers or is likely to endanger the safety of persons using a county road other than a claimed road or of any buildings abutting thereon or in relation to any tree which constitutes a nuisance to such persons the Council and in any other case the local authority.

*Infectious diseases*

**105.**—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

(a) that in any premises in a district there is a person who is or has been suffering from a notifiable disease; and

(b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon:

Provided that no such warrant shall authorise the medical officer—

(i) to enter any premises except between the hours of seven in the morning and ten in the evening; or

(ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

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

**106.**—(1) On the application of the medical officer the occupier of any building in a district 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.

PART V  
—cont.

(3) In this section the expression "occupier" includes—

(a) 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

(b) 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.

(4) In this section references to a notifiable disease include food poisoning.

Restriction on  
attendance  
at public  
places etc.

**107.** Section 148 of the Act of 1936 shall have effect in its application to a district as if for paragraph (b) thereof there was substituted the following paragraph:—

"(b) having the care of a person—

(i) whom he knows to be suffering from a notifiable disease; or

(ii) whom he cannot permit to attend school without contravening section 150 of this Act;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or"

Exclusion of  
children from  
places of  
entertainment  
or assembly.

**108.**—(1) With a view to preventing the spread of a notifiable disease a local authority on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in their district for a time specified in the notice.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by a local authority with a copy of a notice published under the foregoing subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a penalty not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression "prescribed age" in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.

**109.** If with a view to preventing the spread of—

(a) a notifiable disease ; or

(b) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies ;

the medical officer requests in writing any person to discontinue his employment the local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

PART V  
—cont.

Compensation for stopping employment to prevent spread of disease.

**110.**—(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 a district in the cooking preparation or handling of food 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 local authority may request him in writing to discontinue his occupation as aforesaid.

Prohibition of tuberculous persons from handling food.

(2) If any person requested as aforesaid complies with the request the local authority 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 magistrates' court may on the application of the local authority 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 local authority.

(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.

### *Food*

**111.**—(1) As from the appointed day in any district the following provisions shall have effect with respect to the slaughter of any of the following animals namely horses cattle sheep goats or pigs where the animal owing to emaciation or disease is slaughtered otherwise than for sale for human consumption within the meaning of section 135 of the Food and Drugs Act 1955.

Slaughter of animals otherwise than for human consumption.

PART V  
—cont.

(2) The owner of any such animal shall comply with the following provisions:—

- (a) He shall not less than twenty-four hours before slaughtering the animal or causing it to be slaughtered give notice to an authorised officer of the intention to slaughter it unless by reason of accidental injury illness or exposure to infection it is necessary to slaughter it before the expiration of twenty-four hours from the giving of such notice or before such notice is given:
- (b) Where it is necessary by reason aforesaid to slaughter the animal before the expiration of the said twenty-four hours he shall retain the carcase intact until the expiration of twenty-four hours from the time of slaughter or until its disposal is approved by an authorised officer whichever first occurs:
- (c) Where it is necessary by reason aforesaid to slaughter the animal before such notice is given he shall give notice of the slaughter to an authorised officer as soon as practicable thereafter and shall retain the carcase intact until the expiration of twenty-four hours from the time when notice is given under this paragraph or until its disposal is approved by an authorised officer whichever first occurs:
- (d) He shall on the application of an authorised officer made within two weeks from the date of the slaughter of the animal furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposition of the carcase or any part thereof.

(3) Nothing in paragraphs (b) and (c) of the foregoing subsection shall prevent a veterinary surgeon or veterinary practitioner at any time after the slaughter of an animal from—

- (a) sending with the consent of the owner the whole carcase or any specimens taken therefrom to a laboratory for examination; or
- (b) retaining in his possession any such specimens with such consent:

Provided that a veterinary surgeon or veterinary practitioner taking action in pursuance of this subsection shall—

- (i) before the expiration of twenty-four hours notify an authorised officer of the action taken; and
- (ii) be under the same duty to comply with paragraph (d) of the foregoing subsection as the owner of the animal slaughtered.

(4) If any person—

(a) fails to comply with any of the provisions of subsection (2) of this section ; or

(b) furnishes in response to an application under paragraph (d) of that subsection information which he knows to be false ;

he shall be liable to a penalty not exceeding ten pounds.

(5) Notwithstanding anything in paragraphs (b) and (c) of subsection (2) of this section it shall be competent to the owner or other person responsible for the slaughter of any animal in a knacker's yard or the slaughter of any animal whereof the carcase is immediately thereafter removed to a knacker's yard to remove or cause to be removed from the carcase at any time after slaughter such parts or organs as in the opinion of such owner or other person it is necessary to remove in order to prevent or minimise the risk of nuisance or of deterioration of the said carcase and in any such case the expression "intact" in the said paragraphs (b) and (c) shall be construed accordingly:

Provided that—

(a) all such parts or organs shall be retained for the same period as that for which the entire carcase may be required to be retained upon the premises in which removal thereof from the carcase is effected and in such manner as to identify the same with such carcase ; and

(b) nothing in this subsection shall relieve the owner or other person responsible for the slaughter of an animal from the obligations imposed by subsection (2) of this section to give any notice.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of the Minister of Agriculture Fisheries and Food made granted or done thereunder or having effect by virtue of subsection (2) of section 89 thereof.

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

" authorised officer " means any officer who is by virtue of the Food and Drugs Act 1955 an authorised officer for the purpose of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption ;

" knacker's yard " has the same meaning as in section 135 of the Food and Drugs Act 1955.

PART V  
—cont.Animals  
slaughtered  
outside  
slaughter-  
houses.

**112.**—(1) As from the appointed day in any district where the slaughter of an animal intended for human consumption shall take place outside a slaughterhouse and the carcase of the animal shall be brought into a slaughterhouse within the district such carcase and all the organs thereof shall be retained and kept apart from any other meat intended for human consumption until such carcase and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations.

(2) If the provisions of this section are contravened the occupier of the slaughterhouse and also the person by whom the carcase is prepared or dressed shall be liable to a penalty not exceeding five pounds.

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

“Public Health (Meat) Regulations” means the Public Health (Meat) Regulations 1924 to 1952 as continued in force and having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to the Food and Drugs Act 1955 or any regulations for the time being in force made under section 13 of that Act amending or replacing the same;

“animal” and “meat” have the same respective meanings as in the Public Health (Meat) Regulations;

“slaughterhouse” has the same meaning as in section 135 of the Food and Drugs Act 1955.

Inedible fat.

**113.** If any person takes or causes to be taken any fat unfit for food into any premises in a district in which any food of which fat is an ingredient is manufactured or prepared for sale he shall be liable to a penalty not exceeding ten pounds or in the case of a second or subsequent offence to a penalty not exceeding fifty pounds:

Provided that in any proceedings under this section it shall be a defence to prove that the fat was not taken into the premises for the purpose of being used and has not been used as an ingredient in the manufacture or preparation of food except after being rendered fit for food.

Registration of  
hawkers of  
food and their  
premises.

**114.**—(1) As from the appointed day in any district the following provisions shall have effect in that district:—

(a) No person shall sell or offer or expose for sale any food from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless he is registered by the local authority;



- (b) No premises shall be used as storage accommodation for food intended for sale from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless the premises are registered by the local authority :

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 1955 or having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to that Act 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 16 of the Food and Drugs Act 1955 ;
  - (iv) to the sale or offer or 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 ;
  - (vi) to the sale or offer or exposure for sale of food by any person at any market owned by a local authority or at any charter prescriptive or statutory market not so owned for which such person or his employer has paid a toll stallage or rent or to the use of any premises in any such market as storage accommodation for food intended for sale by any such person at such market.
- (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.

PART V  
—cont.

(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 local authority—

(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 any regulations made under section 13 of the Food and Drugs Act 1955 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the local authority 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 twenty-one days after the date of the service of the notice) at which it is proposed that a committee of the local authority 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 local authority 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 foregoing subsection fails to show cause to the satisfaction of the said committee the local authority 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 local authority under the last foregoing subsection may appeal to a magistrates' court.

(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 local authority 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.

**115.**—(1) As from the appointed day in any district any person intending to use for any of the purposes set out in the next following subsection any premises therein which were not so used immediately before that day shall give not less than fourteen days' notice to the local authority of his intention so to do. Notification of premises for sale etc. of food.

(2) The purposes to which this section applies are—

- (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.

(3) If any person uses any premises in the district for any of the purposes mentioned in subsection (2) of this section he shall—

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

be liable to a penalty not exceeding ten pounds.

(4) 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 theatre music hall or cinematograph theatre of ice-cream or sugar confectionery ;
- (b) premises in respect of which there is a justices' licence for the time being in force for the sale of intoxicating liquor for consumption on the premises ;
- (c) premises used exclusively for agricultural purposes within the meaning of the Act of 1947 ;
- (d) premises required to be registered under section 16 of the Food and Drugs Act 1955 ;
- (e) the sale or offer or exposure for sale or the storage for the purposes of sale of any substance in containers of such materials and so closed as to exclude all risk of contamination.

#### *Rivers and streams*

**116.**—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work a local authority may within their district 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. For preventing obstruction to streams by culverts etc.

PART V  
—cont.

(2) A local authority and any other local authority or 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—

- (a) restrict the exercise by the local authority of their powers in relation to culverts channels or other works ; or
- (b) impose upon the local authority any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the local authority 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 docks harbours 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.

Cleansing of  
rivers and  
streams.

**117.**—(1) If any river or stream or any part thereof within a district is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the local authority 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 or to carry out such other works as may be reasonably required so as to allow the proper flow of water in such river or stream :

Provided that the local authority shall not in pursuance of this section require any person to carry out any works in through or under any lands which are not owned or occupied by him without the consent of the owner and occupier thereof.

(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 :

Provided that for the purposes of such application subsection (3) of the said section 290 shall have effect as if—

- (i) in paragraph (e) thereof for the words “ the occupier of the premises in question instead of on the owner or on the owner instead of on the occupier ” there were substituted the words “ some other person ” ; and

(ii) for paragraph (f) thereof there was substituted the following paragraph:—

PART V  
—cont.

“ (f) that some other person ought to contribute towards the expenses of executing any works required ”.

(3) Nothing in this section shall authorise the local authority to execute or require the commission to execute any works in through or under or so to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals docks harbours 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.

(4) (a) Nothing in this section shall authorise the local authority to require the National Coal Board to cleanse or put in proper order any river or stream or any part thereof the flow of water along which is obstructed or impeded by reason of any subsidence caused by the working of minerals by the said board.

(b) Any dispute as to whether the flow of water is obstructed or impeded as aforesaid shall be determined by arbitration.

**118.**—(1) Any authorised officer of a local authority shall on production if so required of his authorisation have a right to enter any lands at all reasonable hours for the purpose of—

Entry for purposes of last two foregoing sections.

- (a) inspecting any river or stream or any culvert channel or other work ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action or execute any work under the last two foregoing sections ; or
- (c) taking any action or executing any work authorised or required by the last two foregoing sections to be taken or executed by the local authority :

Provided that entry to any lands 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 local authority to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals docks harbours 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.

PART V  
—cont.Hairdressers  
and barbers.*Miscellaneous*

**119.**—(1) As from the appointed day in any district no premises in that district shall be used for carrying on the business of a hairdresser or barber unless those premises and the person carrying on the business are registered by the local authority.

(2) For the purposes of this section premises shall not be deemed to be used for carrying on the business of a hairdresser or barber by reason only of the fact that they are visited by a person carrying on such business for the purpose only of attending to a customer who resides at or is an inmate of those premises.

(3) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the local authority 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 local authority in a book kept for the purpose and on so registering any person the local authority shall issue to him a certificate of registration.

(4) The local authority 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 both to themselves and their clothing.

(5) If any person uses any premises for carrying on the business of a hairdresser or barber in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (4) 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 to 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.

(6) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

- (a) he shall within seven days deliver up to the local authority 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

(b) he shall not again be registered by the local authority under this section except in pursuance of a further order of a magistrates' court made on his application.

PART V  
—cont.

(7) 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 to a daily penalty not exceeding ten shillings.

(8) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

120. The proviso to subsection (3) of section 138 of the Act of 1936 (which empowers local authorities to require any occupied house to be provided with sufficient water supply) shall have effect in its application to a district as if in that proviso for the word "twenty" there was substituted the word "forty".

As to water supply to occupied houses.

## PART VI

### LICENSING OF ENTERTAINMENTS PUBLIC ORDER ETC.

#### *Boxing and wrestling licences*

121.—(1) In this section the expression "boxing or wrestling entertainment" means any public contest exhibition or display of boxing or wrestling except such as may be provided or given—

Boxing and wrestling licences.

- (a) by travelling showmen at pleasure fairs ;
- (b) in premises licensed under Part IV of the Public Health Acts Amendment Act 1890 for music and dancing or under the Theatres Act 1843 provided that such licence continues to be in operation so long as such boxing or wrestling entertainment is in progress ;
- (c) 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
- (d) by any university university college college of a university training college establishment of further education or school ;

and the expression "wrestling" includes all-in wrestling.

(2) A boxing or wrestling entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of this section.

PART VI  
—cont.

(3) The licensing justices of the licensing district in which the premises are situate (hereafter in this Part called "the justices") may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(4) Before determining whether or not a licence for any premises shall be granted or renewed under this section or the terms and conditions and restrictions (if any) which shall be prescribed in any such licence the justices shall take into consideration any representations which may be made to them by the fire authority and by the local authority of the district in which the premises are situate with respect to those premises.

(5) A licence granted under this section shall be in force for one year or for such shorter period (to be stated in the licence) as the justices on the grant of the licence shall determine unless it shall have been previously revoked:

Provided that the justices may (if they think fit) grant a licence (in this section referred to as an "occasional licence") for the use of any premises for a boxing or wrestling entertainment on such one or more particular occasions only as may be specified in the licence.

(6) The justices may transfer any licence granted under this section to such person as they think fit.

(7) (a) An applicant for the grant or transfer of a licence under this section shall give not less than twenty-eight days' notice of his intention to make such application to the justices and to the chief officer of police and the local authority and the applicant shall also furnish such particulars and give such other notices as the justices may prescribe.

(b) An applicant for an occasional licence or for the renewal thereof or for the renewal of a licence (other than an occasional licence) shall give to the justices twenty-eight days' notice of his intention to make such application.

(8) A person when making application under this section shall pay to the justices such fee as the justices may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period not less than one year	2	0	0



(b) in respect of an application for the grant or renewal of a licence for any period less than one year ten shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed	2 10 0
(c) in respect of an application for the grant of an occasional licence	10 0
(d) in respect of an application for the transfer of a licence	5 0

and the fees paid on any application for the grant renewal or transfer of a licence may be retained by the justices whether such licence is or is not granted renewed or transferred.

(9) Any premises used for the purpose of a boxing or wrestling entertainment although licensed under this section shall not be opened for that purpose except on the days and between the hours stated in the licence.

**122.** Any person who—

Penalties.

- (a) provides an entertainment to which the last foregoing section applies without a licence appropriate for such entertainment under that section ; or
- (b) being the occupier or rated as occupier of any premises ~~keeps or uses those premises or allows them to be kept or used for any such entertainment without a licence~~ appropriate for such entertainment under the said section ; or
- (c) being a person to whom a licence has been granted or transferred under the said section in respect of any premises keeps or uses those premises or allows them to be kept or used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred ;

shall be liable—

- (i) in respect of an offence under paragraph (a) or (b) of this section to a penalty not exceeding fifty pounds ; and
  - (ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds ;
- and in either case to a daily penalty not exceeding five pounds.

**123.** In the event of the death of the holder of a licence under section 121 (Boxing and wrestling licences) of this Act the person then carrying on at the premises the functions in respect of which the licence was granted or acting or purporting to act

Transmission  
in case  
of death.

PART VI  
—cont.

as the actual and responsible manager of the premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

Cancellation  
of licences.

**124.** The justices may upon receiving from the holder of a licence for the time being in force under section 121 (Boxing and wrestling licences) of this Act a written request in that behalf accompanied by the licence cancel the licence.

Notice to be  
affixed.

**125.** Except in the case of an occasional licence under section 121 (Boxing and wrestling licences) of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this Part of this Act an inscription so as to be easily legible in the following terms:—

“ Licensed in pursuance of Act of Parliament for ”

with the addition of words showing the purpose or purposes for which the same are licensed.

Powers of  
entry and  
inspection.

**126.—(1)** A police officer or a duly authorised member of the Monmouthshire Fire Brigade may at all reasonable times enter any premises licensed under section 121 (Boxing and wrestling licences) of this Act in which there is reason to believe that an entertainment to which the provisions of the said section apply is being or is about to be given with a view to seeing whether the provisions of the said section applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under the said section has been granted are complied with.

(2) A police officer or a duly authorised member of the Monmouthshire Fire Brigade may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under the said section 121 of this Act is being committed.

(3) Every person who refuses to permit any such officer or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to  
revoke  
licences.

**127.** If the holder of a licence granted renewed or transferred under section 121 (Boxing and wrestling licences) of this Act be convicted of any contravention of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the justices.

**128.**—(1) The foregoing sections of this Part of this Act shall come into force—

PART VI  
—cont.

- (a) in those districts in which the provisions of Part IV of the Public Health Acts Amendment Act 1890 are in force at the passing of this Act as from the appointed day fixed for the county not being earlier than the first day of April nineteen hundred and fifty-six ; and
- (b) in those districts in which the provisions of Part IV of the said Act of 1890 are not in force at the passing of this Act as from the appointed day fixed for the district.

Application of certain provisions of Part VI.

(2) Section 5 (The appointed day) of this Act shall for the purposes of paragraph (a) of the foregoing subsection apply and have effect as if—

- (i) the Council was referred to therein in substitution for a local authority ; and
- (ii) the county was referred to therein in substitution for a district.

*Public order*

**129.**—(1) For the purpose of securing public order or public safety or preventing congestion of traffic a local authority 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 their district will be thronged or obstructed cause barriers to be erected in any street in the district and kept in position for so long as may be necessary for that purpose :

Barriers  
in streets.

Provided that the local authority shall not exercise the powers of this subsection—

- (a) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation ; or
- (b) as respects any county road other than a claimed road without the consent of the Council ; or
- (c) as respects any street belonging to or repairable by any railway dock canal inland navigation or passenger road 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 such station dock wharf or depot without the consent of those undertakers ; or
- (d) so as to deprive foot-passengers bone 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 (c) to the foregoing subsection shall not be unreasonably withheld and any

PART VI  
—cont.

question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

(3) For the purpose of erecting barriers in a street under this section the local authority may provide sockets or slots in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

Notice of  
street  
processions.

**130.**—(1) No procession shall pass through the streets of a district 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 clerk of the local authority and at the principal police station in the district at least thirty-six hours (exclusive of Sundays) before the time so stated.

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

(3) In this section 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.

Sale of food  
and articles on  
verges etc.

**131.**—(1) No person (other than a person selling offering or exposing for sale or depositing for sale any food goods provisions articles or things at any market or fair for which he has paid a toll stallage or rent) shall in the county—

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

(b) deposit for sale ;

from any shed shelter shop or other erection whether on wheels or not or from any vehicle on the verge of or on any lay-by in any trunk road or classified road or on any roadside waste adjacent thereto any food goods provisions articles or things other than newspapers in such a manner that any danger or obstruction is caused or is likely to be caused to persons or vehicles using such road or any footpath adjacent to such road by—

(i) such sale or offer or exposure for sale or deposit for sale ; or

(ii) a person buying or examining such food goods provisions articles or things ; or

(iii) a vehicle which is used by such last-mentioned person.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

PART VI  
—cont.

(3) Nothing in this section shall apply to the sale of food goods provisions articles or things from a vehicle used as a travelling shop for the purpose of itinerant trading.

(4) In this section "classified road" has the same meaning as in the Local Government Act 1929.

132.—(1) Subject to the provisions of this section the standing joint committee 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 county as they think fit.

(2) Nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(3) The standing joint committee shall not exercise the powers of this section—

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

(b) without the consent of the local authority in any park or public place belonging to such local authority; or

(c) without the consent of the undertakers concerned—

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street; or

(ii) in 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; or

(d) without the consent of the owner of the premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any premises abutting on such street.

(4) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the standing joint committee shall remove any box or shelter either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

PART VI  
—cont.

(5) Any question whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any box or shelter has been unreasonably required shall—

- (a) in the case of a consent of the Minister of Transport and Civil Aviation be referred to and determined by arbitration ;
- (b) in the case of a consent under paragraph (b) of subsection (3) of this section be referred to and determined by the Minister ;
- (c) in the case of any other consent be referred to and determined by the Minister of Transport and Civil Aviation.

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

Offences in  
respect of  
telephone  
boxes etc.

**133.**—(1) If any person wilfully and without the consent of the standing joint committee—

- (a) obstructs the access to any police telephone call box or installation provided by the standing joint committee or any shelter or box so provided for the use of police constables ; or
- (b) removes obliterates alters defaces or obscures any plate or mark provided by the standing joint committee for indicating the position of any such call box installation shelter or box ; or
- (c) interferes with the equipment in any such call box installation shelter or box ;

he shall be liable to a penalty not exceeding five pounds and the standing joint committee may recover from him the expenses of removing the obstruction or replacing or making good the plate mark or equipment.

(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 the fire brigade or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the county by the Postmaster-General ;

he shall be liable to a penalty not exceeding five pounds.

**134.** If any person wilfully or negligently covers over or obstructs or interferes with the convenient access to any fire alarm fire hydrant open water supply designated for fire-fighting purposes by agreement or pipeline laid to supply water for fire-fighting purposes or removes effaces or defaces any plate or mark indicating the position of such alarm hydrant water supply or pipeline he shall be liable to a penalty not exceeding ten pounds and the Council may recover from him the expenses of removing the obstruction or replacing or making good the plate or mark.

PART VI.  
—cont.  
Fire hydrants  
and alarms.

**135.** If any person wilfully removes or otherwise interferes with any dustbin refuse bin or street orderly bin or other receptacle for the temporary deposit or collection of refuse dust ashes or rubbish or any street sand bin belonging to the Council or a local authority he shall be liable to a penalty not exceeding forty shillings and the Council or the local authority (as the case may be) may recover from such person the expenses of replacement and making good.

Interference  
with refuse  
bins etc.

**136.**—(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 in the county the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container.

Derelict  
petrol tanks.

(2) Any officer of the Council or of a local authority duly authorised by them may on producing a copy of his authority purporting to be signed by the clerk of the Council or the clerk of the local authority (as the case may be) 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 container and permit him to ascertain whether steps have been taken to comply with the provisions of this section:

Provided that this subsection shall not apply to any premises within an area in which the commission are the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he 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) Proceedings in respect of an offence created by or under this section shall not without the written consent of the Attorney-General be taken by any person other than the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(5) In this section the expression "petroleum spirit" has the same meaning as in the Petroleum (Consolidation) Act 1928.

PART VI  
—cont.Byelaws as to  
pleasure fairs  
and roller-  
skating rinks.

137.—(1) A local authority 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.

(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 ;

(c) merry-go-rounds roundabouts swings switchback railways ;

(d) coconut 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.



(5) The local authority shall—

PART VI  
—cont.

(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 local authority 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.

(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 any byelaws made under this section shall be provisions which it is the duty of the local authority to enforce.

**138.**—(1) While any child is entering or leaving any school provided or maintained by the Council as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

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

(a) to sell to such person any article or thing; or

(b) to exchange with such person any article or thing for any other article or thing.

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

(3) In this section the expression "child" has the same meaning as in section 114 of the Education Act 1944.

**139.** Section 154 of the Act of 1936 shall have effect in its application to the county as if after the words "or any article whatsoever" in subsection (1) of that section there were inserted the words "or any animal fish bird or other living thing".

Amendment  
of section 154  
of Act of 1936.

**140.** As from the appointed day in any district section 2 of the Steam Whistles Act 1872 shall have effect in its application to the district as if the words "electrically or mechanically operated whistle trumpet siren or hooter or other similar instrument" were therein substituted for the words "steam whistle or steam trumpet".

Control of  
sirens etc. used  
in factories etc.

## PART VII

## WEIGHTS AND MEASURES

Interpretation  
of Part VII.

**141.** In this Part of this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

“ Act of 1889 ” means the Weights and Measures Act 1889 ;

“ coke ” includes any solid fuel derived from coal or of which coal or coke is a constituent ;

“ vehicle ” has the meaning assigned to it by section 35 of the Act of 1889.

Application of  
Act of 1889.

**142.**—(1) Section 4 of the Act of 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under any of the sections (except section 28) of the Act of 1889 referred to in subsection (2) of this section as extended to coke wood fuel or peat fuel and under section 145 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight) of this Act.

(2) In their application to the county sections 20 to 22 24 to 26 and 28 and 29 of and the Third Schedule to the Act of 1889 shall extend to coke and (except section 28) to wood fuel and peat fuel subject to and in accordance with the following provisions:—

(a) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweight shall include references to any quantity of coke wood fuel or peat fuel exceeding two hundredweight:

(b) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference to coke in any quantity not exceeding two hundredweight and to wood fuel or peat fuel in any quantity of fourteen pounds or over but not exceeding two hundredweight:

(c) Any other reference to coal in the said sections 20 to 22 24 to 26 and 28 and 29 and in the said Third Schedule shall include a reference to coke and (except in section 28) to any quantity of wood fuel or peat fuel of fourteen pounds or over:

(d) In relation to coke wood fuel and peat fuel such of the said sections as are hereinafter mentioned shall be construed as if the words “ in the county ” were inserted—

(i) in subsection (1) of section 20 after the word “ sold ” where it first occurs ;

- (ii) in subsection (1) of section 21 after the word “delivered” where it first occurs;
- (iii) in subsection (1) of section 22 after the word “conveyed”;
- (iv) in section 24 after the word “delivers”;
- (v) in subsection (1) of section 25 after the word “place” where it first occurs;
- (vi) in subsection (1) of section 29 after the word “place” where it first occurs and after the word “stop”.

**143.** The Council may make byelaws—

Byelaws relating to wood fuel etc.

- (a) regulating for the purposes of this Part of this Act and the Act of 1889 the sale of wood fuel and peat fuel in quantities of fourteen pounds or over but not exceeding two hundredweight; and
- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Council to be carried with any vehicle in which wood fuel or peat fuel is carried for sale or delivery to a purchaser.

**144.** If any coke wood fuel or peat fuel is being or has been sold delivered offered for sale exposed for sale or carried on a vehicle for sale in the county and any person wilfully makes any false statement as to the weight thereof or as to the tare weight of such vehicle or wilfully increases the weight of any such coke wood fuel or peat fuel 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 fuel 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 any subsequent occasion to a penalty not exceeding ten pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding two months.

Penalty on fraudulent sale of coke etc.

**145.—(1)** Where in the county—

- (a) any quantity of coal coke wood fuel or peat fuel exceeding two hundredweight is carried by means of any one vehicle on any one journey for delivery to a purchaser or to more than one purchaser; or
- (b) any person sells or exposes or offers for sale or carries for sale or delivery on sale coal coke wood fuel or peat fuel from or on any vehicle in quantities exceeding two hundredweight;

As to sale in sacks of coal etc. in quantities exceeding two hundredweight.

and such coal coke wood fuel or peat fuel is carried on such vehicle in sacks the net weight of coal coke wood fuel or peat

PART VII  
—cont.

fuel in any one sack shall be equal to one of the following weights:—

- two hundredweight ;
- 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 fuel carried in such sack :

Provided that this section shall not apply when the complete load of a vehicle is delivered to one purchaser at one point of delivery and there is stated on the ticket or note referred to in section 21 of the Act of 1889 the number of sacks to which the ticket or note refers.

(2) In addition to the matters which in accordance with 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 all 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 fuel in each of such sacks and the said section 21 in its application to the county shall have effect accordingly.

(3) If default is made in complying with any of the requirements of subsection (1) of this section the seller of the coal coke wood fuel or peat fuel and the person responsible for loading the coal coke wood fuel or peat fuel on such vehicle shall severally be liable to a penalty not exceeding five pounds and if the net weight of coal coke wood fuel or peat fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in the said section 21 of the Act of 1889 the said persons and the person in charge of such vehicle shall severally be liable to the like penalty.

Drivers of  
vehicles to take  
them to  
weighing-  
machines  
on request.

**146.**—(1) The driver of any vehicle in the county loaded with any goods (including coal coke wood fuel or peat fuel) 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 the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Council or other officer appointed for the purpose by the Council take such vehicle with or without the loading thereof to be weighed or reweighed by the nearest suitable and available weighing-machine stamped by an inspector of weights and measures.

(2) If the nearest suitable and available weighing-machine to which such vehicle shall be required to go for weighing or reweighing is not on the regular course of the road by which it

would otherwise be necessary for the vehicle to pass the owner of the vehicle shall be paid sixpence for every half-mile beyond the first mile of the extra distance which the vehicle is required to go under this section.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing or reweighing any such vehicle shall be paid by the person requiring the same to be weighed or reweighed and such charges for carriage 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 or reweighed.

(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 the weighing-machine to which he is required to go shall be liable to a penalty not exceeding ten pounds and the driver of any such vehicle who shall refuse to give all reasonable assistance in the weighing or reweighing of the same shall be liable to a penalty not exceeding five pounds.

(5) 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 county.

(6) Section 27 of the Act of 1889 shall cease to apply to the county.

(7) In this section the word "driver" includes the owner driver or person in charge of any vehicle.

**147.**—(1) The foregoing provisions of this Part of this Act shall come into operation on the first day of April nineteen hundred and fifty-six. Notice of Part VII.

(2) (a) The Council shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this Part of this Act by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think fit.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

**148.** Any person keeping or who purports to act on behalf of a keeper of a weighbridge or other machine in the county for the purpose of ascertaining the weight of any vehicle or the loading thereof (hereafter in this section called a "weighing-machine") who shall— Offences by weighing-machine keepers and others.

(a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning until five o'clock in the afternoon on week-days other than Saturdays and from eight o'clock in the

PART VII  
—cont.

- morning until twelve noon on Saturdays) wilfully neglect on application duly to weigh with or without loading any vehicle which shall come to the machine kept by him to be weighed and which does not exceed the dimensions of the weighing platform or the maximum load which that machine is constructed to weigh ;
- (b) not fairly weigh any such vehicle with or without loading ;
- (c) not 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 ;
- (d) give to any person a false ticket or account of the weight of such vehicle or the loading thereof ;
- (e) weigh 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 shall not give immediate notice thereof to the person interested therein ;
- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;
- (g) fail to make immediately after the weight of any vehicle with or without loading has been ascertained a true record of the weight thereof and retain such record for a period of six months ; or
- (h) issue particulars of any vehicle with or without loading which he has not personally ascertained ;

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 if the court is of opinion that such offence was committed with intent to defraud they may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding three months :

Provided that paragraphs (a) and (b) of this section shall not impose an obligation to weigh any vehicle or loading upon any person or body so far as the said paragraphs relate to a weighing-machine not ordinarily available for the public or upon the keeper of any such weighing-machine.

Local  
authority may  
provide  
weighing-  
machines.

**149.** A local authority may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof.

**150.**—(1) The Council or any local authority may erect and maintain on any open space or public place on or adjoining any highway in the county or their district (as the case may be) such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

PART VII  
—cont.

Power to erect  
weighbridges.

(2) The Council or the local authority may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing-machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing-machines erected by the Council or any local authority under the provisions of this section.

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station wharf or depot of any railway canal inland navigation or passenger road transport undertakers.

(5) The Council or the local authority shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport and Civil Aviation.

## PART VIII

### FINANCE

#### *Financial provisions relating to the Council*

**151.**—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow—

Power to  
Council to  
borrow.

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

(b) without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Act.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed under this section for the repayment of any money borrowed under paragraph (b) of subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART VIII  
—cont.

Power to  
Council to lend  
money to local  
authorities etc.

**152.**—(1) The Council may lend to any local authority and a local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed and any money so lent shall be repaid to the Council by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.

(2) Any agreement under this section may be made by resolutions passed respectively by the Council and by the local authority.

(3) The Council may borrow such sums as may be required for the purpose of lending money to local authorities under this section and the provisions of Part IX of the Act of 1933 shall extend to money borrowed by the Council under this section as if it were borrowed under the said Part IX:

Provided that the consent of the sanctioning authority shall not be required.

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

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

Consolidated  
loans fund.

**153.**—(1) Notwithstanding anything in any other enactment the Council may establish a fund to be called "the consolidated loans fund" to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

- (a) all moneys borrowed by the Council by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are paid to the capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and



conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

PART VIII  
—cont.

And except as aforesaid 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 Council 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 Council—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council ;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council ; and
- (c) in lending money to any local authority or other authority in accordance with section 152 (Power to Council to lend money to local authorities etc.) of this Act :

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 those sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance superannuation or other similar fund (in this subsection respectively 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 Council 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

PART VIII  
—cont.

(b) there shall be paid out of the consolidated loans fund to the county fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings and in the accounts of the county fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) (a) The powers conferred by this section shall not be exercised by the Council except in accordance with a scheme made by the Council 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.

(b) Any scheme approved by the Minister under this section may be altered extended or revoked by a scheme made and approved in like manner as the original scheme.

General  
insurance fund.

154.—(1) The Council may establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the Council (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Council shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks; or

(b) if the Council insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund

is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

PART VIII  
—cont.

(5) The Council shall provide the yearly payments aforesaid by contributions from the revenue moneys of the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in respect of the specified risks all moneys for the time being standing in 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 Council in respect of such investments shall be carried to the county fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Council shall in every year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the revenue moneys of the county fund an amount equal to the interest and other annual proceeds carried to the county fund in pursuance of the last foregoing paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Council may if they deem it expedient include in the specified risks risks of accident to any teacher caretaker or other person employed in any voluntary school in the county.

(8) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in respect of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister

PART VIII  
—cont.

borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

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

“ insurance office ” includes an underwriter being a member of an association of underwriters ;

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

Power to  
issue bonds.

**155.**—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as “ bonds ”) in accordance with the provisions of this Act.

(2) Where the Council 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 on mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Fourth 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.

(5) The provisions of section 115 of the Stamp Act 1891 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.

Interest  
warrants  
by post.

**156.**—(1) The Council may give notice to any person who is registered as a holder of any authorised security (other than stock) that they intend to send interest to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send orders for the payment of interest or warrants by post to the address of such person appearing in the register :

Provided that if such person gives notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Council by any other of them.

(3) The posting by the Council of an order for the payment of interest or a warrant in pursuance of this section shall as respects the liability of the Council be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

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

**158.—**(1) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Council 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.

(2) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is in the opinion of the Council through mental infirmity incapable of managing his affairs the Council 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 Council to any person 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 but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Council shall give to the Court of Protection notice of their intention in that behalf specifying the name and address of

PART VIII  
—cont.

that person and the amount and nature of the sums in respect of which the Council intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Council shall at the same time give notice to that person in a form approved by the Court of Protection:

Provided that the Council may with the approval of the Court of Protection 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 Court of Protection give to the Council notice that they object to the exercise by the Council of the said power in relation to any person the said power shall as from the date of the receipt by the Council of the notice cease to be exercisable by the Council in relation to that person unless and until the Court of Protection withdraw the notice.

(6) The Council shall be discharged from all liability in respect of any payment or application of money effected by them in the exercise of the said power.

As to proof of continued existence of pensioners.

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

Recovery of sums paid to officers etc.

**160.** Where the Council have paid in advance to any officer or servant of the Council or to any officer or servant whose salary or wages are payable by the Council the amount of his salary or wages (as the case may be) and such officer servant or other person dies before the expiration of the period in respect of which such payment is made the Council shall not be required to demand the return of any portion not being more than ten pounds of such payment.

Determination of sums for maintenance.

**161.** In any case in which the Council are empowered to recover the whole or any part of the cost incurred by them—

- (a) in respect of the maintenance or treatment or the maintenance and treatment of any person in any premises which are provided or maintained by the Council or to the cost of the provision or maintenance of which the Council contribute;

- (b) in respect of the maintenance of any person in any premises which are not provided or maintained by the Council or to the cost of the provision or maintenance of which the Council do not contribute; or
- (c) in respect of the maintenance of any child who is boarded out by the Council in any premises;

PART VIII  
—cont.

the Council for the purpose of ascertaining such cost may determine that two or more such premises (being premises used for comparable purposes) shall be regarded as one and that such cost shall be ascertained by reference to the expenses incurred in respect of such premises regarded as one.

**162.** The Council may pay reasonable expenses—

Expenses of  
public  
ceremonies etc.

- (a) in providing public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception of distinguished persons residing in or visiting the county;
- (b) in connection with official and courtesy visits by or on behalf of the Council and payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Council in connection therewith;
- (c) in providing refreshments for representatives of the Council local authorities or other bodies or for other persons attending meetings of or conferences convened by the Council or held at the offices of the Council; and
- (d) in providing tokens or mementoes for persons performing public ceremonies.

**163.** Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Council and a person at any time entitled to any mortgage granted by the Council to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Council on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the clerk of the Council or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

Modification of  
mortgages by  
endorsement  
under hand.

PART VIII  
—cont.

Power to charge in respect of establishment expenses.

**164.** Whenever under any enactment (other than the Act of 1936) the Council on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Council may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

*Financial provisions relating to local authorities*

Power to local authorities to borrow.

**165.**—(1) A local authority shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow such sums as may be necessary for any of the purposes of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

Consolidated loans funds of local authorities.

**166.** With the consent of the Minister the provisions of section 153 (Consolidated loans fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in substitution for the Council ;
- (b) the general rate fund was therein referred to in substitution for the county fund ; and
- (c) paragraph (c) of subsection (2) was omitted from that subsection.

General insurance funds of local authorities.

**167.**—(1) With the consent of the Minister the provisions of section 154 (General insurance fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in substitution for the Council ;
- (b) the general rate fund was therein referred to in substitution for the county fund :

Provided that the Minister when giving his consent to a local authority to establish an insurance fund or at any time thereafter may determine the sum which for the purposes of the said section in its application to such local authority shall be “ the prescribed amount ”.

(2) Two or more local authorities having power to exercise the provisions of the said section may with the consent of the Minister exercise that power jointly in accordance with a scheme made by such local authorities and approved by the Minister who may prescribe such modifications as appear to him desirable when giving his consent.



(3) Any moneys standing to the credit of any existing insurance fund of a local authority shall be carried to the credit of the insurance fund of such local authority authorised by this section.

PART VIII  
—cont.

**168.** With the consent of the Minister the provisions of section 155 (Power to issue bonds) of this Act shall extend and apply to a local authority as if—

Power to local  
authorities to  
issue bonds.

- (a) the local authority were therein referred to in substitution for the Council ; and
- (b) the financial officer was referred to in substitution for the treasurer in paragraph 4 of the Fourth Schedule to this Act.

**169.**—(1) The provisions of section 162 (Expenses of public ceremonies etc.) of this Act shall extend and apply to a local authority as if the words “local authority” and “district” were therein referred to respectively in substitution for “Council” and “county”.

Expenses  
of public  
ceremonies  
etc. of local  
authorities.

(2) A local authority which is the council of a borough may pay reasonable expenses in connection with the presentation of the freedom of the borough to persons whom they may resolve to admit as honorary freemen.

**170.**—(1) If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate water rate or water charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the local authority and to detain them until the complaint is determined upon the return of the summons.

Recovery of  
rate etc. from  
persons  
removing.

(2) In this section the expression “water charge” includes a meter rent.

**171.**—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the local authority so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the local authority from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of  
rates from  
certain owners.

PART VIII  
—cont.

The remedy of the local authority under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the local authority.

(3) In this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

As to recovery  
of rates from  
tenants and  
lodgers.

**172.** For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the district shall be deemed to be in arrear if such rates are not paid within two months after lawful demand has been made for the same.

Service of  
demand notes.

**173.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of a local authority.

Loans for  
erection etc. of  
buildings.

**174.—(1)** A local authority may advance money to the purchaser or lessee of any land acquired from or leased by the local authority for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the local authority will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the local authority by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;

- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the local authority may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
- (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the local authority and to produce to the local authority when required the receipts for the premiums paid in respect of the insurance; or
  - (ii) (if the local authority elect themselves to insure the said building against fire) to repay to the local authority the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the local authority and authorised in writing by the clerk of the local authority shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section the expression "lessee" includes a person to whom the local authority have agreed to grant a lease and the expression "lease" shall be construed accordingly.

**175.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of the expression "local authority" for "Council".

Application of certain sections of Part VIII to local authorities.

(2) The provisions hereinbefore referred to are the following:—

- Section 156 (Interest warrants by post);
- Section 157 (Receipt in case of minors);
- Section 158 (Payment of pension etc. of person of unsound mind);

PART VIII  
—cont.

- Section 159 (As to proof of continued existence of pensioners);
- Section 160 (Recovery of sums paid to officers etc.);
- Section 163 (Modification of mortgages by endorsement under hand);
- Section 164 (Power to charge in respect of establishment expenses).

## PART IX

## MISCELLANEOUS

School  
agreements.

**176.**—(1) Any agreement entered into by or on behalf of the Council with the parent or guardian of a pupil or intended pupil at any secondary school may make provision for the payment by such parent or guardian to the Council of any sum not exceeding ten pounds in the event of the pupil ceasing without the consent of the Council to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Council 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) In this section the expression “secondary school” includes—

- (a) a secondary school as defined by section 114 of the Education Act 1944;
- (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 the said Act is provided; and
- (c) an independent school as defined by the said section 114 in which secondary education as defined by the said section 8 of the Act is provided.

Authorisation  
of appearance  
of Council's  
officers in legal  
proceedings.

**177.** A resolution of the Council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

Proof of  
resolutions.

**178.** A document purporting to be certified by the clerk of the Council as a copy of a resolution passed by the Council or a committee of the Council on a specified date shall be evidence that that resolution was duly passed by the Council or the committee of the Council (as the case may be) on the said date.

**179.** Notwithstanding anything in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the Council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the Council or committee (as the case may be) by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof.

PART IX  
—cont.  
As to minutes  
of Council  
meetings etc.

**180.** Section 91 of the Act of 1933 shall have effect in its application to the Council as if it conferred on the Council power to include persons who are not members of the Council in any committee appointed jointly by the Council and the mayor aldermen and burgesses of the county borough of Newport in pursuance of that section for the purpose of providing and administering a joint archives repository:

Appointment  
of members of  
archives  
committee.

Provided that at least two-thirds of the members of that committee appointed by the Council shall be members of the Council.

**181.** For the purpose of section 130 of the Local Government Act 1948 (which provides for the insurance of members against personal accident while engaged on business) a member of the Council or of a local authority who is appointed or nominated by the Council or the local authority as a member of another authority or body shall while engaged on the business of such other authority or body be deemed to be engaged on the business of the Council or the local authority by whom he is appointed or nominated:

Insurance  
of members.

Provided that the Council or a local authority shall not in pursuance of the said section 130 insure a member in respect of personal accidents while engaged on the business of another authority or body if such other authority or body themselves insure such member against such accidents.

**182.—(1)** A committee lawfully authorised by the Council to exercise any powers of the Council under any enactment may subject to any direction of the Council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

Delegation of  
powers to sub-  
committees.

(2) Except in pursuance of powers conferred by any other enactment a majority of the members of any such sub-committee shall be members of the Council.

PART IX  
—cont.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint sub-committees under any other enactment.

Chain of  
office.

**183.** The Council may provide and maintain a chain and badge of office for the chairman of the Council and may from time to time make additions to such chain:

Provided that the chain and badge of office and any additions to such chain provided by the Council under the powers of this section shall remain the property of the Council.

Entry on land  
for certain  
purposes.

**184.**—(1) Whenever it becomes necessary for the Council or any of their officers servants contractors or workmen to enter examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such land or premises 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 written notice to such owner or occupier apply to a magistrates' court for an order authorising the Council to enter examine and lay open the said lands for the purposes aforesaid or any of them.

(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 the 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-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) 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 any 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.

(4) The Council shall not exercise the powers of this section in respect of any lands belonging to the commission and used for the purpose of their undertaking except with the consent of the commission which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

**185.**—(1) For the better performance of their respective powers or duties provision may be made by agreement in the case of the Council between the Council and a local authority or in the case of a local authority between the local authority on the one hand and the Council or some other local authority on the other hand for the taking by either party thereto of action of the following kinds:—

Provision of reciprocal services etc. by Council and local authority.

- (a) the undertaking by one party for the other of any administrative clerical professional or technical services;
- (b) the use or maintenance by one party of any vehicle plant equipment or apparatus of the other party and if it appears convenient the services of any staff employed in connection therewith;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible.

(2) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936 or by virtue of the powers conferred by section 105 of the Road Traffic Act 1930 it shall be made under the said section 271 or under the said section 105 (as the case may be) and not under this section.

**186.**—(1) The Council may purchase and store and supply direct to an authority any goods or materials required for the purpose of the discharge of the functions of that authority other than the carrying out by an independent contractor on behalf of the authority of works the cost of which is borne out of capital moneys and for that purpose the Council and any authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient:

Supply of goods by Council to other authorities.

Provided that the Council shall not in pursuance of this section supply building materials to a local authority for the purpose of the erection of houses or other buildings by that local authority under the Housing Acts 1936 to 1949.

(2) In this section the expression “authority” means a local authority or a parish council or any river board or drainage board or any joint board or joint committee of which the Council or a local authority are a constituent authority.

PART IX  
—cont.  
Floral  
decorations.

**187.**—(1) The council of an urban district may let on hire to a hiring authority floral decorations for use on premises owned occupied or maintained by the hiring authority and may make such charges therefor as they think fit:

Provided that no floral decorations let on hire under the provisions of this section shall be used otherwise than by the hiring authority in connection with the discharge of their powers and duties but for the purposes of this section such powers and duties shall not include the reletting on hire of any such floral decorations as aforesaid.

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

“floral decorations” includes plants and flowers;

“hiring authority” means the Council a local authority or a parish council.

Prizes for  
allotment  
competitions.

**188.** A local authority may expend on the provision of prizes in connection with any competition they may hold relating to the allotments provided by them such sum as they may think fit not exceeding in any one year the sum of one hundred pounds.

Contributions  
to cultural  
bodies.

**189.**—(1) A local authority may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service to the inhabitants of their district by means of cultural activities carried on either wholly or partly within the district contribute such sum or sums as they may from time to time determine in the circumstances of the case to be reasonable towards the funds or towards the expenses of such body.

(2) Nothing in this section shall affect or derogate from the provisions of any other enactment enabling the local authority to provide or contribute towards the provision of music or any entertainment:

Provided that the amount of any sum or sums contributed by the local authority under this section for the purpose of or in connection with the provision of any entertainment when added to the net amount of any expenditure incurred by the local authority under section 132 of the Local Government Act 1948 shall not in any one year exceed the net amount of the expenditure which the local authority may incur in any year under the said section 132.

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

“body” includes an association institution society or similar organisation and a company howsoever constituted;

“cultural activities” includes the provision of public entertainment having cultural value.



**190.**—(1) The Council may acquire by agreement any picture or sculpture and may erect and maintain or contribute towards the provision erection and maintenance of any picture or sculpture in any place provided by or vested in the Council under section 125 of the Act of 1933 and may from time to time enter into and carry into effect contracts for the production of pictures or sculptures and for the purchase thereof by the Council when completed.

PART IX  
—cont.  
Acquisition of pictures etc. by Council.

(2) For the purpose of providing for the accommodation exhibition and preservation of pictures or sculptures or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of this section or of any gift loan or discovery the Council may adapt furnish and maintain any premises given to and for the time being vested in the Council for the purposes of this section.

(3) The Council may let any building vested in them as aforesaid on such terms and conditions as to payment or otherwise as they think fit and may make charges for admission to any such building which may for the time being be under their management and control.

**191.**—(1) The Council may preserve arrange index classify and publish such records deeds and other documents of the county and of the Council or such extracts from them or reference to their contents as the Council may consider to be of public interest.

Preservation and publication of records.

(2) A local authority may publish such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 or such extracts from them or reference to their contents as they may consider to be of public interest.

**192.**—(1) The Council may advertise in any manner which they may think fit—

Power to advertise facilities of county or districts.

(i) the facilities and amenities afforded by the county as a tourist centre place of historical or cultural interest or holiday resort ; or

(ii) the institutions provided by them under the Public Libraries Acts 1892 to 1919 ;

and for that purpose may—

(a) cause to be published and may sell or dispose of bulletins journals and leaflets and documents of historical or literary interest having a local connection ;

(b) combine with any other organisation company or person and with any local authority authorised in that behalf ; and

PART IX  
—cont.

(c) expend a sum which shall not in any financial year exceed the equivalent of twice the product of a penny rate levied in the county as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

(2) Any expenditure by a local authority under this section shall be separate from and additional to the expenditure (if any) of that authority under the Local Authorities (Publicity) Act 1931.

Recreational  
and other  
facilities for  
employees.

**193.**—(1) The Council may provide and maintain recreational social and welfare facilities for their employees.

(2) For the purposes aforesaid the Council may—

(a) acquire buildings or acquire or appropriate land and erect buildings thereon ;

(b) with the consent of the Minister adapt any premises or erect any buildings on any land belonging to them but not already appropriated for such purposes ;

(c) make such charges as they think fit for the use of such premises ; and

(d) make regulations for the management of such premises.

Renumbering  
of houses and  
buildings.

**194.** Where it appears to a local authority that the houses and buildings of any street or part of a street in their district should be renumbered they may from time to time require the occupiers of such houses and buildings to mark their houses and buildings with such new numbers as the local authority may approve and the provisions of section 64 and section 65 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875 (which relate to the numbering of houses) shall apply in respect of such new numbers as may be approved by the local authority under this section.

As to warning  
posts and  
signs.

**195.**—(1) The Council a local authority or a parish council may with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land erect and maintain such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions existing in the vicinity of such posts and signs.

(2) The Council may contribute to the expenses incurred by a local authority or parish council in exercising the powers of this section.

(3) Nothing in this section shall derogate from any order or regulations made by the Minister of Transport and Civil Aviation in respect of traffic signs or any general or special directions given by him in pursuance of section 48 of the Road Traffic Act 1930.

**196.**—(1) A local authority shall have power to sell at a market or by public auction any animal which is impounded or confined in a public pound provided by them.

PART IX  
—cont.

Power to sell  
animals  
impounded.

(2) Before exercising in respect of any animal the power of sale conferred by this section a local authority shall—

(a) if the name and address of the owner of the animal is known to them give to such owner ; or

(b) if the name and address of the owner of the animal is not known to them give to the chief officer of police of the district ;

not less than fourteen days' notice of their intention to sell the animal and if within such period the owner shall claim the animal and tender payment of such sum as the person by whom the animal was impounded or confined may legally demand they shall not proceed with the sale of the animal.

(3) Where any animal is sold by the local authority in pursuance of this section the proceeds of the sale after deducting therefrom the reasonable expenses incurred by the local authority in keeping the animal in the pound provided by them or in and for the purposes of the sale shall be paid into the county court and on or before the date of such payment into court the local authority shall give notice of such payment and of the date thereof to the person by whom the animal was impounded or confined.

(4) Unless within seven days after the date on which the local authority make any such payment into court the person by whom the animal was impounded or confined gives notice to the court that he intends to take proceedings against the owner of the animal in respect of the cause of action for which the animal was impounded or confined the money so paid into court shall be paid out to the owner of the animal.

(5) This section shall not apply in respect of any animals found at large in any street and impounded under section 24 of the Town Police Clauses Act 1847.

(6) In this section the expression " animal " does not include dogs.

**197.** Any compensation recoverable by the Council or a local authority or highway authority or a joint board or a joint committee of local authorities or a parish council 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 IX  
—cont.

Application of certain provisions of Part IX to local authorities.

**198.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of the expression “local authority” for “Council”.

(2) The provisions hereinbefore referred to are the following:—

Section 177 (Authorisation of appearance of Council's officers in legal proceedings);

Section 178 (Proof of resolutions);

Section 179 (As to minutes of Council meetings etc.);

Section 182 (Delegation of powers to sub-committees);

Section 183 (Chain of office).

Application of section 184 to local authorities.

**199.**—(1) Section 184 (Entry on land for certain purposes) of this Act shall apply to each of the local authorities hereinafter mentioned as if such local authority were therein referred to in substitution for the Council.

(2) The local authorities hereinbefore referred to are the following:—

Abertillery Urban District Council;

Bedwas and Machen Urban District Council;

Chepstow Urban District Council;

Nantyglo and Blaina Urban District Council;

Pontypool Urban District Council;

Risca Urban District Council;

Tredegar Urban District Council.

Application of section 190 to local authorities.

**200.**—(1) Section 190 (Acquisition of pictures etc. by Council) of this Act shall apply to each of the local authorities hereinafter mentioned as if such local authority were therein referred to in substitution for the Council.

(2) The local authorities hereinbefore referred to are the following:—

Cwmbran Urban District Council;

Tredegar Urban District Council.

## PART X

## PROTECTIVE PROVISIONS

Crown rights.

**201.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council or any local authority to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights

of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

PART X  
—cont.

**202.**—(1) No power conferred upon the Council or a local authority by or under the provisions of this Act hereinafter mentioned shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Council or local authority without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person ; or

(b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Council or local authority without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

(2) The provisions hereinbefore referred to are the following:—

- Section 60 (Provision of camping grounds by local authorities) ;
- Section 62 (As to closing of parks etc.) ;
- Section 63 (Power to let parks etc. for games) ;
- Section 64 (Parking places in parks etc) ;
- Section 65 (Boating pools) ;
- Section 66 (Aviaries) ;
- Section 67 (Climatological stations) ;
- Section 150 (Power to erect weighbridges) ;
- Section 193 (Recreational and other facilities for employees).

**203.**—(1) In this section the following expressions have the following meanings:—

For protection  
of river boards  
etc.

“ the river board ” means the Glamorgan River Board the Usk River Board and the Wye River Board or any of them ;

“ the drainage board ” means the Caldicot and Wentlooge Levels Drainage Board and the Lower Wye Internal Drainage Board or either of them.

PART X  
—cont.

(2) The powers of section 27 (Breaking up and temporary stoppage of streets) and section 150 (Power to erect weighbridges) of this Act shall not be exercised in such a manner as to obstruct or interfere with the access to any sea defences or drainage works which are for the time being vested in or under the control of the river board or the drainage board except with the consent in writing of the river board or the drainage board concerned.

(3) The powers of subsection (1) of section 28 (Piping etc. of roadside ditches) of this Act shall not be exercised in relation to any watercourse or ditch for the time being vested in or under the control of the river board or the drainage board without the consent in writing of the river board or the drainage board concerned.

(4) If the river board or the drainage board erect or bring forward beyond a building line as defined in section 35 (Application of building line to walls etc.) of this Act on land abutting on a street any structure to which the said section 35 applies it shall be a defence in any proceedings brought by virtue of that section to prove that the erection or bringing forward of the structure in such manner was a necessary operation in and for the purposes of the construction of sea defences or drainage works.

(5) The provisions of section 37 (Retaining walls) of this Act shall not apply in relation to any retaining wall forming part of any sea defences or drainage works erected by or under the jurisdiction or control of the river board or the drainage board.

(6) Where the existence of a boating pool provided under the powers of section 65 (Boating pools) of this Act is likely to interfere with any watercourse flowing directly or indirectly into any stream which is for the time being vested in or controlled by the river board or the drainage board a local authority or parish council shall before commencing to provide a boating pool consult with the river board or the drainage board concerned.

(7) Before exercising the powers of section 104 (Power to require the removal etc. of dangerous trees) of this Act in respect of any tree situated in or on the banks of a watercourse vested in or under the control of the river board or drainage board the appropriate authority (as defined in the said section 104) shall except in a case where they propose to exercise such powers to prevent immediate danger to persons or property consult the river board or drainage board concerned.

(8) The powers conferred upon a local authority by section 116 (For preventing obstruction to streams by culverts etc.) and section 117 (Cleansing of rivers and streams) of this Act shall not be exercised in respect of any culvert or stream for the time

being forming part of the main river of the river board or forming part of any watercourse over which the drainage board has jurisdiction or in respect of any part of any tributary brook channel culvert or watercourse flowing directly or indirectly into any such main river or watercourse without the consent in writing of the river board or the drainage board concerned.

(9) The Council or a local authority shall not in pursuance of the powers of section 184 (Entry on land for certain purposes) of this Act lay open or make trial holes on any lands forming part of any sea defences or drainage works for the time being vested in or under the jurisdiction or control of the river board or the drainage board without the consent in writing of the river board or the drainage board concerned.

(10) Any consent given by the river board or the drainage board under subsections (2) (3) (8) or (9) of this section may be given subject to such reasonable terms and conditions as the river board or the drainage board may think fit but any consent required under the said subsections shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether any terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture Fisheries and Food.

**204.** For the protection of the National Coal Board (hereafter in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Council or a local authority (as the case may be) and the board apply and have effect:—

For protection  
of National  
Coal Board.

- (1) The powers of section 27 (Breaking up and temporary stoppage of streets) and section 150 (Power to erect weighbridges) of this Act shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any colliery or coke oven works of the board without the consent of the board which shall not be unreasonably withheld:
- (2) Before entering in exercise of the powers of section 101 (Silencers for internal combustion engines) of this Act upon any mine of the board an authorised officer of a local authority shall give reasonable notice of his intended entry and in the exercise of such powers in relation to such mine shall observe any precautions reasonably required by the board in the interests of safety:
- (3) Nothing in section 116 (For preventing obstruction to streams by culverts etc.) of this Act shall authorise a local authority to reconstruct improve repair or remove any existing culvert channel or other work or to construct or maintain any new culvert channel or other

PART X  
—cont.

work in through or under or so as to affect any mine of the board without the consent of the board which shall not be unreasonably withheld:

- (4) Nothing in section 118 (Entry for purposes of last two foregoing sections) of this Act shall authorise any officer of a local authority to enter any mine of the board without the consent of the board which shall not be unreasonably withheld:
- (5) Any difference which may arise between the Council or a local authority and the board under this section shall be referred to arbitration.

For protection  
of Postmaster-  
General.

**205.**—(1) Where pursuant to section 26 (Adjustment of boundaries of streets) of this Act the highway authority enter into an agreement with a person having a legal interest in land adjoining any 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 is 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 but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

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 highway authority and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the highway authority thereunder.

(3) In this section the expressions “alter” “alteration” and “telegraphic line” have the same meanings as in the Telegraph Act 1878.

For protection  
of statutory  
undertakers.

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

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

“apparatus” means—

(a) in relation to the South Wales Electricity Board or the Central Electricity Authority electric



lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by those undertakers ;

(b) in relation to the Wales Gas Board mains pipes or other works and apparatus belonging to that board ;

(c) in relation to statutory water undertakers mains pipes or other works used for the purpose of or in connection with the provision of a supply of water and belonging to or maintained by any of such undertakers ;

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

“ appropriate authority ” means the Council the highway authority the local authority the parish council or the standing joint committee as the case may be ;

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

“ position ” includes depth ;

“ undertakers ” means—

the South Wales Electricity Board ;

the Central Electricity Authority ;

the Wales Gas Board ; and

the statutory water undertakers whose undertakings or part of whose undertakings are situate in the county :

- (2) For the purposes of section 20 (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 :
- (3) Nothing in section 21 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of a building (not being a house office or showroom) on land abutting on any new street before such new street is constructed or sewered in accordance with street byelaws :
- (4) Notwithstanding anything in section 23 (Adjustment of boundaries of estates in connection with streets) of this Act the undertakers shall not under the provisions of that section be required to exchange any operational land within the meaning of the Act of 1947 except with their consent which shall not be unreasonably withheld :

PART X  
—cont.

- (5) Nothing in paragraph (f) of subsection (1) of section 25 (Trees grass verges and gardens) of this Act shall affect the rights of any undertakers with respect to any apparatus (including the placing of apparatus) in any such grass verge or garden as is referred to in that paragraph:

Provided that in exercising such rights the undertakers shall not cause or permit except in case of necessity horses or vehicles to enter upon any such grass verge or garden as aforesaid:

- (6) Nothing in the following sections of this Act shall relieve the appropriate authority from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the appropriate authority shall so exercise those powers as not to render less convenient (so far as is reasonably practicable) the access to any apparatus:—

Section 25 (Trees grass verges and gardens);

Section 28 (Piping etc. of roadside ditches);

Section 29 (Power to erect fences in roads);

Section 30 (Public seats in roads);

Section 54 (Decorations in streets);

Section 129 (Barriers in streets);

Section 132 (Police telephone call boxes and shelters);

Section 150 (Power to erect weighbridges):

- (7) (a) Whenever the appropriate authority in the exercise of the powers of section 26 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers 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 undertakers may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to such other position in the street as altered under the said powers as may be reasonable;

(b) The undertakers shall within twenty-eight days after the receipt of any such notice from the appropriate authority pursuant to sub-paragraph (a) of this paragraph give to the appropriate authority notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the appropriate authority) under the provisions of that sub-paragraph and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:

(8) The appropriate authority shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with the alteration of the position of any apparatus under paragraph (7) 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 paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the appropriate authority under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 206 (For protection of statutory undertakers) of the Monmouthshire County Council Act 1956":

(9) Before the appropriate authority give any consent pursuant to section 32 (Pavement lights and ventilators) of this Act they shall give at least fourteen days' notice to the undertakers concerned of their intention to do so and any such consent shall contain such conditions as may be required to secure that the owner or occupier of premises to whom consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:

PART X  
—cont.

(10) Nothing in the following sections of this Act:—

Section 81 (Power to repair drains and private sewers);

Section 116 (For preventing obstruction to streams by culverts etc.);

Section 117 (Cleansing of rivers and streams);

Section 118 (Entry for purposes of last two foregoing sections);

shall authorise the appropriate authority to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of the undertakers without the consent of the undertakers concerned but such consent shall not be unreasonably withheld:

(11) No byelaw under section 98 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping of spoil or refuse by the undertakers for the purpose of constructing or altering any work which the undertakers are authorised by any enactment to construct or alter:

(12) Before entering in exercise of the powers of section 101 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the undertakers in connection with the generation manufacture pumping storage or supply of electricity gas or water an authorised officer of the appropriate authority shall give reasonable notice of his intended entry and in the exercise of such powers in relation to such premises shall observe any precautions reasonably required by the undertakers in the interests of safety and for preventing interference with the supply of electricity gas or water:

(13) (a) Any difference which may arise between the appropriate authority and the undertakers 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 appropriate authority 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.

Provisions  
applicable in  
urban district  
of Bedwellty.

207.—(1) In this section—

“the Act of 1912” means the Bedwellty Urban District Council Act 1912;

“ the Act of 1925 ” means the Bedwelty Urban District Council Act 1925 ;

“ the Act of 1936 ” means the Bedwelty Urban District Council Act 1936 ;

“ the district ” means the urban district of Bedwelty.

(2) The following sections of this Act shall not apply within the district :—

- Section 20 (Prohibition of building until street defined) ;
- Section 21 (Prohibition of building until street formed and sewerred) ;
- Section 37 (Retaining walls) ;
- Section 94 (Means of access to buildings) ;
- Section 171 (Recovery of rates from certain owners) ;
- Section 172 (As to recovery of rates from tenants and lodgers) ;
- Section 214 (Breach of conditions of consent) ;
- Section 215 (Apportionment of expenses in case of joint owners).

(3) In its application in the district section 63 (Power to let parks etc. for games) of this Act shall not apply to the park or open space in the district known as the Show Field Blackwood.

(4) The following enactments are hereby repealed :—

The Act of 1912—

Section 138 (In executing works for owners Council not liable for damages save in case of negligence) ;

Section 141 (Evidence of appointments and authority) ;

The Act of 1925—

Section 46 (Service of demand) ;

The Act of 1936—

Section 27 (Recovery of rate etc. from persons removing).

(5) Section 64 (Application of miscellaneous provisions of Act of 1912) of the Act of 1925 and section 29 (Application of provisions of former Acts) of the Act of 1936 shall have effect as if the references therein to section 141 (Evidence of appointments and authority) of the Act of 1912 were omitted therefrom.

(6) As from the date on which any section of this Act mentioned in the first column of the following table comes into

PART X  
—cont.

operation in the district the enactment mentioned in the second column of that table opposite thereto shall be repealed—

1	2
Section 81 (Power to repair drains and private sewers)	Section 14 (As to repair of private drains) of the Act of 1925;
Section 82 (Penalty for improper construction or repair of water-closet etc.)	Section 95 (Improper construction or repair of water-closet or drain) of the Act of 1912;
Section 84 (Cleansing of filthy or verminous premises)	Section 20 (Houses infested with vermin to be cleansed) of the Act of 1925;
Section 95 (Further provisions as to means of escape from fire in case of certain buildings)	Section 85 (Means of escape from buildings in case of fire) of the Act of 1912;
Section 106 (Information to be furnished by occupier in case of notifiable disease)	Section 103 (Information to be furnished to medical officer and penalty for furnishing false information) of the Act of 1912;
Section 109 (Compensation for stopping employment to prevent spread of disease)	Section 101 (Compensation to persons ceasing employment) of the Act of 1912.

Provisions  
applicable in  
urban district  
of Ebbw Vale.**208.**—(1) In this section—

“the Act of 1903” means the Ebbw Vale Improvement Act 1903;

“the Act of 1917” means the Ebbw Vale Urban District Council Act 1917;

“the district” means the urban district of Ebbw Vale.

(2) The following sections of this Act shall not apply to the Ebbw Vale Urban District Council or within the district;

Section 12 (Appropriation and disposal of land);

Section 13 (Application of capital money);

Section 17 (Acquisition of land in advance of requirements);

Section 26 (Adjustment of boundaries of streets);

Section 36 (Crossings over footways);

Section 37 (Retaining walls);

Section 100 (Discharge of steam and waste gas);

Section 170 (Recovery of rate etc. from persons removing);

Section 213 (Liability of Council for work done in default or by request);

Section 214 (Breach of conditions of consent);

Section 215 (Apportionment of expenses in case of joint owners).

(3) In its application in the district section 46 (Urgent repairs of private streets) of this Act shall have effect as if at the end of subsection (2) thereof there were inserted the words "or under section 50 (As to urgent repairs to private streets) of the Ebbw Vale Improvement Act 1903".

(4) In its application in the district section 63 (Power to let parks etc. for games) of this Act shall have effect as if after the words "section 76 of the Public Health Acts Amendment Act 1907" there were inserted the words "or subsection (1) of section 107 (Setting apart and closing of recreation grounds for games) of the Ebbw Vale Improvement Act 1903" and as if for the words "that section" there were substituted the words "the said section 76 or under section 102 (Council may erect buildings etc.) of the Ebbw Vale Improvement Act 1903".

(5) The following enactments are hereby repealed:—

The Act of 1903—

Section 134 (Evidence of appointments authority etc.);

Ebbw Vale Urban District Council Act 1941—

Section 37 (Power to develop lands);

Section 80 (Receipts in case of minors);

Section 89 (Service of demand notes).

(6) As from the date on which any section of this Act mentioned in the first column of the following table comes into operation in the district the enactment mentioned in the second column of that table opposite thereto shall be repealed:—

1	2
Section 78 (Delegation of power to examine and test drains etc.)	Section 59 (Inspection of drains etc.) of the Act of 1903;
Section 79 (Summary power to remedy stopped-up drains etc.)	
Section 81 (Power to repair drains and private sewers)	Section 64 (As to repair of private drains) of the Act of 1917;
Section 82 (Penalty for improper construction or repair of water-closet etc.)	Section 60 (Improper construction or repair of water-closet or drain) of the Act of 1903;
Section 84 (Cleansing of filthy or verminous premises)	Section 82 (Houses infested with vermin to be cleansed) of the Act of 1917;
Section 95 (Further provisions as to means of escape from fire in case of certain buildings)	Section 56 (Means of escape from buildings in case of fire) of the Act of 1917;

PART X  
—cont.

Section 106 (Information to be furnished by occupier in case of notifiable disease)	Section 76 (Information to be furnished as to infectious disease) of the Act of 1917;
Section 107 (Restriction on attendance at public places etc.)	Section 78 (Penalty on guardian permitting infected child to attend school) of the Act of 1903;
Section 109 (Compensation for stopping employment to prevent spread of disease)	Section 88 (Compensation to persons ceasing employment) of the Act of 1903.

(7) As from the date on which street byelaws come into operation in the district section 29 (No buildings allowed until street formed etc.) of the Act of 1903 shall be repealed.

Provisions applicable in urban district of Mynyddislwyn.

**209.**—(1) In this section—

“the Act of 1913” means the Mynyddislwyn Urban District Council Act 1913;

“the Act of 1926” means the Mynyddislwyn Urban District Council Act 1926;

“the district” means the urban district of Mynyddislwyn.

(2) The following enactments are hereby repealed:—

The Act of 1913—

Section 57 (No building allowed until street defined);

Section 106 (Council not liable for damages save in case of negligence);

Section 110 (Evidence of appointments and authority);

The Act of 1926—

Section 55 (As to erection of retaining walls):

Provided that subsection (4) of section 37 (Retaining walls) of this Act shall not apply to any retaining wall erected in accordance with plans sections and specifications approved under the said section 55 of the Act of 1926.

(3) As from the date on which any section of this Act mentioned in the first column of the following table comes into operation in the district the enactment mentioned in the second column of that table opposite thereto shall be repealed:—

1	2
Section 81 (Power to repair drains and private sewers)	Section 56 (As to repair of private drains) of the Act of 1926;
Section 95 (Further provisions as to means of escape from fire in case of certain buildings)	Section 63 (Means of escape from buildings in case of fire) of the Act of 1913;



Section 101 (Silencers for internal combustion engines)	Section 27 (Power to require users of internal combustion engines to provide silencers) of the Act of 1926;
Section 106 (Information to be furnished by occupier in case of notifiable disease)	Section 74 (Information to be furnished to medical officer and penalty for furnishing false information) of the Act of 1913;
Section 108 (Exclusion of children from places of entertainment or assembly)	Section 38 (Power to close Sunday schools and exclude children from entertainments) of the Act of 1926;
Section 109 (Compensation for stopping employment to prevent spread of disease)	Section 73 (Compensation to persons ceasing employment) of the Act of 1913;
Section 110 (Prohibition of tuberculous persons from handling food)	Section 37 (Power to prohibit persons in infectious state of tuberculosis from handling etc. food) of the Act of 1926.

**210.**—(1) In this section—

“ the Act of 1920 ” means the *Risca Urban District Council Act 1920* ;

“ the district ” means the urban district of *Risca*.

Provisions applicable in urban district of *Risca*.

(2) Section 82 (Penalty for improper construction or repair of water-closet etc.) of this Act shall not apply within the district.

(3) The following sections of the Act of 1920 are hereby repealed:—

Section 24 (No building allowed until street defined) ;

Section 26 (As to erection of retaining walls) ;

Section 69 (Power to charge for and let portions of pleasure grounds set apart for games) ;

Section 70 (In executing works for owner Council liable for negligence only) ;

Section 71 (Evidence of appointments authority etc.):

Provided that subsection (4) of section 37 (Retaining walls) of this Act shall not apply to any retaining wall erected in accordance with plans sections and specifications approved under the said section 26 of the Act of 1920.

(4) As from the date on which any section of this Act mentioned in the first column of the following table comes into

PART X  
—cont.

operation in the district the section of the Act of 1920 mentioned in the second column of the said table opposite thereto shall be repealed:—

1	2
Section 81 (Power to repair drains and private sewers)	Section 36 (As to repair of private drains);
Section 95 (Further provisions as to means of escape from fire in case of certain buildings)	Section 30 (Means of escape from buildings in case of fire);
Section 106 (Information to be furnished by occupier in case of notifiable disease)	Section 49 (Information to be furnished in case of infectious disease).

For protection  
of development  
corporation.

**211.**—(1) The following provisions of this Act shall not apply to any development carried out or to be carried out in accordance with proposals approved by the Minister under section 3 of the New Towns Act 1946 in relation to any area designated as the site of a new town under that Act (hereafter in this section referred to as a “designated area”):—

- Section 20 (Prohibition of building until street defined);
- Section 21 (Prohibition of building until street formed and sewered);
- Section 22 (Termination of new streets);
- Section 23 (Adjustment of boundaries of estates in connection with streets);
- Section 24 (Rounding or splaying off corners at street junctions);
- Subsection (2) of section 37 (Retaining walls).

(2) The powers of the following sections of this Act shall not be exercised without the consent of the development corporation in relation to any street which has been constructed by or on behalf of the development corporation within any designated area and which has not become a highway repairable by the inhabitants at large:—

- Section 29 (Power to erect fences in roads);
- Section 129 (Barriers in streets).

(3) The powers of section 27 (Breaking up and temporary stoppage of streets) shall not be exercised without the consent of the development corporation in relation to any such street as is mentioned in the last foregoing subsection.

(4) A local authority shall not give a notice under section 40 (Forecourts injurious to amenities of street) of this Act in respect of any forecourt belonging to the development corporation within any designated area until they shall have consulted with the development corporation.

(5) Any byelaws made by a local authority under section 77 (Separate sewers for foul water and surface water) shall not apply to a new street constructed by the development corporation within any designated area.

PART X  
—cont.

PART XI

GENERAL

212. Section 265 of the Public Health Act 1875 shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act.

Protection of members and officers from personal liability.

213.—(1) Where under any enactment—

(a) the Council require any person (in this section referred to as “the defaulter”) to execute any work or take any action; and

Liability of Council for work done in default or by request.

(b) in default or at the request of the defaulter the Council or any of their officers execute the work or take the action;

then in the absence of negligence on the part of the Council or of any such officer or of any contractor employed by them or him—

(i) the Council shall not as between themselves and the defaulter be liable to pay any damages in respect of or consequent upon the execution of the work or the taking of the action; and

(ii) any such damages as aforesaid paid by the Council to any other person shall be deemed to be part of the expenses payable by the defaulter and shall be recoverable accordingly.

(2) In this section the expression “damages” includes penalties costs and charges.

214. Where in pursuance of this Act the Council or a local authority give their approval or consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required approval or consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

Breach of conditions of consent.

215. Where under the provisions of any enactment in force within the county the Council execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those enactments or any of them are recoverable by the Council from the owners shall be paid by

Apportionment of expenses in case of joint owners.

PART XI  
—cont.

the owners of such buildings in such proportions as shall be determined by the Council or in case of dispute by a magistrates' court.

Confirming  
authority for  
byelaws.

**216.** 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:—

1	2
Section 65 (Boating pools) ... ..	Secretary of State.
Section 137 (Byelaws as to pleasure fairs and roller-skating rinks) ... ..	Secretary of State.
Section 143 (Byelaws relating to wood fuel etc.)...	Board of Trade.

Local  
inquiries.

**217.**—(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 the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

## Arbitration.

**218.** In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (4) of section 23 ... ..	The Minister.
Subsection (5) of section 28 ... ..	The Minister of Transport and Civil Aviation.
Subsection (4) of section 116 subsection (3) of section 117 and subsection (2) of section 118	The Minister of Agriculture Fisheries and Food.
Paragraph (b) of subsection (4) of section 117 paragraph (a) of subsection (5) of section 132 subsection (4) of section 184 paragraph (5) of section 204 and paragraph (13) of section 206	The President of the Institution of Civil Engineers.

**219.** Proceedings in respect of an offence created by or under this Act (except section 136 (Derelict petrol tanks) and Part VII (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 Council or the local authority concerned as the case may be.

PART XI  
—cont.

Restriction  
on right to  
prosecute.

**220.**—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

Appeals.

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

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

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

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

**221.**—(1) The sections of the Act of 1936 mentioned in Part I of the Fifth Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application  
of general  
provisions of  
Act of 1936.

(2) The sections of the said Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part III (Highways) Part IV (Camps pleasure grounds and cemeteries) and Part V (Public health) of this Act.

(3) The sections of the said Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned

PART XI  
—cont.

in subsection (2) of this section and also to the following sections of this Act:—

- Section 133 (Offences in respect of telephone boxes etc.);
- Section 134 (Fire hydrants and alarms);
- Section 135 (Interference with refuse bins etc.);
- Section 194 (Renumbering of houses and buildings);
- Section 197 (Summary recovery of damages for negligence).

(4) The section of the said Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to section 137 (Byelaws as to pleasure fairs and roller-skating rinks).

(5) Sections of the Act of 1936 applied by any provision of this Act shall have effect in relation to the Council a highway authority or a private streets authority as if references therein to a local authority included reference to the Council the highway authority or the private streets authority (as the case may be) and in relation to a highway authority or the standing joint committee as if references therein to a council included reference to the highway authority or the standing joint committee as the case may be.

Application  
of certain  
provisions  
of Part XI  
to local  
authorities.

**222.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

- (a) the expression “local authority” for “Council”; and
- (b) the expression “district” for “county”.

(2) The provisions hereinbefore referred to are the following:—

- Section 213 (Liability of Council for work done in default or by request);
- Section 215 (Apportionment of expenses in case of joint owners).

Works below  
high-water  
mark.

**223.** Nothing in section 116 (For preventing obstruction to streams by culverts etc.) or section 117 (Cleansing of rivers and streams) of this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and Civil Aviation and subject to such conditions and restrictions as the Minister of Transport and Civil Aviation may prescribe before such works are begun.

**224.** It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946. PART XI  
—cont.  
Saving for powers of Treasury.

**225.** This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

**226.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act. Costs of Act.

## SCHEDULES

## FIRST SCHEDULE

## PART I

SECTIONS OF THIS ACT WHICH MAY BE ADOPTED BY A RURAL DISTRICT COUNCIL IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part II (Lands) ... ..	Section 17 (Acquisition of land in advance of requirements). Section 18 (Purchase of land for certain purposes).
Part III (Highways) ...	Section 20 (Prohibition of building until street defined). Section 21 (Prohibition of building until street formed and sewered). Section 22 (Termination of new streets). Section 23 (Adjustment of boundaries of estates in connection with streets). Section 24 (Rounding or splaying off corners at street junctions).
Part IV (Camps pleasure grounds and cemeteries)	Section 66 (Aviaries). Section 67 (Climatological stations).
Part V (Public health) ...	Section 76 (Power to require communication of premises with public sewer in certain cases). Section 83 (Closet accommodation for separate dwellings). Section 87 (Further powers for prevention of damage by rats and mice). Section 90 (As to deposit of rubbish). Section 95 (Further provisions as to means of escape from fire in case of certain buildings). Section 100 (Discharge of steam and waste gas). Section 101 (Silencers for internal combustion engines). Section 102 (Noise nuisance). Section 105 (Entry into premises in case of notifiable disease). Section 106 (Information to be furnished by occupier in case of notifiable disease). Section 107 (Restriction on attendance at public places etc.) Section 108 (Exclusion of children from places of entertainment or assembly). Section 109 (Compensation for stopping employment to prevent spread of disease). Section 110 (Prohibition of tuberculous persons from handling food). Section 114 (Registration of hawkers of food and their premises). Section 115 (Notification of premises for sale etc. of food).
Part VI (Licensing of entertainments public order etc.)	Section 140 (Control of sirens etc. used in factories etc.)



PART II

RESOLUTION OF ADOPTION

1ST SCH.  
—cont.

1. A resolution of adoption shall not be effective unless passed by a majority of the whole number of the members of the rural district council (hereafter in this schedule referred to as "the rural council") at a meeting thereof.

2. One month at least before the meeting of the rural council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the rural council and such notice shall also be inserted once at least in one or more of the newspapers circulating within the district in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the district and may also be published otherwise in such manner as the rural council think sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister and to the Secretary of State and to the Minister of Agriculture Fisheries and Food.

5. The resolution of adoption shall come into operation at such time not being less than one month after the first publication of the advertisement as may be fixed by the rural council.

SECOND SCHEDULE

PART I

SECTIONS OF THIS ACT WHICH MAY BE APPLIED TO A RURAL DISTRICT OR TO A PART THEREOF BY ORDER OF THE SECRETARY OF STATE

Part	Section and marginal note
Part VI (Licensing of entertainments public order etc.)	Section 129 (Barriers in streets). Section 137 (Byelaws as to pleasure fairs and roller-skating rinks).

PART II

SECTIONS OF THIS ACT WHICH MAY BE APPLIED TO A RURAL DISTRICT OR TO A PART THEREOF BY ORDER OF THE MINISTER

Part	Section and marginal note
Part V (Public health) ...	Section 72 (Recovery of expenses of sewerage public highway). Section 73 (Recovery of expenses of sewerage prospective street). Section 74 (Prevention of evasion of liabilities under last two foregoing sections). Section 99 (Smoke from industrial furnaces). Section 111 (Slaughter of animals otherwise than for human consumption). Section 112 (Animals slaughtered outside slaughterhouses). Section 113 (Inedible fat).

## THIRD 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 a district 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 local authority not exceeding the sum so apportionable shall be apportioned by the local authority 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 local authority 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 local authority 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 magistrates' court 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 local authority 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 it thinks 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 local authority 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 local authority 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 local authority 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 foregoing 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 local authority 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 local authority with respect to any such remission may appeal to a magistrates' court.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

3RD SCH.  
—cont.

(2) Where the whole or part of the sum so deemed to be a charge (hereinafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provision 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 extent 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 72 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the local authority the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 73 (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 ;

(d) the expression "surveyor" means the surveyor of the district.

FOURTH SCHEDULE

PROVISIONS AS TO 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 issuing authority may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the issuing authority may from time to time determine Provided that bonds shall not be issued at a price lower 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 issuing authority.

(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 revenues of the issuing authority on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and 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 of the issuing authority 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 and 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 issuing authority 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 issuing authority on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the issuing authority on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

4TH 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.....
.....per centum.....bond
repayable at par on the.....19.....
at.....

This is to certify that
of
is the registered holder of a bond for
pounds (£ ) issued by the
under the Monmouthshire County Council Act 1956 at

The seal of the
was hereunto affixed in the presence of }
Clerk (town clerk).

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 issuing authority 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

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 said
.....subject 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 issuing authority.

(3) The deed of transfer shall be delivered to and retained by the issuing authority and the issuing authority shall enter a note thereof in a book to be called the "Register of transfers of bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The issuing authority 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 issuing authority as aforesaid the issuing authority shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

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

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

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 issuing authority may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the issuing authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the issuing authority they 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. The issuing authority 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.

11.—(1) Unless the holder of a bond otherwise requests the issuing authority may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the issuing authority of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the issuing authority be equivalent to the delivery of the warrant to the holder himself.

12. The production to the issuing authority 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 issuing authority as sufficient evidence of the grant.

## FIFTH SCHEDULE

## SECTIONS OF ACT OF 1936 APPLIED

## PART I

## SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

## PART II

## SECTIONS APPLIED TO PARTS III IV AND V OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

## PART III

SECTIONS APPLIED TO PARTS III IV AND V AND SECTIONS 133-134  
135 194 AND 197 OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.



PART IV

5TH SCH.  
—cont.

SECTION APPLIED TO PARTS III IV AND V AND SECTION 137 OF THIS  
ACT

Section	Marginal note
287	Power to enter premises.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Steam Whistles Act 1872	35 & 36 Vict. c. 61.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Local Government Act 1888	51 & 52 Vict. c. 41.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Finance Act 1899	62 & 63 Vict. c. 9.
Burial Act 1900	63 & 64 Vict. c. 15.
Ebbw Vale Improvement Act 1903	3 Edw. 7 c. ccxlv.
Open Spaces Act 1906	6 Edw. 7 c. 25.
Finance Act 1907	7 Edw. 7 c. 13.
Public Health Acts Amendment Act 1907	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Bedwelty Urban District Council Act 1912	2 & 3 Geo. 5 c. 1.
Mynyddislwyn Urban District Council Act 1913.	3 & 4 Geo. 5 c. xxii.
Ebbw Vale Urban District Council Act 1917	7 & 8 Geo. 5 c. xl.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5. c. 57.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920.	10 & 11 Geo. 5. c. 17.
Risca Urban District Council Act 1920	10 & 11 Geo. 5 c. xxi.
Law of Property Act 1925	15 & 16 Geo. 5 c. 20.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.

Short title	Session and chapter
Rating and Valuation Act 1925 ... ..	15 & 16 Geo. 5 c. 90.
Bedwelty Urban District Council Act 1925 ...	15 & 16 Geo. 5 c. liv.
Mynyddislwyn Urban District Council Act 1926	16 & 17 Geo. 5 c. lxxv.
Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5 c. 32.
Local Government Act 1929 ... ..	19 & 20 Geo. 5 c. 17.
Road Traffic Act 1930 ... ..	20 & 21 Geo. 5 c. 43.
Local Authorities (Publicity) Act 1931 ... ..	21 & 22 Geo. 5 c. 17.
Local Government Act 1933 ... ..	23 & 24 Geo. 5 c. 51.
Public Health Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 51.
Trunk Roads Act 1936 ... ..	1 Edw. 8 & 1 Geo. 6 c. 5.
Bedwelty Urban District Council Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. xxxvii.
Factories Act 1937 ... ..	1 Edw. 8 & 1 Geo. 6 c. 67.
Pensions (Increase) Act 1944 ... ..	7 & 8 Geo. 6 c. 21.
Education Act 1944 ... ..	7 & 8 Geo. 6 c. 31.
Trunk Roads Act 1946 ... ..	9 & 10 Geo. 6 c. 30.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act 1946.	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
New Towns Act 1946 ... ..	9 & 10 Geo. 6 c. 68.
Pensions (Increase) Act 1947 ... ..	10 & 11 Geo. 6 c. 7.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948 ... ..	11 & 12 Geo. 6 c. 26.
Lands Tribunal Act 1949 ... ..	12 13 & 14 Geo. 6 c. 42.
Prevention of Damage by Pests Act 1949 ...	12 13 & 14 Geo. 6 c. 55.
National Parks and Access to the Countryside Act 1949.	12 13 & 14 Geo. 6 c. 97.
Diseases of Animals Act 1950 ... ..	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Pensions (Increase) Act 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2 c. 45.
Cinematograph Act 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Local Government (Miscellaneous Provisions) Act 1953.	1 & 2 Eliz. 2 c. 26.
Slaughterhouses Act 1954 ... ..	2 & 3 Eliz. 2 c. 42.
Mines and Quarries Act 1954 ... ..	2 & 3 Eliz. 2 c. 70.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955 ... ..	4 Eliz. 2 c. 16.

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