

ELIZABETH II



1963 CHAPTER X

An Act to confirm a Provisional Order of the Minister of Housing and Local Government relating to the county borough of Bolton. [10th July 1963]

WHEREAS under the provisions of the Public Health Act 1875 and the Public Health Act 1936 the Minister of Housing and Local Government has made a Provisional Order which needs confirmation by Parliament:

Be it therefore 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:—

1. The order of the Minister of Housing and Local Government which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Confirmation of order in schedule.

2. This Act may be cited as the Ministry of Housing and Local Government Provisional Order Confirmation (Bolton) Act 1963. Short title.

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Provisional Order Confirmation (Bolton)
Act 1963*

SCHEDULE

COUNTY BOROUGH OF BOLTON

*Provisional Order partially repealing and amending certain local Acts
and a Provisional Order*

The Minister of Housing and Local Government, on the application of the council of the county borough of Bolton and in exercise of his powers under sections 297 and 303 of the Public Health Act 1875, section 317 of the Public Health Act 1936 and of all other powers enabling him in that behalf, hereby orders as follows:—

- Citation and commencement. 1. This order may be cited as the Bolton Order 1963 and shall come into operation on the date of the Act of Parliament confirming it.
- Interpretation. 2. In this order—
“the relevant building byelaws” means the building byelaws made by the mayor, aldermen and burgesses of the county borough of Bolton, acting by the council for the county borough of Bolton, on 31st May 1961, under section 61 of the Public Health Act 1936 and section 24 of the Clean Air Act 1956; and
“the operative date” means the date on which the relevant building byelaws come into operation, or the date on which this order comes into operation, whichever is the later.
- Partial repeal and amendment of certain local Acts and a Provisional Order. 3. Subject as hereinafter provided, as from the operative date—
(a) the provisions of the local Acts and Provisional Order set forth in Schedule 1 to this order shall be repealed to the extent therein specified; and
(b) the Bolton Improvement Act 1877 shall have effect subject to the amendments specified in Schedule 2 to this order:

Provided that nothing contained in this order shall operate so as to affect any approval given in respect of any building or works before the operative date and the said provisions of the local Acts and Provisional Order set forth in Schedule 1 and the regulations enumerated in Schedule 2 shall continue to have effect in relation to any such building or works in respect of which such approval has been given.

SCHEDULE 1

PROVISIONS REPEALED

Local Act or Provisional Order	Provision	Extent of repeal
The Bolton Improvement Act 1877.	Section 82 (Continuance of space for old dwelling-houses).	The whole section.
The Bolton Improvement Act 1882.	Section 62 (What to be deemed new buildings: When buildings to be deemed to be in a street).	The whole section.
	Section 63 (Levels of new dwelling-houses and construction of cellars).	The words from "and the floor of every cellar" to the end of the section.
	Section 64 (Power to prohibit cellars in districts liable to floods).	The whole section.
	Section 66 (Exemption of railways and canals from certain provisions as to buildings).	The whole section.
The Bolton Corporation Act 1901.	Section 36 (Extension of definition of new building).	The whole section.
	Section 37 (Building on filled-up ground).	The whole section.
	Section 42 (Exemption for railway companies).	The whole section.
The Bolton Corporation Act 1922.	Section 126 (Area of habitable rooms).	The whole section.
The Bolton Order 1888.	Article VII (Approval of plan of building void if work not commenced within 2 years after approval of plan).	The whole article.

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SCHEDULE 2

AMENDMENTS TO THE BOLTON IMPROVEMENT ACT 1877

Section amended	Amendments
Section 81 (Building regulations in 9th Schedule to Act of 1872 to cease to form part of that Act but to have effect as bye-laws).	<p>After the word "regulations" in the third and fourth places where that word occurs there shall be inserted the words "save as excepted by subsections (2) and (3) of this section"; and at the end of that section there shall be added the following subsections:—</p> <p>"(2) There shall be excepted from the regulations with respect to the subject matter of which the Council have power to make bye-laws, and from the regulations which shall be deemed to be valid bye-laws in force within the Borough, by virtue of this section, the regulations numbered 7 (Walls and foundations of new buildings), 8 (Walls of new building), 9 (Joists, &c., in walls), 10 (Chimneys and flues), 12 (Yard space), 13 (Height of rooms), 14 (Windows in rooms), 15 (Ventilation of rooms), 18 (Increase in dimensions of buildings), 19 (Drainage of houses, &c.), 20 (Drains), 21 (Ventilation of drains), 22 (Drainage of subsoil: Drainage of rain water), 23 (Closets), 24 (Cesspools), 28 (Notice and plan of new buildings), and 33 (New house on maiden soil: Damp course).</p> <p>(3) Nothing in those of the said regulations numbered 29 (Council to approve or disapprove of plans), 30 (Laying out new street or erecting new building without submitting plan, or contrary to plan, &c.: Penalties), 31 (Surveyor to inspect works: Notice to Surveyor of commencement of work), 32 (Inspection of works by Surveyor), and 35 (Notice of completion of work) shall apply to the erection of, or impose any liability or obligation on any person erecting, any new building."</p>

Table of Statutes referred to in this Act

Short title	Session and chapter
Bolton Corporation Act 1872 ...	35 & 36 Vict. c. lxxviii.
Public Health Act 1875 ...	38 & 39 Vict. c. 55.
Bolton Improvement Act 1877 ...	40 & 41 Vict. c. clxxxviii.
Bolton Improvement Act 1882 ...	45 & 46 Vict. c. ccxlv.
Bolton Corporation Act 1901 ...	1 Edw. 7. c. cxxxv.
Bolton Corporation Act 1922 ...	12 & 13 Geo. 5. c. xciii.
Public Health Act 1936 ...	26 Geo. 5. & 1 Edw. 8. c. 49.
Clean Air Act 1956 ...	4 & 5 Eliz. 2. c. 52.

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