

**ELIZABETH II**



**1966 CHAPTER XV**

An Act to confer further powers on the mayor, aldermen and citizens of the city of Exeter; to make further provision with regard to the health, local government and finances of the city; and for other purposes.

[3rd August 1966]

**WHEREAS—**

(1) The city and county of the city of Exeter (hereinafter referred to as “ the city ”) is a county borough under the management and local government of the mayor, aldermen and citizens of the city (hereinafter referred to as “ the Corporation ”):

(2) It is expedient that further and better provision should be made with reference to lands, streets, buildings and the health, local government and improvement of the city and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

(3) It is expedient that the provisions with regard to the finances of the city which are contained in this Act should be made and that the Corporation should be empowered to borrow for the various purposes of this Act:

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

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

1933 c. 51 (6) 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, that is to say:—

## PART I

### PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Exeter Corporation Act 1966.

(2) The Acts specified in Schedule 1 to this Act and this Act may be cited together as the Exeter Corporation Acts 1820 to 1966.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Land.

Part III.—Highways.

Part IV.—Public health.

Part V.—Parks, cemeteries and other municipal property.

Part VI.—Public order.

Part VII.—Cultural activities.

Part VIII.—Finance and rating.

Part IX.—Miscellaneous.

Part X.—General.

Interpretation.

3.—(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 provided or the subject or context otherwise requires—

1933 c. 51.

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

1936 c. 49.

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

1959 c. 25.

“ the Act of 1959 ” means the Highways Act, 1959;

1960 c. 16.

“ the Act of 1960 ” means the Road Traffic Act 1960;

“ the appointed day ” has the meaning assigned to it by section 57 (The appointed day) of this Act;

- “ the city ” means the city and county of the city of Exeter;
- “ contravention ” includes a failure to comply and  
“ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and citizens  
of the city acting by the council;
- “ the council ” means the council of the city;
- “ daily fine ” means a fine for each day on which an offence is  
continued after conviction;
- “ enactment ” includes an enactment in this Act and in any  
general or local Act, and any order, byelaw or regulation  
for the time being in force within the city;
- “ the general rate ” and “ the general rate fund ” mean  
respectively the general rate and the general rate fund  
of the city;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as  
modified by the Lands Tribunal Act, 1949, and by the 1949 c. 42.  
Land Compensation Act, 1961; 1961 c. 33.
- “ magistrates’ court ” has the same meaning as in sub-  
section (1) of section 124 of the Magistrates’ Courts  
Act, 1952; 1952 c. 55.
- “ the Minister ” means the Minister of Housing and Local  
Government;
- “ Minister of the Crown ” has the same meaning as in the  
Ministers of the Crown (Transfer of Functions) Act,  
1946; 1946 c. 31.
- “ road ” has the same meaning as in section 257 of the Act  
of 1960;
- “ the town clerk ” means the town clerk of the city;
- “ verge ” includes land situate between two carriageways and  
any part of a street which is not a carriageway, footway or  
cycle track.

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

## PART II

### LAND

4. The power of the Corporation to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under any enactment. Provision of substituted sites.



PART II  
—cont.

Reservation of easements, etc., by Corporation.

## 5. On selling any land the Corporation—

- (a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;
- (b) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and without prejudice to the generality of the foregoing words of this paragraph such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

Undertakings and agreements binding successive owners.

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

- (a) given or made under seal either on the passing of plans or otherwise in connection with the land; and
- (b) expressed to be given or made in pursuance of this section;

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

1925 c. 22.  
1926 c. 11.

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

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

Recovery of deposits under Lands Clauses Acts or Compulsory Purchase Act, 1965.  
1845 c. 18.  
1965 c. 56.

7. Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, or the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the said Act of 1965 or paid by the Corporation into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or Schedule 3 to the said Act of 1965 to order upon application by the Corporation that the money so paid or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

Provided that upon the application of any person making claim to the money paid as aforesaid or any part thereof or to the lands in respect of which the same shall have been paid or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation

under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

PART II  
—cont.

8.—(1) If the Corporation—

Suspension of  
restrictive  
covenants.

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land; or

(c) have acquired land by agreement before the passing of this Act;

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

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

(3) The Corporation shall—

(a) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed describing the land and naming a place within the locality where a copy of the resolution and map may be inspected, and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

(b) serve by registered post or the recorded delivery service on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates, a notice containing the like particulars to those specified in the foregoing paragraph of this subsection; and

(c) cause a notice containing the like particulars to those specified in paragraph (a) of this subsection to be posted in a prominent position on the land to which the resolution relates once at least in each of four successive weeks.

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



PART II  
—cont.

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

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

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

1845 c. 18.

(7) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act, 1845, to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961.

1961 c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates or if the Corporation convey the land to anybody for any of the purposes of the Education Acts 1944 to 1964, so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1964 remain unenforceable only so long as the land is used for that purpose.

(9) If the Corporation dispose of any land to which the restriction suspended under the powers of this section relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) Nothing in this section shall apply to any restriction for the protection of or for securing access to apparatus of any statutory undertakers contained in any deed, wayleave, agreement or other instrument.

PART II  
—cont.

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

9. The Corporation may enter into and carry into effect agreements or arrangements with any statutory undertakers for the provision and maintenance by such undertakers of any works, facilities, supplies or services which may be necessary or desirable for any of the purposes specified in section 15 (Further powers for the acquisition of land) of the Exeter Corporation Act 1928 or for the purpose of the use of any land after it has been developed for any of those purposes.

Agreements with statutory undertakers for provision of works.

1928 c. xlvi.

10.—(1) The Corporation may, if requested to do so by any person who is the owner or intended owner or lessee or intended lessee of any industrial building or any part of an industrial building or of land on which it is proposed that any industrial building should be erected, guarantee or contract to secure the payment of—

Power to Corporation to guarantee rents, etc., of industrial buildings.

(a) any rent or other sum payable in respect of the building or part thereof;

(b) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purposes of any trade or business carried on or to be carried on in the building.

(2) Subject to the provisions of subsection (3) of this section this section shall continue in force until 31st December, 1976.

(3) (a) The Minister may on the application of the Corporation by order extend the period referred to in subsection (2) of this section until 31st December, 1986.

(b) An order under this subsection shall be made by statutory instrument and contain such supplemental or incidental provisions as appear to the Minister to be expedient.

(c) An order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Nothing in this section shall prejudice or affect any rights, obligations or liabilities in respect of any guarantee given or contract made under this section.

(5) In this section the expression “ industrial building ” has the same meaning as in the Local Employment Act, 1960.

1960 c. 18.



PART III  
HIGHWAYS

Trees, grass  
verges and  
gardens.

11.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them, or on any land acquired by them for 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 containers in which to grow trees or shrubs;
- (b) to attach containers for plants to posts or standards provided by the Corporation 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, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence 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 grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;
- (g) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto.

(2) Any such notice as is referred to in paragraph (f) or paragraph (g) of the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge or garden to which it relates.

(3) If any person (except in a case of emergency) contravenes a notice so posted in pursuance of the said paragraph (f) or if any person contravenes a notice so posted in pursuance of the said paragraph (g) he shall be liable to a fine not exceeding five pounds.

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

(5) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act, 1925, with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section.



(6) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(7) (a) Where the Corporation 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.

(b) 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.

12.—(1) In this section “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 12 feet of a street in the city; and

(ii) which is at any point of a greater height than 6 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 Corporation; and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a fine not exceeding five pounds.

(3) Any person aggrieved by the refusal of the Corporation 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;

PART III  
—cont.

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent its 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—

- (a) on land belonging to any railway undertakers so long as that land is used by those undertakers primarily for the purpose of their railway undertaking;
- (b) by the Devon River Authority in connection with the improvement or maintenance of any watercourse or drainage works.

Awnings over  
footways.

13.—(1) (a) If a person erects, or permits to be erected, over the footway of a street in the city, being a highway maintainable at the public expense, an awning which—

- (i) projects over any part of the footway which is less than 2 feet from the carriageway; or
- (ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

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

(b) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(3) 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.

(4) In this section “awning” includes a blind, shade or other covering.

Decorations  
in streets.

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

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



(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport or in any street belonging to or repairable by the British Railways Board without the consent of the said board.

PART III  
—cont.

15.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the city maintainable at the public expense, or in any street therein constructed, under the powers in that behalf contained in the Housing Act, 1957, the Act of 1959 or the Town and Country Planning Act, 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance, and will prevent it from being washed into any gully, drain or sewer:

Mixing of  
mortar, etc.,  
in streets.

1957 c. 56.

1962 c. 38.

Provided that this section shall not apply to the mixing or depositing in any street of any substance for the purposes of making up, maintaining, reinstating, repairing, altering or improving such street or any bridge over or under the same.

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

16.—(1) (a) The Corporation may by order prohibit the placing and leaving of any vehicle, trailer, caravan or tent on the verge of or on unenclosed land adjacent to any part or parts of any highway which is situate within the city.

Prohibition of  
parking or  
camping on  
highway  
verges, etc.

(b) In this subsection—

“carriageway” has the same meaning as in section 295 of the Act of 1959;

“unenclosed land” means any waste land adjacent to and within 15 yards of the carriageway and any common land or other unenclosed land of whatsoever description within that distance from the carriageway.

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

(3) Where it is proposed to make an order under this section the Corporation shall have regard to the availability of—

(a) suitable parking facilities (whether on or off the highway or whether provided by the Corporation or by some other person) for use as an alternative to those which, before the making of the order, have been lawfully used for that purpose; and

(b) public sanitary conveniences in convenient situations.

PART III  
—cont.

- (4) (a) An order made under this section shall—
- (i) take effect from such date as may be specified in that behalf in the order;
  - (ii) specify the highway or highways and the unenclosed land to which it is to apply; and
  - (iii) specify the particular days and the particular hours between nine o'clock in the evening and nine o'clock in the morning during which the prohibition applies.
- (b) An order made under this section may—
- (i) specify exceptions in respect of which the prohibition is not to apply; and
  - (ii) at any time be altered or revoked by a subsequent order made in like manner.
- (5) Before making any order under this section the Corporation shall publish in one or more local newspapers circulating in the city a notice—
- (a) stating the general effect of the order;
  - (b) specifying a place in the city where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
  - (c) stating that within the said period any person may by notice to the Minister object to the making of the order.
- (6) The Corporation shall also publish a notice in the London Gazette stating that they are about to make an order under this section specifying a place in the city where a copy of the draft order may be inspected and giving the name and date of issue of a local newspaper in which the notice explaining the general effect of the order will be found.
- (7) (a) If before the expiration of the period of twenty-eight days referred to in paragraph (b) of subsection (5) of this section or of twenty-five days from the publication of the notice in the London Gazette an objection to the making of the order to which the notice relates is duly made to the Minister and the objection is not subsequently withdrawn the order shall not take effect until it is confirmed by the Minister.
- (b) Where the Minister receives any objection to the making of an order he shall send to the Corporation a copy of every such objection and the Minister after considering every such objection and causing if he thinks fit a local inquiry to be held, may confirm or refuse to confirm the order and, if he confirms it, may do so subject to such modifications (if any) as he may think desirable.



(8) Where an order has been made and confirmed under this section, the Corporation shall erect or cause to be erected on or near any highway or land to which such an order applies notices indicating the nature and extent of the prohibitions imposed by the order.

PART III  
—cont.

(9) (a) Nothing in this section shall apply to the placing and leaving on any land to which this section applies of—

- (i) any vehicle, trailer, caravan or tent if it is not left on the land for more than two hours;
- (ii) any vehicle, trailer, caravan or tent by or with the consent of the occupier of the land;
- (iii) any vehicle, trailer or caravan placed and left because of or in connection with mechanical breakdown;
- (iv) any vehicle, trailer, caravan or tent placed and left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;
- (v) any vehicle when in use solely for the purpose of itinerant trading with the occupiers of premises adjoining any such land;
- (vi) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertakers in connection with or for the purposes of their undertakings.

(b) Nothing in this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with the terms and conditions on which permission has been given for the development by the Corporation under the provisions of the Town and Country Planning Act, 1962, or in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act, 1960.

1962 c. 38.

1960 c. 62.

17.—(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 a toll, stallage or rent is payable) shall habitually use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on the verge of any road to which this section applies, or on any common land, or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

Sale of food  
and articles on  
verges, etc.

PART III  
—cont.

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

(3) (a) This section applies to roads in the city of any of the following descriptions:—

- (i) all trunk roads;
- (ii) any other road, or part of a road, to which the Minister of Transport may by order, on the application of the Corporation, apply this section.

(b) Before making application for an order under this subsection, the Corporation shall publish once at least in each of two successive weeks in a local newspaper circulating in the city a notice stating the general effect of the intended order, and stating that within a period specified in the notice (not being less than twenty-eight days from the first publication of the notice) any person may object to the application by sending notice of his objection and of the grounds thereof to the Minister of Transport and by sending a copy thereof to the Corporation.

(c) If before the expiration of the period specified in the notice, any objection to the application is received by the Minister of Transport from any person appearing to him to be affected the said Minister shall, before making the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(4) (a) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(b) In this subsection “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on, under national ownership, any industry, or part of any industry, or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

(5) Nothing in this section shall apply to—

- (a) any shed, hut, shelter, booth, stall, shop or other erection or any vehicle or container placed on private property by or with the consent of the owner of such property; or
- (b) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupiers of premises adjoining any verge or land to which this section applies.



## PART IV

## PUBLIC HEALTH

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

Sanitary  
convenience  
used in  
common.

- (a) shall so far as is reasonably practicable allot the conveniences to the occupiers of particular houses so as to ensure that they are allocated proportionately, as nearly as may be, amongst the houses; and
- (b) shall cause the door or a wall of each convenience to be marked and kept marked with the number or other identification of the house the occupiers of which are entitled to use it.

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

Provided that in any proceedings under this section in respect of a failure to keep the door or a wall of a convenience marked in accordance with the provisions of paragraph (b) of subsection (1) of this section it shall be a defence for the defendant to prove that the failure was due to causes beyond his control.

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

Power to order  
alteration of  
domestic  
chimneys.

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

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

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

PART IV  
—cont.  
Preventing fire  
in public or  
other  
buildings.

20.—(1) If it appears to the Corporation that for the purpose of preventing fire in any such building in the city as is referred to in subsection (5) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting thereto—

- (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 are unsuitable;

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

Provided that—

- (i) for the purposes of this subsection any fireplace, flue, chimney vent or other like part of such building which complies with building regulations for the time being in force made under section 4 of the Public Health Act, 1961, shall not be deemed to have been constructed of unsuitable materials;
- (ii) 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;
- (iii) nothing in this section shall affect the operation of the Factories Act, 1961, 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.

Removal, etc.,  
of dangerous  
trees.

21.—(1) If it appears to the Corporation that for the prevention of danger to persons generally, or to property, any tree in the city should be lopped, cut, removed or felled, the Corporation may serve a notice on the owner or occupier of the premises on which the tree is growing or situated requiring him within twenty-one days to lop, cut, remove or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials shall for the purposes of this section 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:

PART IV  
—cont.

Provided that the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

“(a) that the notice or requirement is unreasonable;”.

22.—(1) As from the appointed day dark smoke shall not be emitted from any industrial premises in the city and if on any day dark smoke is so emitted the occupier of the premises shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

Prohibition of  
dark smoke.

(2) This section shall not apply to—

- (a) dark smoke emitted from a chimney of any building or from a chimney to which section 1 of the Clean Air Act, 1956, applies by virtue of subsection (4) of that section; 1956 c. 52.
- (b) dark smoke accidentally or inadvertently emitted if all practicable steps have been taken to prevent or minimise the emission of such smoke; and
- (c) premises controlled under the Alkali, &c., Works Regulation Act, 1906. 1906 c. 14.

(3) In this section—

“chimney” has the same meaning as in subsection (1) of section 34 of the Clean Air Act, 1956;

“dark smoke” has the same meaning as in subsection (2) of section 34 of the Clean Air Act, 1956;

“industrial premises” means premises used or designed for use for, or held in connection with, the carrying on of any process for, or incidental to, any of the following purposes, namely:—

(a) the making of any article or part of any article;

or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing, sorting or canning or adapting for sale or breaking up or demolition of any article; or

(c) without prejudice to the foregoing paragraphs the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business; and for the purposes of this definition “article” means an article of any description including a ship or vessel.

PART IV  
—cont.

Slaughter of  
animals  
otherwise  
than for  
human  
consumption.  
S.I. 1963/1229.

23.—(1) As from the appointed day the following provisions shall have effect in the city with respect to the slaughter of any of the following animals, namely, horses, cattle, sheep, goats or pigs, where the animal is slaughtered owing to emaciation or disease, and the Meat Inspection Regulations 1963 do not have effect in relation to the slaughtering by reason of its not being for human consumption.

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

(a) Except in the cases mentioned in paragraph (b) of this subsection, he shall not slaughter it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired;

(b) If, by reason of accidental injury, illness, exposure to infection, or other emergency affecting that animal or by reason of the provisions of regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations, 1958, it is necessary to slaughter it either before the expiration of twenty-four hours from the giving of such a notice as is required by paragraph (a) of this subsection, or without giving such a notice, he may so slaughter it, or cause it to be so slaughtered; but—

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcase intact until the expiration of that period, or until its disposal is approved by an authorised officer, whichever first occurs; or

(ii) if the slaughter is without giving such a notice, he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice, or until its disposal is approved by an authorised officer, whichever first occurs;

(c) On the application of an authorised officer made within two weeks from the date of its slaughter, he shall furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to

S.I. 1958/2166.



retain the carcase intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

PART IV  
—cont.

- (a) to send, at any time during that period, to a laboratory a specimen taken from the carcase or the whole carcase; or
- (b) to take such a specimen, or the whole carcase, into his possession at any time during that period, and to retain it;

but, where the owner gives such a permission and it is acted upon, he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, if the slaughter was in a knacker's yard, or the carcase is moved to a knacker's yard immediately after the slaughter, the owner may take, or cause to be taken, from the carcase during that period any part or organ which in the opinion of the owner, it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase, but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken, and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

(5) If the owner of an animal—

- (a) without reasonable excuse contravenes this section or fails to discharge an obligation thereby imposed on him; or
- (b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

he shall be liable to a fine not exceeding twenty pounds.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act, 1950, or of any order, licence or act of 1950 c. 36. 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—

“ authorised officer ” means any officer who is, by virtue of the Food and Drugs Act, 1955, an authorised officer 1955 c. 16.  
(4 & 5 Eliz. 2.)

PART IV  
—cont.

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” means any premises used in connection with the business of slaughtering, flaying or cutting up animals, the flesh of which is not intended for human consumption.

## PART V

## PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

Golf courses.

24.—(1) The Corporation may within or outside the city provide a golf course and for that purpose may provide such buildings and execute such works as may be necessary or expedient.

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided or works executed under this section and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

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

(4) The Corporation may—

- (a) at a golf course provided under this section provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments;
- (d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of intoxicating liquor or tobacco at any such golf course.



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

(6) (a) As respects byelaws made under this section the confirming authority shall be the Secretary of State.

(b) Section 250 of the Act of 1933 in its application to byelaws made under this section shall have effect as if in subsection (6) after the word “confirm” where it first occurs in the subsection the words “with or without modification” were inserted.

25.—(1) The Corporation may exercise the powers conferred upon them by section 4 of the Physical Training and Recreation Act, 1937, of providing and arranging for the training of wardens, teachers and leaders in respect of any facilities for exercise, recreation and social activities provided by them at any park, open space, golf course, playing field or swimming bath by them or under their control or management.

Extension of section 4 of Physical Training and Recreation Act, 1937.  
1937 c. 46.

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

1906 c. 25.

26. No power conferred upon the Corporation by either of the foregoing sections of this Part of this Act shall be exercised in such a manner—

Saving for trusts, etc.

(a) as to be at variance with a trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, 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 a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

27.—(1) Any cemetery vested in the Corporation shall be deemed to have been provided by the Corporation under the Public Health Acts and the provisions of those Acts shall apply to such a cemetery.

Unification of law affecting Corporation's cemeteries.

PART V  
—cont.  
1879 c. 31.

(2) The Burial Acts, 1852 to 1906, except to such extent as they are expressed to apply to a burial ground provided under the Public Health (Interments) Act, 1879, or to a local authority maintaining a cemetery under that Act, shall cease to be in force with respect to any cemetery in the city.

(3) Nothing in this section shall affect any right of burial or of constructing a place of burial which any person may have acquired prior to the passing of this Act or prejudicially affect the amount of any fee, payment or sum in respect of interment in, or the right of erecting or placing any monument, gravestone, tablet or monumental inscription on, any grave or place of burial in respect of which any such right has been so acquired.

(4) In and for the purposes of this section the expression "Public Health Acts" means the Public Health (Interments) Act, 1879, and the Act of 1936.

## PART VI

### PUBLIC ORDER

Police  
telephone  
call boxes  
and shelters.

28.—(1) Subject to the provisions of this section, the police authority may provide—

- (a) such police telephone call boxes and installations; and
- (b) such shelters or boxes for the use of police constables;

in such positions in any street, park or public place in the city as they think fit.

1869 c. 73.

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

(3) The police authority shall not exercise the powers of this section—

(a) without the consent of the Minister of Transport in a street being a trunk road; or

(b) without the consent of the undertakers concerned—

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

(ii) in a street belonging to and maintainable by, any transport undertakers and forming the approach to a station or depot of such undertakers; or

(iii) so as to obstruct or interfere with the access to, or exit from, a station or depot of such undertakers; or



- (c) without the consent of the owner and of the occupier of the premises concerned so as to obstruct or interfere with the existing access to premises abutting on a street; or
- (d) without the consent of the Corporation in any street for which the Corporation are the highway authority or in any park or public place belonging to the Corporation.

PART VI  
—cont.

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

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

- (a) in the case of a consent of the Minister of Transport be referred to, and determined by, arbitration;
- (b) in the case of any other consent, be referred to, and determined by, the Minister of Transport, or, where it relates to a park or public place, the Minister.

(6) In this section “transport undertakers” means railway or passenger road transport undertakers.

29.—(1) If any person wilfully, and without the consent of the appropriate authority—

- (a) obstructs the access to a police telephone call box or to a shelter or box for the use of police constables, or to a fire alarm, provided in each case, in the city, by the appropriate authority; or
- (b) interferes with equipment in such a call box, or in such a shelter or box, or in such a fire alarm; or
- (c) removes, obliterates, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, or of such a shelter or box, or of a fire alarm or fire hydrant;

Offences in  
respect of  
telephone  
boxes, fire  
hydrants, etc.

he shall be liable to a fine not exceeding ten pounds, and the appropriate authority may recover from him the expenses of removing the obstruction, or of making good or replacing the mark.

PART VI  
—cont.

(2) If any person telephones, or causes to be telephoned—

- (a) from a police telephone call box provided in the city by the police authority any statement which he knows to be false; or
- (b) from a telephone call box provided in the city by the Postmaster General a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action;

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

(3) In this section “call box” includes any installation, and “appropriate authority” means, in relation to a fire alarm or fire hydrant, the Corporation and, in any other case, the police authority.

## PART VII

## CULTURAL ACTIVITIES

Power to lend museum objects for educational purposes.

30. Any specimen work of art or other object in the possession of the Corporation for the purposes of any museum provided by them may be used by them for educational purposes and circulated to schools, colleges and other educational establishments in the city or loaned to any such establishment for such period and subject to such conditions as the Corporation may determine.

Acquisition of works of art produced to order.

31. The Corporation may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed.

Publication of works of scholarship.

32. The Corporation may publish or contribute to the publication of any work of scholarship having reference to the city or its neighbourhood.

## PART VIII

## FINANCE AND RATING

Power to borrow.

33.—(1) The Corporation may 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;

PART VIII  
—cont.

and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

1946 c. 58.

34. Without prejudice to section 292 of the Act of 1936 and to that section as applied by any other enactment, where under any enactment the Corporation are empowered to execute works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses such additional sum, not exceeding 5 per centum of the cost of the works, as they think fit in respect of their establishment charges.

Establishment  
expenses.

35.—(1) The Corporation 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 such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as “the specified risks”).

Insurance  
fund.

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

(3) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund be restored to the prescribed amount and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum

PART VIII  
—cont.

so prescribed such moneys shall be transferred to the general rate fund and if any sums shall have been appropriated from the housing revenue account under the next succeeding subsection to the housing revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund and if they think fit from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(5) (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 or any of them all moneys for the time being standing to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in any securities in which trustees are from time to time authorised to invest trust funds and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

(b) The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the preceding paragraph of this subsection.

(6) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.



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

PART VIII  
—cont.

(7) If and when the Corporation establish an insurance fund under this section any moneys standing to the credit of any insurance fund provided by the Corporation and in existence at the date of the passing of this Act shall be carried to and form part of the insurance fund provided under this section.

(8) Any covenant or obligation binding on the Corporation to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed to be satisfied by a resolution of the council under subsection (1) of this section and that risk shall be one of the specified risks.

(9) In this section—

“financial year” means the period of twelve months commencing on 1st April in any year and ending on 31st March in the next following year;

“insurance office” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

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

36. The Corporation may pay to the sheriff of the city such allowance and expenses as they think reasonable. Sheriff's remuneration.

37. Notwithstanding anything contained in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and the person for the time being entitled to any mortgage created by the Corporation 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 Corporation on the principal moneys so secured and for the time being not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by a memorandum in Modification of mortgages by memorandum under hand.

PART VIII  
—cont.

writing under the hand of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on or annexed to the deed by which such mortgage was originally created and the provisions of any such memorandum shall be deemed to be incorporated in the said deed and shall as from the date specified in such memorandum operate and take effect accordingly.

Recovery of  
sums paid to  
officers, etc.

38.—(1) Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made the Corporation shall not be required to demand the return of such portion thereof not exceeding twenty-five pounds as the Corporation may determine.

(2) In any case where the Corporation exercise the powers of the foregoing subsection they shall transfer from the general rate fund to the superannuation fund maintained by them the amount which but for the exercise of those powers would have been returned to the fund.

(3) In this section—

“employee” means any officer or servant of the Corporation or any officer or servant whose salary or wages is or are payable by the Corporation and includes any former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Corporation; and

“emoluments” means in relation to an officer or servant his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit the amount of that allowance or benefit.

Certain  
remuneration  
and service  
excluded for  
super-  
annuation  
purposes.

39.—(1) The salary, wages, fees and other payments paid or made to an employee of the Corporation or of any other local authority in respect of any part-time employment by the Corporation (additional to his ordinary whole-time employment)—

(a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or

(b) as a warden of or other employee performing duties at a youth centre; or

(c) as a civil defence instructor; or



(d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment where employment is by the Corporation;

PART VIII  
—cont.

shall not be remuneration within the meaning of the Local Government Superannuation Acts, 1937 to 1953, or of any other enactment affecting the superannuation fund maintained by the Corporation under those Acts and the service of any such employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(2) Where before the passing of this Act any person has paid any contribution or contributions to the superannuation fund maintained by the Corporation which would not have been so paid if this section had been in force when such contribution or contributions were paid the Corporation shall repay to such person a sum equal to the amount of such contribution or contributions together with the compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

(3) Nothing in this section shall affect prejudicially any superannuation benefits to which the clerk of the peace of the city may become entitled under the Local Government Superannuation Acts, 1937 to 1953.

40.—(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Corporation may transfer from the superannuation fund maintained by them to the general rate fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 of the Local Government Superannuation Act, 1937, or the amount of loss suffered by the Corporation in consequence of the contributory employee's offence or misconduct whichever is the less.

Transfer of certain sums from superannuation fund.

1937 c. 68.

(2) In this section the expression "contributory employee" has the same meaning as in the Local Government Superannuation Act, 1937.

41.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the

Recovery of rates from certain owners.

PART VIII  
—cont.

Corporation 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.

(b) The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section “owner” in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

1925 c. 90. (3) 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 council.

## PART IX

## MISCELLANEOUS

False  
statements to  
obtain rent  
rebates, etc.

42.—(1) If a person for the purposes of obtaining for himself or another person—

- (a) the tenancy or occupation of a house belonging to, or at the disposal of, the Corporation; or
- (b) a grant, loan, allowance or other payment by or on behalf of the Corporation; or
- (c) a reduction of a rent, rate, charge or other payment due or to become due to the Corporation;

knowingly or recklessly makes, or permits to be made, to the Corporation or to any committee of the council or member of the council or employee of the Corporation a statement which is false in a material particular about his, or that other person's, needs or means he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

1911 c. 6. (2) Where the making of a false statement for any of the purposes aforesaid is an offence under any enactment other than the Perjury Act, 1911, it shall not be an offence under this section.

(3) The court by which a person is convicted of an offence under this section may by the conviction adjudge him—

- (a) to repay to the Corporation a sum not exceeding the amount of the grant, allowance or other payment, not being a loan, obtained by means of the false statement;
- (b) to pay to the Corporation a sum not exceeding the difference between any reduced payment accepted by the Corporation in faith of the false statement and the payment which the Corporation would otherwise have accepted.



43.—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

PART IX  
—cont.

Disposal of  
lost and  
uncollected  
property.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation:

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may notwithstanding that it has not vested in the Corporation under this section be disposed of at such time and in such manner as the Corporation may think fit and if it is sold the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section—

the expression “lost property” means any property including money coming into the custody of the Corporation after being left on or in any premises occupied by the Corporation to which the public have access; and

the expression “uncollected property” means any property deposited in any cloakroom or parcels’ store provided by the Corporation for the use of the public or any containers deposited in any market storeroom provided by the Corporation in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

44. The rent for the time being recoverable by the Corporation under a tenancy of any premises forming part of any housing accommodation belonging to the Corporation may be increased

Notice of  
variation of  
rent, etc.

PART IX  
—cont.

or reduced or the terms and conditions of that tenancy may be varied, amended or added to by the service by the Corporation on the tenant of a notice—

- (a) specifying the amount of the increase or reduction in rent or the variation or amendment of or addition to the terms and conditions; or
- (b) in the case of an increase or reduction in rent showing in general terms how the increase or reduction in rent has been determined and indicating that the revised rent has been or will be included in the rent book provided by the Corporation;

whether or not such notice is accompanied by a notice to quit but such increase, reduction, variation, amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than four weeks after the service thereof:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Corporation requiring them to treat the notice as a notice to quit the notice shall be deemed to be a notice to quit the premises on the said date or in the case of an increase or reduction in rent notified by means of a general notice as aforesaid and an entry in the rent book such later date (not being more than four weeks from the date on which the revised rent is so entered) as the tenant may indicate in the counter-notice.

Removal of  
vehicles.

45.—(1) If a vehicle is left in the city elsewhere than on a road or in an off-street parking place provided under section 81 of the Act of 1960, the Corporation may, with the consent of the occupier of the land on which the vehicle is left and after giving not less than seven days' notice to the owner of the vehicle cause it to be removed:

Provided that, where the vehicle appears to the Corporation to be abandoned—

- (a) the Corporation may cause it to be removed without the consent of the occupier of the land if they are unable after reasonable inquiry to ascertain his name and address; and
- (b) the Corporation may cause the vehicle to be removed without notice to the owner thereof if they are unable after reasonable inquiry to ascertain his name and address.



(2) The provisions of any regulations for the time being in force under section 43 of the Act of 1960, about the method of removing vehicles and their loads and arrangements for the safe custody of vehicles and their loads shall apply to vehicles removed under this section.

(3) Section 15 of the Road Traffic and Roads Improvement Act, 1960, and any order for the time being in force under that section shall apply to a vehicle removed under this section as if it had been removed from a road in pursuance of regulations under section 43 of the Act of 1960. 1960 c. 63.

(4) For the purpose of the said section 15 and any such order as applied by the last preceding subsection "the appropriate authority" means the Corporation and any reference in regulations made under section 43 of the Act of 1960 to a charge to payment of which the Corporation are entitled under the said section 15 shall be construed accordingly.

(5) If it appears to the Corporation that a vehicle removed under this section has been abandoned the Corporation may sell or otherwise dispose of it subject to compliance with such regulations as are for the time being in force under section 43 of the Act of 1960, relating to the disposal of vehicles abandoned on roads; and the provisions of any regulations under that section relating to the proceeds of the sale of vehicles abandoned on roads and to the recoupment of costs incurred in connection with the disposal of such vehicles shall, with the necessary modifications, apply to the sale and disposal of vehicles under this subsection.

(6) In this section "owner" in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement means the person in possession of the vehicle under that agreement.

46. At any time after the Corporation have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person use or permit that other person to use the said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment. Electronic or mechanical accounting equipment.

47.—(1) (a) Before accepting under section 16 of the Housing Act, 1957, an undertaking that any house will not be used for human habitation until the Corporation cancel the undertaking the Corporation may require an additional undertaking that until the first-mentioned undertaking is cancelled the premises will be effectively secured so as to prevent so far as is reasonably practicable the entry into the premises or any part thereof when unoccupied of any person other than a person authorised by the owner or the Corporation. Securing of unoccupied houses under Housing Act, 1957. 1957 c. 56.

PART IX  
—cont.  
1957 c. 56.

(b) Section 17 of the Housing Act, 1957, shall subject to any necessary modification apply in relation to any such additional undertaking as it applies in relation to such undertaking as is mentioned in the said section 16.

(2) Where—

(a) by a closing order made under sections 17, 18, 26 or 35 of the Housing Act, 1957, the Corporation have ordered any house or building or any part thereof to be closed; or

(b) by a clearance order made under section 44 of the Housing Act, 1957, the Corporation have ordered any building or any part thereof to be vacated and in such a case it appears to the Corporation that the building or the part thereof (as the case may be) will not be or is unlikely to be demolished within six weeks from the date when in pursuance of the order the premises are vacated;

they may by notice to the owner of the house or building require him within such reasonable time as may be specified in the notice (not being less than seven days from the date when the notice becomes operative) to do such things in relation to the house or building or the part thereof (as the case may be) as are reasonably required effectively to secure it so as to prevent the entry into the premises when unoccupied of any person other than a person authorised by the owner or the Corporation.

(3) A notice under subsection (2) of this section shall not require a person when he has effectively secured a house or building or any part thereof as may be required in the notice to keep the premises so secured but if at any time after the premises have been so secured it appears to the Corporation that they are no longer so secured they may after giving to the owner not less than forty-eight hours' notice of their intention to do so themselves do such things in relation to the house or building or part thereof as will so secure the premises against entry.

(4) Sections 10, 11 and 37 of the Housing Act, 1957 (which make provision for enforcement of certain notices and with respect to appeal against and the date of operation of such notices), shall subject to any necessary modifications apply in relation to a notice under subsection (2) of this section.

(5) A notice shall not be given under subsection (2) of this section in any case where the Corporation have approved the use for any purpose of any premises which have been ordered to be closed so long as the premises are used for that purpose.

(6) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous building under section 25 of the Public Health Act, 1961.

1961 c. 64.



(7) In this section—

“house” has the same meaning as in the Housing Act, 1957;

“owner” includes any person deemed to be the person having control of the house for the purposes of Part II of that Act.

PART IX

—cont.

1957 c. 56.

48.—(1) The Corporation may make arrangements for providing persons to whom section 29 of the National Assistance Act, 1948, applies with meals and for providing aged persons with other domiciliary services in their own homes.

Welfare of aged and handicapped persons.  
1948 c. 29.

(2) In this section “domiciliary services” shall include the installation of such safety equipment as may be necessary or desirable.

(3) For the promotion of the welfare of aged persons and persons to whom the said section 29 applies the Corporation may arrange for the provision of facilities for the laundering of articles belonging to or used by aged persons or persons to whom the said section 29 applies.

(4) The Corporation may recover from persons availing themselves of any service provided under this section such charges, if any, as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(5) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the city.

#### PART X

#### GENERAL

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

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

50. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation or, in the case of an offence created by or under section 29 (Offences in respect of telephone boxes, fire hydrants, etc.) of this Act, the police authority.

Restriction on right to prosecute.

**PART X**  
—*cont.*  
Appeals.

**51.**—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action 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 no proceedings shall be taken in respect of any failure to execute the work or take the action, nor shall the Corporation themselves execute the work or take the action.

Evidence of  
proceedings,  
appointments,  
etc.

**52.**—(1) In proceedings under any enactment, a document purporting to be certified by the town clerk as a copy of a resolution passed, order made, or report received, by the council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed made or received, by the council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

(3) In this section "officer" includes a servant and an agent.

(4) Section 286 of the Act of 1936 and that section as applied by, or incorporated in, any other enactment, shall cease to apply to the council and its committees.

Authorities  
to officers.

**53.**—(1) Where by virtue of any enactment in force in the city any power or duty is required or authorised to be conferred or imposed by the Corporation on any officer any resolution of the council or a committee thereof under any such enactment conferring or imposing the power or duty may describe the officer by his name or by the designation of the office held by him.

(2) Where any such resolution whether passed before or after the passing of this Act describes an officer by the designation of the office held by him the resolution shall unless the contrary intention appears confer the power or impose the duty (as the case may be) on the holder or holders for the time being of the office.



54. Section 265 of the Public Health Act, 1875, shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

PART X  
—cont.

Protection of members and officers of Corporation from personal liability.

1875 c. 55.

For protection of certain statutory undertakers.

55. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the appropriate authority and the undertakers, apply and have effect:—

(1) In this section—

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Central Electricity Generating Board or the South Western Electricity Board;

1882 c. 56.

(b) mains, pipes, valves, syphons, governors, stopcocks, pillars or other apparatus belonging to or maintained by the South Western Gas Board ;

and includes any works or structures for the lodging therein of apparatus;

“ appropriate authority ” means the Corporation or the police authority as the case may be;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ operational land ” has the same meaning as in section 221 of the Town and Country Planning Act, 1962 c. 38. 1962;

“ the undertakers ” means—

the Central Electricity Generating Board;

the South Western Electricity Board; and

the South Western Gas Board;

or any of them as the case may be:

(2) Nothing in section 11 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that in exercising such rights the undertakers shall not cause or permit, except in case of necessity, vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown, or any garden:

PART X  
—cont.

(3) Nothing in the following sections of this Act shall relieve the appropriate authority or any person acting by the requirement or with the consent of the appropriate authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus:—

Section 11 (Trees, grass verges and gardens);

Section 14 (Decorations in streets);

Section 28 (Police telephone call boxes and shelters):

(4) Nothing in section 12 (Retaining walls) of this Act shall apply to a retaining wall erected on operational land of the undertakers:

(5) (a) Before the appropriate authority serve a notice under subsection (2) of section 47 (Securing of unoccupied houses under Housing Act, 1957) of this Act they shall give to the undertakers not less than seven days' notice of their intention to do so;

(b) Nothing in the said section 47 shall prejudice the right of the undertakers to enter upon any premises in exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 47 shall ensure that the premises are not left less secure by reason of the entry:

(6) (a) Any difference which may arise between the appropriate authority and the undertakers under this section shall be determined by arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and 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.

## Arbitration.

56. Where under this Act any question in dispute is to be referred to or determined by arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default



of agreement, to be appointed by the President of the Institution of Civil Engineers on the application of any party after giving notice in writing to the other party or parties.

PART X  
—cont.

57.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

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

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

(a) of the passing of any such resolution and of the 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.

(4) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, 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 the publication.

58.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included references to this Act except section 17 (Sale of food and articles on verges, etc.) of this Act. Application of general enactments.

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 2 to this Act shall have effect as if references therein to that Act included references to section 17 (Sale of food and articles on verges, etc.) of this Act.

(3) The sections of the Act of 1936 mentioned in Part III of Schedule 2 to this Act shall have effect as if references therein to that Act included references to Part III (Highways) of this Act and also to the following provisions of this Act:—

Section 20 (Preventing fire in public or other buildings);

**PART X**  
—*cont.*

- Section 21 (Removal, etc., of dangerous trees);  
Section 29 (Offences in respect of telephone boxes, fire hydrants, etc.);  
Section 48 (Welfare of aged and handicapped persons).

(4) The section of the Act of 1936 mentioned in Part IV of Schedule 2 to this Act shall have effect as if references therein to that Act included references to the following provisions of this Act:—

- Section 20 (Preventing fire in public or other buildings);  
Section 21 (Removal, etc., of dangerous trees);  
Section 22 (Prohibition of dark smoke);  
Section 45 (Removal of vehicles).

**Repeals.**  
1928 c. xlviii.

**59.** The following provisions of the Exeter Corporation Act, 1928, are hereby repealed:—

- Section 7 (Purchase of lands for exchange);  
Section 73 (As to erection of retaining walls);  
Section 124 (Power to order alteration of chimneys).

**Costs of Act.**

**60.** All costs, charges and expenses of and incidental to the applying for and the preparing, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.



## SCHEDULES

## SCHEDULE 1

Section 1.

## LOCAL ACTS

Session and chapter	Title or short title
1 Geo. IV c. lxxviii ...	An Act for removing the Markets held within the City of Exeter and for providing another Market Place or other Market Places in lieu thereof.
2 & 3 Will. IV c. cvi ...	An Act for better paving lighting watching cleansing and otherwise improving the City of Exeter and County of the same City.
4 Will. IV c. viii ...	An Act for removing the Markets held in the High and Fore Street and other Places within the City of Exeter and for providing other Markets in lieu thereof.
3 & 4 Vict. c. cxxii ...	An Act to alter amend and enlarge the Powers and Provisions of an Act for removing the Markets held in the High and Fore Street and other Places within the City of Exeter and for providing other Markets in lieu thereof.
40 & 41 Vict. c. cxli ...	The City of Exeter Extension Act, 1877.
44 & 45 Vict. c. cxxx ...	The Exeter Tramways Act, 1881.
63 & 64 Vict. c. ccxxxii ...	The Exeter Corporation Act, 1900.
3 Edw. 7 c. clxxxii ...	The Exeter Corporation Act, 1903.
12 & 13 Geo. 5 c. lxxviii	The Exeter Corporation Act, 1922.
18 & 19 Geo. 5 c. xlviii ...	The Exeter Corporation Act, 1928.
25 & 26 Geo. 5 c. cii ...	The Exeter Corporation Act, 1935.
2 & 3 Geo. 6 c. xv ...	The Exeter Extension Act, 1939.

Section 58.

## SCHEDULE 2

## GENERAL ENACTMENTS APPLIED

## PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT OTHER THAN  
SECTION 17

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &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.
341	Power to apply provisions of Act to Crown property.

## PART II

## SECTIONS OF ACT OF 1959 APPLIED TO SECTION 17 OF THIS ACT

Section	Marginal note
269	Summary proceedings for offences.
270	Continuing offences.
273	Notice to be given of right of appeal.
274	Appeals and applications to magistrates' courts.
275	Appeals to quarter sessions from decisions of magistrates' courts.
277	Effect of decision of court upon an appeal.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.
283	Reckoning of periods.



PART III

SCH. 2  
—cont.

SECTIONS OF ACT OF 1936 APPLIED TO PART III AND  
SECTIONS 20, 21, 29 AND 48 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.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act, 1925. 1925 c. 22.

PART IV

SECTION OF ACT OF 1936 APPLIED TO SECTIONS 20, 21, 22  
AND 45 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 6d. net

PRINTED IN ENGLAND





# Exeter Corporation Act 1966

## CHAPTER xv

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3. Interpretation.

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Part II—Sections of Act of 1959 applied to section 17 of this Act.

Part III—Sections of Act of 1936 applied to Part III and sections 20, 21, 29 and 48 of this Act.

Part IV—Section of Act of 1936 applied to sections 20, 21, 22 and 45 of this Act.