

**ELIZABETH II**



**1967 CHAPTER xxxiii**

An Act to empower the lord mayor, aldermen and citizens of the city and county of Kingston upon Hull to construct bridges across the river Hull and other works in the city; to make further provision in reference to lands and the improvement, health, local government and finances of the city; and for other purposes.

[27th July 1967]

**WHEREAS—**

(1) The city of Kingston upon Hull and county of the same city (hereinafter called "the city") is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (hereinafter called "the Corporation"):

(2) It is expedient to authorise the Corporation to execute the works referred to in this Act and to acquire lands in the city for the purpose of such works and for other purposes, and to confer further powers upon the Corporation in regard to lands:

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

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

(5) It is expedient to transfer to and vest in the Corporation the rights of the Yorkshire Ouse and Hull River Authority and other persons in a part of the Foredyke Stream:

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

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

(8) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

The construction of the works authorised by							
this Act	...	...	...	...	...	...	£5,025,000

(9) The several works included in such estimates are permanent works and it is expedient that the Corporation be empowered to borrow money for those purposes as provided by this Act:

(10) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

1933 c. 51.

(11) In relation to the promotion of the Bill for this Act, the requirements of Part XIII of the Local Government Act, 1933, have been observed:

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

## PART I

### PRELIMINARY

Short title.

1.—(1) This Act may be cited as the Kingston upon Hull Corporation Act 1967.

(2) The Kingston upon Hull Corporation Acts, 1854 to 1952, and this Act may be cited together as the Kingston upon Hull Corporation Acts, 1854 to 1967.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Works.
- Part IV.—Streets.
- Part V.—Public health.
- Part VI.—Houses in multiple occupation.
- Part VII.—Public order.
- Part VIII.—Fire precautions.
- Part IX.—Finance and superannuation.
- Part X.—Miscellaneous.
- Part XI.—Protective provisions.
- Part XII.—General.

PART I  
—cont.  
Division of  
Act into  
Parts.

3.—(1) Part I of the Act of 1965 (except section 4, subsection (5) of section 24, section 27 and paragraph 3 (3) of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory purchase of land under this Act as it applies to a compulsory purchase to which Schedule I to the Act of 1946 applies and as if this Act were a compulsory purchase order under the Act of 1946. Application of Part I of Act of 1965.

(2) In subsection (1) of section 11 of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), as so applied, for the words "fourteen days'" there shall be substituted the words "three months'".

(3) In subsection (3) of section 11 of the said Act (which permits the acquiring authority to enter on land subject to compulsory purchase for the purpose of survey after giving not less than three nor more than fourteen days' notice), as so applied, for the words "not less than three nor more than fourteen days' notice" there shall be substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

(4) The Lands Clauses Consolidation Act, 1845, shall not apply to the purchase of land under this Act. 1845 c. 18.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act, 1936, have the same respective meanings, unless there be something in the subject or context repugnant to such construction. 1936 c. 49.

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

"the Act of 1933" means the Local Government Act, 1933; 1933 c. 51.



PART I  
—cont.

- 1936 c. 49. "the Act of 1936" means the Public Health Act, 1936;
- 1946 c. 49. "the Act of 1946" means the Acquisition of Land (Authorisation Procedure) Act, 1946;
- 1950 c. 39. "the Act of 1950" means the Public Utilities Street Works Act, 1950;
- 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;
- 1962 c. 38. "the Act of 1962" means the Town and Country Planning Act, 1962;
- 1965 c. 56. "the Act of 1965" means the Compulsory Purchase Act 1965;
- "the appointed day" has the meaning assigned to it by section 95 (The appointed day) of this Act;
- "authorised security" means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue, or upon or by means of which the Corporation are for the time being authorised to raise money;
- "the bridges" means the bridges and approaches comprised in Work No. 2 and Work No. 4, or either of them;
- "the city" means the city and county of Kingston upon Hull;
- "the conservancy board" means the Humber Conservancy Board;
- "contravention" includes a failure to comply and "contravene" shall be construed accordingly;
- "the Corporation" means the lord mayor, aldermen and citizens of the city;
- "the council" means the council of the city;
- "daily fine" means a fine for each day on which an offence is continued after conviction;
- "the docks board" means the British Transport Docks Board;
- "enactment" includes an enactment in this Act or in any general or local Act or any order, byelaw, scheme or regulation for the time being in force within the city;
- 1961 c. 34. "factory" has the same meaning as in the Factories Act, 1961;
- "financial year" means any period of twelve months ending on the 31st March;
- "gas board" means the North Eastern Gas Board;
- "general rate fund" means the general rate fund of the city;
- "Humber tidal work" means a tidal work on, under or over the foreshore or bed of the river Humber;
- 1960 c. 18. "industrial building" has the same meaning as in the Local Employment Act, 1960;

- “ the level of high water ” means the level of mean high-water springs; PART I  
—cont.
- “ magistrates’ court ” has the same meaning as in 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.
- “ operational land ” has the same meaning as in section 221 of the Act of 1962;
- “ the railways board ” means the British Railways Board;
- “ the river ” means the river Hull;
- “ the river authority ” means the Yorkshire Ouse and Hull River Authority;
- “ statutory undertakers ” means any company, body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity, gas or water;
- “ tidal work ” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal land below the level of high water;
- “ the town clerk ” means the town clerk of the city;
- “ the tribunal ” means the Lands Tribunal;
- “ Trinity House ” means the corporation of Trinity House of Deptford Strond;
- “ the works ” means the works authorised by this Act.

(3) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

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

## PART II

### LANDS

5.—(1) Subject to the provisions of this Act, the Corporation Power to  
acquire lands. may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works, and the improvement and development of frontages and of lands abutting on, or adjacent to, any street (including the provision of space for the erection of houses and buildings adjoining or near to the works) or for any of the aforesaid purposes.



PART II  
—cont.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall not be exercised after the 31st December, 1970:

Provided that the Minister of Transport may by order from time to time extend the period for the exercise of the powers of the Corporation for the compulsory purchase of land under this section.

(3) An order made by the Minister of Transport under subsection (2) of this section shall be subject to special parliamentary procedure.

Power to owners and lessees to give notice as to purchase of land.

6. If the Minister of Transport by order made under subsection (2) of the last foregoing section, extends the period for the exercise of the powers of the Corporation for the compulsory purchase of land, the following provisions shall apply after the coming into operation of that order:—

- (1) In this section “the land” means any land which is for the time being authorised to be acquired compulsorily by this Act:
- (2) If any person, being the owner or lessee of any of the land, shall give notice in writing to the Corporation of his desire that his interest in the land specified in the notice shall be acquired the Corporation shall within a period of three months after the receipt of such notice—
  - (a) enter into a contract with such person for the acquisition of his interest in the land specified in the notice; or
  - (b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice, or in such part thereof as may be required by the Corporation; or
  - (c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice:
- (3) Where notice is given under the last foregoing paragraph by an owner or lessee of land specified in the notice, then—
  - (a) if the Corporation—
    - (i) fail to comply with that paragraph; or
    - (ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph; or

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat, the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

PART II  
—cont.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the city for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons and with the town clerk and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

8. In determining any question of disputed compensation under the Act of 1965 as applied by this Act the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any works executed, improvement or alteration made, or building erected, after 5th December, 1966; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was executed, made, erected or created with a view to obtaining or increasing the compensation or purchase money.

9.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall, if the council so

Extinction of private rights of way.



PART II  
—cont.

resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition of the land whether compulsorily or by agreement, or as from the expiration of one month from the service of the notice, whichever is the later.

1961 c. 33.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

Power to  
acquire  
easements only.

10.—(1) The Corporation may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof; and “land” in the Act of 1965 as applied by this Act includes such easements and rights as aforesaid.

(3) Where the Corporation have acquired only an easement or right over or in any land under this section—

(a) they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Corporation may acquire the land compulsorily notwithstanding that the period within which the powers of the Corporation for the compulsory purchase of land under this Act may be exercised has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.



PART II  
—cont.

11.—(1) Any person empowered by the Act of 1965 as applied by this Act to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the Corporation any easement or right required for the purposes of this Act over or in the lands, not being an easement or right of water in which some person other than the grantor has an interest.

Grant of easements by persons under disability.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges so far as they are applicable, shall extend and apply to any such grant and to any such easement or right as aforesaid.

12. 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.

13.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

Power to reinstate owners or occupiers of property.

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

14.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land, including any part of a street or highway appropriated by the Corporation under this Act and not required for the works.

Agreements with adjoining owners.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so required.

15. 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;

Reservation of easements, etc. by Corporation.

(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.

PART II  
—cont.Suspension of  
restrictive  
covenants.

## 16.—(1) If the Corporation—

- (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; or
- (d) appropriate (whether before or after the passing of this Act) land previously acquired by agreement;

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 Corporation 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 three successive weeks publish in a local newspaper 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 in the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;
- (b) on or before the date of the first publication of the said notice serve a copy of the said notice 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; and
- (c) on or before the date of the first publication of the said notice affix a copy or copies of the said notice to some conspicuous object or objects on the land to which the resolution relates.

(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.

(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.

PART II  
—cont.

(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.

(7) If in the opinion of the Corporation there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable the Corporation may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality a notice describing the land and stating generally the effect of this subsection and subsections (8) and (9) of this section and specifying the time not being less than three months from the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the land may intimate such claim to the Corporation and produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who it appears to them after diligent inquiry may reasonably be expected to claim to be entitled to enforce a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to enforce a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

PART II  
—cont.

1961 c. 33.

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

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction, or, if the Corporation convey the land to any body 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 (9) 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.

(11) If the Corporation dispose of any land affected by the restriction suspended under the powers of this section 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.

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

(13) Nothing in this section shall apply to any such rights as may be enjoyed by grant, purchase or prescription to deposit on the banks of agricultural drains the mud or silt removed from such drains during the work of deepening, cleansing and maintaining them.

(14) 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 or appropriated that land.



PART III

WORKS

17.—(1) Subject to the provisions of this Act, the Corporation may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain in the city the works referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 1 A river wall commencing at the north-western corner of Ferry Boat Dock where it adjoins the Minerva Pier and terminating at the north-eastern corner of the said Ferry Boat Dock at the mouth of the river:

Work No. 2 An opening bridge across the river near its confluence with the river Humber together with approaches thereto on viaduct commencing by a junction with Queen Street and terminating at a point 125 yards or thereabouts west of the intersection of the centre lines of Citadel Street and Gore Street:

Work No. 3 A tunnel or tunnels under the river for the purpose of carrying pipes, cables, works, apparatus and conveniences under the bridge comprised in Work No. 2:

Work No. 4 An opening bridge across the river at Wilmington, together with approaches thereto partly on viaduct commencing by a junction with Beverley Road, and terminating by a junction with Stoneferry Road:

Work No. 5 A tunnel or tunnels under the river for the purpose of carrying pipes, cables, works, apparatus and conveniences under the bridge comprised in Work No. 4.

(2) In the construction of Work No. 1, the Corporation may demolish and remove Victoria Pier and may fill in the Ferry Boat Dock on both sides of the bridge forming the approach from Nelson Street to the floating landing stage south of Victoria Pier, and may lay out and develop the land comprised within the river wall, including the land resulting from the filling in of the Ferry Boat Dock and may on any such lands erect and maintain buildings and construct, sewer, pave, flag, channel and kerb streets, roads and ways.

(3) In the construction of Work No. 2 and Work No. 4—

(a) the span of the bridge comprised in Work No. 2 shall have a clear opening over the river between the supports of not less than 100 feet;

PART III  
—cont.

- (b) the span of the bridge comprised in Work No. 4 shall have a clear opening over the river between the supports of not less than 80 feet;
- (c) the Corporation shall erect a good and sufficient fence on each side of the bridges comprised in Work No. 2 and Work No. 4.

Power to  
deviate.

18. Subject to the provisions of subsections (2) and (3) of section 17 (Power to construct works) of this Act, the Corporation in constructing the works may—

- (1) deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans;
- (2) deviate from the levels thereof shown on the deposited sections to any extent not exceeding 5 feet upwards or downwards;
- (3) in constructing Works Nos. 2 and 4—
  - (a) construct on embankment any part of the approaches to the bridges which are shown on the deposited sections as intended to be constructed on viaduct; and
  - (b) construct on viaduct any part of the approaches to the bridges which are shown on the deposited sections as intended to be constructed on embankment.

Power to  
make  
subsidiary  
works.

19.—(1) Within the limits of deviation shown on the deposited plans the Corporation in connection with and as part of the works may—

- (a) make junctions and communications with any existing streets or footpaths intersected or interfered with by or contiguous with the works and divert, widen or alter the line or alter the level of any such existing street or footpath for the purpose of connecting the same with the works;
- (b) provide bridges over and subways under any of the approaches comprised in Works Nos. 2 and 4;
- (c) execute any works for the protection of any adjoining land or buildings;
- (d) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (e) alter or remove any structure erected upon any street or land; and
- (f) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows and private sewers, drains,



pipes or spouts belonging to any building and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

PART III  
—cont.

and shall make compensation for any damage done by them in exercise of the powers of this section.

(2) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

20.—(1) The Corporation in connection with and at or near any of the works may execute, place and keep in the river and the river Humber and elsewhere either permanently or temporarily all such caissons, cofferdams, piles, piers, abutments, embankments, excavations, dredging, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient for, or in connection with, the construction, maintenance or use of the works:

Subsidiary  
works in  
river and  
elsewhere.

Provided that—

- (a) the Corporation shall ensure that any works executed or kept under the powers of this section shall not unnecessarily narrow or obstruct the navigable waterway of the river or the river Humber or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water;
- (b) no materials raised under the provisions of this section shall be deposited in any place below the level of high water except in such a position and under such restrictions and regulations as may be fixed by the Board of Trade, nor shall such materials be deposited in any place within the jurisdiction of the conservancy board without the consent of that board such consent not to be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by arbitration.

(2) On the completion of the works the Corporation shall remove all temporary works placed by them in the river or the river Humber under the powers of this section and shall at their own expense keep repaired any other works placed by them in the river or the river Humber under the powers of this section.

(3) If any works placed by the Corporation in the river or the river Humber under the powers of this section shall at any time become redundant the Corporation shall remove the same.

PART III  
—cont.Temporary  
stoppage of  
highways.

**21.**—(1) The Corporation during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent persons from using the same.

(2) The Corporation shall not exercise the powers of this section so as to deprive foot-passengers, with or without animals, bona fide going to or from any building or land abutting on the highway of reasonable access to the building or land.

(3) The Corporation shall not exercise the powers of this section with respect to any highway upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

Underpinning  
of houses  
near works.

**22.** The Corporation at their own costs and charges may, subject as hereinafter provided, underpin or otherwise strengthen any house within 100 feet of any work carried out or to be carried out by them and for that purpose the following provisions shall have effect:—

- (1) At least twenty-eight days' notice shall, except in case of emergency, be given to the owners and occupiers of the house intended to be so underpinned or otherwise strengthened:
- (2) If any owner or occupier of any such house shall, within fourteen days after the giving of such notice, give a counter-notice in writing that he disputes the necessity for such underpinning or other strengthening, the question of the necessity shall be settled by arbitration:
- (3) The Corporation shall be liable to compensate the owners and occupiers of every such house for any loss or damage which may result to them by reason of the exercise of the powers granted by this section:
- (4) In any case in which any house shall have been underpinned or otherwise strengthened under the powers of this section the Corporation may, from time to time after the completion of such underpinning or other strengthening and during the execution of the work in connection with which such underpinning or other strengthening was done, or within twelve months after the completion of that work enter upon and survey such house and do such further underpinning or other strengthening thereof as they may deem necessary or



expedient or, in case of dispute between the Corporation on the one hand and the owner or occupier of the house on the other hand, as shall be settled by arbitration:

PART III  
—cont.

(5) If in any such case as is referred to in paragraph (4) of this section the underpinning or other strengthening done by the Corporation shall prove inadequate for the support or protection of the house against further injury arising from the execution of the works, the Corporation shall make compensation to the owner and occupier of the house for such injury:

(6) Nothing in this section contained, nor any dealing with any property in pursuance of this section, shall relieve the Corporation from the liability to compensate under section 10 of the Act of 1965, or under any other enactment:

(7) Every case of compensation to be ascertained under this section shall be determined in case of dispute by the tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of the interest of the owner or occupier of the house, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply:

1961 c. 33.

(8) Unless otherwise provided, any difference arising under this section (other than a difference as to the construction of this section) shall be referred to and settled by arbitration:

(9) In this section "house" includes any building or structure.

23.—(1) The Corporation may stop up the whole or such portion or portions, as they think fit, of so much of Blackfriargate, Foster Street, Garrison Side and Kottingham Avenue as is shown on the deposited plans as intended to be stopped up, and thereupon all rights of way over the said streets or portions thereof shall be extinguished and the Corporation may appropriate and use the site thereof.

Stopping up  
of highways.

(2) No portion of any street shall be stopped up under the powers of this section until the Corporation are in possession of all lands on both sides of such portion, except so far as the owners, lessees and occupiers of those lands may otherwise agree.

24. The Corporation may lay out Work No. 2 and Work No. 4 and any land acquired by them for the purpose of those works or any part thereof for carriageways and for footways as they may

Laying out  
and repair of  
carriageways  
and footways.

PART III  
—cont.

think proper and may sewer, level, pave, metal, flag, channel, light and complete such carriageways and footways and may, from time to time, execute all such works and do all such acts in, under or upon any of the carriageways and footways forming part of the works as they may, from time to time, think proper for preserving, repairing or improving the works and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers, drains or tunnels within or under the same, causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways, footways, sewers, drains or tunnels as nearly as practicable to the same condition as they were in before such breaking open.

No mains or pipes to be laid in bridges without consent.

25. Notwithstanding anything contained in the Act of 1950, or in any other enactment, no person shall be entitled to enter upon, break up or interfere with the bridges or the carriageways and footways of the same for the purpose of laying down any main, pipe or wire, or executing any work therein, thereon or thereunder, except with the consent of the Corporation and in accordance with such terms and conditions as the Corporation may determine.

Power to sell materials.

26. The Corporation may sell or dispose of all matters or things excavated or obtained in the construction of the works and all building and other materials of any houses, buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act, and also all matters or things in, under or upon any road, street or other place altered by them for the purposes of this Act, and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act:

Provided that—

- (1) the Corporation shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Corporation, before such sale or disposal, proves to the satisfaction of the Corporation that he is the owner thereof;
- (2) if any person after such sale proves to the satisfaction of the Corporation that he was the owner of the matter or thing so sold, the Corporation shall pay the proceeds to him.

Tidal works not to be executed without approval of Board of Trade.

27.—(1) A tidal work shall not be constructed except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.



(2) If a tidal work is constructed in contravention of this section or of any condition or restriction imposed under this section—

(a) the Board of Trade may by notice in writing require the Corporation at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Corporation they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

(b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Corporation as a simple contract debt.

28.—(1) The Corporation shall at or near a tidal work during the whole time of the construction thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct. Lights on tidal works during construction.

(2) If the Corporation fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

29.—(1) After the completion of a tidal work the Corporation shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct. Permanent lights on tidal works.

(2) If the Corporation fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

30.—(1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Corporation shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct. Provision against danger to navigation.

(2) If the Corporation fail to notify Trinity House as required by this section or to comply in any respect with a direction given

PART III  
—cont.

under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment to a fine.

Abatement of  
works  
abandoned or  
decayed.

**31.**—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Corporation at their own expense either to repair and restore the work, or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Corporation they have failed to comply with the requirements of the notice the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Corporation as a simple contract debt.

Survey of  
tidal works.

**32.** The Board of Trade may at any time, if they deem it expedient, order a survey and examination of a tidal work constructed by the Corporation or of the site upon which the Corporation propose to construct a tidal work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Corporation as a simple contract debt.

Byelaws as  
to opening  
of bridges.  
1897 c. ccxlix.

**33.**—(1) The provisions of section 34 (Byelaws as to bridges) and of section 35 (Penalty for breach of byelaws) of the Kingston-upon-Hull Corporation Act, 1897, shall extend and apply to the opening bridges as if they were bridges authorised to be constructed under that Act.

(2) Different byelaws may be made under the said section 34 as applied by this section in respect of different opening bridges.

(3) (a) Section 250 of the Act of 1933 shall apply to byelaws made under the said section 34 as applied by this section as if the said section 34 were an enactment passed after the commencement of the Act of 1933.

(b) As respects byelaws made under the said section 34 as applied by this section, the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister of Transport.



(4) On the coming into operation of byelaws made under the said section 34 as applied by this section, the enactments mentioned in column (1) of Schedule 1 to this Act are hereby repealed to the extent specified in column (2) of that Schedule.

PART III  
—cont.

(5) In this section the expression “the opening bridges” means—

- (a) the bridge constructed on the land authorised to be acquired by the Order relating to Kingston-upon-Hull dated 22nd May, 1871, and confirmed by the Local Government Supplemental Act, 1871 (No. 4), and known as Sculcoates Bridge; 1871 c. clxxxvii.
- (b) the bridge (Work No. 26) authorised by the Kingston-upon-Hull Corporation Act, 1901, and known as Stoneferry Bridge; 1901 c. cxxiv.
- (c) the bridge (Work No. 1) authorised by the Kingston upon Hull Corporation Act, 1926, and known as North Bridge; 1926 c. lxxiv.
- (d) the bridge (Work No. 1) authorised by the Public Works Facilities Scheme (Kingston upon Hull Corporation Sutton Road Bridge) Confirmation Act, 1934, and known as Sutton Road Bridge; 1934 c. lxxxi.
- (e) the bridge (Work No. 1) authorised by the Kingston upon Hull Corporation Act, 1952, and known as Drypool Bridge; 1952 c. xliii.
- (f) the bridge comprised in Work No. 2;
- (g) the bridge comprised in Work No. 4.

(6) At least one month before applying for confirmation of any byelaws made under the said section 34 as extended and applied by this section the Corporation shall (in addition to giving notice under subsection (3) of section 250 of the Act of 1933) serve on the clerk of the river authority notice of their intention to apply for such confirmation accompanied by a copy of the byelaws, and any objections to or representations in respect of the said byelaws submitted to the Minister of Transport by the river authority within one month after the service of such notice as aforesaid shall be considered by the confirming authority.

#### PART IV

##### STREETS

34.—(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—

Awnings over  
footways.

- (i) projects over any part of the footway which is less than 2 feet from the carriageway; or

PART IV  
—cont.

- (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.

Prevention  
or restriction  
of vehicular  
access to and  
from certain  
roads.

35.—(1) Where an order is made by the Corporation under section 26 of the Act of 1960 and, where necessary, confirmed by the Minister of Transport having the effect of preventing or limiting access by vehicular traffic to or from a road which is a highway maintainable at the public expense from or to any other street, the Corporation may, for the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, that road (or on any proposed widening, improvement, realignment or reconstruction thereof) or that street, construct and maintain works in, and at the junction of, that street for such prevention or limitation.

(2) The powers conferred by subsection (1) of this section shall include power to light any such works as aforesaid, to pave, grass or otherwise cover them, or any part of them, to erect pillars, walls, rails or fences on, around or across them or any part of them, and to plant on them trees, shrubs and other vegetation either for ornament or in the interests of safety.

(3) The Corporation may alter or (with the consent of the Minister of Transport) remove any works constructed by them under this section.

(4) Before constructing any works under this section in any highway adjoining, or near to, any station or depot of the railways board or of any passenger road transport operator or any docks of the docks board, the Corporation shall consult with the railways board, the operator or the docks board (as the case may be).



(5) In relation to any works constructed by the Corporation under this section, being works to which, apart from this subsection, the provisions contained in Part II of the Act of 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed for road purposes by an authority mentioned in subsection (1) of section 21 of that Act and were included in the works mentioned in paragraph (a) of that subsection.

(6) If any person, without lawful authority, removes or interferes with any works constructed under subsection (1) of this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

36.—(1) Where any street works in the city have been completed by the Corporation but they are unable to recover the amount due from the owner of any premises or otherwise by reason of the fact that such owner is unknown and cannot, after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter, be found, the Corporation may, at any time after the expiration of twelve years from the date when the said amount becomes due, apply to the county court, and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the Corporation absolutely, and thereupon the Corporation may appropriate the said premises subject to, and in accordance with, the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

Recovery of street works charges where owner unknown.

(2) Where the county court makes an order under subsection (1) of this section the tribunal shall, for the purpose of determining the value of the said premises, nominate one of their members selected in accordance with subsection (6) of section 1 and section 3 of the Lands Tribunal Act, 1949, and the member nominated shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof, and the Corporation shall thereupon pay into court a sum equal to the amount of such valuation, after deduction of the amount of the final apportionment in respect of the said premises, with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Minister under section 212 of the Act of 1959 (which relates to the rate of interest chargeable on certain street works expenses), together with all costs and expenses reasonably incurred by the Corporation.

1949 c. 42.

(3) Subsection (5) of section 9 of the Act of 1965 shall apply to any money paid into court under this section.

PART IV  
—cont.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Corporation in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the Corporation in respect of all street works whether completed before or after the passing of this Act.

(5) In this section—

“the code of 1875” and “the code of 1892” have the same respective meanings as in Part IX of the Act of 1959; and

“street works” means works executed or authorised to be executed under the provisions of the code of 1875, the code of 1892 or section 28 (Urgent repairs to private streets) of the Kingston-upon-Hull Corporation Act, 1903.

1903 c. ccxvi.

## PART V

## PUBLIC HEALTH

Power to  
examine and  
test flues  
believed to  
be defective.

37.—(1) Where it appears to the Corporation that there are reasonable grounds for believing that a flue in a house or building in the city is in such a state as to be prejudicial to health or a nuisance to persons within that house or building, or within any adjoining house or building, they may apply any smoke or smell test, and, if as a result of such test they deem it necessary, open such flue for the purpose of examining it internally.

(2) If on examination the flue is found to be in proper condition the Corporation shall as soon as possible reinstate the same and shall make good any damage done by them.

(3) In this section—

(a) “appliance” means—

(i) a heat-producing appliance (including a cooker) which is designed to burn solid fuel, oil or gaseous fuel; and

(ii) an incinerator;

but does not include any appliance consuming electricity or any electrical incinerator;

(b) “flue” means a passage for conveying the products of combustion from an appliance to the external air.

(4) (a) Nothing in this section shall apply to a flue in a factory unless the building comprising the factory or in which the factory is situate either contains or immediately adjoins a dwelling.

(b) In this section the expression “factory” includes premises controlled under the Alkali, &c., Works Regulation Act, 1906.

1906 c. 14.



(5) Nothing in this section shall apply to a flue in any premises in respect of which a licence is for the time being in force for—

PART V  
—CON

- (i) the public performance of stage plays;
- (ii) public music or dancing or other entertainment of the like kind;
- (iii) a cinematograph exhibition;

unless the premises either contain or adjoin a dwelling.

(6) Nothing in this section shall apply to a flue in a building used by the gas board for the manufacture of gas.

38.—(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;

PART V  
—cont.

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.

Sanitary  
conveniences  
at places of  
public  
exhibition,  
etc.

39.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the city at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided or is about to be held, given or provided, to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

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

(3) If any person fails to comply with a notice served on him under this section within such reasonable period, not being less than one month after the date of the service of the notice, as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport, he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

Provided that—

(a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises or place; and

(b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section, if on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) Section 89 of the Act of 1936 shall in its application to the city have effect as if for the words "refreshment-house or place of public entertainment" in subsection (1) of that section there were substituted the words "or refreshment-house".

(b) Nothing in this section shall apply to premises to which the said section 89, as amended by this subsection, applies by reason only of the holding thereon of any exhibition, performance, amusement, game or sport to which the public are admitted.

(5) The provisions of this section shall not apply to any premises or place in respect of which byelaws for preserving



sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 64 (Pleasure fairs and roller-skating rinks) of the Kingston upon Hull Corporation Act, 1952, or section 75 of the Public Health Act, 1961.

PART V  
—cont.

1952 c. xliii.  
1961 c. 64.

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

Sanitary conveniences for persons employed on construction work.

- (a) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and
- (b) where the workpeople employed thereon comprise both men and women, to provide as aforesaid for men and women separately;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works—

- (i) to which section 127 of the Factories Act, 1961, applies, or
- (ii) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954.

1961 c. 34.  
1954 c. 70.

(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.

## PART VI

### HOUSES IN MULTIPLE OCCUPATION

41.—(1) In this Part of this Act the several words and expressions to which meanings are assigned by the Housing Acts, 1957 to 1964, have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation of this Part of Act.

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

- “ the Act of 1961 ” means the Housing Act, 1961;
- “ the scheme ” means a scheme made by the Corporation and confirmed by the Minister under section 22 as modified by this Part of this Act and for the time being in force;
- “ newly registrable house ” means a house which at any time on or after the appointed day is not so let or occupied as to be registrable under the scheme whether or not it is subsequently so let or occupied;

1961 c. 65.

PART VI  
—cont.  
1964 c. 56.

“ section 22 ” means section 22 of the Act of 1961 (which relates to the registration of houses in multiple occupation) as amended by the Housing Act 1964.

Local Act  
scheme.

**42.**—(1) The register which the Corporation are authorised by the scheme to compile and maintain may include (in addition to the houses and buildings mentioned in subsection (1) of section 22) newly registrable houses in respect of which application is made for registration disclosing an intention to let them or cause them to be occupied in such a way as to render them registrable under the scheme.

(2) In addition to the matters which under subsection (3) of section 22 may be provided for the scheme may in respect of newly registrable houses—

- (a) prescribe the persons who may make application for registration under this Part of this Act and the particulars to be given in any such application;
- (b) provide for the entry in the register of any conditions imposed under section 44 (Registration of newly registrable houses) of this Act; and
- (c) prescribe the persons to whom notice must be given under subsection (4) of the said section 44.

Prohibition on  
letting, etc.,  
of certain  
houses unless  
registered.

**43.** On and after the appointed day no person shall let a newly registrable house in lodgings or permit a newly registrable house to be occupied by members of more than one family so as to render it registrable under the scheme unless it is registered by the Corporation under the scheme.

Registration of  
newly  
registrable  
houses.

**44.**—(1) Upon application being made for registration of a newly registrable house the Corporation may register the house or may give notice to the applicant that—

- (a) they refuse to register the house on the ground that—
  - (i) the house is unsuitable and incapable of being made suitable for letting in lodgings or for occupation by members of more than one family at all, or as proposed by the applicant or is situate in a locality the amenity or character of which would be injured by such letting or occupation; or
  - (ii) the person having control of the house or the person intended to be the person managing the house is not a fit and proper person; or
- (b) they will register the house if and when there have been executed to the satisfaction of the Corporation such works as, having regard to the then state of repair of the house, the facilities then existing in the house and any



conditions which may be imposed on registration, the Corporation may specify, being—

PART VI  
—cont.

(i) works which will render the house suitable for letting in lodgings or for occupation by members of more than one family; or

(ii) works which they may be empowered by section 15 or 16 of the Act of 1961 to require the person having control of or the person managing the house to execute.

(2) If the Corporation do not within five weeks from the date of the receipt of an application for registration of a newly registrable house, or within such longer period as may be agreed in writing between the Corporation and the applicant, notify the applicant that they have registered the house to which the application relates, they shall be deemed to have refused to register it.

(3) The Corporation may when registering a newly registrable house impose conditions with respect to either or both of the following matters:—

(a) as to the number of individuals who may live or lodge in the house so registered;

(b) as to the number of families or households which may live or lodge in the house so registered.

(4) The Corporation may on giving notice to such person as may be prescribed by the scheme vary any condition imposed by virtue of the last foregoing subsection.

45.—(1) Any person aggrieved by a notice given under sub-section (1) of the last foregoing section or by a deemed refusal of the Corporation to register a newly registrable house or by any condition imposed on registration or by a variation of any such condition (otherwise than in accordance with a direction under section 19 of the Act of 1961) may appeal to the county court within twenty-one days from the date of the service of the notice or (as the case may be) the date on which the Corporation are deemed to have refused to register the house or the date on which the Corporation notify him of the condition or variation, or within such longer period as the Corporation may in writing allow.

(2) On an appeal to the county court under this section the judge may make such order confirming, reversing or varying the decision of the Corporation as he thinks fit, and if the order reverses or varies the decision of the Corporation, it shall be the duty of the Corporation to give effect thereto:

Provided that in the case of an appeal against a condition imposed on registration or against a variation of a condition the

**PART VI**  
*—cont.*

court shall not either refuse registration or impose a condition which is more onerous to the appellant than the condition or (as the case may be) the variation which is the subject of the appeal.

**Fines for  
offences.**

**46.—(1)** If a person—

- (a) contrary to the provisions of this Part of this Act lets a newly registrable house in lodgings or permits a newly registrable house to be occupied by members of more than one family; or
- (b) permits a greater number of individuals, or, as the case may be, a greater number of families or households, to live or lodge in a newly registrable house than the number prescribed by a condition imposed on the registration of the house;

the Corporation may serve a notice on him requiring him, within such reasonable time as may be specified in the notice, to comply with the said provisions or, as the case may be, the said condition.

(2) If a person, upon whom a notice has been served under subsection (1) of this section, fails to comply with the notice within the time specified therein, he shall be liable—

- (a) in the circumstances mentioned in paragraph (a) of subsection (1) of this section—
  - (i) where he has not been previously convicted of an offence under this Part of this Act, to a fine not exceeding one hundred pounds; or
  - (ii) where he has been previously convicted of an offence under this Part of this Act, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine;
- (b) in the circumstances mentioned in paragraph (b) of the said subsection (1) to a fine not exceeding fifty pounds.

**PART VII****PUBLIC ORDER****Entertainment  
clubs and  
coffee bars.**

**47.—(1)** In this section—

“ coffee bar ” means—

- (a) any premises which are kept open for public refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning not being premises which are kept open wholly or



mainly as an ancillary amenity for residents of a bona fide hotel, guest house or lodging house; or

(b) any premises which are used by a club, organisation or body and which, if they were kept open to the public, would fall within paragraph (a) of this definition;

“entertainment club” means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of entertainment, dancing or the playing of games in any premises;

“registered” means registered with the Corporation under this section, and “registration” shall be construed accordingly;

“specified drug” means any substance which the council, with the approval of the Secretary of State, by resolution determine should, from a date to be specified in the resolution, be included among the drugs to which subsection (14) of this section applies;

“young person” means a person of not more than eighteen years of age.

(2) For the purposes of a resolution relating to a specified drug, the provisions of subsections (3) and (4) of section 95 (The appointed day) of this Act shall (with any necessary modifications) apply to any such resolution and the date specified thereby.

(3) If, in the opinion of the Corporation, it becomes unnecessary that premises of any particular class or description should remain subject to the provisions of this section, the council may by resolution determine that as from a date to be specified in the resolution such class or description of premises shall be exempted from the provisions of this section; and the provisions of subsections (3) and (4) of the said section 95 shall (with any necessary modifications) apply to any such resolution and the date specified thereby:

Provided that the Corporation may, after the date so specified in any such resolution, apply to a magistrates' court for an order that, having regard to any relevant circumstances, any specified premises exempted from the provisions of this section by such a resolution, should become subject to the provisions of this section, and if the court so orders those premises shall become subject to the provisions of this section from such date as may be specified by the court, being a date not earlier than one month from the date of service upon the occupier of those premises of a copy of the order of the court.

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—cont.

(4) Subject to the provisions of subsection (18) of this section, on and after the appointed day—

(a) no premises in the city shall be used, whether occasionally or not—

(i) for the purposes of a coffee bar; or

(ii) by an entertainment club;

unless they are registered;

(b) if the owner or occupier of any premises in the city uses the premises for the purposes of a coffee bar or an entertainment club or permits the premises to be used for either of those purposes he shall, unless the premises have been registered and the registration remains in force, be liable to a fine not exceeding one hundred pounds.

(5) The Corporation may refuse to register or renew the registration of any premises for use for the purposes of a coffee bar or by an entertainment club if in the opinion of the Corporation—

(a) the premises are not suitable for the purpose having regard to their situation and to the character of adjacent properties; or

(b) the persons intended to be concerned with the conduct of the premises for the purposes of a coffee bar or by an entertainment club (as the case may be) are such that young persons resorting thereto are likely to be depraved or corrupted; or

(c) the premises are not safe for such use or the means of heating the premises are not safe; or

(d) the premises are not provided with satisfactory means of lighting, sanitation and ventilation; or

(e) adequate precautions against fire on the premises have not been taken; or

(f) satisfactory means of escape in case of fire and suitable fire fighting appliances are not provided on the premises; or

(g) the owner or occupier of the premises or any person intended to be concerned in the organisation or management of the coffee bar or the entertainment club has, within the period of five years immediately preceding the date of the application for registration or, as the case may be, for renewal of registration, been convicted of an offence under this section other than an offence under paragraph (b) of subsection (4).

(6) Registration shall, unless revoked, remain in force for such period not exceeding thirteen months as may be fixed by the Corporation at the time of registration.



(7) An application for registration or renewal of registration shall be made in writing to the Corporation by the owner or occupier of the premises to which the application relates and every such application shall state—

- (a) the address or situation of the premises to which the application relates; and
- (b) such other information regarding the premises to be registered and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

(8) Any person making application for registration or renewal of registration shall when making application pay to the Corporation in respect thereof such fee not exceeding one pound as the Corporation may prescribe.

(9) (a) Any person making application for registration of any premises or for renewal of registration in respect of additional or enlarged premises shall give public notice of the application (identifying the premises)—

- (i) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for seven days beginning with the date of the application; and
- (ii) by advertisement on one at least of those days in a newspaper circulating in the city.

(b) A person intending to oppose an application for registration of any premises or for renewal of registration shall give notice in writing of his intention to the Corporation and shall serve a copy of such notice upon the applicant, stating in general terms the grounds of the opposition, not later than twenty-one days after the date of the application.

(10) The Corporation may at any time by notice cancel the registration of any premises on any ground on which they might refuse to register under subsection (5) of this section.

(11) (a) The Corporation may, on registering or renewing the registration of any premises for use for the purposes of a coffee bar or by an entertainment club, impose conditions as to—

- (i) the maintenance of public order and safety;
- (ii) the number of persons who may be allowed on the premises at any time;
- (iii) the taking of proper precautions against fire and the maintenance in proper order of means of escape in case of fire, fire fighting appliances and means of lighting, sanitation and ventilation;
- (iv) the maintenance in safe condition of means of heating the premises; and

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—cont.

(v) the hours of opening and closing the premises, regard being had, *inter alia*, to the desirability of avoiding any nuisance to residents in the neighbourhood.

(b) Any person who contravenes a condition imposed under this subsection shall be liable to a fine not exceeding fifty pounds.

(12) Before refusing to register or renew the registration of any premises or revoking the registration of any premises and in any case if any person has given notice to the Corporation under paragraph (b) of subsection (9) of this section the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered and to any person who has given notice to the Corporation under the said paragraph (b) an opportunity of appearing before and of being heard by a committee of the council or a sub-committee of such a committee, and if so required by the applicant, the Corporation shall within seven days of their decision give to him a statement of the grounds on which it was based.

(13) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises or by the revocation of any such registration or by any condition imposed on registration may within twenty-one days from the date of the service of the notice of such refusal, revocation or condition appeal to a magistrates' court.

(14) If any premises while used for the purposes of a coffee bar or by an entertainment club are conducted in a disorderly manner, or while being so used have been habitually used for an unlawful purpose or for indecent displays or as a resort of criminals or prostitutes, or if during the last preceding twelve months there have been at the premises while so being used illegal sales of intoxicating liquor, or if during that period any drug to which the Drugs (Prevention of Misuse) Act 1964, or the Dangerous Drugs Act 1965, applies or any specified drug has been sold, supplied or otherwise distributed by a person to any other person resorting to the premises while so being used—

(a) any person concerned in the organisation or management of the coffee bar or entertainment club; and

(b) any other person who, knowing or having reasonable cause to suspect that the premises were used in such manner or for any such purpose as aforesaid—

(i) allowed the premises to be so used; or

(ii) let the premises or otherwise made the premises available to any person by whom an offence in connection with such use has been committed;

shall be liable to a fine not exceeding fifty pounds:

Provided that nothing in this subsection shall apply to the administration of a drug or a specified drug for the purposes of



medical treatment by or in accordance with the directions of a medical practitioner registered pursuant to the Medical Act, 1956.

PART VII  
—cont.  
1956 c. 76.

(15) Any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority, and any police officer shall have a right to enter, at all reasonable times, any premises used as a coffee bar or by an entertainment club, or intended to be so used, for the purpose of ascertaining—

- (a) whether there is, or has been, in or in connection with the premises, any contravention of the provisions of this section or of any condition imposed under the powers of this section;
- (b) whether or not circumstances exist which would authorise the Corporation to take any action under this section;
- (c) whether or not, in the case of premises in respect of which a licence appears to be in force for any of the purposes mentioned in paragraph (c) of subsection (18) of this section, the terms, conditions, restrictions and rules attaching to the licence or subject to which the licence has been granted are complied with so far as they relate to the matters mentioned in that paragraph.

(16) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into any premises for the purposes of subsection (15) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(17) 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.

(18) (a) Nothing in this section shall apply to—

(i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described; or

(ii) a private house or private flat; or

(iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act 1964; 1964 c. 26.  
or

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—cont.

- (iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or any branch of such organisation; or
- (v) any premises which are kept open wholly as an ancillary amenity to a tenpin bowling establishment.

(b) Nothing in this section shall apply to—

- (i) a club registered or licensed under the Licensing Act 1964;
- (ii) a club, organisation or body registered as a charity under section 4 of the Charities Act, 1960;
- (iii) a club provided or maintained by the Corporation;
- (iv) a club, organisation or body for the benefit of which the Corporation have exercised any of the powers conferred upon them by section 4 of the Physical Training and Recreation Act, 1937;
- (v) a club, organisation or body in respect of the use of any premises exclusively and bona fide for the purpose of—
  - (A) games played on a playing field held with those premises;
  - (B) a gymnasium or swimming bath;
  - (C) playing badminton, fives, racquets, squash, billiards, chess, dominoes, bridge, whist or any game similar to any of those games;

or to any premises used by any such club.

(c) Subject to the provisions of subsections (15) and (16) of this section, nothing in this section shall apply to any premises in respect of which a licence is for the time being in force for—

- (i) the public performance of stage plays; or
- (ii) public music or dancing or other entertainment of the like kind; or
- (iii) a cinematograph exhibition:

Provided that the terms, conditions, restrictions and rules attaching to the licence or subject to which the licence has been granted are complied with during the time the premises are used for the purposes of an entertainment club, so far as they relate to precautions against fire, the means of escape in case of fire and the provision of suitable fire fighting appliances.

Hackney  
carriages.  
1847 c. 89.

48.—(1) Notwithstanding anything in the Town Police Clauses Act, 1847, the Corporation may suspend or revoke the licence—

- (a) of a proprietor of a hackney carriage on the ground of the unfitness of the hackney carriage or on the ground that since the granting of the licence the vehicle has been transferred to a person other than the person to whom the licence was granted and is not being used as a hackney carriage; or



(b) of a driver of a hackney carriage on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, violence or indecency.

(2) Any hackney carriage proprietor or driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

(3) The cost not exceeding twenty shillings per inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether hackney carriage licences should be granted therefor shall if the council so resolve be recoverable from the proprietors thereof.

(4) The provisions of this section shall not apply to a public service vehicle as defined in the Act of 1960.

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

False  
statements to  
obtain rent  
rebates, etc.

(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 to a sub-committee of such a committee 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.

(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. 1911 c. 6.

(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.

## PART VIII

## FIRE PRECAUTIONS

Provision of means of escape from fire in certain buildings.

**50.**—(1) Section 60 of the Act of 1936 in its application to the city shall have effect as if—

- (a) in subsections (1) and (4) of that section the words “eighteen feet” were substituted for the words “twenty feet”; and
- (b) in paragraph (b) of subsection (4) of that section the words “boarding school” were omitted and the words “old persons’ home” were inserted after the words “children’s home”; and
- (c) in paragraph (c) of subsection (4) of that section the word “school” were inserted after the word “shop” and the words “for persons employed on the premises” were omitted.

(2) (a) The Corporation may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) of this section, applies (other than a house let in flats) to keep unobstructed such passages and gangways as are specified in the notice and, if he fails to do so, he shall be liable to a fine not exceeding twenty pounds.

(b) A person served with a notice under this subsection may appeal to a magistrates’ court on any of the following grounds:—

- (i) that the requirement is not justified by the terms of this subsection;
- (ii) that there has been some informality, defect or error in, or in connection with, the notice;
- (iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

Oil-fired boilers.

**51.**—(1) As from the appointed day any person intending to install or place oil-burning equipment in any building in the city, whether erected before or after the passing of this Act, or on any land in the city shall give not less than fourteen days’ notice to the Corporation of his intention so to do.

(2) (a) The Corporation may make byelaws for securing that, in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws, proper arrangements will be made for preventing or reducing danger from fire.

(b) Byelaws made under this section may include provisions—

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire fighting appliances to be provided, and the mode of arrangement of any such works, apparatus, fittings and appliances; and



(ii) empowering the Corporation, if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire, to approve the installation or placing of any oil-burning equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(3) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and passed by, the Corporation shall, for the purposes only of this section, be deemed to be approved by the Corporation as complying with the appropriate specification for such equipment contained in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the Corporation do not, within two months from the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) (a) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any oil-burning equipment under any byelaw made under sub-paragraph (ii) of paragraph (b) of subsection (2) of this section may, within twenty-one days from the receipt of notification of the refusal, appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaw.

(5) (a) If any person installs oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds, and if—

- (i) that person after conviction of the contravention; or
- (ii) any other person after notice of the conviction has been served on him by the Corporation;

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

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—cont.

## (6) (a) In this section—

“oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner, the storage tanks and the apparatus, fittings, devices and catch-pits and any other equipment used for or in connection with the heating of the boiler;

“boiler” means a boiler, furnace, heater, oven or similar plant;

“storage tank” means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler;

“apparatus and fittings” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(b) References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(7) Nothing in this section or any byelaws made thereunder shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding 750 gallons; or

(b) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force; or

(c) the installation of any oil-burning equipment by the Central Electricity Generating Board or the Yorkshire Electricity Board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms; or

(d) the installation of any oil-burning equipment by the gas board for the purposes of their undertaking:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms; or

(e) the installation of any oil-burning equipment by the railways board for the purposes of their undertaking:



Provided that the exemption conferred by this paragraph shall not extend—

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—cont.

(i) to houses; or

(ii) to buildings used as offices or showrooms other than buildings so used which form part of a railway station.

(8) Section 250 of the Act of 1933 shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words “or confirm with modifications” after the word “confirm” in the second place where that word occurs in subsection (6) thereof.

(9) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act, 1961, applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same subject-matter as this section. 1961 c. 34.

52.—(1) The occupier of any premises to which this section applies which after the appointed day are used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the storage part of the premises”) shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

Premises used for storage of flammable substances.

(a) in the case of any premises which are so used immediately before the appointed day, within twenty-one days after the appointed day; and

(b) in the case of any premises which after the appointed day are intended to be so used, not less than twenty-one days before such user takes place.

(2) (a) The Corporation may, if they are of opinion that such storage—

(i) (in the case of storage in a part of a building) is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

(ii) (in the case of storage on land) is in such quantity as to be likely to prove a source of danger to any person working in the storage part of the premises or to any adjacent building; or

(iii) (in any case) is in such manner as to be liable to cause fire or explosion;

PART VIII  
—cont.

by counter-notice require the occupier of any premises in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-notice—

- (A) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the premises;
- (B) means of ready escape in case of fire from the storage part of the premises;
- (C) (in the case of storage in a part of a building) means of ready escape in case of fire from any other part of the building being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the premises;
- (D) notices in or on the storage part of the premises indicating the existence of danger from fire and notices in that part of the premises stating that smoking is prohibited;
- (E) adequate means for giving warnings in case of fire.

(b) If the requirements of the Corporation under this subsection have been complied with in respect of any premises, the Corporation shall grant to the occupier of the premises a certificate to that effect.

(3) (a) An authorised officer of the Corporation may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as incorporated with this Act, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any kind of test of a sample taken by an authorised officer of the Corporation by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (6) of this section, unless the following requirements have been complied with: that is to say, the said officer shall, forthwith after taking the sample, notify the occupier of the premises of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

- (i) deliver one part to the occupier of the premises;
- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.



(4) The occupier of any premises who—

(a) by reason of a restriction affecting his interest in the premises is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or

(b) considers that the owner of the premises or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or, as the case may be, to direct the owner of the premises or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable, and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation it is proposed to make—

(i) any material extension or material structural alteration of the building to which the certificate relates; or

(ii) any material extension of the storage part of the land; or

(iii) any material increase in the quantities of substances stored on the premises to which this section applies;

the occupier shall give notice in writing of the proposal to the Corporation and the Corporation may serve a further counter-notice varying any requirement made under subsection (2) of this section in respect of those premises.

(b) Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a new certificate in respect of the premises but if anything required to be provided in accordance with a further counter-notice served under this subsection is not provided within such reasonable time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the premises.

(6) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation of a requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

(i) that the requirement or variation is not justified by the terms of this section;

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—cont.

- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

(b) Any person aggrieved by the refusal of the Corporation to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

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

(8) This section applies to—

- (a) (i) any building in the city which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building; and
- (ii) any land which is used, or intended to be used, wholly or partly for the storage for the purposes of sale or trade of any substance to which this section applies;
- (b) (i) any substance which is gaseous at a temperature of 33 degrees Fahrenheit at atmospheric pressure and which is flammable; and
- (ii) any other substance which when tested by a method approved by the Secretary of State gives off a flammable vapour at a temperature of less than 150 degrees Fahrenheit:

Provided that this section shall not apply to any premises in which no substance to which this section applies is stored other than—

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act, 1928, and regulations made under section 19 of that Act apply; or
- (ii) (in the case of storage in a building) any substance which does not when tested by a method approved by the Secretary of State give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in securely closed metal containers in good condition containing not more than 5 gallons



each and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons; or

- (iii) (in the case of storage in a building) any substance which does not when tested by a method approved by the Secretary of State give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons; or
- (iv) (in the case of storage on land) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in glass, earthenware, or metal vessels, securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 100 gallons or 1,000 pounds in the case of solid mixtures.

(9) In this section—

- “ building ” where used in relation to the storage of substances therein includes the curtilage of the building;
- “ premises ” means either a building or land.

(10) Nothing in this section shall apply to premises which are subject to the Celluloid and Cinematograph Film Act, 1922, the Cinematograph Acts, 1909 and 1952, the Factories Act, 1961, or the Offices, Shops and Railway Premises Act 1963, or regulations made under any of those Acts.

(11) Nothing in this section shall apply to—

- (a) any operational land of the gas board or to any building or premises or part of a building or premises used by the gas board for or in connection with the manufacture or supply of gas ; or
- (b) to any building, or part of a building, by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for, or in connection with, the supply of gas.

53.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding six hundred and fifty volts, or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

Firemen's switches for luminous tube signs.

PART VIII  
—cont.

(2) As from the appointed day apparatus in the city to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer; and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Corporation may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies, the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed, or, as the case may be, actual, position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless, within ten days from the date of the service of the notice, the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court; and the court, if it allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding two pounds.



(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations, 1937, or any regulations that may be made under section 60 of the Electricity Act, 1947.

(12) This section shall not apply to apparatus installed on or in premises or any part of premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Provided that where any luminous tube sign to which, but for this subsection, subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

**54.**—(1) Where plans for the erection of a building are in accordance with building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

Building  
plans: access  
for fire  
brigade.

(a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be effectively fought; or

(b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be effectively fought.

(2) Where plans for the extension of a building are in accordance with building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

(a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be effectively fought; or

(b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be effectively fought.

(3) In this section “access by the fire brigade” means access by members of one or more fire brigades and their appliances and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, references to the neighbouring building as erected, altered or extended in accordance with those plans.

PART VIII  
—cont.

(4) If the Corporation reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of section 64 of the Act of 1936, shall specify that the plans have been so rejected.

(5) Any question arising under this section between the Corporation and the person by whom, or on whose behalf, plans are deposited as to whether the Corporation ought to pass the plans may, on the application of that person, be determined by a magistrates' court.

Fire  
precautions  
in registered  
clubs.  
1964 c. 26.

**55.**—(1) An authorised officer of the Corporation may on giving not less than forty-eight hours' notice to the secretary of a club in the city registered under the Licensing Act 1964, on production of his authority, enter and inspect as regards any matter affecting fire risks the premises occupied by the club at any reasonable time on such day as may be specified in the notice; and a fire officer authorised in writing by the chief fire officer of the Corporation shall have the like right to enter and inspect the premises but the chief fire officer shall not so authorise a fire officer unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of his functions in relation to any matter affecting fire risks.

(2) Any person obstructing an officer of the Corporation in the exercise of the power conferred by this section shall be liable to a fine not exceeding twenty pounds.

Byelaws for  
prevention of  
fire at fairs  
and circuses.  
1961 c. 64.  
1952 c. xliii.

**56.** The Corporation may make byelaws under section 75 of the Public Health Act, 1961, or under section 64 of the Kingston upon Hull Corporation Act, 1952, for preventing or reducing danger from or risk of fire in or to caravans, stands, stalls and structures used or intended to be used for the purposes of or in connection with any fair or circus notwithstanding any provision to the contrary in subsection (4) of the said section 75 or subsection (4) of the said section 64 or in any other enactment as though the place in which any such caravan, stand, stall or structure is found was a pleasure fair as defined in paragraph (a) of subsection (2) of the said section 75 or paragraph (a) of subsection (2) of the said section 64, as the case may be, notwithstanding that none of the requirements of those sections as to the meaning of pleasure fair are satisfied and may by such byelaws—

(1) prescribe the space to be kept free between any two such caravans used or intended to be used for sleeping accommodation and between any such caravan so used or intended to be used, and any house or any building which has sleeping accommodation on any upper floor and between any such caravan so used or intended to be used and any such stand, stall or structure;



- (2) prohibit or restrict the placing of any motor vehicle or flammable material in the vicinity of any such caravan;
- (3) prohibit or restrict the storage and use of flammable gases;

PART VIII  
—cont.

and such byelaws shall apply to any place in which such caravan, stand, stall or structure is found notwithstanding any provision in subsection (4) of the said section 75 or subsection (4) of the said section 64 and such byelaws shall in all circumstances be deemed to be properly made for the preservation of public safety:

Provided that no byelaws made under this section shall apply to any caravan, stand, stall or structure erected for the purposes of or in connection with a fair or circus provided by the Boy Scouts Association or the Girl Guides Association or by members of an organisation established by either of such associations in pursuance of their charter.

## PART IX

### FINANCE AND SUPERANNUATION

57.—(1) The Corporation may borrow—

Power to  
borrow.

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the following table.

(4) 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.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, 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.

PART IX  
—cont.

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
(a) The purchase of lands, easements and rights under the powers of this Act	The sum requisite	Sixty years
(b) The construction of the works	£5,025,000	Fifty years
(c) The costs, charges and expenses of this Act	The sum requisite	Five years

Remuneration  
of sheriff.

58. The Corporation may pay to the sheriff of the city such remuneration as they think reasonable.

Insurance  
fund.

59.—(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”).

(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, 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 so prescribed, such moneys as are in excess of the prescribed amount 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 or accounts 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:

PART IX  
—cont.

Provided that any appropriation 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 meet any such losses, damages, costs or expenses, the Corporation may, with the sanction of the Minister, borrow 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, if any sums shall have been appropriated from the housing revenue account under subsection (4) of this section, the housing revenue account, in such proportions as the Corporation consider equitable, and shall be 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 IX  
—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—

“ 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.

Reserve funds. **60.**—(1) (a) The Corporation may (if they think fit) provide a reserve fund in respect of any undertaking, department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in any securities in which trustees are from time to time authorised to invest trust funds until the fund so provided amounts to the maximum for the time being prescribed by the Corporation.

(b) Any income arising from the investment of the moneys in the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(2) The reserve fund provided under this section may in respect of the undertaking, department or service to which it relates be applied—

- (a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking, department or service; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking, department or service; or
- (c) in or towards the payment of the cost of renewing, improving or extending any works, buildings, machinery, plant or conveniences forming part of the undertaking, department or service or otherwise for the benefit thereof;



and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to the reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking, department or service as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking, department or service and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking, department or service.

(5) (a) As from the establishment of a reserve fund under this section in respect of the water undertaking of the Corporation, the paragraph commencing "Sixthly" of subsection (1) and subsection (2) of section 98 (Application of receipts in respect of waterworks) of the Kingston-upon-Hull Corporation Act, 1897, 1897 c. ccxlix. and section 54 (Increase of water reserve fund) of the Kingston upon Hull Corporation Act, 1933, shall cease to have effect, 1933 c. lxxvii. and subsection (3) of the said section 98 shall have effect as if the words "and when the reserve fund amounts to ten thousand pounds the annual proceeds of such fund" were omitted.

(b) As from the establishment of a reserve fund under this section in respect of the transport undertaking of the Corporation, paragraph (c) of subsection (7) and subsections (8), (9) and (10) of section 31 (Receipts and expenses of transport undertaking) of the Kingston upon Hull Corporation Act, 1936, shall cease to 1936 c. lv. have effect.

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

62. 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.

PART IX  
—cont.Interest and  
dividends by  
post.

63.—(1) The Corporation may give notice to the registered holder of an authorised security that they intend to send interest or dividends on the security to him by post if he does not object; and, unless the registered holder within fourteen days of the date of receipt of the notice notifies the Corporation that he objects, the Corporation may from time to time send orders for the payment of interest, and dividend warrants, to him by post at the address in the register.

(2) If the registered holder of an authorised security notifies the Corporation that he wishes interest or dividends on the security to be sent to another person at an address specified in the notice, the Corporation may from time to time send orders for the payment of interest, or dividend warrants, to that person by post at that address.

(3) For the purposes of this section the Corporation may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register, or such other of them as the joint holders may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest, or a dividend warrant, in pursuance of this section shall discharge the Corporation from any obligation to deliver the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque; and the Corporation shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act, 1882.

(6) In this section “ authorised security ” means any mortgage or other security that the Corporation are for the time being authorised to grant or issue, but does not include stock or bonds.

1882 c. 61.

Designation  
of holders of  
authorised  
securities in  
register.

64.—(1) Where the holder of an amount of any authorised security occupies an office or official position, his official description may be entered in the register in lieu of his name, and where in relation to an amount of an authorised security of any description any such official description is so entered, an instrument of transfer and an instrument containing directions with respect to the payment of interest on that amount shall if executed by the person for the time being occupying that office or position be as effectual as if his name were entered as the holder of that amount.

(2) Notwithstanding anything in subsection (1) of this section, the Corporation shall not be required—

- (a) to enter in the register any designation or description which appears to them unreasonably long or elaborate;  
or



(b) to enter in the register both the name of a holder of an authorised security and any such official description as could under subsection (1) of this section be so entered in lieu of his name.

PART IX  
—cont.

(3) In this section, “register” means the register of an authorised security kept by or on behalf of the Corporation.

65.—(1) The Corporation may pay to any of their officers who act in any of the following capacities:—

Officers of  
Corporation  
acting as  
receivers, etc.  
1959 c. 72.

(a) as the receiver appointed by an order made under Part VIII of the Mental Health Act, 1959;

(b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;

(c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which he is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in any of the capacities mentioned in subsection (1) of this section against any act, neglect or default whether his own or that of any other person occurring in the course of the receivership or administration.

66. Section 57 (Provisions as to raising money by bills) of the Kingston-upon-Hull Corporation Act, 1901, is hereby amended as follows:—

Amendment of  
section 57 of  
Kingston-  
upon-Hull  
Corporation  
Act, 1901.  
1901 c. cxxiv.  
1933 c. 51.

(1) The words “ (1) In addition to the modes of borrowing prescribed by section 196 of the Local Government Act, 1933, the Corporation may raise money—

(a) for any purpose for which the consent of the sanctioning authority within the meaning of the said Act of 1933 has been obtained; or

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

by means of bills (to be called ‘Hull Corporation bills’ and in this section referred to collectively as ‘bills’ and separately as a ‘bill’) subject to and in accordance

PART IX  
—cont.

with the following provisions of this section.” shall be substituted for all the words from the beginning of the section to the end of paragraph (1):

- (2) In paragraph (2) the words “ under this section ” shall be substituted for the words “ in pursuance of this Act ” and the words “ being a date ” shall be substituted for the words “ so that the date be ”:
- (3) In paragraph (3) the words “ and after public advertisement in such manner ” shall be omitted:
- (4) In paragraph (4) the words “ resolution passed by the Council ” shall be substituted for the words “ warrant sealed by the Corporation ”:
- (5) In paragraph (6) the words “ shall bear the signature of the Treasurer of the City or of some other person authorised by the Council ” shall be substituted for the words “ shall be under the seal of the Corporation ”:
- (6) Paragraph (7) shall be omitted:
- (7) The following paragraph shall be substituted for paragraph (9):—
 

“ (9) The Corporation may make regulations providing for—

  - (a) the preparation and form and the mode of issue, payment and cancellation of bills;
  - (b) the issue of a new bill in lieu of one defaced, lost or destroyed;
  - (c) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and
  - (d) the giving of a proper discharge on the payment of a bill:”:
- (8) In paragraph (10) the words “ or person ” shall be inserted after the word “ bank ” (wherever that word occurs) and the words “ Such remuneration shall be paid out of the borough fund and borough rate ” shall be omitted:
- (9) Paragraph (12) shall be omitted:
- (10) The following paragraph shall be substituted for paragraph (13):—
 

“ (13) the aggregate amount payable on bills current at any one time shall not exceed—

  - (a) the sum of one million five hundred thousand pounds; or



(b) one-fifth of the amount estimated to be produced by the general rate levied in the city during the then current financial year;

PART IX  
—cont.

whichever is the greater, except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills:”:

(11) Paragraph (15) shall be omitted:

(12) The following paragraph shall be substituted for paragraph (16):—

“ (16) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.”:

(13) There shall be inserted after paragraph (17) the following paragraph:—

“ (17A) In this section the expression ‘ revenues ’ in relation to the Corporation has the same meaning as in section 218 of the Local Government Act, 1933, 1933 c. 51. and the expression ‘ undertakings ’ means such undertakings as are from time to time managed or maintained by the Corporation.”:

(14) Paragraph (18) shall be omitted:

and shall accordingly have effect as set out in Schedule 2 to this Act.

67. In subsection (2) of section 152 (Power to use one form of mortgage for all purposes) of the Kingston-upon-Hull Corporation Act, 1903, for the words “ sealed with the corporate seal of the Corporation ” the words “ signed by the town clerk or his duly authorised deputy ” shall be substituted and after the words “ to the like effect ” the words “ Provided that for the purposes of this subsection a mortgage shall be deemed to be signed by the town clerk or his duly authorised deputy if a facsimile of such signature is printed thereon ” shall be inserted. Amendment of section 152 of Kingston-upon-Hull Corporation Act, 1903. 1903 c. ccxvi.

68.—(1) The Corporation may enter into a contract with any person whereby, in consideration of payments made by way of premium or otherwise by the Corporation, that person undertakes to pay to the Corporation such sums as may be provided in the contract in the event of any voluntary assistant meeting with a personal accident, whether fatal or not, while he is engaged as such, or suffering any disease or sickness, whether fatal or not, as a result of being so engaged. Insurance of certain voluntary assistants.

PART IX  
—cont.

(2) Any sum received by the Corporation under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by the Corporation to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received.

1774 c. 48.

(3) The provisions of the Life Assurance Act, 1774, shall not apply to any such contract, but any such contract shall be deemed for the purposes of the Insurance Companies Act, 1958, to be a policy of insurance upon the happening of personal accidents, disease or sickness.

1958 c. 72.

(4) In this section “voluntary assistant” means a person who, at the request of the Corporation, or an authorised officer of the Corporation, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Corporation.

Recovery of  
sums paid to  
officers, etc.

69.—(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 or the housing revenue account (as the case may be) 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.

Transfer of  
certain sums  
from super-  
annuation  
fund.

70. (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 or the housing revenue account (as the case may be) 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.

PART IX  
—cont.

1937 c. 68.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund maintained by the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct by reason of which the employing authority have suffered direct financial loss, the Corporation shall, on demand from the employing authority, pay to them out of such fund an amount equal to so much of the employee's contributions to the fund as the employing authority have not directed to be returned to the employee or paid to his wife or family, or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct, whichever is the less:

Provided that where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act, 1959, the Corporation shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions.

1959 c. 47.

(3) In this section "contributory employee" and "employing authority" have the same respective meanings as in the Local Government Superannuation Act, 1937.

71. All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, shall be paid by the Corporation out of that fund.

Expenses of investment of superannuation fund.

72.—(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)—

Certain remuneration and service excluded for superannuation purposes.

- (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

PART IX  
—cont.

(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;

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 may 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.

## PART X

## MISCELLANEOUS

Hairdressers  
and barbers.

73.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the city on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for the registration of the applicant or of any premises, and, if the application relates to premises, on his furnishing them with particulars of the premises, the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

(3) If any person carries on business in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding ten pounds and a daily fine not exceeding forty shillings.

(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and of the byelaws made by the Corporation under section 77 of the Public Health Act, 1961, displayed in the premises, and, if he fails to do so, he shall be liable to a fine not exceeding forty shillings and a daily fine not exceeding ten shillings.



(5) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance, 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 purporting to act in such capacity, he as well as the body corporate shall be deemed to be guilty of that offence.

74.—(1) Where the Corporation are satisfied that any part of an open drain or watercourse in the city constitutes a source of danger to children or other persons by reason of its not being fenced or its being inadequately fenced, the Corporation may after giving not less than twenty-eight days' notice to the owner and occupier of the land abutting on that part carry out upon that land such works as may be necessary to fence that part of the open drain or watercourse in such manner as to remove the danger.

Fencing of  
open drains  
and  
watercourses.

(2) Section 287 of the Act of 1936 shall have effect as if references therein to that Act included references to this section.

(3) Nothing in this section shall apply to the river Humber or to the river.

(4) The Corporation shall not under the powers conferred by this section carry out any works of fencing a part of a drain or watercourse so as to restrict, interfere with or obstruct in any way the free access of the river authority, their officers or workmen, with or without plant or machinery or both along, over, through or under that drain or watercourse and the approaches thereto or so as to affect prejudicially any of the rights or powers of the river authority with regard to that drain or watercourse.

75.—(1) In this section "the stream" means so much of Foredyke Stream as lies between its junction with the Wawne Drain at a point 210 yards or thereabouts west of the bridge carrying Wawne Road over the Foredyke Stream in the parish of Wawne in the rural district of Beverley in the administrative county of York East Riding to its outfall into the river in the city.

Transfer of  
part of  
Foredyke  
Stream.

(2) All rights and obligations of the river authority in the stream or any part or parts thereof shall be transferred to and vest in the Corporation as and when the river authority agree with the Corporation that the stream or such part or parts thereof has or have become redundant in consequence of works constructed or other operations undertaken by the Corporation and the river authority:

PART X  
—cont.

1963 c. 38.

Provided that no rights or obligations of the river authority in the part of the stream which is shown as part of the main river on the map sent to the river authority by the Minister of Agriculture, Fisheries and Food under section 11 of the Water Resources Act, 1963, shall be transferred to and vested under this section until the said Minister shall have varied the said map so as to exclude that part of the stream from the main river.

(3) (a) The Corporation may be authorised by means of an order made by the Corporation and submitted to the Minister and confirmed by him to purchase compulsorily any rights of any persons other than the river authority in the stream or any part or parts thereof which the river authority shall have agreed has or have become redundant as aforesaid.

(b) The Act of 1946 shall apply as if this subsection were an enactment contained in a Public General Act and in force immediately before the commencement of that Act and as if the said rights were land.

(4) On and after the vesting in the Corporation of all rights in the stream or any part or parts thereof the Corporation may—

- (a) use the stream or such part or parts and the bed and banks and the site thereof for the purposes of any of their undertakings powers or duties;
- (b) fill up or alter the stream or such part or parts; and
- (c) sell, lease, exchange or otherwise dispose of the stream or such part or parts and the bed and banks and the site thereof.

Electronic  
or other  
accounting  
equipment.

76.—(1) The Corporation may, by agreement with any local authority or any other body or person, use or permit that local authority or that other body or person to use for the purposes of that local authority or that other body or person any electronic or other accounting equipment which the Corporation have provided for the purposes of all or any of their accounting work, and they may make such charges as may be agreed for the use of the said equipment.

(2) In this section the expression “local authority” means the council of a county, county borough or county district.

Byelaws as to  
use of  
telephone  
system, etc.

77.—(1) The Corporation may make byelaws for determining the terms and conditions on which the use of means of telephonic communication provided by them (under licence from the Postmaster General) will be permitted and for the general conduct



of telephonic business carried on under their control and in particular but without prejudice to the generality of the foregoing words—

PART X  
—cont.

(a) for determining, or providing for determining, the terms and conditions on which telephone calls involving the use of the said system may be made and on which persons may avail themselves of services and facilities directly or indirectly connected with the use of the said system, for fixing, or providing for fixing, charges for such calls, services and facilities and for empowering the Corporation to direct that, at such times or during such periods as may be specified in the directions, the charges fixed under this paragraph by the byelaws or such of those charges as may be specified in the directions shall be reduced in accordance with the directions;

(b) for fixing, or providing for fixing, charges in respect of—

(i) the provision by the Corporation of equipment or apparatus for the purpose of affording means of telephonic communication;

(ii) the installation by them of equipment or apparatus provided by them for that purpose and the connection thereof for use;

(iii) the maintenance and repair by them of equipment or apparatus so provided; and

(iv) the services of operators provided by them for the purpose of operating equipment or apparatus so provided;

and for providing that the provision as aforesaid by them of equipment or apparatus shall be subject to compliance with such terms and conditions as may be specified in or determined under the byelaws;

(c) for providing—

(i) in a case where, after the connection for use of equipment or apparatus provided as aforesaid for the benefit of a person, it ceases, in such circumstances as may be specified in the regulations, to be so provided before the expiration of such period beginning with the day on which it was connected for use as may be specified in or determined under the byelaws; and

(ii) in a case where work done by the Corporation for the purpose of installing equipment or apparatus

PART X  
—cont.

for the benefit of a person is, in any such circumstances, rendered abortive before the connection of the equipment or apparatus for use;

for the payment to the Corporation towards recompensing them for loss of revenue by way of charges in respect of the provision of the equipment or apparatus or, as the case may be, for the cost incurred by them in doing the work, of a sum assessed by them in accordance with such principles as may be specified in the byelaws; and

- (d) for determining the times at which, the manner in which and the persons by whom any such charges as are mentioned in paragraphs (a) and (b) of this subsection or any sum payable by virtue of paragraph (c) thereof shall be paid, for empowering the Corporation to require the furnishing to them of security for the payment of any such charges or sum and for empowering them to remit, in whole or in part, payment of any such charges or sum.

(2) Different provision and charges may be made and fixed by or under byelaws under this section in relation to different circumstances and classes of case, and any such byelaws may provide for any incidental or supplementary matters for which it appears to the Corporation to be requisite or expedient for the purposes of the byelaws to provide and in particular but without prejudice to the generality of the foregoing words may empower the Corporation to enter into contracts for the provision of equipment and apparatus for affording means of telephonic communication.

(3) The power to make byelaws conferred by this section and any byelaws made under it shall continue in force only so long as there is in force a licence granted by the Postmaster General to the Corporation permitting the Corporation to provide telephonic services.

(4) Byelaws made under this section shall take effect subject to the terms of any such licence as is mentioned in the preceding subsection and such byelaws shall contain whatever provisions may be necessary to empower the Corporation to observe the terms and conditions which they are under an obligation to observe under any such licence.

Refreshments  
at meetings.

78. The Corporation may make reasonable payments for or in connection with refreshments for members of the council and other persons attending conferences or meetings convened for the purposes of the council.



79.—(1) The Corporation may use or allow to be used or let any part of any library or museum or art gallery provided by them under the Public Libraries and Museums Act 1964 and not at the time required for the purpose of a library or museum or art gallery respectively for any of the following purposes, that is to say:—

- (a) the provision of an entertainment of any nature;
- (b) the provision of facilities for dancing.

(2) The Corporation may make charges for any refreshments or programmes supplied by them when any part of such library or museum or art gallery is used for any of the purposes specified in the foregoing subsection or for any purpose authorised by section 20 of the Public Libraries and Museums Act 1964.

(3) The Corporation may, for the purpose of encouraging or promoting the use of any museum or art gallery provided by them under the Public Libraries and Museums Act 1964, provide lectures and pay the fees and expenses of lecturers:

Provided that the sum to be expended by the Corporation in any one year for the purposes of this subsection shall not exceed one thousand pounds in addition to any moneys received by the Corporation under the provisions of this section.

(4) Nothing in this section shall—

- (a) be taken to dispense with the consent of any Minister of the Crown to any appropriation, lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted; or
- (b) affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films or for public music or dancing.

(5) Any byelaws relating to a library, museum or art gallery of the Corporation shall not apply to any part thereof which is used or let for any purpose other than as a library, museum or art gallery respectively so long as that part is so used except to such extent as they may be expressed so to apply.

80.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any object vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation.

Disposal of  
unsuitable  
specimens  
and works  
of art.

(2) The Corporation may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of

PART X  
—cont.

any object vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

- (a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section in respect of that object;
- (b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable in respect of that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor; and
- (c) any moneys received by the Corporation in the exercise of the powers of this section in respect of any such object and which are not payable into the art fund under section 15 of and Schedule 2 to the Public Libraries and Museums Act 1964 shall be applied by them in the purchase of objects.

1964 c. 75.

(4) In this section “object” means a specimen, work of art or book.

Power to  
provide car  
parks for  
certain  
purposes.

**81.**—(1) The Corporation may provide parking places for vehicles used by members, officers or servants of the Corporation or other persons using the Guildhall and law courts and other halls, offices and buildings provided and maintained by the Corporation for or in connection with the discharge of their functions and may adapt and use for that purpose any land acquired by them under this section.

(2) For the purposes of this section the Corporation may acquire by way of purchase, lease or exchange any land whether situate within or outside the city and may appropriate for those purposes any land belonging to them which is not required for the purpose for which it was acquired.

Recreational  
and other  
facilities for  
employees.

**82.**—(1) The Corporation may provide and maintain or contribute to the cost of providing and maintaining recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid, the Corporation may—

- (a) erect or maintain buildings;



(b) make such charges as they think fit for the use of facilities provided under this section;

(c) make regulations for the management of such premises.

PART X  
—cont.

(3) No power conferred upon the Corporation by this section shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the 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 any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Corporation) subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

## PART XI

### PROTECTIVE PROVISIONS

83. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of those commissioners on behalf of Her Majesty or as the case may be the consent in writing of that government department first had and obtained for that purpose. Crown rights.

84. Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of Trinity House. Saving for  
Trinity  
House.

85. For the protection of the conservancy board the following provisions shall unless otherwise agreed in writing between the Corporation and the conservancy board apply and have effect:— For protection  
of conservancy  
board.

(1) (a) Before commencing to construct a Humber tidal work the Corporation shall submit to the conservancy

PART XI  
—cont.

board for their reasonable approval plans, sections and particulars of the work showing the general mode of construction and such work shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the conservancy board, or as may be determined by the Board of Trade as hereinafter provided, and all such work shall be executed to the reasonable satisfaction of the conservancy board:

Provided that if there shall be any inconsistency between any plans and sections approved by the conservancy board under this section and the plans and sections approved by the Board of Trade under section 27 (Tidal works not to be executed without approval of Board of Trade) of this Act the Humber tidal works shall be executed in accordance with the plans and sections so approved by the Board of Trade;

- (b) If it appears to the Corporation that the conservancy board have unreasonably withheld their approval to any plans, sections and particulars under sub-paragraph (a) of this paragraph they may appeal to the Board of Trade whose decision shall be binding on both parties:
- (2) After the purpose for which any subsidiary works in the river Humber necessary to enable the works has been accomplished the Corporation shall with all reasonable dispatch or after a reasonable period of notice in writing from the conservancy board requiring them so to do remove any such subsidiary works or any materials for the same which may have been placed in the river Humber by the Corporation and on their failing so to do within a reasonable period after receiving such notice the conservancy board may remove the same charging the Corporation with the reasonable expense of so doing and the Corporation shall repay to the conservancy board such expense:
- (3) In the event of the conservancy board failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:
- (4) (a) If, during the construction of a tidal work or of any subsidiary work in connection therewith respectively or within five years after the completion of such works or after the removal of any subsidiary work and in consequence of the construction or execution of such



tidal work or subsidiary work any accumulation of silt or other material shall be created either in the river so as to obstruct access to the slipway owned by the conservancy board or in the river Humber in the vicinity of such works which shall cause impediment to the free navigation of the river Humber the Corporation, if so requested by the conservancy board within the period of five years after such completion, shall remove such accumulation of silt or other material and if they refuse or fail so to do the conservancy board may themselves cause the work to be done and may recover from the Corporation the reasonable cost thereof;

- (b) Should any such accumulation arise within the said period of five years and be removed in accordance with the provisions of sub-paragraph (a) of this paragraph, then any recurrence of such accumulation shall from time to time be removed as aforesaid during a period of ten years after the completion of the authorised works or the removal of any subsidiary work, as the case may be:
- (5) From and after the commencement of the construction of a Humber tidal work the Corporation shall (if the conservancy board so direct) provide and maintain on the work an effective fog-signalling apparatus of a type to be approved by the conservancy board such approval not to be unreasonably withheld and shall duly and properly work such apparatus in foggy weather for the purpose of warning passing vessels of the existence of the work:
- (6) The Corporation shall on request afford all such reasonable facilities to the conservancy board to place and maintain on a Humber tidal work any such signals, tide-boards, tide gauges, masts, or other apparatus for the benefit of navigation as the conservancy board may from time to time reasonably require, provided always that anything done under this paragraph shall be at the expense of the conservancy board:
- (7) The Corporation shall allow at all reasonable times access both by water and by land to the conservancy board their officers, servants and licensed pilots on, to and over a Humber tidal work authorised by this Act both during and after the construction thereof without payment or hindrance whilst in the execution of their duties, provided nevertheless that until the tidal work has been completed the access shall be given only so far as is reasonably practicable:

PART XI  
—cont.

- (8) Any difference arising between the Corporation and the conservancy board under the foregoing provisions of this section (other than a difference as to the construction of those provisions or as to the approval under paragraph (1) of this section of plans, sections and particulars) shall be determined by arbitration:
- (9) Except as in this Act otherwise expressly provided nothing contained in this Act shall prejudice or alter or be deemed to prejudice or alter any of the provisions of the Humber Conservancy Acts, 1852 to 1951, or any of them or any title of the conservancy board in, to or over any lands or foreshore held or acquired by them under the said Acts or any of them or under any lease or agreement made under the powers thereof or confirmed thereby or any other of the rights, powers, privileges or authorities of the conservancy board:
- (10) (a) The provisions of section 31 (Abatement of works abandoned or decayed) and section 32 (Survey of tidal works) of this Act shall in relation to a Humber tidal work apply to the conservancy board as if the conservancy board were named therein in addition to the Board of Trade and any expense incurred by the conservancy board in pursuance of the said sections shall be a debt due to them from the Corporation and be recoverable in any competent court of jurisdiction or, where the amount recoverable does not exceed twenty pounds, summarily as a civil debt;
- (b) If it appears to the Corporation that any requirement or order made or given by the conservancy board under either of the said sections is unreasonable, they may within thirty days after the receipt of such requirement or order appeal to the Board of Trade, whose decision shall be binding on both parties and the Corporation shall not be liable to repay to the conservancy board any expenses incurred by the conservancy board for the purpose of giving effect to any requirement or order which the Board of Trade may on such appeal determine to be unreasonable:
- (11) Notwithstanding anything contained in sections 28 to 30 of this Act those sections shall have effect in relation to Humber tidal works subject to the following modifications:—
- (a) in section 28 (Lights on tidal works during construction) after the words “Board of Trade” there shall be inserted the words “and the conservancy board or failing agreement between the Board of Trade and the conservancy board, the Board of Trade”;



(b) in section 29 (Permanent lights on tidal works) and section 30 (Provision against danger to navigation) for the words "Trinity House" (wherever those words occur) there shall be substituted the words "the conservancy board".

PART XI  
—cont.

86. For the protection of the river authority the following provisions shall unless otherwise agreed in writing between the Corporation and the river authority apply and have effect:—

For protection  
of river  
authority.

(1) In this section—

"authorised work" means so much of the works (whether temporary or permanent) as may be constructed on, over or under or in any other way affect—

(a) the river or either of the banks thereof not being a tidal work on, under or over the foreshore or bed of the river Humber; or

(b) Barmston Drain;

"banks" has the meaning assigned to it by the Land Drainage Act, 1930;

1930 c. 44.

"construction" includes execution and placing and "construct" and "constructed" have corresponding meanings;

"engineer" means the engineer to the river authority;

"plans" in relation to permanent works includes sections and particulars and in relation to temporary works includes sections:

(2) (a) Before commencing the construction of an authorised work the Corporation shall submit plans of such work to the river authority for their reasonable approval and shall not commence the authorised work until such plans have been approved by the river authority or in the case of difference until they shall have been settled in the case of an authorised work which is a tidal work by the Board of Trade and in any other case by arbitration:

Provided that unless the river authority within twenty-eight days after the receipt of any such plans signify to the Corporation their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;

PART XI  
—cont.

(b) Not less than twenty-eight days before commencing any work of maintenance, repair or renewal of an authorised work the Corporation shall except in the case of emergency submit to the river authority for their information a notice of intention to commence the work and a description of the work:

(3) (a) An authorised work shall not be constructed except in accordance with such plans as may be approved or deemed to be approved by the river authority as aforesaid or settled by the Board of Trade or by arbitration and shall be constructed to the reasonable satisfaction of the engineer who shall be given reasonable notice of the date and time on and at which the authorised work is to be commenced:

Provided that if there shall be any inconsistency between any plans approved or deemed to be approved by the river authority under the provisions of this section and the plans approved by the Board of Trade under section 27 (Tidal works not to be executed without approval of Board of Trade) of this Act the authorised work shall be constructed in accordance with the plans approved by the Board of Trade;

(b) The Corporation shall at all reasonable times afford to the engineer and his duly authorised representatives access to the authorised work for the purpose of inspection:

(4) If by reason of the construction, maintenance or repair of any authorised work or of the failure thereof or of the failure to maintain or repair the same injury or damage is caused to the river or the banks thereof or to any property of the river authority lying or situate therein, such injury or damage shall be forthwith made good by the Corporation to the reasonable satisfaction of the engineer and if the Corporation fail so to do the river authority may make good the same and recover from the Corporation the costs and expenses reasonably incurred by them in so doing:

(5) Any difference arising between the Corporation and the river authority under this section (other than a difference as to the construction of this section or as to the approval under sub-paragraph (a) of paragraph (2) of this section of plans of an authorised work which is a tidal work) shall be determined by arbitration.



87.—(1) For the purposes of the Telegraph Acts, 1863 to 1962, any tunnel constructed under the powers conferred by section 17 (Power to construct works) of this Act shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act, 1878.

PART XI  
—cont.  
For  
protection of  
Postmaster  
General.  
1878 c. 76.

(2) Where in pursuance of the powers conferred by section 19 (Power to make subsidiary works) of this Act the Corporation stop up or divert the whole or any portion of a street the following provisions of this subsection shall unless otherwise agreed in writing between the Corporation and the Postmaster General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a highway (in this subsection referred to as “the affected line”), that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion of the street or part of the street, so, however, that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection, unless before the expiration of that period the Postmaster General has given notice to the Corporation of his intention to remove the affected line or that part thereof, as the case may be:
- (b) The Postmaster General may by notice in that behalf to the Corporation abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months, unless before the expiration of that period he has removed it or given notice of his intention to remove it:
- (c) The Postmaster General shall be entitled to recover from the Corporation the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require:
- (d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Corporation and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

PART XI  
—cont.

(3) As soon as practicable after the whole or any part of a street has been permanently stopped up or diverted in pursuance of the powers referred to in subsection (2) of this section the Corporation shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

(4) The exercise by the Corporation of the powers conferred by section 21 (Temporary stoppage of highways) of this Act in relation to any highway shall not prejudice or affect the right of the Postmaster General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which may for the time being be under, in, upon, over, along or across that highway; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that highway;

subject to his obligations to make good any highway broken open or interfered with.

(5) Nothing in section 25 (No mains or pipes to be laid in bridges without consent) of this Act shall prejudice or affect any of the rights, powers and authorities of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962, in relation to the approaches to the bridges.

(6) Notwithstanding the construction of any works in a street under section 35 (Prevention or restriction of vehicular access to and from certain roads) of this Act the Postmaster General shall be at liberty at all times to enter upon that street with any necessary vehicles for the purpose (a) of maintaining, inspecting, repairing, renewing or removing any telegraphic line belonging to or used by him or (b) of placing a telegraphic line, and the Corporation shall at all times afford to the Postmaster General such entry for any of the aforesaid purposes.

1878 c. 76. (7) In this Act “telegraphic line” has the same meaning as in the Telegraph Act, 1878.

For protection  
of British  
Railways  
Board.

88. For the protection of the railways board (in this section referred to as “the board”) the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) In this section—

“railway property” means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;



“ the specified works ” means so much of Works Nos. 4 and 5 as may be situated upon, across, under, over or adjoining railway property and includes the construction, maintenance and renewal of such works;

“ the engineer ” means an engineer to be appointed by the board;

“ the signed plan ” means the plan signed on behalf of the board by Archibald William McMurdo and on behalf of the Corporation by Albert Leslie Hobson;

“ plans ” includes sections, drawings and specifications:

- (2) The Corporation shall not under the powers of this Act (except as hereinafter provided) acquire compulsorily any railway property but they may in accordance with the provisions of section 10 (Power to acquire easements only) of this Act acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the works:
- (3) (a) Notwithstanding anything in paragraph (2) of this section the Corporation may (except as in this paragraph provided) acquire for the purposes of Works Nos. 4 and 5 the railway property included within the limits of deviation of the said works on the deposited plans but such railway property shall not be acquired until the works of railway alteration required for the transfer of railway working from such railway property shall have been carried out by the board;
- (b) The Corporation shall not acquire so much of the railway property as lies to the south of the line coloured red on the signed plan and lettered “ A ” to “ J ” inclusive:
- (4) In the construction of Works Nos. 4 and 5 the Corporation shall make provision at their own expense for the retention and continued use of such electrical and other apparatus of the board situate within the railway property to be acquired by the Corporation as it may be reasonably necessary to retain and use for the purposes of the railway operations of the board and shall afford the board reasonable facilities for the maintenance, repair, renewal and inspection of such apparatus:
- (5) The Corporation shall before commencing the specified works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall

PART XI  
—cont.

not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

- (6) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the Corporation that the board desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the stability of railway property then if the Corporation desire such part of the specified works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (7) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Corporation shall not commence the construction of the specified works until the engineer shall have notified the Corporation that the protective works have been completed:
- (8) The Corporation shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the specified works and (except in emergency when they shall give such notice as may be reasonably practicable) seven days' notice of their intention to carry out any works for the repair or maintenance of the specified works:
- (9) The specified works shall when commenced be carried out in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers



of railway property and if any damage to railway property or any such interference or obstruction shall be caused by the construction of the specified works the Corporation shall notwithstanding any such approval as aforesaid make good such damage and shall pay to the board all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:

- (10) The Corporation shall afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to such works or the method of construction thereof:
- (11) The board shall afford reasonable facilities to the Corporation and their agents for access to any works carried out by the board under this section and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (12) If any alterations or additions either permanent or temporary to railway property shall be reasonably necessary during the construction of the specified works or during a period of twelve months after the completion thereof in consequence of the construction of the specified works by the Corporation such alterations and additions may be effected by the board after notice has been given to the Corporation and the Corporation shall pay to the board on demand the reasonable cost thereof including in respect of permanent alterations and additions a reasonable capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving may be set off against any sum payable by the Corporation to the board under this section:

- (13) The Corporation shall pay to the board all costs, charges and expenses reasonably incurred by the board—
  - (a) in constructing any part of the specified works on behalf of the Corporation as provided by paragraph (6) of this section or in constructing any protective works under the provisions of paragraph (7) of this section including in respect of any permanent

**PART XI**  
*—cont.*

protective works a reasonable capitalised sum representing the cost of maintaining and renewing such works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the specified works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary lighting of railway property in the vicinity of the works being lighting made reasonably necessary as a result of the specified works or the failure thereof;

(e) in respect of the supervision by the engineer of the specified works:

- (14) If at any time after the completion of the specified works the board shall give notice to the Corporation informing them that the state of repair of the specified works appear to be such as to affect prejudicially railway property, the Corporation shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the specified works in such reasonable state of repair as not to affect prejudicially railway property and, if and whenever the Corporation fail to do so, the board may make and do in and upon the lands of the board or of the Corporation all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Corporation:
- (15) Before providing any illumination or illuminated road traffic sign on or in connection with the specified works or in the vicinity of the railway the Corporation shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view



to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:

PART XI  
—cont.

(16) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Corporation in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the Corporation to the board:

(17) The Corporation shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(a) by reason of the failure of the specified works;  
or

(b) by reason of the negligence of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the specified works;

and the Corporation shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure or negligence as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Corporation or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the Board or of any person in their employ or of their contractors or agents) excuse the Corporation from any liability under the provisions of this section:

Provided that the board shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

(18) Any difference arising between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART XI  
—cont.

For protection  
of certain  
statutory  
undertakers.

89. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in relation to the electricity undertakers any electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the electricity undertakers;

(b) in relation to the gas board mains, pipes or other apparatus belonging to or maintained by that board;

(not being in any case apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part II of the Act of 1950) and includes any works constructed for the lodging therein of apparatus;

“the electricity undertakers” means the Central Electricity Generating Board and the Yorkshire Electricity Board or either of them;

“specified work” means any work or thing done under the powers of section 17 (Power to construct works), section 19 (Power to make subsidiary works), section 20 (Subsidiary works in river and elsewhere) or section 22 (Underpinning of houses near works) of this Act;

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

“position” includes depth;

“the undertakers” means the electricity undertakers and the gas board or any of them, as the case may be:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Corporation shall not, under the powers of this Act, acquire any apparatus or operational land otherwise than by agreement:
- (3) If the Corporation in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed



nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:

PART XI  
—cont.

- (4) (a) If the Corporation for the purpose of the execution of any specified work require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan and section of the proposed work and subject to the provisions of this section the undertakers shall comply with that requirement;
- (b) If the Corporation require the undertakers to remove any apparatus, or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Corporation shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall, on receipt of a written notice to that effect from the Corporation, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (5) (a) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration, as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section and, in default, the Corporation may remove the apparatus:

PART XI  
—cont.

- (6) Notwithstanding anything in paragraph (5) of this section, if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation, such work, in lieu of being executed by the undertakers, shall be executed by the Corporation with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (7) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed through the lands of the Corporation for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the



same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Corporation by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

PART XI  
—cont.

- (8) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the Corporation under paragraph (4) of this section, the Corporation shall submit to the undertakers a plan, section and description of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

- (i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Corporation, reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof; and
- (ii) nothing in this sub-paragraph shall preclude the Corporation from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;
- (c) The Corporation shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable

PART XI  
—cont.

and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

- (9) Where any street in which any apparatus is situated has been permanently stopped up by the Corporation under the powers of section 23 (Stopping up of highways) of this Act, the undertakers shall, notwithstanding such stopping up, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up has ceased to be a street as they would have if it had remained a street and no such rights shall be extinguished by virtue of the said section 23 but nothing in this paragraph shall prejudice or affect any right of the Corporation, or of the undertakers, to require removal of such apparatus under this section:
- (10) If in consequence of the exercise of the powers of this Act the access to any apparatus of the undertakers is materially obstructed the Corporation shall provide an alternative means of access to such apparatus:
- (11) The Corporation shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;
  - (b) the cutting off of any apparatus from any other apparatus; and
  - (c) any other work or thing rendered reasonably necessary in consequence of the operations referred to in this paragraph:

Provided that—

- (i) if the undertakers provide, lay down, erect or place apparatus of better type or of greater capacity or at a greater depth than the existing apparatus and the provision of apparatus of that type or capacity or the placing of apparatus at that depth, as the case may be, had not been agreed or settled by arbitration under this section to be reasonably necessary by reason or in consequence of the exercise by the Corporation of any of their powers under this Act, the undertakers shall bear such proportion of the cost of such provision, laying down, erection or placing as represents the amount by which such cost



exceeds the cost which would have been incurred if the type or capacity or depth of the apparatus so provided, laid down, erected or placed had been the same as that of the existing apparatus;

(ii) any amount payable by the Corporation to the undertakers under this paragraph in respect of the provision, laying down, erection or placing of new apparatus in substitution for apparatus provided, laid down, erected or placed more than seven and a half years earlier, shall be reduced by the amount of any financial benefit which may be derived by the undertakers from the deferment of the time for the renewal of the apparatus in the ordinary course:

(12) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the electricity undertakers or any interruption in the supply of electricity by the electricity undertakers shall be caused, the Corporation shall bear and pay the cost reasonably incurred by the electricity undertakers in making good such damage, or restoring the supply, and shall—

(a) make reasonable compensation to the electricity undertakers for any loss sustained by them; and

(b) indemnify the electricity undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the electricity undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Corporation with respect to any damage or interruption which may be attributable to the act, neglect or default of the electricity undertakers or their contractors or workmen;

(ii) the electricity undertakers shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

(13) The temporary stopping up or diversion of any highway under the powers of section 21 (Temporary stoppage of

PART XI  
—cont.

highways) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway:

(14) If—

(a) the Corporation construct the tunnel Work No. 3 and the tunnel Work No. 5 or either of those tunnels; and

(b) the electricity undertakers make application to the Corporation for their consent to the laying down by the electricity undertakers of apparatus in those tunnels or either of those tunnels or that tunnel (as the case may be);

the Corporation shall not unreasonably withhold their consent but may grant their consent subject to such terms and conditions (including terms and conditions requiring the payment by the electricity undertakers to the Corporation of a charge, rental or wayleave payment) as the Corporation may reasonably determine:

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

(b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

For further protection of North Eastern Gas Board.

90. For the further protection of the gas board the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

“accommodation” includes support;

“apparatus” means mains, pipes or other apparatus of the gas board;

“tunnels” means Works Nos. 3 and 5 and includes either of those works:

(2) (a) The gas board may at any time within three months after the passing of this Act give notice to the Corporation that if the Corporation construct the tunnels, they



desire the Corporation to provide therein accommodation for apparatus and such notice shall indicate the nature, position and dimension of the accommodation so desired;

- (b) The accommodation so provided shall be of such nature and in such position and of such dimensions as may be agreed between the Corporation and the gas board or as failing agreement may be determined by arbitration taking into account the accommodation to be provided in the tunnels for the purpose of carrying other pipes, cables, works, apparatus and conveniences:
- (3) (a) The Corporation shall after receipt of any such notice as aforesaid and not later than six months before commencing the construction of the tunnels submit to the gas board for their reasonable approval plans and sections of the accommodation which it is proposed to provide in the tunnels for the apparatus and such other particulars as may be reasonably necessary to enable the gas board to design the layout of the apparatus in the tunnels;
- (b) If the gas board do not within twenty-one days after receipt of such plans, sections and particulars give notice in writing to the Corporation signifying their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;
- (c) If the gas board disapprove such plans sections, and particulars the matter shall forthwith be referred to arbitration and the parties to such arbitration shall use their best endeavours to secure an award with the least possible delay;
- (d) Any accommodation to be provided by the Corporation under the provisions of this section shall be constructed by the Corporation in accordance with such plans, sections and particulars as may be approved (or are deemed to be approved) or if the gas board have signified their disapproval thereof as may be settled by arbitration subject however to any such modification of those plans, sections and particulars as may from time to time be agreed upon between the engineer of the Corporation and the engineers of the gas board:
- (4) The apparatus shall be constructed by the gas board in the accommodation provided by the Corporation in accordance with a specification to be submitted by the gas board to the Corporation for their reasonable approval:

PART XI  
—cont.

- (5) (a) The additional cost reasonably incurred by the Corporation in providing accommodation for apparatus under this section shall be repaid to the Corporation by the gas board in a single payment or in such other manner as may be agreed between the Corporation and the gas board;
- (b) For the purpose of this paragraph the additional cost of providing accommodation shall be the difference between the cost of constructing the tunnels in such a way as to provide such accommodation and the cost of constructing the tunnels without the provision of such accommodation:
- (6) The accommodation provided by the Corporation for the apparatus under the provisions of this section shall be maintained by the Corporation in good repair and to the reasonable satisfaction of the gas board and the gas board shall pay to the Corporation half-yearly in respect of the cost of such maintenance such amount as may be agreed with the Corporation or in default of agreement settled by arbitration:
- (7) The gas board shall be entitled at all times to use free of charge the accommodation provided pursuant to the foregoing provisions of this section for the purpose of using, inspecting, repairing, maintaining, altering (otherwise than by increasing the diameter or weight) removing or renewing the apparatus:
- Provided that—
- (a) the apparatus shall at all times conform in its design, construction and use with the reasonable requirements of the Corporation;
- (b) except in case of emergency the gas board shall give to the Corporation not less than twenty-eight days' notice in writing of their intention to execute works in the tunnels and except as aforesaid shall conform with the reasonable requirements of the Corporation as to the time or times at which the gas board may exercise the right of entering upon and executing works in the tunnels and as to the manner in which such works are executed and the Corporation shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Corporation in such superintendence shall be repaid to them by the gas board:
- (8) (a) The gas board shall maintain in good repair and to the reasonable satisfaction of the Corporation the apparatus and shall from time to time carry out and



maintain such works on the apparatus as the Corporation may reasonably require by notice in writing to the gas board to be done or provided for ensuring the safety and stability of the tunnels and the safety and convenience of those using the tunnels being works reasonably required to be done in consequence of the exercise by the gas board of the rights conferred upon them by this section and in default the Corporation may at the expense of the gas board carry out and maintain such works and the gas board shall repay to the Corporation any expenses reasonably incurred by the Corporation in carrying out any such works;

PART XI  
—cont.

- (b) The gas board shall repay to the Corporation any loss, damage or expenses suffered or incurred by the Corporation by reason of the failure of the gas board to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to the apparatus or the accommodation or to any mains, pipes, cables, works, apparatus or material placed in the tunnels by the gas board (unless such fault or accident was occasioned by any wrongful act or default of the Corporation their servants or agents) and shall indemnify the Corporation against any actions, proceedings costs, claims, or demands arising out of or in any way attributable to the exercise by the gas board of the rights conferred upon them by this section unless such actions, proceedings, costs, claims or demands shall arise by reason of the wrongful act or default of the Corporation their servants or agents:

Provided that the Corporation shall give to the gas board reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the written agreement of the gas board:

- (9) Any difference arising between the Corporation and the gas board or any of them under this section (other than a difference as to the construction thereof) shall be settled by arbitration.

91. The following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect:—

For protection  
of The British  
Oil and Cake  
Mills Limited.

- (1) In this section—

“ the access road ” means the road connecting the factory with Stoneferry Road and coloured pink on the signed plan;

PART XI  
—cont.

“ the company ” means The British Oil and Cake Mills Limited or other the owner or owners for the time being of the factory or any part thereof to which he or they has or have a right of access over the access road or the road to be substituted therefor under paragraph (2) of this section;

“ the eastern approach road ” means a new road between the termination of Work No. 4 at Stoneferry Road and the termination of Work No. 5 forming part of a road leading to the bridge comprised in Work No. 4 (being either so much of Work No. 4 as lies between those two points or such a road as constructed by the Corporation under any other enactment);

“ the factory ” means the factory premises edged blue on the signed plan;

“ the signed plan ” means the plan marked “ Plan referred to in the section of the Kingston upon Hull Corporation Act 1967 of which the marginal note is ‘ For protection of The British Oil and Cake Mills Limited ’ ” and signed in duplicate by Albert Leslie Hobson on behalf of the Corporation and by Theodore John Feilden on behalf of the company one copy of which has been deposited with the town clerk and the other with the company:

- (2) If the Corporation construct any part of the eastern approach road which will interfere with access to the factory from Stoneferry Road by means of the access road the Corporation shall to the reasonable satisfaction of the company—

(a) during such construction and until the provision of the means of access to be provided under subparagraph (b) of this paragraph maintain a temporary alternative means of access from or to the factory; and

(b) as soon as practicable after the completion of such construction provide an alternative means of access from or to the factory;

which being in either case access to the factory into the area shown hatched red on the signed plan such access being so far as is reasonably practicable as suitable in all respects as that provided by the access road:

Provided that in the event of such means of access being from or to the eastern approach road nothing



in this section shall operate to require more than one means of access from or to the eastern approach road at the same time to or from the factory:

PART XI  
—cont.

- (3) Any dispute or difference between the company and the Corporation under this section (save a dispute or difference as to the meaning thereof) shall be referred to and determined by arbitration.

92. The provisions of the Act of 1962, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land, notwithstanding that the development thereof is or may be authorised or regulated by or under this Act. Saving for town and country planning.

## PART XII GENERAL

93. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State except that, in the case of byelaws made under section 77 (Byelaws as to use of telephone system, etc.), of this Act the confirming authority shall be the Postmaster General. Confirming authority for byelaws.

94.—(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. Local inquiries.

(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.

95.—(1) In this Act “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.

PART XII  
—cont.

## (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.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 97 (Appeals) of this Act.

Restriction on  
right to  
prosecute.

96. 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.

## Appeals.

97.—(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—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;



then, until the time for appealing has expired or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

98.—(1) The sections of the Act of 1936 mentioned in Part I Application of Schedule 3 to this Act shall have effect as if references therein of general to that Act included references to this Act except the following enactments. sections, namely:—

Section 35 (Prevention or restriction of vehicular access to and from certain roads);

Section 36 (Recovery of street works charges where owner unknown).

(2) The sections of the Act of 1936 mentioned in Part II of Schedule 3 to this Act shall have effect as if references therein to that Act included references to Parts V (Public health) and VIII (Fire precautions) of this Act.

(3) Section 278 of the Act of 1959 shall have effect as if references therein to that Act included references to the following sections, namely:—

Section 35 (Prevention or restriction of vehicular access to and from certain roads);

Section 36 (Recovery of street works charges where owner unknown).

(4) Section 287 of the Act of 1936 shall have effect as if references therein to that Act included references to the following sections of this Act, namely:—

Section 37 (Power to examine and test flues believed to be defective);

Section 51 (Oil-fired boilers);

Section 52 (Premises used for storage of flammable substances).

PART XII  
—cont.

Protection of  
members and  
officers of  
Corporation  
from personal  
liability.  
1875 c. 55.  
Arbitration.

99. 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 or a sub-committee of a local authority.

100. 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.

As to powers  
of Board of  
Trade.

101. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Costs of Act.

102. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.



SCHEDULES

SCHEDULE 1

TABLE OF ENACTMENTS REPEALED

(1) Enactments repealed	(2) Extent of repeal	
Hull (Drypool) Bridge and Improvements Act, 1885— Section 12 (Regulations as to opening bridge) Section 13 (Penalty for breach of byelaws) Section 14 (Penalty if bridge master exercise powers unfairly) Section 15 (Penalty if persons offer rewards or bribes to bridge master)	The whole section. The whole section. The whole section. The whole section.	1885 c. clxxi.
Kingston-upon-Hull Corporation Act, 1897— Section 34 (Byelaws as to bridges)	The words “ and shall as regards the Drypool Bridge conform to the provisions of section 12 (Regulations as to opening bridge) of the Hull (Drypool) Bridge and Improvements Act, 1885.”	1897 c. ccxlix.
Kingston-upon-Hull Corporation Act, 1901— Section 16 (Incorporation of sections of Acts of 1885 and 1897)	So much as incorporates sections 14 and 15 of the Hull (Drypool) Bridge and Improvements Act, 1885, and the words in section 34 of the Kingston-upon-Hull Corporation Act, 1897, which are repealed by this Act.	1901 c. cxxiv.
Kingston upon Hull Corporation Act, 1926— Section 12 (Byelaws as to North Bridge)	The whole section.	1926 c. lxxiv.
Kingston upon Hull (Sutton Road Bridge) Scheme, 1934, confirmed by Public Works Facilities Scheme (Kingston upon Hull Corporation Sutton Road Bridge) Confirmation Act, 1934— Section 29 (Times of opening bridge) Section 30 (Power to make byelaws)	The whole section. The whole section.	1934 c. lxxxii.
Kingston upon Hull Corporation Act, 1952— Section 30 (Times of opening bridge) Section 31 (Byelaws as to bridge)	The whole section. The whole section.	1952 c. xliii.

Section 66.

## SCHEDULE 2

1901 c. cxxiv. KINGSTON-UPON-HULL CORPORATION ACT, 1901, SECTION 57 (PROVISIONS  
AS TO RAISING MONEY BY BILLS) AS AMENDED1933 c. 51. 57.—(1) In addition to the modes of borrowing prescribed by  
section 196 of the Local Government Act, 1933, the Corporation may  
raise money—

- (a) for any purpose for which the consent of the sanctioning authority within the meaning of the said Act of 1933 has been obtained; or
- (b) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called "Hull Corporation bills" and in this section referred to collectively as "bills" and separately as a "bill") subject to and in accordance with the following provisions of this section:—

\* \* \* \* \*

- (2) A Hull Corporation bill shall be a bill in the form prescribed by regulations made under this section for the payment of the sum named therein in the manner and at the date therein mentioned being a date not less than three nor more than twelve months from the date of the bill:
- (3) Such bills may be offered for purchase by tender in such manner on such conditions as the Corporation determine:
- (4) The bills shall be issued under the authority of a resolution passed by the Council:
- (5) Each bill shall be for the amount directed by the Corporation not being less than five hundred pounds:
- (6) Each bill shall bear the signature of the Treasurer of the City or of some other person authorised by the Council:

\* \* \* \* \*

- (8) The Corporation shall not issue bills payable to bearer:
- (9) The Corporation may make regulations providing for—
  - (a) the preparation and form and the mode of issue, payment and cancellation of bills;
  - (b) the issue of a new bill in lieu of one defaced, lost or destroyed;
  - (c) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and
  - (d) the giving of a proper discharge on the payment of a bill:

- (10) The Corporation may enter into such arrangements with any bank or person for carrying into effect the provisions of this Act with respect to the issue of bills and to the payment of the



principal sum named therein and to all matters relating thereto and for the proper remuneration of such bank or person with reference thereto as they may think proper:

SCH. 2.  
—cont.

- (11) The amount of money received by the Corporation in respect of a bill shall be deemed to be principal money raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

\* \* \* \* \*

- (13) The aggregate amount payable on bills current at any one time shall not exceed—

(a) the sum of one million five hundred thousand pounds; or

(b) one-fifth of the amount estimated to be produced by the general rate levied in the city during the then current financial year;

whichever is the greater, except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills:

- (14) The Corporation may subject to the provisions of the preceding subsection renew bills at maturity:

\* \* \* \* \*

- (16) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills:

- (17) A Hull Corporation bill shall entitle the holder to payment at maturity of the sum expressed in such bill to be payable and shall be charged on all the revenues of the Corporation:

- (17A) In this section the expression "revenues" in relation to the Corporation has the same meaning as in section 218 of the Local Government Act, 1933, and the expression "undertakings" means such undertakings as are from time to time managed or maintained by the Corporation: 1933 c. 51

\* \* \* \* \*

Section 98.

## SCHEDULE 3

## GENERAL ENACTMENTS APPLIED

## PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT, OTHER THAN  
SECTIONS 35 AND 36

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
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 1936 APPLIED TO PARTS V AND VIII OF THIS ACT

Section	Marginal note
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.



# Kingston upon Hull Corporation Act 1967

## CHAPTER xxxiii

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Application of Part I of Act of 1965.
4. Interpretation.

#### PART II

##### LANDS

5. Power to acquire lands.
6. Power to owners and lessees to give notice as to purchase of land.
7. Correction of errors in deposited plans and book of reference.
8. Disregard of recent improvements and interests.
9. Extinction of private rights of way.
10. Power to acquire easements only.
11. Grant of easements by persons under disability.
12. Provision of substituted sites.
13. Power to reinstate owners or occupiers of property.

## Section

14. Agreements with adjoining owners.
15. Reservation of easements, etc., by Corporation.
16. Suspension of restrictive covenants.

## PART III

## WORKS

17. Power to construct works.
18. Power to deviate.
19. Power to make subsidiary works.
20. Subsidiary works in river and elsewhere.
21. Temporary stoppage of highways.
22. Underpinning of houses near works.
23. Stopping up of highways.
24. Laying out and repair of carriageways and footways.
25. No mains or pipes to be laid in bridges without consent.
26. Power to sell materials.
27. Tidal works not to be executed without approval of Board of Trade.
28. Lights on tidal works during construction.
29. Permanent lights on tidal works.
30. Provision against danger to navigation.
31. Abatement of works abandoned or decayed.
32. Survey of tidal works.
33. Byelaws as to opening of bridges.

## PART IV

## STREETS

34. Awnings over footways.
35. Prevention or restriction of vehicular access to and from certain roads.
36. Recovery of street works charges where owner unknown.

## PART V

## PUBLIC HEALTH

37. Power to examine and test flues believed to be defective.
38. Prohibition of dark smoke.
39. Sanitary conveniences at places of public exhibition, etc.
40. Sanitary conveniences for persons employed on construction work.



PART VI

HOUSES IN MULTIPLE OCCUPATION

Section

41. Interpretation of this Part of Act.
42. Local Act scheme.
43. Prohibition on letting, etc., of certain houses unless registered.
44. Registration of newly registrable houses.
45. Appeal to county court.
46. Fines for offences.

PART VII

PUBLIC ORDER

47. Entertainment clubs and coffee bars.
48. Hackney carriages.
49. False statements to obtain rent rebates, etc.

PART VIII

FIRE PRECAUTIONS

50. Provision of means of escape from fire in certain buildings.
51. Oil-fired boilers.
52. Premises used for storage of flammable substances.
53. Firemen's switches for luminous tube signs.
54. Building plans: access for fire brigade.
55. Fire precautions in registered clubs.
56. Byelaws for prevention of fire at fairs and circuses.

PART IX

FINANCE AND SUPERANNUATION

57. Power to borrow.
58. Remuneration of sheriff.
59. Insurance fund.
60. Reserve funds.
61. Receipt in case of minors.
62. Establishment expenses.
63. Interest and dividends by post.
64. Designation of holders of authorised securities in register.
65. Officers of Corporation acting as receivers, etc.
66. Amendment of section 57 of Kingston-upon-Hull Corporation Act, 1901.
67. Amendment of section 152 of Kingston-upon-Hull Corporation Act, 1903.
68. Insurance of certain voluntary assistants.
69. Recovery of sums paid to officers, etc.
70. Transfer of certain sums from superannuation fund.
71. Expenses of investment of superannuation fund.
72. Certain remuneration and service excluded for superannuation purposes.

## PART X

## Section

## MISCELLANEOUS

- 73. Hairdressers and barbers.
- 74. Fencing of open drains and watercourses.
- 75. Transfer of part of Foredyke Stream.
- 76. Electronic or other accounting equipment.
- 77. Byelaws as to use of telephone system, etc.
- 78. Refreshments at meetings.
- 79. Use of libraries, etc.
- 80. Disposal of unsuitable specimens and works of art.
- 81. Power to provide car parks for certain purposes.
- 82. Recreational and other facilities for employees.

## PART XI

## PROTECTIVE PROVISIONS

- 83. Crown rights.
- 84. Saving for Trinity House.
- 85. For protection of conservancy board.
- 86. For protection of river authority.
- 87. For protection of Postmaster General.
- 88. For protection of British Railways Board.
- 89. For protection of certain statutory undertakers.
- 90. For further protection of North Eastern Gas Board.
- 91. For protection of The British Oil and Cake Mills Limited.
- 92. Saving for town and country planning.

## PART XII

## GENERAL

- 93. Confirming authority for byelaws.
- 94. Local inquiries.
- 95. The appointed day.
- 96. Restriction on right to prosecute.
- 97. Appeals.
- 98. Application of general enactments.
- 99. Protection of members and officers of Corporation from personal liability.
- 100. Arbitration.
- 101. As to powers of Board of Trade.
- 102. Costs of Act.

## SCHEDULES:

Schedule 1—Table of enactments repealed.

Schedule 2—Kingston-upon-Hull Corporation Act, 1901, section 57 (Provisions as to raising money by bills) as amended.

Schedule 3—General enactments applied—

Part I—Sections of Act of 1936 applied to this Act, other than sections 35 and 36.

Part II—Sections of Act of 1936 applied to Parts V and VIII of this Act.