

ELIZABETH II



1970 CHAPTER xxiv

An Act to confer further powers on the Huntingdon and Peterborough County Council and on local authorities in the administrative county of Huntingdon and Peterborough in relation to lands and highways and the local government, improvement, health and finances of the county; and for other purposes.

[29th May 1970]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to lands and highways and the local government, improvement, health and finances of the administrative county of Huntingdon and Peterborough and that the powers of the county council of that administrative county (hereinafter referred to as “the Council”) and of local and other authorities therein should be enlarged and extended as provided in this Act:

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

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

1933 c. 51. (4) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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

PART I
PRELIMINARY

Short title. 1. This Act may be cited as the Huntingdon and Peterborough County Council Act 1970.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Lands.
Part III.—Highways.
Part IV.—Public order and public safety.
Part V.—Finance.
Part VI.—Miscellaneous.
Part VII.—General.

Interpretation. 3.—(1) In this Act the several words and expressions (other than those defined in subsection (2) of this section) to which meanings are assigned by section 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

1936 c. 49. “ the Act of 1933 ” means the Local Government Act 1933
1961 c. 62. “ the Act of 1936 ” means the Public Health Act 1936;
“ the Act of 1961 ” means the Trustee Investments Act 1961;
“ contravention ” includes a failure to comply and
“ contravene ” shall be construed accordingly;
“ the Council ” means the county council of the county;
“ the county ” means the administrative county of
Huntingdon and Peterborough;
“ the county fund ” means the county fund of the Council;
“ daily fine ” means a fine for each day on which an offence
is continued after conviction thereof;
“ district ” means a borough or an urban or rural district
in the county;

- “enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “financial year” means a period of twelve months ending on 31st March;
- “highway authority” means—
- (a) in the case of a trunk road, the Minister of Transport or, with his consent, the authority who are for the time being acting as his agent under the Highways Act 1959 with respect to that road; 1959 c. 25.
- (b) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and
- (c) in the case of any other highway, the local authority for the district in which the highway is situate;
- “land” includes land covered by water and any interest in land or any easement or right in, to or over land;
- “local authority” means the council of a district;
- “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” in relation to the Post Office has the same meaning as in sub-paragraph (4) of paragraph 93 of Schedule 4 to the Post Office Act 1969 and in relation to statutory undertakers means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings; 1969 c. 48.
- “the police authority” means the Mid Anglia Police Authority or any other police authority of which the Council are a constituent member;
- “revenues” and “sanctioning authority” have the same meanings as in section 218 of the Act of 1933;
- “signature” includes a facsimile of a signature by whatever process reproduced;

PART I
—cont.

1937 c. 68.

“statutory undertakers” means any company, body or person authorised by any enactment to supply electricity, gas or water;

“the superannuation fund” means the superannuation fund maintained by the Council under Part I of the Local Government Superannuation Act 1937;

“voluntary organisation” means any organisation not carried on for profit, not being an organisation carried on by a public authority, and “voluntary” shall be construed accordingly.

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

PART II

LANDS

Suspension of
restrictive
covenants.

4.—(1) If the Council—

(a) acquire land by agreement; or

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

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

(d) appropriate (whether before or after the passing of this Act) land which has been 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 or in pursuance of any enactment) as to the user thereof or the building thereon the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Council shall—

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

(i) serve a copy of that 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

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

(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 and a copy thereof to the Council within the period specified in the notice.

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

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

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

(7) If in the opinion of the Council 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 Council may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time not being less than three months from the date of the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against

PART II
—cont.

the use of the land may intimate such claim to the Council and shall 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 they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of 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 the benefit of 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.

1965 c. 56.

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

1961 c. 33.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land affected by the restriction or, if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1970 and, if compensation is paid by the Council 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 the 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 1970 remain unenforceable only so long as the land is used for that purpose.

(11) If the Council 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—

PART II
—cont.

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction for—

(i) the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of the British Railways Board, the Post Office or any statutory undertakers;

(ii) the prevention of pollution of water which any statutory water undertakers are for the time being authorised to take;

contained in any deed, wayleave agreement or other instrument.

(13) In this section—

“ the appropriate Minister ” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire or appropriated that land;

“ statutory water undertakers ” has the same meaning as in the provisions of the Water Act 1945 other than those contained in Part II of that Act. 1945 c. 42.

5.—(1) The Council, when they are required by any enactment to make compensation to any person interested in any lands, may by agreement with such person make such compensation wholly or partly in works, land or money, but in the case of land for the alienation of which the consent of any government department is required, only with such consent. Compensation may be in land.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rent, covenants, restrictions, reservations, terms or conditions made payable by or contained in any conveyance, lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council have derived title to it.

6. In respect of land acquired by the Council for the benefit or improvement of the county under either of the following sections:— Disposal of land.

Section 157 (Power of local authorities to acquire land by agreement);

Section 158 (Acquisition of land in advance of requirements); of the Act of 1933 (as extended by section 1 of the Local Authorities (Land) Act 1963), and not since allocated for any statutory purpose section 165 of the Act of 1933 shall have effect with the omission of the words “ and which is not required for the purpose for which it was acquired or is being used ”. 1963 c. 29.

PART II
—cont.

Undertakings
and agreements
binding
successive
owners.

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

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

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

1925 c. 22.
1926 c. 11.

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

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

Application
to local
authorities
of provisions
of Part II.

8. The provisions of this Part of this Act shall apply to a local authority, and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to their district respectively, and subject to any other necessary modifications.

PART III

HIGHWAYS

Retaining
walls.

- 9.—(1) In this section “retaining wall” means a wall which—
- (a) serves, or is intended to serve, as a support for earth or other material on one side only; and
 - (b) does not form part of a permanent building;

and this section applies to any length of a retaining wall, being a length—

- (i) any cross-section whereof is wholly or partly within 12 feet of a street in a district; and
- (ii) which is at any point of a greater height than 6 feet above the level of the ground at the boundary of the street nearest that point.

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

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

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

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

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

the local authority may by notice to the owner or occupier require him to execute such work as may be necessary to prevent its being liable as aforesaid; and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to a retaining wall erected—

(a) by the Minister of Transport on a trunk road; or

(b) on land belonging to any railway, dock, canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway, dock, canal or inland navigation undertaking; or

(c) on operational land of the Central Electricity Generating Board, the Eastern Electricity Board, the Gas Council, the Eastern Gas Board or the Post Office.

10.—(1) No person shall mix or deposit mortar or any like substance in any street in the county which is a highway maintainable at the public expense except upon a board or in a receptacle which will protect the street from such mortar or substance: Mixing of mortar in streets.

Provided that this section shall not apply to the mixing or deposit in any street of mortar or any like substance for the purposes of making up, repairing, reinstating, altering or improving a street or any bridge over or under a street.

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

11.—(1) The owner or occupier of any premises situated under, or abutting on part of, a street in any district may, with the consent of the highway authority, provide— Oil pipes and manholes in streets.

(a) pipes under the street for conveying oil for use or storage to such premises; or

(b) manholes in the street in connection with any such pipes.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit, and such terms and conditions, and any conditions

PART III
—cont.

1925 c. 22.

imposed by them under subsection (5) of this section, shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any person aggrieved by the refusal of the highway authority to give a consent under subsection (1) of this section or by any term or condition imposed by the highway authority under subsection (2) or subsection (5) of this section may appeal to a magistrates' court.

(4) If any person carries out any works to provide pipes or manholes as aforesaid without the consent of the highway authority, or fails to comply with any term or condition of a highway authority imposed on him under subsection (2) or subsection (5) of this section, he shall, subject to any order made on appeal, but without prejudice to any other liability to which he may be subject, be liable to a fine not exceeding fifty pounds.

(5) (a) Before the highway authority determine to give any consent under this section, they shall give at least twenty-eight days' notice of the application therefor to the Post Office and to any statutory undertakers who appear to them to be concerned, and on giving any such consent shall attach thereto such conditions as the Post Office or any such statutory undertakers may reasonably require for the protection of any apparatus belonging to, or used or maintained by, the Post Office or those statutory undertakers or in respect of access thereto.

(b) As soon as may be after the highway authority have given a consent under this section they shall give notice thereof to the Post Office and to any such statutory undertakers.

(6) (a) Nothing in this section shall authorise any person to alter, or require any alteration of, any telegraphic line belonging to or used by the Post Office.

(b) In this subsection "alter", "alteration" and "telegraphic line" have the same meanings as in the Telegraph Act 1878.

1878 c. 76.

(7) The giving of consent by the highway authority shall not relieve the person or persons to whom consent is given from liability for damage caused by him or them or any person acting on his or their behalf to any apparatus belonging to or maintained by the Central Electricity Generating Board, the Eastern Electricity Board or the Nene and Ouse Water Board.

1950 c. 39.

(8) The Public Utilities Street Works Act 1950 shall not apply to the provision of pipes or manholes under subsection (1) of this section.

(9) This section shall not apply to—

(a) any street belonging to or repairable by the British Railways Board; or

- (b) a pipe-line (as defined in section 65 of the Pipe-lines Act 1962) being a pipe-line which may be placed in a street under the provisions of section 15 of the Pipe-lines Act 1962 and in exercise of the powers given by that section; or
- (c) the carrying out of any works in a street by statutory undertakers in the exercise of their statutory powers.
- PART III
—cont.
1962 c. 58.

12.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall on the verge of any road to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, sell, offer, deposit or expose for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

Sale of food and articles on verges, etc.

(2) 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.

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

- (a) all trunk roads and roads which are classified as principal roads by the Minister of Transport under the Local Government Act 1966;
- (b) any other road, or part of a road, in the county to which the highway authority may by order apply this section.
- 1966 c. 42.

(4) (a) An order under subsection (3) of this section shall not be made except with the consent of the Minister of Transport:

Provided that if no objections are duly made in accordance with the provisions of this subsection or if any so made are withdrawn the consent of the Minister of Transport shall not be required and the order shall have effect without modification.

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

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the Minister of Transport from any person appearing to him to be affected, the

PART III
—cont.

said Minister shall, before consenting to the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(5) The Minister of Transport may, in consenting to any order submitted to him for his consent under this section, consent to it in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the highway authority in question and other persons likely to be concerned.

(6) Nothing in this section shall apply to the sale of food, goods, provisions, articles or things—

(a) from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or land to which this section applies; or

(b) from the forecourt of any premises by or with the consent of the owner or occupier of those premises; or

1925 c. 20.

(c) from any building erected or work constructed with the consent of the Minister in pursuance of section 194 of the Law of Property Act 1925 or of any statutory provision or any scheme made pursuant to a statute; or

1968 c. 72.

(d) from any premises used as a shop pursuant to a permission granted or deemed to have been granted under the provisions of the Town and Country Planning Acts 1962 to 1968 or any order or regulation made thereunder or in respect of which an enforcement notice cannot be served under section 15 of the Town and Country Planning Act 1968 by virtue of subsection (3) of that section; or

(e) from any other private property by or with the consent of the owner of such property and with the permission of the highway authority.

(7) (a) Where an application is made to a highway authority for a permission under paragraph (e) of subsection (6) of this section then unless within twenty-eight days from the date of the receipt of the application the highway authority give notice to the applicant of their decision on the application the provisions of paragraph (b) of this subsection shall apply in relation to the application as if the highway authority had refused to grant the permission applied for.

(b) Any person aggrieved by the refusal of the highway authority to grant permission under paragraph (e) of subsection (6) of this

section may appeal to a magistrates' court and on any such appeal, the court may, if it appears to them that adequate facilities exist or will be provided for the parking of the vehicles of persons likely to frequent the property in question and that the use of such property for the sale, offering or exposing for sale or depositing for sale of any food, goods, provisions, articles or things will not otherwise adversely affect the safety of persons using the adjoining road, by order direct the highway authority to withdraw such refusal and to issue the permission for which application was made.

(8) In this section "private property" does not include common land or unenclosed moorland.

13.—(1) Where the commission by undertakers of an offence in the county under subsection (2) or (4) of section 7 or subsection (3) of section 8 of the Public Utilities Street Works Act 1950 is due to the act or default of persons executing works for the undertakers as contractors, those persons shall be guilty of the offence and may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the undertakers.

Offences under sections 7 and 8 of Public Utilities Street Works Act 1950 c. 39.

(2) In this section "undertakers" has the meaning assigned to it by subsection (1) of section 39 of the Public Utilities Street Works Act 1950.

PART IV

PUBLIC ORDER AND PUBLIC SAFETY

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

(a) obstructs the access to a police telephone call box in the county or to a structure provided in the county for police purposes or to a fire alarm provided by the fire authority; or

(b) interferes with equipment in such a call box, structure or fire alarm; or

(c) removes, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, structure or fire alarm, or of a fire hydrant in the county;

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

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

PART IV
—cont.

- (2) If any person telephones, or causes to be telephoned—
- (a) from a police telephone call box in the county a statement which he knows to be false; or
 - (b) from a Post Office telephone call box in the county a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action;

he shall be liable to a fine not exceeding fifty pounds:

Provided that, if the false statement is an alarm of fire, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or both.

- (3) In this section—

“ appropriate authority ” means, in relation to a fire alarm or fire hydrant, the Council and, in any other case, the police authority; and

“ structure ” includes any installation.

Firemen's
switches for
luminous
tube signs.

15.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 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.

(2) As from the coming into operation of this section apparatus to which this section applies in the county 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 Council 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 install apparatus to which this section applies, the consumer shall give notice to the Council 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 date of the coming into operation of this section, the consumer shall, not less than fourteen days before that date, give notice to the Council—

- (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 Council 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 Council unless, within ten days from the date of the service of the notice, if the notice is served under subsection (3) of this section, or within twenty-one days from the date of the service of the notice, if the notice is served under subsection (4) of this section, the Council 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 Council.

(7) A person aggrieved by a counter-notice served by the Council 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 to which this section applies 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 twenty 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.

1947 c. 54.

(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 or the Theatres Act 1968 is for the time being in force:

1968 c.54.

Provided that where any luminous tube sign to which, but for this subsection, 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 under subsection (3) of this section to the Council informing them of the position in which it is proposed to place the cut-off switch.

(13) This section shall come into operation in the county at the expiration of a period of two months beginning with the date on which this Act is passed.

PART IV
—cont.

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

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

Safety of
stands.

16.—(1) As from the appointed day in any district no person shall commence to erect in a district a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the local authority of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the local authority may reasonably require, and the local authority have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the local authority may give him notice that they approve the erection of the stand, but only subject to—

(a) such modifications of the plan, section and particulars submitted to them; and

(b) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice, being modifications and requirements which appear to the local authority to be necessary for securing the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the local authority shall have regard to that statement in considering what modifications and requirements are to be specified in a notice under subsection (2) of this section, but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice, or such further time as the local authority may allow.

(4) The local authority may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan, section and particulars submitted to them; and, if within the said five weeks the local authority have not given notice under subsection (2) of this section, they shall be deemed for the purposes of this section to have so approved the erection of the stand.

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

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or
- (b) erects such a stand otherwise than in accordance with a plan, section and particulars submitted to the local authority under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the said plan, section and particulars as modified by the notice; or
- (c) being the owner or occupier of such a stand erected otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or
- (d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

he shall be liable to a fine not exceeding one hundred pounds and, in the case of any such failure, to a daily fine not exceeding two pounds:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Council to enforce.

(8) The provisions of this section shall not apply to—

- (a) any stand used by the Central Electricity Generating Board, the Eastern Electricity Board, the Gas Council, the Eastern Gas Board or the Post Office on operational land for the purposes of their undertakings; or
- (b) a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

(9) Before serving a notice under subsection (2) of this section the local authority shall consult with the fire authority.

(10) (a) In this section—

“ the appointed day ” means such day as may be fixed by resolution of a local authority subject to and in accordance with the provisions of this subsection;

“ stand ” includes a structure, but does not include a building to which building regulations are applicable.

PART IV
—cont.

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

(i) of the passing of any resolution referred to in paragraph (a) of this subsection and of the day fixed thereby; and

(ii) of the general effect of the provisions of this section; and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(c) Either—

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

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

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

Building
plans: access
for fire
brigade.

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

(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 fought effectively; 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 fought effectively.

(2) Where plans for the extension of a building are in accordance with building regulations deposited with a local authority, the local authority 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 fought effectively; 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 fought effectively.

(3) A local authority shall consult with the fire authority before rejecting any plans in accordance with the provisions of subsection (1) or (2) of this section.

(4) 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.

(5) If a local authority 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.

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

(7) This section shall not apply in respect of plans deposited for the erection of—

(a) a one-storeyed private dwelling-house of a capacity of less than 18,000 cubic feet or such other capacity as the Secretary of State may by order prescribe; or

(b) a private dwelling-house of two storeys neither of which storey has a floor area of more than 1,000 square feet or of such other area as the Secretary of State may by order prescribe;

not being a flat or maisonette.

(8) An order under subsection (7) of this section shall be made by statutory instrument and the local authority shall cause to be published in a local newspaper circulating in the district notice of the making of such order and of the general effect thereof.

(9) Either—

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

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

shall be evidence of the publication of the notice.

18.—(1) No building of the warehouse class and no building used or intended to be used for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding 250,000 cubic feet or extended to exceed that extent unless (in accordance with plans and particulars submitted in accordance with building regulations and approved for the purposes of this

Fire precautions in certain large buildings.

PART IV
—cont.

section after consultation with the fire authority by the local authority of the district in which the building is to be erected or is situate)—

- (a) it is provided with all such means of escape therefrom in case of fire as may be reasonably required; and
- (b) if the local authority so require it is fitted with automatic fire alarms and a fire extinguishing system or with either such alarms or such system to the satisfaction of the local authority after consultation with the fire authority:

1961 c. 34. Provided that nothing in paragraph (a) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the Act of 1936 applies or to premises to which the Offices, Shops and Railway Premises Act 1963 applies.

1963 c. 41.

(2) (a) The person proposing to erect or cause to be erected or extend or cause to be extended any building to which subsection (1) of this section applies shall, when submitting plans and particulars in accordance with building regulations, deposit with the local authority particulars showing how it is proposed to comply with the requirements of paragraphs (a) and (b) of subsection (1) of this section.

(b) A local authority at any time within a period of two months after the deposit of the particulars irrespective of any decision under building regulations—

- (i) may refuse to approve them; or
- (ii) may approve them subject to such conditions (if any) as they think fit.

(c) Where a local authority refuse to approve the particulars or approve them subject to conditions they shall give to the person who deposited the particulars notice stating their reasons for refusal or for the imposition of conditions:

Provided that if within the period of two months mentioned in paragraph (b) of this subsection the local authority fail to give such notice they shall be deemed to have approved the said particulars.

(3) (a) If any building to which the preceding subsections of this section are applicable is erected or extended in contravention of any of the requirements of paragraph (a) or (b) of subsection (1) of this section the local authority, without prejudice to their rights to take proceedings for penalties in respect of the contravention, may by notice require the person erecting or causing to be erected the building or extension either to pull down and remove it or, if he so elects, to effect such alterations therein as may be necessary in order to comply with the said requirements.

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

(4) All means of escape provided, and any fire alarms and fire extinguishing systems fitted, under the requirements of paragraphs (a) and (b) of subsection (1) of this section shall be properly maintained and kept free from obstruction.

(5) (a) A person who erects or causes to be erected or extends or causes to be extended a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(b) The occupier of any premises who fails to maintain the means of escape provided, and any fire alarms and fire extinguishing systems fitted, under the requirements of paragraphs (a) and (b) of subsection (1) of this section, or to keep them free from obstruction, shall be guilty of an offence under this section.

(c) A person who commits an offence under this section shall on summary conviction be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds.

(6) Any person aggrieved by—

(a) a requirement of a local authority; or

(b) a refusal by a local authority to approve particulars; or

(c) a condition subject to which approval of particulars is given by a local authority;

under subsection (1) or (2) of this section may appeal to a magistrates' court, and on any such appeal the court may confirm, reverse or vary such requirement, refusal or condition.

(7) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which subsections (1) to (3) of this section apply—

(a) for the purpose of ascertaining whether there is, or has been, in or in connection with the building, any contravention of the provisions of this section;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise a local authority to take any action under this section.

(8) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into a building for the purposes of subsection (7) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

PART IV
—cont.

1968 c. 54.

(9) Nothing in this section shall apply to any building—

- (a) in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or
- (b) which is exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by paragraph (c) of section 71 of that Act.

(10) Any reference in this section to plans deposited in accordance with building regulations shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the regulations or this section.

PART V

FINANCE

Power to
borrow.

19.—(1) The Council may borrow—

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

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

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

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

1946 c. 58.

Power to
Council to
raise money
by issue of
bills.

20.—(1) In addition to the modes of borrowing prescribed by the Act of 1933 or any other enactment, the Council may raise money—

- (a) for any purpose for which the Council are authorised to borrow;
- (b) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

by means of bills (to be called “Huntingdon and Peterborough County Council bills” and in this section referred to collectively

as "bills" and separately as a "bill") subject to and in accordance with the following provisions:—

PART V
—cont.

- (i) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:
- (ii) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:
- (iii) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:
- (iv) Bills shall be issued under the authority of a resolution passed by the Council and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:
- (v) The Council 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;
 - (D) the giving of a proper discharge on the payment of a bill; and
 - (E) the amendment or revocation of any regulations previously made or deemed to have been made under this paragraph:
- (vi) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (vii) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—
 - (A) the sum of nine hundred thousand pounds; or
 - (B) one-fifth of the amount estimated to be produced by the levying of rates in the county during the then current financial year to meet liabilities failing to be discharged by the Council;whichever is the greater;

PART V
—cont.

(viii) Subject to the provisions of the last preceding paragraph the Council may renew a bill at maturity:

(ix) The Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Council to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

(2) (a) The Council may at the request of a local authority to which this subsection applies raise money by means of Huntingdon and Peterborough County Council bills and shall lend such money to the local authority—

(i) for any purpose for which the local authority are authorised to borrow; or

(ii) in anticipation of the receipt of revenues for any purpose for which the revenues of the local authority may properly be applied:

Provided that the aggregate amount payable on bills issued under this subsection for the purpose of lending to the local authority current at any one time shall not (except by the amount payable on bills issued shortly before any other such bills fall due in order to pay off the last-mentioned bills) exceed one-fifth of the amount of so much of the gross rate income of that local authority as is retained by the local authority to meet liabilities falling to be discharged by the local authority.

(b) Any money lent to a local authority under this subsection shall be repaid to the Council by the local authority together with interest within the meaning of paragraph (vi) of subsection (1) of this section on or before the respective dates on which the money raised by means of the bills falls due for repayment.

(c) The aggregate amount payable on bills issued under this subsection current at any time shall not be taken into account in calculating the aggregate amount referred to in paragraph (vii) of subsection (1) of this section.

(d) This subsection applies to any local authority whose gross rate income is not less than three million pounds.

(3) In this section “gross rate income” means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967.

1967 c. 9.

Power to
raise money
by bearer
bonds.

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

Power to
raise money
abroad.

22.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to

borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

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

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

(4) Nothing in this section shall be taken as exempting the Council from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

23. Nothing in the last two foregoing sections shall be taken as exempting the Council from the provisions of the Exchange Control Act 1947.

Saving for
Exchange
Control
Act 1947.

1947 c. 14.

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

Extension of
power to
invest super-
annuation
fund moneys.
1937 c. 68.

(a) in Part III (Wider-Range Investments) of Schedule 1 to that Act—

(i) in paragraph 3 there were added at the end the words “ or in any units or other shares of a property unit trust scheme whether or not there may be in force relating to such scheme such an order as is referred to in this paragraph ”;

(ii) the following additional paragraph were included:—

“ 4. In any securities issued in any of the scheduled territories within the meaning of section 1 of the Exchange Control Act 1947, or in Canada, in the United States of America, Japan, the Netherlands Antilles, or in any of the following countries, namely, Austria, Belgium, Denmark, France, Holland, Italy, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland and Western Germany ”;

PART V
—cont.

(b) in Part IV (Supplemental) of the said schedule—

(i) in paragraph 1 there were inserted after the word “Schedule” the words “other than those mentioned in paragraph 4 of the said Part III”;

(ii) after paragraph 2 there were inserted the following paragraph:—

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

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

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

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

Investment
of super-
annuation
fund in
acquisition,
etc., of land.

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

(2) So long as the value of the investments of property for the time being made under the powers conferred by the foregoing subsection is equal to or greater than one-sixth of the total value of the wider-range part of the superannuation fund, no further investment may be made thereunder.

(3) For the purposes of the last foregoing subsection, the value of any investment of property belonging to the wider-range part of the superannuation fund shall be deemed to be the value of the investment at the time at which it was made.

PART V
—cont.

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

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

Section 21 (3) of Local Government Superannuation Act 1937 not to limit foregoing powers.
1937 c. 68.

26. The provisions of the last two foregoing sections shall have effect notwithstanding anything in subsection (3) of section 21 of the Local Government Superannuation Act 1937.

27. All costs, charges and expenses incurred by the Council in investing moneys forming part of the superannuation fund, or otherwise in relation thereto, may be paid by the Council out of that fund.

Expenses of investment of superannuation fund.

28.—(1) Subject to the provisions of subsection (4) of this section, subsection (2) of this section applies to employees—

Exclusion of certain remuneration and service for superannuation purposes.

(a) who are contributory employees for the purposes of the Local Government Superannuation Acts 1937 to 1953; or

(b) who are employed in reckonable service within the meaning of the Teachers' Superannuation Act 1967; or

1967 c. 12.

(c) who are firemen participating in the Firemen's Pension Scheme; or

(d) who by virtue of the provisions of rule 3 of the Superannuation (Policy and Local Government Schemes) Interchange Rules 1948 are not subject to the provisions of the Local Government Superannuation Acts 1937 to 1953;

and who are employed whole-time by the Council, a local authority, a magistrates' courts' committee, a probation and after-care committee, the managers or governors of a voluntary school, a local valuation panel or any voluntary organisation, undertakers or other body approved by the Minister and who participate in the benefits of the superannuation fund.

(2) The salary, wages, fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this subsection applies in respect of any part-time employment (not being employment the duties of which may be

PART V
—cont.

performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Council or any other authority or body the employees of which participate in the benefits of the superannuation fund—

- (a) as an instructor or other employee performing duties at, or for the purposes of, an evening institute or for the purposes of evening classes; or
- (b) as a warden of, or other employee performing duties at, or for the purposes of, a youth centre; or
- (c) as a civil defence instructor; or
- (d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

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, and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

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

(4) Subsection (2) of this section shall not apply to any such person as is referred to in subsection (3) of this section unless within six months after the passing of this Act he gives notice in writing to the Council that the said subsection (2) is to apply to him, whereupon that subsection shall apply to him as if this Act had come into force on the date of the receipt by the Council of such notice.

(5) In this section, unless the subject or context otherwise requires, words and expressions to which meanings are assigned in the Local Government Superannuation Acts 1937 to 1953 have the same respective meanings.

Power to
Council to
lend money
to local
authorities,
etc.

29.—(1) The Council may lend to any local authority, and a local authority may borrow from the Council, upon such terms and conditions as may be agreed, such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed, and any money so lent shall be repaid to the Council

by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment by the local authority of the money they are authorised to borrow.

PART V
—cont.

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

(3) Where any sum is borrowed by the Council for the purposes of this section it shall be lawful for the Council for such periods as they may think fit to suspend any annual provision required to be made by virtue of any enactment for the time being in force for the repayment of the sum borrowed.

(4) The Council shall be entitled to charge such rate of interest in respect of any particular loan under this section as may be agreed between the Council and the borrower:

Provided that the Council shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time the loan is made the rate of interest agreed is such that no loss is incurred by the Council in respect of the loan.

(5) All costs, charges and expenses incurred by the Council in respect of any particular loan under this section shall be met by the borrower.

(6) In this section "local authority" means a local authority as defined by section 34 of the Local Loans Act 1875 which has jurisdiction within the county and includes any joint board if all the constituent authorities are such local authorities as aforesaid. 1875 c. 83.

30.—(1) (a) The provisions of this Part of this Act, mentioned in paragraph (b) of this subsection, shall apply to a local authority and for that purpose those provisions shall have effect as if for references therein to the Council there were substituted references to the local authority and subject to any other necessary modifications. Application to local authorities of certain provisions of Part V.

(b) The provisions hereinbefore referred to are—

section 19 (Power to borrow);

section 21 (Power to raise money by bearer bonds);

section 22 (Power to raise money abroad);

section 23 (Saving for Exchange Control Act 1947).

1947 c. 14.

(2) (a) The provisions of this Part of this Act mentioned in paragraph (b) of this subsection shall apply to a local authority maintaining a superannuation fund and for that purpose those provisions shall have effect as if for references therein to the Council and to the superannuation fund there were substituted references

PART V
—cont.

to such local authority and to the superannuation fund maintained by them respectively and subject to any other necessary modifications:

Provided that sections 24 to 26 of this Act shall only apply to such local authority with the consent of the Minister.

(b) The provisions hereinbefore referred to are—

- section 24 (Extension of power to invest superannuation fund moneys);
- section 25 (Investment of superannuation fund in acquisition, etc., of land);
- section 26 (Section 21 (3) of Local Government Superannuation Act 1937 not to limit foregoing powers);
- section 27 (Expenses of investment of superannuation fund);
- section 28 (Exclusion of certain remuneration and service for superannuation purposes).

1937 c. 68.

PART VI

MISCELLANEOUS

Supply of
goods by
Council to
other
authorities.

31.—(1) The Council may purchase and store and supply to an authority any goods or materials required for the discharge of the functions of that authority, and for those purposes the Council and any authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient:

Provided that the Council shall not, in pursuance of this section, supply building materials to an authority for the purpose of the erection, alteration or extension or repair and maintenance of houses or other buildings by that authority.

(2) In this section “ authority ” means—

- (a) a local authority or a joint committee appointed by two or more local authorities;
- (b) any statutory undertakers or other body of persons discharging functions in pursuance of any enactment;
- (c) a voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise of the powers of this section;
- (d) the police authority.

Provision of
reciprocal
services, etc.,
by Council
and other
bodies.

32.—(1) For the better performance of their respective powers or duties, provision may be made by agreement between the Council and the local authorities, or between the Council or any of the local authorities and any authority or body specified

in subsection (4) of this section, for the taking by either party thereto of action of the following kinds:—

PART VI
—cont.

- (a) the undertaking by one party for the other of any administrative, clerical, professional or technical services;
- (b) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of the other party and, if it appears convenient, the services of any staff employed in connection therewith;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible.

(2) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936, it shall be made under the said section 271 and not under this section.

(3) In its application to the use of any mechanical road-making equipment or plant the provisions of subsection (1) of this section shall extend to enable the Council to let for hire such equipment or plant to any local authority or any authority or body specified in subsection (4) of this section or any person carrying out work for, or on behalf of, the Council.

(4) The authorities and bodies hereinbefore referred to are the council of any administrative county other than the Council, the council of a county borough, the police authority, the Great Ouse River Authority and the Welland and Nene River Authority and, in the application of subsection (1) of this section to the Council, include any voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise by the Council of the powers of that subsection.

33. At any time after the Council have provided any electronic or mechanical data processing equipment for the purposes of all or any of their work, they may, by agreement with any local authority or other person, use, or permit that local authority or person to use, the said equipment for the purposes of that local authority or person and may make such charges as may be agreed for the use of the said equipment. Electronic or mechanical equipment.

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

PART VI
—cont.

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

Application
to local
authorities
of provisions
of Part VI.

35.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to their district respectively and subject to any other necessary modifications.

(2) The provisions hereinbefore referred to are—

section 31 (Supply of goods by Council to other authorities);

section 33 (Electronic or mechanical equipment);

section 34 (Authorities to officers).

(3) In its application to a local authority the said section 31 shall have effect as if in paragraph (a) of subsection (2) thereof for the words “a local authority” there were substituted the words “another local authority”.

Saving for
general Act.

36. Section 31 (Supply of goods by Council to other authorities) and section 32 (Provision of reciprocal services, etc., by Council and other bodies) of this Act and so much of section 35 (Application to local authorities of provisions of Part VI) of this Act as relates to the said section 31 shall cease to have effect on the passing during the present session of Parliament of any general Act which makes provision with respect to the supply of goods and services by local authorities to certain public bodies.

PART VII

GENERAL

Local
inquiries.

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

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

Restriction
on right to
prosecute.

38. 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 Council, the highway authority or the local authority, as the case may be.

39.—(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.

PART VII
—cont.
Appeals.

(2) Where any requirement, refusal or other decision of the Council, the highway authority or the local authority, as the case may be, against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action, then, until the time for appealing has expired or, if an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution, no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Council, the highway authority or the local authority themselves execute the work or take the action.

40. Section 265 of the Public Health Act 1875 shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act 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.

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

41.—(1) The sections of the Act of 1936 mentioned in Part I of the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

Application
of general
provisions of
Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part III (Highways) and Part IV (Public order and public safety) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to section 16 (Safety of stands) of this Act.

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

Costs of Act.

Section 41.

SCHEDULE**SECTIONS OF ACT OF 1936 APPLIED****PART I****SECTIONS APPLIED GENERALLY**

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II**SECTIONS APPLIED TO PARTS III AND IV OF THIS ACT**

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
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.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act 1925.

1925 c. 22.

PART III**SECTION APPLIED TO SECTION 16 OF THIS ACT**

Section	Marginal note
287	Power to enter premises.

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Huntingdon and Peterborough County Council Act 1970

CHAPTER xxiv

ARRANGEMENT OF SECTIONS

PART I

Section

PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

LANDS

4. Suspension of restrictive covenants.
5. Compensation may be in land.
6. Disposal of land.
7. Undertakings and agreements binding successive owners.
8. Application to local authorities of provisions of Part II.

PART III

Section HIGHWAYS

9. Retaining walls.
10. Mixing of mortar in streets.
11. Oil pipes and manholes in streets.
12. Sale of food and articles on verges, etc.
13. Offences under sections 7 and 8 of Public Utilities Street Works Act 1950.

PART IV

PUBLIC ORDER AND PUBLIC SAFETY

14. Offences in respect of telephone boxes, fire hydrants, etc.
15. Firemen's switches for luminous tube signs.
16. Safety of stands.
17. Building plans: access for fire brigade.
18. Fire precautions in certain large buildings.

PART V

FINANCE

19. Power to borrow.
20. Power to Council to raise money by issue of bills.
21. Power to raise money by bearer bonds.
22. Power to raise money abroad.
23. Saving for Exchange Control Act 1947.
24. Extension of power to invest superannuation fund moneys.
25. Investment of superannuation fund in acquisition, etc., of land.
26. Section 21 (3) of Local Government Superannuation Act 1937 not to limit foregoing powers.
27. Expenses of investment of superannuation fund.
28. Exclusion of certain remuneration and service for superannuation purposes.
29. Power to Council to lend money to local authorities, etc.
30. Application to local authorities of certain provisions of Part V.

PART VI

MISCELLANEOUS

31. Supply of goods by Council to other authorities.
32. Provision of reciprocal services, etc., by Council and other bodies.
33. Electronic or mechanical equipment.
34. Authorities to officers.
35. Application to local authorities of provisions of Part VI.
36. Saving for general Act.

PART VII

Section

GENERAL

- 37. Local inquiries.
- 38. Restriction on right to prosecute.
- 39. Appeals.
- 40. Protection of members and officers of Council from personal liability.
- 41. Application of general provisions of Act of 1936.
- 42. Costs of Act.

SCHEDULE:

Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts III and IV of this Act.

Part III—Section applied to section 16 of this Act.