

ELIZABETH II



1970 CHAPTER lxxiii

An Act to confer further powers on the lord mayor, aldermen and citizens of the city of Liverpool in relation to the finances of the city; and for other purposes. [17th December 1970]

WHEREAS—

(1) The city of Liverpool (hereinafter referred to as “the city”) is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city acting by the council:

(2) It is expedient that further and better provision should be made with reference to the finances of the city:

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

(4) The objects of this Act cannot be attained without the authority of Parliament:

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

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

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Liverpool Corporation Act 1970.

Division of Act into Parts. **2.** This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Finance.
 Part III.—Documents and equipment.
 Part IV.—Miscellaneous.
 Part V.—General.

Interpretation. **3.—**(1) In this Act, unless the subject or context otherwise requires—

“city” means the city of Liverpool;

“Corporation” means the lord mayor, aldermen and citizens of the city acting by the council;

“council” means the council of the city;

“enactment” includes an enactment in this Act or in any general or local Act, and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force.

(2) 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

FINANCE

Power to raise money abroad. **4.—**(1) Any method by which the Corporation 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 be exercised only with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Corporation 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 were substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there were substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Corporation consider appropriate having regard to all the circumstances of the transaction).

PART II
—cont.

5. In addition to any other method by which the Corporation 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 Corporation to raise money by issue of bearer bonds.

6.—(1) In this section the expression “local authority” means the council of a county, county borough or county district and any other authority being a local authority as defined by section 34 of the Local Loans Act 1875 and includes any joint board if all the constituent authorities are such local authorities as aforesaid and the Liverpool and Bootle Police Authority.

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

1875 c. 83.

(2) The Corporation may lend to any local authority, and a local authority may borrow from the Corporation, upon such terms and conditions as may be agreed, such money as the Corporation 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 Corporation 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:

Provided that the powers of this subsection shall not be exercised unless—

(a) the local authority borrowing from the Corporation is either—

(i) an authority of which the Corporation is a constituent member; or

(ii) an authority to which the council appoint representatives; or

(iii) a member authority of a consortium of which the Corporation is also a member; or

(b) the sum lent by the Corporation is part of a larger sum borrowed by the Corporation by way of a stock issue, bond issue, foreign loan or issue of bills for their own needs and for the needs of another local authority seeking to raise money by the same means.

PART II
—cont.

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

(4) The Corporation may, without the consent of any sanctioning authority, borrow such sums as may be requisite for the purpose of lending to a local authority under this section.

(5) Any sum borrowed by the Corporation 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.

(6) Where any sum is borrowed by the Corporation for the purposes of this section it shall be lawful for the Corporation 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.

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

Provided that the Corporation 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 Corporation in respect of the loan.

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

Amendment
of section 209
of Liverpool
Corporation
Act 1927.

1927 c. lxxxviii.

Amendment
of section 245
of Liverpool
Corporation
Act 1921.

1921 c. lxxiv.

7. Section 209 (Fire insurance fund) of the Liverpool Corporation Act 1927 shall have effect as if the words "two million pounds" were substituted for the words "five hundred thousand pounds" wherever they occur.

8. Section 245 of the Liverpool Corporation Act 1921 shall have effect as if the following subsections were substituted for subsection (4) of that section, namely:—

"(4) The Presiding Judge of the Court of Passage shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain the Presiding Judge in office after the time for his office to be vacated under this subsection, the Lord Chancellor may from time to time authorise the Presiding Judge to continue in office up to such age (not exceeding seventy-five years) as the Lord Chancellor thinks fit.

(5) If the Presiding Judge of the Court of Passage retires either—

- (a) after five years' service as such Presiding Judge and the Corporation are satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent; or
- (b) after fifteen years' service as such Presiding Judge and at the time of retirement has attained the age of sixty-five years;

the Corporation may pay to him an annual sum by way of pension calculated by reference to the annual salary payable to him at the time of his retirement, that is to say, any such pension shall be equal to such fraction of the said annual salary as is specified in the second column of the following table and is relevant to that number of years of service specified in the first column of that table which corresponds with the number of completed years of service by the said Presiding Judge in that office:—

Years of service			Fraction of salary
5	...	...	Ten-Fortieths
6	...	...	Eleven-Fortieths
7	...	...	Twelve-Fortieths
8	...	...	Thirteen-Fortieths
9	...	...	Fourteen-Fortieths
10	...	...	Fifteen-Fortieths
11	...	...	Sixteen-Fortieths
12	...	...	Seventeen-Fortieths
13	...	...	Eighteen-Fortieths
14	...	...	Nineteen-Fortieths
15 or more	...	...	Twenty-Fortieths.

(6) Sections 2 to 8 of the Administration of Justice (Pensions) Act 1950 shall have effect as if—

1950 c. 11.
(14 & 15
Geo. 6)

- (a) the capacities listed in the First Schedule to that Act included that of the Presiding Judge of the Court of Passage;
- (b) in relation to a pension for service as such Presiding Judge references in those sections to relevant service referred to service as such Presiding Judge; and
- (c) in so far as they relate to such Presiding Judge references in those sections to the Treasury were references to the Corporation.

(7) Any pension or other sums payable under or consequent upon the provisions of this section shall be chargeable upon and paid out of the city fund.”

PART III

DOCUMENTS AND EQUIPMENT

Interpretation
of Part III.

9. In this Part of this Act—

“document” includes the whole or part of a register, book, record, letter, map, plan, drawing, photograph or other document, and any notice, licence, certificate, scheme or order made, passed or granted by the Corporation, and references to documents of the Corporation are references to documents belonging to or permanently in the possession of the Corporation;

“enlargement” means an enlarged reproduction of a microfilm recording which is legible with the naked eye;

“microfilm recording” means a reproduction of a document on film or other material which is a product of photography or any similar process and is in general beyond legibility with the naked eye, and any reference to a microfilm recording of a document shall be deemed to include a reference to any copy subsequently made of such microfilm recording.

Destruction
of documents
connected
with
applications.

10. At any time after a period of six years from the date of the receipt by the Corporation of an application made to the Corporation for a decision, determination, grant, consent, agreement, approval or permission, the Corporation may destroy any documents received by them in connection with the application:

Provided that nothing in this section shall authorise the Corporation to destroy the application and a copy of any plan or plans approved by them in connection therewith, together with any related certificate, consent, permit or other document issued pursuant to any enactment.

Microfilming
of documents.

11.—(1) The Corporation may make and retain microfilm recordings of documents of the Corporation.

(2) Notwithstanding anything contained in the last foregoing section or in any other enactment, the Corporation may destroy any documents of the Corporation of which they have made and retained microfilm recordings:

Provided that—

(a) the Corporation shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962; and

(b) the Corporation shall afford a right of access for the public to a microfilm recording of a document which

1958 c. 51.

1962 c. 56.

has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document so destroyed.

PART III
—cont.

(3) An enlargement of a microfilm recording of a document of the Corporation shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or any rule of law, an enlargement of a microfilm recording of a document of the Corporation which has been destroyed shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if an officer of the Corporation designated by them for the purposes of this subsection certifies that—

- (a) the document has been destroyed; and
- (b) a microfilm recording of the document has been made; and
- (c) the enlargement is an enlargement of a microfilm recording of the document.

12. The Corporation may, by agreement with any person, for that person's purposes, use or permit the use of any electronic, mechanical or other equipment for accounting, analytical, statistical or other purposes, or for the printing or reproduction of documents (including equipment for microfilm recording) which the Corporation have provided for the purposes of all or any of their work, and may provide any facilities and services ancillary to, or necessary or convenient for, the use of the said equipment and make such charges as may be agreed for the use of such equipment and the provision of such facilities or services.

Electronic,
mechanical or
other
equipment,
etc.

PART IV

MISCELLANEOUS

13.—(1) In this section “the aerodrome undertaking” includes any aerodromes established, or which may be established, by the Corporation under the provisions of the Civil Aviation Act 1949, or any other enactment, and also includes all roads, works, apparatus, plant, equipment and buildings and other accommodation, and any services, facilities and ancillary businesses, undertaken or provided in connection therewith.

Aerodrome
undertaking.
1949 c. 67.

(2) The Corporation may either—

- (a) themselves manage the aerodrome undertaking, making such reasonable charges in respect thereof as they think fit; or
- (b) subject to the provisions of subsection (6) of section 19 of the said Act of 1949 let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit:

PART IV
—cont.

Provided that—

- (i) nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Board of Trade in pursuance of powers conferred on them by or under the said Act; and
- (ii) notwithstanding the repeal by this Act of section 43 (Aerodrome undertaking) of the Liverpool Corporation (General Powers) Act 1930, the byelaws in respect of the Liverpool Airport made by the Corporation on 6th October, 1961, under subsection (2) of that section, shall continue in force until revoked by the Corporation.

1930 c. cxii.

(3) The aerodrome undertaking shall be in the same relation to the Board of Trade and subject to the like control by them under the Civil Aviation Act 1949 as if this Act had not been passed.

1949 c. 67.

Repeals.

14. The following enactments are hereby repealed:—

1921 c. lxxiv.

Liverpool Corporation Act 1921—

In section 273 (Restrictions on projections and projecting buildings in streets)—subsection (2);

Liverpool Corporation (General Powers) Act 1930—

Section 43 (Aerodrome undertaking);

1966 c. xl.

Liverpool Corporation (General Powers) Act 1966—

Section 46 (Electronic or mechanical accounting equipment).

PART V

GENERAL

Saving for powers of Treasury.

15.—(1) It shall not be lawful to exercise the powers of borrowing conferred by the foregoing provisions 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.

(2) Nothing in this Act shall be taken as exempting the Corporation from the provisions of the Exchange Control Act 1947.

1947 c. 14.

Costs of Act.

16. 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.

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CHAPTER lxxiii

ARRANGEMENT OF SECTIONS

PART I

Section

PRELIMINARY

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

PART II

FINANCE

4. Power to raise money abroad.
5. Power to Corporation to raise money by issue of bearer bonds.
6. Power to Corporation to lend money to local authorities, etc.
7. Amendment of section 209 of Liverpool Corporation Act 1927.
8. Amendment of section 245 of Liverpool Corporation Act 1921.

PART III

DOCUMENTS AND EQUIPMENT

9. Interpretation of Part III.
10. Destruction of documents connected with applications.
11. Microfilming of documents.
12. Electronic, mechanical or other equipment, etc.

PART IV

Section MISCELLANEOUS

13. Aerodrome undertaking.
14. Repeals.

PART V

GENERAL

15. Saving for powers of Treasury.
16. Costs of Act.