

# Stockport Corporation Act 1971

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**ELIZABETH II**



**1971 CHAPTER 1**

An Act to confer further powers on the mayor, aldermen and burgesses of the county borough of Stockport; to make further provision with regard to the local government and the health, welfare, improvement and finances of the borough; and for other purposes.

[27th July 1971]

**WHEREAS—**

(1) The borough of Stockport (hereinafter called "the borough") is a county borough under the government of the mayor, aldermen and burgesses (hereinafter called "the Corporation") of the borough:

(2) It is expedient that further and better provision should be made with reference to lands, buildings, streets and markets, the operation of hackney carriage services, public order and safety, and the improvement of the finances and administration of the borough:

(3) It is expedient that the powers of the Corporation in regard to the foregoing should be enlarged and extended, and that further provision be made, as in this Act provided:

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

1933 c. 51. (5) 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 Stockport Corporation Act 1971.

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

Part I.—Preliminary.

Part II.—Fire precautions.

Part III.—Lands and buildings.

Part IV.—Streets.

Part V.—Hackney carriages, etc.

Part VI.—Markets.

Part VII.—Public order and public safety.

Part VIII.—Finance.

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Part X.—General.

Interpretation. 3.—(1) In this Act, unless the subject or context otherwise requires, words and expressions to which meanings are assigned by section 343 of the Act of 1936 have the same respective meanings, and—

1936 c. 49. “the Act of 1933” means the Local Government Act 1933;

1957 c. 56. “the Act of 1936” means the Public Health Act 1936;

1959 c. 25. “the Act of 1957” means the Housing Act 1957;

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

1967 c. 76. “the Act of 1967” means the Road Traffic Regulation Act 1967;

- PART I  
—cont.
- “ apparatus ” includes mains, pipes, electrical lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by statutory undertakers, and works constructed for the lodging therein of apparatus, and includes any telegraphic line belonging to or used by the Post Office; 1882 c. 56.
- “ the appointed day ” has the meaning assigned to that expression in section 121 (The appointed day) of this Act;
- “ the borough ” means the county borough of Stockport;
- “ bulk refuse container ” means a container for refuse of not less than 1 cubic yard nominal capacity, designed or adapted to be emptied by mechanical means into a refuse vehicle of the Corporation or to be removed by a vehicle of the Corporation for emptying;
- “ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough, acting by the council;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ enactment ” includes an enactment in this Act or in any general or local Act, and any order, byelaw, scheme or regulation for the time being in force in the borough;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ in ” in a context referring to apparatus includes under, over, across, along or upon;
- “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act 1952; 1952 c. 55.
- “ 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 paragraph 93 (4) of Schedule 4 to the Post Office Act 1969 and, in relation to statutory undertakers other than the Post Office, 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.



PART I  
—cont.

1960 c. 16.

“ public service vehicle ” has the same meaning as in section 117 of the Road Traffic Act 1960;

“ statutory undertakers ” means persons authorised by any enactment to carry on an undertaking for the supply of electricity, gas or water, and includes the Post Office;

“ the superannuation fund ” means the superannuation fund maintained by the Corporation under the Local Government Superannuation Acts 1937 to 1953;

1878 c. 76.

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ the town clerk ” means the town clerk of the borough.

(2) Any reference in this Act to an 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

## FIRE PRECAUTIONS

Interpretation  
of Part II.

## 4. In this Part of this Act—

“ flammable material ” means—

(a) timber;

(b) (i) firewood;

(ii) wooden boxes, crates, casks or barrels;

(iii) paper or cardboard;

(iv) rags;

(v) motor tyres or cycle tyres;

(vi) natural or synthetic rubber;

or materials of similar character; or

(c) subject to the provisions of section 5 (Stacks not deemed flammable) of this Act, materials of the type commonly known as plastics;

“ height ” in relation to any stack means the height measured from the mean level of the ground or floor on or over which it stands to its highest point;

“ premises ” means any premises in the borough but does not include a railway wagon or container for use on the railway or a mechanically or electrically propelled vehicle or any trailer designed to be attached thereto or container to be carried thereon;

“ stack ” includes a pile;

“ street ” has the same meaning as in the Act of 1959;

“ timber ” includes uncut timber and wood in its natural state;

“unenclosed or partially unenclosed structure” means a shed or similar structure (whether of one or more storeys in height) having unprotected areas in its sides exceeding in the aggregate one-half of the total area of its sides, and for the purpose of calculating such areas any window, door, enclosure, shutter or opening, and any part of an external enclosure, not capable of resisting the action of fire for a period of at least half an hour in accordance with the standards for the time being prescribed by building regulations made under the Public Health Act 1961, shall be regarded as an unprotected area. 1961 c. 64.

PART II  
—cont.

5.—(1) For the purposes of this Part of this Act a stack shall not be deemed to be a stack of flammable material by reason only of the fact that the material or materials of which the stack is primarily composed are—

Stacks not  
deemed  
flammable.

- (a) supported on wooden pallets; or
- (b) contained in sacks or bulk containers.

(2) A stack of material or materials of the type commonly known as plastics shall not be deemed to be a stack of flammable material for the purposes of this Part of this Act if—

- (a) in the case of a stack which contains two or more types of plastics, the stack contains no material with a calorific value of 2,500 calories per gram or more; and
- (b) in the case of a stack which is composed only of one type of plastics, either—
  - (i) the plastics material of which the stack is composed has a calorific value of less than 4,500 calories per gram; or
  - (ii) the plastics material of which the stack is composed is self-extinguishing or of very low flammability or falls within the like or any additional or substituted description which is contained in a British Standard and which is for the time being prescribed in an order made by the Corporation after consultation with such bodies representing the interests affected as they may think fit;

and any order made under subparagraph (ii) of this paragraph may be revoked or varied by a subsequent order so made.

(3) The Secretary of State, after consultation with the Corporation and such bodies representing the interests affected as he may think fit, may direct the Corporation to make an order under sub-paragraph (b) (ii) of the last foregoing subsection in such form as he may think fit, and the Corporation shall comply with any such direction.

PART II  
—cont.

(4) In subsection (2) of this section—

“ British Standard ” means a British Standard published by the British Standards Institution;

“ self-extinguishing or of very low flammability ” in relation to plastics material means that the material would properly be reported as self-extinguishing or (as the case may be) of very low flammability if subjected to the appropriate test for that purpose prescribed in the last published edition of British Standard 2782: Part V: method 508.

Consent to storage of flammable material.

6.—(1) (a) The Corporation may give—

(i) a general consent to the use of any premises for the formation or maintenance of any stack of flammable material; or

(ii) a particular consent to the formation or maintenance of any such stack on any premises;

and the Corporation shall not refuse to give any consent applied for under this section except where they consider such a refusal to be necessary for any of the purposes mentioned in paragraph (b) of this subsection.

(b) The Corporation may attach to any consent given under this subsection such terms and conditions as, having regard to the reasonable requirements of the undertaking, trade or business being carried on on the premises, they consider to be reasonably necessary for the purposes of preventing outbreaks of fire, lessening the danger from the spread of fire and facilitating the extinguishing of fire including terms and conditions as to the piling, stacking or storage of flammable material.

(2) Subject to the provisions of this Part of this Act no person shall without the consent of the Corporation given in writing under the foregoing subsection form or maintain a stack of flammable material on any premises.

(3) (a) Any application under this section for the consent of the Corporation shall be made to the Corporation in writing and the applicant shall supply such plans and particulars in relation to the application as the Corporation may require.

(b) Applications, plans and other documents made or supplied to the Corporation as aforesaid shall on delivery become the property of the Corporation.

(c) If the Corporation have not notified to the applicant their decision on his application within a period of two months from the date of the receipt thereof and of such plans and particulars as they may have required him to supply (or within such longer period as may be agreed in writing between the Corporation and the applicant), the provisions of this Part of this Act shall

have effect as if the consent of the Corporation applied for had been given on the last day of that period without any terms or conditions being attached thereto except any such terms and conditions as may have been stipulated in such application.

PART II  
—cont.

(4) (a) The Corporation may from time to time, by notice served on any person maintaining a stack of flammable material as respects which the consent of the Corporation has been given, withdraw or vary as from the specified date any term or condition attached to such consent or may as from the specified date attach such terms and conditions or additional terms and conditions thereto as they consider to be reasonably necessary for any of the purposes mentioned in paragraph (b) of subsection (1) of this section.

(b) In this subsection “the specified date” means such date as may be specified in a notice served under this subsection (not being less than twenty-eight days after the service thereof).

(5) Where any terms and conditions have been attached to the consent of the Corporation as respects any premises in pursuance of subsection (1) of this section or paragraph (a) of the last foregoing subsection then such terms and conditions shall not (except in pursuance of a request for that purpose made in writing to the Corporation by the occupier of the premises to which those terms and conditions relate) be withdrawn, varied or added to in pursuance of the provisions of paragraph (a) of the last foregoing subsection except where there has been—

- (a) a change of occupancy of the premises; or
- (b) some other material change in the circumstances affecting the fire hazards arising at or from the use of the premises;

since the said terms and conditions were so attached.

7. Notwithstanding the provisions of section 6 (Consent to storage of flammable material) of this Act, the consent of the Corporation shall not be required under that section—

Consent not  
required in  
certain  
circumstances.

(a) as respects a stack of flammable material not exceeding 10 feet in height and 400 cubic feet in size, so long as it is separated from any other stack of flammable material on the same premises by an unobstructed space not less than 3 feet in width; or

(b) as respects any other stack not exceeding 30 feet in height and 48,000 cubic feet in size in the case of a stack of timber, 15 feet in height and 24,000 cubic feet in size in the case of a stack which is composed only of one type of plastics material, or 15 feet in height and

PART II  
—cont.

16,000 cubic feet in size in the case of a stack of any other flammable material, so long as each of the following provisions is complied with:—

(i) the horizontal sectional area of the stack does not exceed 2,500 square feet and the stack is not more than 60 feet in length;

(ii) an unobstructed space not less than 12 feet in width is left around three of the four sides of the stack, or if the stack is not rectangular in shape around not less than three-quarters of the length of the perimeter of the stack, and in either case the stack is separated from any other stack of flammable material on the same premises by a distance of not less than 12 feet;

(iii) no part of the stack is nearer than 20 feet to—

(A) the nearest part of any furnace, incinerator or building;

(B) any substance having a flash point lower than 66 degrees Centigrade when tested by any standard method; or

(C) any compressed gas, including a gas liquified or dissolved under pressure;

or nearer than 15 feet to the nearest part of any street; and

(iv) unobstructed access from a street to the stack, being not less than 12 feet in width and in height, is provided and maintained for fire brigade appliances and personnel, and any gateway to such access is not less than 10 feet in width and 12 feet in height:

Provided that where any two or more stacks of timber or (as the case may be) of plastics or any other flammable material are contained within a rectangular area not exceeding 2,500 square feet and not more than 60 feet in length, those stacks shall be treated for the purposes of this paragraph as if they were one stack; or

(c) as respects a stack of flammable material at a site which forms part of premises occupied by the British Railways Board for the purposes of their undertaking but which is not habitually used for the stacking of flammable material, such stack being of a temporary nature and required for the purpose of or in connection with works of construction, maintenance or repair of the said undertaking.

8.—(1) Any person—

PART II

—cont.

(a) who has applied for the consent of the Corporation and is aggrieved by—

Appeals under  
Part II of  
Act.

- (i) refusal to give such consent; or
- (ii) any term or condition attached to the consent; or

(b) who is aggrieved by the variation of any term or condition attached to any consent of the Corporation or by any terms or conditions or additional terms or conditions attached thereto in pursuance of a notice served under subsection (4) (a) of section 6 (Consent to storage of flammable material) of this Act;

may, within twenty-one days from the date on which such refusal or the attachment or variation of such term or condition is notified to him, require the Corporation to deliver to him a certificate in writing stating the grounds for such refusal or the attachment or variation of such term or condition and the person may appeal to the Secretary of State within ten days after the receipt of the certificate.

(2) Every appeal to the Secretary of State under this section shall be made in writing asking that the consent may be granted notwithstanding the refusal of the Corporation, or that such term or condition may not be attached or varied or may be modified in such manner and to such extent as may be set forth in the appeal, and shall be accompanied by the certificate of the Corporation given under the last foregoing subsection.

(3) (a) Where an appeal is brought under this section the Secretary of State may—

- (i) confirm or quash the refusal of the Corporation to give their consent;
- (ii) confirm, vary or quash any term or condition or any variation of a term or condition which is the subject of the appeal; or
- (iii) attach to the consent of the Corporation any term or condition which the Corporation would be entitled to attach under either subsection (1) or (4) of section 6 (Consent to storage of flammable material) of this Act.

(b) The decision of the Secretary of State on any appeal under the last foregoing subsection shall have effect for the purpose of any consent for which application has been made to the Corporation or of any term or condition which was or might have been attached to the consent of the Corporation as if it had been given or attached (as the case may be) by the Corporation.

(4) Before determining any appeal made to him under this section, the Secretary of State may, if he thinks it necessary or

PART II  
—cont.

desirable, cause an inquiry and report upon the matter to be made to him by such person as he may appoint for the purpose and shall afford to the appellant and to the Corporation, if either so desire, an opportunity of appearing before and being heard by the person so appointed.

(5) In this section “consent” means a consent (whether general or particular) given under section 6 (Consent to storage of flammable material) of this Act.

Stack not to contain room, etc.

9. No stack of flammable material formed or maintained on any premises shall contain any room, chamber or similar space other than a passage which, if provided, shall be kept unobstructed.

Offences.

10.—(1) Any person who—

- (a) forms or maintains on any premises a stack of flammable material for which the consent of the Corporation is required under section 6 (Consent to storage of flammable material) of this Act without first obtaining that consent;
- (b) contravenes any term or condition which, in pursuance of subsection (1) or (4) of the said section 6, is for the time being attached to a consent given by the Corporation under subsection (1) of that section;
- (c) contravenes the provisions of section 9 (Stack not to contain room, etc.) of this Act;

shall be guilty of an offence:

Provided that no offence under paragraph (b) of this subsection shall have been committed by any person—

- (a) until the end of any period within which an appeal under section 8 (Appeals under Part II of Act) of this Act may be made by him in respect of the term or condition in question; and
- (b) if such an appeal is duly made, until seven days after the appeal has been withdrawn or determined.

(2) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds, and the court by whom any such person is convicted may make such order as it thinks fit for the removal or modification of the stack in respect of which the offence was committed.

(3) Any person who fails to comply with an order of the court made under the last foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a daily fine not exceeding twenty pounds.

11.—(1) The foregoing provisions of this Part of this Act shall not apply to any stack of flammable material in any building, but for this purpose an unenclosed or partially unenclosed structure shall be deemed not to be a building.

PART II  
—cont.  
Savings and  
transitional  
provisions.

(2) Until 1st January, 1973 it shall not be necessary for any stack of flammable material on premises in use at the date of the passing of this Act for the piling, stacking or storage of flammable material and situated in the borough to be formed or maintained in accordance with the provisions of this Part of this Act.

(3) (a) Where by reason of the provisions of the last foregoing subsection a stack of flammable material on any premises is not until 1st January, 1973, required to be formed or maintained in accordance with the provisions of this Part of this Act, the occupier of those premises may, before 1st September, 1972, submit to the Corporation an application in writing that section 6 (Consent to storage of flammable material) of this Act shall not have effect in relation to those premises until such date after 1st January, 1973, but not being later than 1st January, 1974, as he may specify in that application, being a date which is in his opinion reasonable having regard to the need to modify, by reason of the passing of this Act, the operations of any undertaking, trade or business being carried on on those premises.

(b) The Corporation may, by notice served on the occupier of any premises who has submitted an application under the foregoing paragraph and within a period of two months from the date of the receipt of that application—

- (i) approve the application and the date specified therein;
- (ii) approve the application subject to the substitution for the date specified therein of such other date as the Corporation may consider to be reasonable in the circumstances; or
- (iii) refuse to approve the application if they consider such refusal to be reasonable in the circumstances;

and, if the Corporation have not notified the applicant of their decision on his application within the said period of two months, the foregoing provisions of this Part of this Act shall have effect as if the approval of the Corporation applied for under this subsection had been given on the last day of that period.

(c) Any applicant aggrieved by the terms of a notice served on him by the Corporation under paragraph (b) of this subsection may appeal to the Secretary of State on the ground that the Corporation have unreasonably refused to approve the application in the form in which it was submitted by him and section 8 (Appeals under Part II of Act) of this Act shall, with any necessary modifications, apply for the purposes of such an appeal



PART II  
—cont.

as it applies for the purposes of an appeal against a refusal to give a consent under subsection (1) of section 6 (Consent to storage of flammable material) of this Act.

Firemen's  
switches for  
luminous tube  
signs.

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

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

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

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

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

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

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

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

PART II  
—cont.

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

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

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding 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.

947 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 is for the time being in force:

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 Corporation informing them of the position in which it is proposed to place the cut-off switch.

13.—(1) Subject to the provisions of subsection (3) of this section, where plans for the erection of a building are in accordance with building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

Building  
plans: access  
for fire  
brigade.

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

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

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

(a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building

PART II  
—cont.

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

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

1962 c. 38.

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Town and Country Planning Act 1962 after the coming into operation of this section unless notice of the provisions of this section is endorsed on the planning permission so given.

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

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

Parts of buildings used for storage of flammable substances.

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

- (a) in the case of any part of a building which is so used immediately before the appointed day, within twenty-one days after the appointed day; and
- (b) in the case of any part of a building which after the appointed day is intended to be so used, not less than twenty-one days before so using it.

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

PART II  
—cont.

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

(b) is in such manner as to be liable to cause fire or explosion;

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

(i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

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

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

(i) deliver one part to the occupier of the building;

(ii) retain one part for future comparison; and

(iii) if he thinks fit to have a test made, submit one part to be tested.

PART II  
—cont.

(4) The occupier of any building who—

- (a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or
- (b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

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

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation any material extension or material structural alteration of the building to which the certificate relates is made the Corporation may serve a further counter-notice varying any requirement made under subsection (2) of this section in respect of that building.

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

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

- (i) that the requirement or variation is not justified by the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;

- (iii) that the period specified in the counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

PART II  
—cont.

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

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

(8) This section applies to—

(a) any building in the borough which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

(b) (i) any substance which is gaseous at a temperature of 33 degrees Fahrenheit at atmospheric pressure and which is flammable; and

(ii) any other substance which when tested by a method approved by the Secretary of State gives off a flammable vapour at a temperature of less than 150 degrees Fahrenheit:

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

(i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply; or

1928 c. 32.

(ii) not more than fifty gallons of any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 90 degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or

(iii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 90 degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate

PART II  
—cont.

amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

(9) In this section “building” where used in relation to the storage of substances therein includes the curtilage of the building.

1961 c. 34.  
1963 c. 41. (10) Nothing in this section shall apply to premises which are subject to the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963, or regulations made under either of those Acts.

(11) Nothing in this section shall apply to a building or part thereof by reason only that a part of the building is used or intended to be used to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas.

Further  
provision for  
public and  
other  
buildings.

15.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the borough to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

- (a) the apparatus or fittings for lighting or heating the building require alteration; or
- (b) the arrangement of the chairs and seating requires alteration; or
- (c) any floor requires strengthening in order to prevent overloading;

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

Provided that—

- 1968 c. 54.  
1890 c. 59. (i) paragraphs (a) and (b) of this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1968, Part IV of the Public Health Acts Amendment Act 1890, as originally enacted or as applied by this Act or the Cinematograph Acts 1909 and 1952, is for the time being in force;
- (ii) nothing in this section shall affect the operation of the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963, or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

16.—(1) The Corporation may, in relation to any substance to which this section applies—

PART II  
—cont.

(a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;

Prescription of signs to be used on certain buildings.

(b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice.

(2) This section applies to any substance likely to involve special hazard to persons engaged in operations for fire-fighting purposes.

(3) If any person fails to comply with the requirements of the Corporation under this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(4) In this section “fire-fighting purposes” has the same meaning as in the Fire Services Act 1947.

1947 c. 41.

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

Fire precautions in registered clubs.  
1964 c. 26.

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

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

Oil-fired boilers.

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



PART II  
—cont.

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

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided, and the mode of arrangement of any such works, apparatus, fittings and appliances; and
- (ii) empowering the Corporation, if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire, to approve the installation or placing of any oil-burning equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

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

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

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

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

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

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

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

- (i) that person after conviction of the contravention; or

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

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

- (6) (a) In this section—

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

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

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

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

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

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

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

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

(c) the installation of any oil-burning equipment by the British Railways Board or by statutory undertakers for the purposes of their respective undertakings:

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

(i) to houses; or

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

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories

PART II  
—cont.

1961 c. 34.

1963 c. 41.

Act 1961 or the Offices, Shops and Railway Premises Act 1963 apply on the coming into force in relation to those premises of regulations made under either of those Acts and relating to the same subject-matter as this section.

Underground  
parking  
places.

19.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building regulations include proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the Corporation may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire, being proposals relating to all or any of the following matters:—

- (a) the construction of the underground parking place and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation of the underground parking place;
- (c) the provision of electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of a satisfactory emergency lighting system in connection with the underground parking place;
- (e) the provision of fire-fighting equipment and appliances in connection with the underground parking place;
- (f) the provision of safe and adequate means of ingress to and egress from the underground parking place;
- (g) the provision of adequate means for preventing inflammable substances from being admitted to any drainage system forming part of the underground parking place;
- (h) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the nature and situation of the work is such that notwithstanding the absence of proposals for compliance with the said subsection the plans ought not to be rejected; or

(c) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

PART II  
—cont.

that question may, on the application of that person, be referred to the Secretary of State for determination; and the Secretary of State shall determine any question submitted to him under paragraph (a) of this subsection or, as the case may be, may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If, after plans of any underground parking place have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section, it appears to the Corporation that any such proposal has not been carried into effect or is not being observed, the Corporation may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposal specified in the notice, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

20.—(1) Without prejudice to the provisions of section 19 (Underground parking places) of this Act, the Corporation may by notice to the owner or occupier of any underground parking place in the borough which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building regulations the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (h) of subsection (1) of the said section 19 as the Corporation think fit.

Further provision as to underground parking places.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice

PART II  
—cont.

appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section, and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement made by the Corporation under this section.

Interpretation  
and powers  
of entry for  
purposes of  
last two  
foregoing  
sections.  
1928 c. 32.

21.—(1) In the last two foregoing sections the expression “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by the Corporation or the Secretary of State under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor cars or other vehicles and of which any part of the floor is situated more than 4 feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 the provisions of the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

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

22. The Corporation may make byelaws under section 75 of the Public Health Act 1961 for preventing or reducing danger from or risk of fire in or to caravans, stands, stalls and structures used or intended to be used for the purposes of or in connection with any fair or circus and may by such byelaws—

(1) prescribe the space to be kept free between the bodies of any two such caravans used or intended to be used for sleeping accommodation and between the body of any such caravan so used or intended to be used and such stand, stall or structure;

(2) prohibit or restrict the storage and use of flammable gases other than for domestic use;

and such byelaws shall in all circumstances be deemed to be properly made for the preservation of public safety:

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

PART II  
—cont.

23.—(1) The Corporation may arrange for—

(a) the publication of information on questions relating to fire services, fire fighting and precautions for avoiding the occurrence of fires in the borough;

Instructions, lectures, etc., on questions relating to fire services.

(b) the delivery of lectures and addresses and the holding of discussions on such questions; and

(c) the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions.

(2) The Corporation may prepare, or join in, or contribute to the cost of, the preparation of, pictures, films, models or exhibitions relating to such questions to be displayed or held whether within or outside the borough.

### PART III

#### LANDS AND BUILDINGS

24.—(1) If the Corporation—

(a) acquire land by agreement; or

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

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

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

Suspension of restrictive covenants.

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.

PART III  
—cont.

## (3) The Corporation 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 Corporation 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 Corporation 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 Corporation acquire or appropriate the land.

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

(a) in three successive weeks publish in one or more local newspapers circulating in the locality 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 the use of the land may intimate such claim to the Corporation 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 have a 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.

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

1965 c. 56.  
1961 c. 33.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction or, if the Corporation convey the land to any body for any of the purposes of the Education Acts 1944 to 1970, and, if compensation is paid by the Corporation under subsection (9) of this section in respect of the suspension of a restriction relating to the building upon or use of land,



PART III  
—cont.

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

(12) Nothing in this section shall apply to—

(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 imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave agreement or other instrument and imposed by or enuring for the benefit of the National Coal Board for the purpose of safety;

(c) any restriction for—

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

(ii) the prevention of pollution of water which any statutory water undertakers or the British Waterways Board 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 Corporation 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.

PART III  
—cont.

Power of  
entry in  
certain cases.

25.—(1) Where the Corporation have agreed to purchase land 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 have served on the owner, lessee and occupier of that land not less than fourteen days' notice, the Corporation may enter on and take possession of that land; and then the consideration agreed to be paid by the Corporation for the land of which possession is taken shall carry interest at the rate prescribed under section 32 of the Land Compensation Act 1961 from the time of entry until the consideration is paid, or is paid into court in accordance with the Compulsory Purchase Act 1965, and the provisions of sections 13 and 25 of the said Act of 1965 shall, mutatis mutandis, apply accordingly.

1961 c. 33.

1965 c. 56.

(2) Where under this section a notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, a like notice shall be served on the Church Commissioners.

1946 c. 49.

(3) Nothing in this section shall entitle the Corporation to take possession of land under any such agreement as aforesaid earlier than the possession date specified in that agreement.

(4) In this section "owner" has the meaning given by section 8 (1) of the Acquisition of Land (Authorisation Procedure) Act 1946.

26.—(1) The Corporation may for the purpose of enabling them to perform any of their functions under—

Power to  
require  
information as  
to ownership  
of premises.

- (a) this Act;
- (b) any enactment in force at the passing of this Act which authorises the Corporation to acquire land compulsorily;
- (c) any enactment mentioned in Schedule 1 to this Act; and
- (d) any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within the borough;

require—

- (i) the occupier and any person having an interest in any premises in the borough, and any person who either directly or indirectly receives rent in respect of such premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises

PART III  
—cont.

whether as freeholder, mortgagee, lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and

- (ii) any person who has sold or otherwise disposed of, leased or let any premises in the borough to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who having been required by the Corporation in pursuance of this section to give to them any information fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding twenty pounds.

(3) For the purposes of this section the expression "interest" includes any legal estate or interest in the premises or in any rent-charge issuing out of those premises.

Securing of  
unoccupied  
houses under  
Act of 1957.

27.—(1) Where the Corporation have under section 16 of the Act of 1957 accepted an undertaking that a house will not be used for a human habitation or where the Corporation have—

- (a) by a closing order made under section 17, 18, 26 or 35 of that Act ordered any house or building, or any part thereof, to be closed; or
- (b) by a clearance order made under section 44 of that Act ordered any building, or any part thereof, to be vacated, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

they may, if the premises are not effectively secured so as to prevent the entry into the premises, when unoccupied, of any person other than a person authorised by the owner or the Corporation, after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building, or part thereof, as will so secure the premises against entry.

(2) When the Corporation give notice under subsection (1) of this section they shall give to the statutory undertakers a copy of such notice.

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

1961 c. 64.

(4) Nothing in this section shall prejudice the right of statutory undertakers to enter upon premises in the exercise of their statutory powers in that behalf:

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

PART III  
—cont.

(5) In this section—

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

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

28. Section 29 of the Public Health Act 1961 shall have effect in its application to the borough as if after paragraph (f) of subsection (5) thereof there were added the following paragraph:—

Further power  
in relation to  
demolition.  
1961 c. 64.

“(g) to leave any surfaces of an adjacent building which are exposed by the demolition in such a condition that they are not detrimental to the area in which the adjoining premises are situate.”

29.—(1) If it appears to the Corporation that any party or boundary wall of any court, courtyard or yard attached to or forming part of any house in the borough or the fence or door of any such court, courtyard or yard—

Repair of  
walls, etc.,  
of yards.

(a) has collapsed or been pulled down; or

(b) is in danger of collapsing; or

(c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house, to adjoining occupiers or to the public;

the Corporation may by notice require the owner or occupier of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary.

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

30.—(1) Any person may in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building, erect or place or cause to be erected or placed any scaffolding, obstruction, or projection constituting an obstruction (each of which is hereafter in this section referred to as “scaffolding”), in, upon or over any street in the borough if he has previously obtained a licence from the Corporation and complies with such terms and conditions as may be laid down in the licence granted to him:

Licence to  
erect  
scaffolding.

PART III  
—cont.

Provided that the Corporation shall be entitled to refuse a licence only on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such street.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness:

Provided that this subsection shall not apply to a scaffolding projecting over the footway of a street but not over the carriageway if no part thereof is less than 8 feet above the level of the footway measured vertically and if the nearest part thereof to the carriageway is at least 1 foot 6 inches from the carriageway measured horizontally.

(3) Any person offending against the provisions of this section or contravening the terms or conditions of any licence granted to him shall be liable for every such offence to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(4) Any person aggrieved by the refusal of the Corporation to grant a licence under this section or by the terms and conditions laid down in any such licence may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of any scaffolding erected or placed by the British Railways Board for the purpose of constructing, reconstructing or maintaining any works in the exercise of their statutory powers.

(6) Before the Corporation grant any licence under this section they shall give to any statutory undertakers who appear to them to be concerned notice of their intention to do so, and on giving any such licence shall attach thereto such conditions as any of the statutory undertakers may, within the period of seven days after the giving of such notice to them, reasonably require for the protection of any apparatus belonging to, or used or maintained by, the statutory undertakers or for securing access to such apparatus.

Prohibition  
of parking  
in front  
gardens.

31.—(1) (a) If representation is made in manner hereinafter mentioned to the Corporation that the amenities of the neighbourhood are prejudiced by the habitual use of the front garden of any private dwelling-house in a street in the borough as a parking place for one or more heavy commercial vehicles the Corporation on complying with the provisions of this section may make an order precluding the use of the front gardens of the private dwelling-houses in that street or any part thereof as a parking place for heavy commercial vehicles.

(b) A representation under the foregoing paragraph shall be made in writing and signed by not less than ten local government electors residing in private dwelling-houses in the street concerned or within 100 yards thereof.

(2) (a) If the Corporation consider that such an order should be made they shall publish a notice thereof in a local newspaper circulating in the borough and stating where the draft order can be inspected and copies purchased, and that objections to the said order may be made in writing within one month after the date of the first publication of the notice.

(b) The Corporation shall consider all such objections and shall afford to the owner or occupier of every dwelling-house abutting or fronting on such street or such part thereof who has made objection an opportunity of being heard by a committee of the council before the order is made.

(3) (a) After considering any objections made under the last foregoing subsection the Corporation may make an order prohibiting the use of the front garden of any dwelling-house in the street or part of a street specified in the order as a parking place for one or more heavy commercial vehicles.

(b) Any such order shall come into operation at the expiration of the period of one month after the first publication in pursuance of subsection (4) of this section of the notice of the order or, if an appeal is lodged, when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine.

(4) When an order has been made by the Corporation under this section they shall give notice thereof and of the right of appeal by publication in a local newspaper circulating in the borough and the owner or occupier of a dwelling-house in the borough who is aggrieved by the order may appeal to a magistrates' court:

Provided that in its application to an appeal under this section, section 300 of the Act of 1936 shall have effect as if the time within which such an appeal may be brought were one month after the first publication in pursuance of this subsection of the notice of the order to which the appeal relates.

(5) For the purposes of this section—

“ dual-purpose vehicle ” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle of which the unladen weight does not exceed two tons and which either—

(a) satisfies the conditions as to construction specified in Schedule 2 to this Act; or

(b) is so constructed or adapted that the driving power of the engine is or by the appropriate use of the controls of the vehicle can be transmitted to all the wheels of the vehicle;

PART III  
—cont.

“ front garden ” means so much of a garden or land belonging to or used in connection with a private dwelling-house as lies in front of—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 147 of the Act of 1957; or

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of section 75 of the Act of 1959;

“ heavy commercial vehicle ” means any vehicle (not being a dual-purpose vehicle) whether mechanically propelled or not constructed or adapted for the carriage of goods and having an unladen weight exceeding thirty hundredweight;

“ private dwelling-house ” means a dwelling-house of which no part is used for the purposes of any trade or business and includes a block of flats no part of which is used for the purposes of any trade or business.

(6) For the purposes of this section a vehicle having an unladen weight exceeding thirty hundredweight in which is installed freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which but for the installation of that equipment would have an unladen weight of thirty hundredweight or less shall be deemed not to be a heavy commercial vehicle but the exemption afforded to such a vehicle by this subsection shall only have effect—

(a) if and so long as the equipment is not in operation; or

(b) if the equipment is in operation, if and so long as it is so operated as not to cause a nuisance by reason of the noise of the equipment in operation or the smell emanating from it.

(7) The occupier of any front garden or part thereof or the person having control of a front garden or part thereof who permits the same to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle in a front garden in contravention thereof shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

PART IV

STREETS

32.—(1) In this Part of this Act—

“ new street byelaws ” has the meaning assigned to it by subsection (4) of section 157 of the Act of 1959;

“ structure ” means a wall, fence, hoarding, or similar erection; but for the purpose of this definition “ wall ” does not include a wall forming part of a permanent building.

Interpretation of Part IV.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof, whichever is the earlier, began.

33.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

Adjustment of boundaries of estates in connection with streets.

(a) for adjusting and altering the boundaries of the estate, and any other estate adjacent or near thereto, and for effecting exchanges of land in connection therewith; and

(b) for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate; but this paragraph shall not apply to any restriction for the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of the British Railways Board, the Gas Council or the North Western Gas Board contained in any deed, wayleave, agreement or instrument;

as may be necessary or desirable having regard to the line and lay-out of the new street:

Provided that statutory undertakers shall not, under the provisions of this subsection, be required to adjust or alter the boundaries of or to exchange operational land except with their consent, which consent shall not be unreasonably withheld.

(2) The notice shall be given to the owners (including mortgagees whether or not in possession) of all the estates affected thereby and shall require the person upon whom the notice is served to provide the Corporation with information—

(a) as to the nature and duration of the interest of such person in the estate; and



PART IV  
—cont.

- (b) where such information is in the knowledge of the person, as to whether there is a mortgage of such person's or of any other person's interest in the estate, and if so as to the name and address of the mortgagee under the mortgage;

and a copy thereof shall at the same time be sent to the Stockport and District Water Board.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or for the widening or adaptation of a road, footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the Corporation and the persons interested (including mortgagees whether or not in possession) in the respective estates, be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation; but no such award shall provide for the payment of money by any other person without his consent.

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land, and any removal, modification or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

(7) In an arbitration under this section the reference shall be to a single arbitrator to be appointed by agreement between the parties or, failing such agreement, to be appointed by the Secretary of State on the application of any party after giving notice in writing to the other party or parties.

(8) The costs and expenses of any arbitration under this section shall, unless and except in so far as the award may otherwise provide, be paid by the Corporation.

(9) Any land or money received by any person in respect of an adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts, if any, as the land exchanged therefor.

(10) Unless otherwise provided in an agreement or award made under this section—

- (a) any land received by any person as aforesaid shall also be held subject to the same mortgages, covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor; and

(b) any such mortgages, covenants, restrictions or conditions shall be deemed to be applicable.

PART IV  
—cont.

(11) The Corporation may purchase land by agreement for the purposes of this section and, until they dispose of the land or appropriate it for any other purpose, may manage the land in such manner as they think fit.

(12) In this section “estate” includes any parcel of land and “mortgage” and “mortgagee” respectively include a legal charge and a legal chargee.

34.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959 or section 33 of the Public Health Act 1925, the Corporation may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building, which, or any part of which, was beyond, or in front of, the improvement line at the time when the line was prescribed, to demolish, set back or alter the building within such reasonable time as may be specified in the notice, not being less than six months after the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

Enforcement  
of improve-  
ment line.  
1925 c. 71.

(2) (a) If, within twenty-eight days after the date of the service by the Corporation of a notice under subsection (1) of this section, the person on whom the notice is served gives counter-notice to the Corporation objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless the counter notice is withdrawn or the notice is confirmed by the tribunal either without modifications or subject to such modifications as the tribunal may determine.

(b) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

(i) the notice is not justified by the terms of subsection (1) of this section;

(ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or

(iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

and, in a case within sub-paragraphs (ii) and (iii) of this paragraph, that it would not be equitable to modify the notice.

PART IV  
—cont.

(c) Without prejudice to the provisions of paragraph (b) of this subsection, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that—

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or any adjoining land in which that person has an interest; and
- (ii) that person is able and, in the circumstances of the case, willing to sell the building to the Corporation, with or without adjoining lands, on terms not less favourable to the Corporation than those on which they would have acquired the building under a compulsory purchase order made under section 214 of the Act of 1959 (which authorises the acquisition of lands for the improvement of streets) and the Acquisition of Land (Authorisation Procedure) Act 1946.

1946 c. 49.

(d) Where a notice under subsection (1) of this section has been confirmed by the tribunal it shall have effect as from the date on which the Corporation serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) (a) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, any owner or tenant thereof may recover from the Corporation compensation for the damage or loss sustained by him in consequence of the compliance, and the amount of the compensation shall, in case of dispute, be determined by the tribunal.

1961 c. 33.

(b) Rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act 1961 (which provides rules for valuation on a compulsory acquisition) shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building.

(4) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

- (a) he has an interest in land abutting on so much of the improvement line as, immediately before the service of the notice under subsection (1) of this section, intersected, or abutted on, the building or land occupied in connection therewith; and
- (b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(5) If any person fails to comply with a notice under this section he shall be liable to a fine not exceeding one hundred pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

PART IV  
—cont.

(6) In this section—

“ building ” includes a structure;

“ the tribunal ” means the Lands Tribunal.

(7) Nothing in this section shall apply to a building or structure used by statutory undertakers for or in connection with its use by them for or in connection with the generation, transforming, switching, distribution or regulation of electricity, the manufacture, distribution or storage of gas, or as a pumping station, treatment works, or reservoir for water or to a building or structure erected on operational land of the Post Office (as the case may be) except with the consent of the undertakers concerned, which consent shall not be unreasonably withheld.

35.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them, or on any land acquired by them for the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Trees, grass  
verges and  
gardens.

- (a) to plant trees, plants or shrubs or place containers in which to grow trees, plants or shrubs;
- (b) to attach containers for plants to posts or standards provided by the Corporation or, with the consent of the owner thereof, to any other posts or standards;
- (c) to lay out any grass verge, garden or space;
- (d) to provide guards or fences, and otherwise do anything expedient, for the maintenance or protection of any such tree, plant, shrub, container, grass verge, garden or space;
- (e) to cut down any such tree, plant or shrub, to remove any such container, guard or fence and to alter the nature of any such grass verge, garden or space or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses or cattle to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden or space so laid out;
- (g) by notice to prohibit the playing of any game on any such grass verge, garden or space as aforesaid which is likely to cause damage thereto.

PART IV  
—cont.

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

(3) Where any grass verge, garden or space which does not form part of a street and which has been provided by the Corporation in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with the Corporation under that Act, or any enactment repealed by that Act, is maintained in an ornamental condition or mown, the Corporation may exercise the power contained in paragraph (f) or (g) of subsection (1) of this section.

(4) Any such notice as is referred to in paragraph (f) or (g) of subsection (1) of this section shall be conspicuously posted on, or in proximity to the grass verge, garden or space to which it relates.

(5) Any person (except in a case of emergency) who contravenes a notice so posted in pursuance of the said paragraph (f) or any person who contravenes a notice so posted in pursuance of the said paragraph (g) shall be liable to a fine not exceeding twenty pounds and the court may order the payment of such further amount as appears reasonable compensation for any damage caused by such contravention to a grass verge, garden or space, which last-mentioned amount shall be paid to the Corporation.

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

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

(8) (a) Where the Corporation carry out works under any enactment relating to private street works they may, with the consent of the owners of premises fronting, adjoining or abutting on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part, and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

(9) In subsection (3) of this section "verge" includes any lands situated between two carriageways or any part of a street which is not a carriageway, footway or cycle track.

PART IV  
---cont.

36.—(1) The Corporation may by notice prohibit persons from causing or permitting mechanically propelled vehicles to enter upon any land to which this section applies:

Prohibition  
of vehicles  
on gardens,  
etc.

Provided that any such notice shall not apply to—

- (a) the owner or occupier of or any person residing in any premises fronting or abutting on any such land causing or permitting any such vehicle to enter or leave those premises; or
- (b) the temporary crossing of land to which this section applies during building operations if means satisfactory to the Corporation be taken to protect such land from injury and for the convenience of pedestrians; or
- (c) the temporary use of any vehicle on land to which this section applies by statutory undertakers or the British Railways Board in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus).

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the land to which it relates and if any person contravenes a notice so posted (except in a case of emergency) he shall be liable for every such offence to a fine not exceeding twenty pounds in addition to the amount of damage (if any) thereby caused to such land.

(3) This section applies to any recreation ground, garden or open space provided by the Corporation and maintained by the Corporation but does not apply to any grass verge or garden laid out under section 35 (Trees, grass verges and gardens) of this Act and maintained in an ornamental condition or mown.

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

Awnings over  
footways.

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

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

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

PART IV  
—cont.

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

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

(4) In this section—

“awning” includes a blind, shade or other covering; and

“traffic sign” has the meaning assigned to it by section 54 of the Act of 1967.

Regulation of  
placing of  
things in  
footpaths.

38.—(1) The Corporation may, and any person who occupies premises adjoining or comprising any part of a footpath may with the consent of the Corporation, place and maintain in or over that part of the footpath tables, chairs, show-cases, decorative features or other things for the use, convenience or entertainment of the public.

(2) Any consent given by the Corporation under this section may be given subject to such conditions as they think fit, including conditions as to—

(a) the positions in the footpath in which any such things may be placed;

(b) the time during which anything so placed in a footpath shall be allowed to remain there;

(c) the nature or design of the thing to be placed in the footpath and the steps to be taken to avoid risk of injury or inconvenience to members of the public and to prevent injury to amenity; and

(d) payment or other consideration.

(3) The powers of this section may be so exercised as to restrict the access of the public to part of a footpath, but shall not be so exercised as to prevent—

(a) persons from entering the footpath at any place where they could enter it before the exercise of the said powers; or

(b) the passage of the public along the footpath; or

(c) normal access by pedestrians to premises adjoining the footpath.

(4) The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions subject to which a consent has been given.

PART IV  
—cont.

(5) If a person contravenes any condition subject to which a consent has been given under this section the Corporation may require him to remove the things in respect of which that consent was given, and if within twenty-four hours he fails to do so, they may themselves remove such things and recover the expenses reasonably incurred by them in so doing from the person in default.

(6) No payment or consideration shall be payable under the provisions of subsection (2) (d) of this section other than a reasonable sum in respect of legal, administrative and other expenses incurred in connection with the giving of the consent:

Provided that where the land on which the footpath is situated is owned by the highway authority for the footpath, nothing in this section shall affect any right of that authority as the owner of that land to require payment or such consideration as they think fit for the right to place anything in or over the footpath.

(7) In this section "footpath" has the meaning assigned to it by section 295 of the Act of 1959.

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

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

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

1962 c. 38.



PART IV  
—cont.

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

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

Road cleansing  
vehicles.  
1960 c. 16.

41. Between one hour after sunrise and one hour before sunset the provisions of any order under the Road Traffic Act 1960 or under the Act of 1967 prohibiting the driving of vehicles on any specified road in the borough otherwise than in a specified direction shall not apply to any mechanically propelled and operated road cleansing vehicle provided by the Corporation when engaged in the cleansing of any street.

Control of  
goods service  
areas.

42.—(1) The Corporation may by order made for the purposes of this section designate land, being land in the borough to which this section applies, as a service area:

Provided that—

- (a) land shall not be so designated unless it is expedient to do so to prevent or reduce traffic congestion in a street in the borough caused by the loading or unloading of vehicles standing on any such street;
- (b) the land shall not be so designated unless either—
  - (i) it belongs to the Corporation; or
  - (ii) it has been provided as an area for the loading or unloading of vehicles pursuant to planning permission;
- (c) where the land is in the curtilage of premises and used in connection with only one shop, the order shall relate only to such part of the land as is required for loading or unloading vehicles, including obtaining access to or egress from the point at which vehicles are loaded or unloaded for the purpose of the business conducted at those premises.

(2) No person shall cause or permit any vehicle to wait on a service area designated under this section between the hours of 8 o'clock in the morning and 6 o'clock in the afternoon on a weekday otherwise than for the loading or unloading of that vehicle.

(3) This section applies to such part of any land, within the curtilage or vicinity of shop premises, as is used or intended to be used as a place where vehicles may wait for the loading or unloading of goods and includes a roadway not being a public highway.

(4) This section shall not apply to any property belonging to and used by the British Railways Board, the Post Office or the Central Electricity Generating Board for their respective purposes, nor to any vehicle used by the said generating board for or in connection with the placing, inspecting, repairing, maintaining, renewing or removing of apparatus in or adjoining a service area designated under this section.

PART IV  
—cont.

(5) If any person contravenes the provisions of subsection (2) of this section he shall be liable, in the case of a first offence, to a fine not exceeding twenty pounds, and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

(6) (a) If the Corporation consider that an order should be made under this section they shall give notice thereof to the owner and occupier of the land stating that objections to the said order may be made in writing within one month after the date of service of the notice.

(b) The Corporation shall consider all such objections and shall afford to any owner or occupier who has made objection an opportunity of being heard by a committee of the Corporation before the order is made.

(7) (a) After considering any objections duly made under the last foregoing subsection the Corporation may make an order.

(b) Any such order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of subsection (8) of this section or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine but without prejudice to their power to make a further order in the same manner as the original order.

(8) When an order has been made by the Corporation under this section they shall give notice thereof and of the right to appeal to the owner and occupier of the land and any such owner or occupier who is aggrieved by the order may appeal to a magistrates' court.

(9) In this section—

(a) "shop premises" has the meaning assigned to it by section 1 of the Offices, Shops and Railway Premises Act 1963;

1963 c. 41.

(b) the reference in subsection (2) to loading or unloading a vehicle shall be deemed to include the carrying out of operations required to be carried out in the interests of hygiene in connection with the sale of food to the public.

PART IV.  
—cont.

Temporary  
stoppage  
of streets.

43.—(1) For the purpose of—

- (a) making any new street; or
- (b) providing a parking place for vehicles under section 28 of the Act of 1967;

the Corporation may break up and for any reasonable time stop up, divert and interfere with any street in the borough and divert the traffic therefrom and prevent persons using it:

Provided that the Corporation shall not exercise the powers of this section—

- (i) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or
- (ii) so as to obstruct, or interfere with, the access to, or exit from, any station or depot of any railway or passenger road transport undertakers.

Notwithstanding the temporary stopping up or diversion of a street under the powers of this section, statutory undertakers shall be at liberty at all times to enter upon the street, with any necessary vehicles, and therein to execute and do all such works and things as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus.

(2) The Corporation, when considering the question of exercising their powers under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected.

(3) The provisions of Schedule 3 to the Act of 1967, so far as applicable, shall apply in respect of the exercise by the Corporation of the powers of this section as they apply in respect of the making by a highway authority of an order under section 12 of that Act.

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

44.—(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 borough or to a structure provided in the borough for police purposes or to a fire alarm provided by the Corporation; 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 borough;

PART IV  
—cont.

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.

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

(a) from a police telephone call box in the borough a statement which he knows to be false; or

(b) from a call box of the Post Office telephone service in the borough, 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 “structure” includes any installation and “appropriate authority” means, in relation to a fire alarm or fire hydrant, the Corporation and, in any other case, the police authority.

## PART V

### HACKNEY CARRIAGES, ETC.

45. In this Part of this Act—

Interpretation  
of Part V.

“the Act of 1847” means the Town Police Clauses Act 1847;

1847 c. 89.

“hackney carriage” has the same meaning as in the Act of 1847 save that it shall not include a public service vehicle;

“the prescribed distance” has the same meaning as in the Act of 1847;

“private hire vehicle” means a vehicle to which the provisions of section 62 (Provisions as to motor vehicles let for hire) of this Act apply.

46. Notwithstanding anything in the Act of 1847 the Corporation shall not grant a licence to act as a driver of a hackney carriage or a private hire vehicle to any person under the age of twenty-one years. Minimum age for drivers.

PART V  
—cont.Fitness of  
drivers.

**47.** The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle—

- (1) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or such a vehicle; and
- (2) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage or such a vehicle.

Construction  
of motor  
hackney  
carriages to  
be approved  
by  
Corporation.

**48.—**(1) The Corporation may as a condition of their licensing any motor hackney carriage require that the construction of such carriage as at the date when the licence was granted shall not be altered without the approval of the Corporation while the licence is in force.

(2) Any person altering the construction of a carriage in contravention of a condition imposed under this section shall be liable to a fine not exceeding twenty pounds and the court may in addition order the suspension of the licence for the carriage to which the offence relates.

Fitness of  
hackney  
carriages,  
etc.

**49.** Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall, for the purpose of ascertaining its fitness, have power at all reasonable times to inspect any hackney carriage or private hire vehicle in the borough which is for the time being licensed by the Corporation under the Act of 1847, and if he is not satisfied of the fitness of the carriage or vehicle or of the accuracy of its taximeter he may by notice in writing require the proprietor of the carriage or vehicle to make it or its taximeter available for further inspection at such reasonable time and place as may be specified in the notice, and suspend the licence of the proprietor until such time as he is so satisfied or the expiration of a period of two months, whichever shall first occur.

Inspection  
and  
certification  
of taximeters.

**50.—**(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require such taximeter or apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe, and no such taximeter or other similar apparatus shall be used or be continued in use unless it be certified to register correctly, and

the expenses of such testing and certificate not exceeding one pound in any one year shall be borne by the owner of the hackney carriage.

PART V  
—cont.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which the taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit it for testing and inspection at such reasonable intervals as aforesaid shall be liable to a fine not exceeding two pounds.

51. The cost incurred by the Corporation in carrying out tests or inspections of vehicles for the purpose of determining whether licences should be granted therefor under the Act of 1847 shall, if the council so resolve, be recoverable from the proprietors thereof to an amount not exceeding ten pounds for each test or inspection.

Recovery of  
costs of  
inspections.

52. In its application to the borough section 46 of the Act of 1847 shall have effect as if for the words "one shilling" there were substituted the words "one pound".

Fee for  
driver's  
licence.

53.—(1) If a hackney carriage or a private hire vehicle licensed by the Corporation under the Act of 1847 is transferred to a person other than the proprietor or part proprietor whose name is specified in the licence for the carriage or vehicle, the proprietor or part proprietor shall within seven days after such transfer give notice thereof in writing to the Corporation specifying the name and surname of the person to whom the carriage or vehicle has been transferred and the licence shall be deemed to be revoked if the Corporation disapprove the transfer of the licence to that person:

Transfer of  
hackney  
carriages,  
etc.

Provided that the Corporation shall not disapprove the transfer of a licence to a person except upon the ground that he is not a fit and proper person to hold such a licence.

(2) Any person aggrieved by the refusal of the Corporation under this section may appeal to a court of quarter sessions.

(3) If a proprietor or part proprietor fails to give notice to the Corporation as provided by subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

PART V  
—cont.

Suspension  
and  
revocation of  
proprietor's  
licence.

**54.**—(1) Notwithstanding anything in the Act of 1847 the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle on the ground of the unfitness of the carriage or vehicle or for any other reasonable cause, and where the Corporation suspend or revoke such a licence under this subsection they shall give to the proprietor notice of the grounds on which the licence has been suspended or revoked.

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

Suspension  
and  
revocation of  
driver's  
licence.

**55.**—(1) Notwithstanding anything in the Act of 1847 the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence, or for any other reasonable cause.

(2) A driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

Byelaws as  
to conduct  
of passengers.

**56.** The powers of the Corporation under section 68 of the Act of 1847 shall extend so as to enable them to make byelaws for regulating the conduct of passengers in hackney carriages and private hire vehicles.

Corporation  
may extend  
period of  
hackney  
carriage  
licences,  
etc.

**57.** Notwithstanding anything in section 43 of the Act of 1847 any licence granted by the Corporation in respect of a hackney carriage or a private hire vehicle shall, if the Corporation think fit, remain in force for such period exceeding one year, but not exceeding three years, from the date of the licence as they may determine:

Provided that nothing in this section shall affect the powers of the Corporation to suspend or revoke such a licence.

Fixing of  
fares for  
hackney  
carriages.

**58.**—(1) The Corporation may fix the rates or fares, as well for time as distance, to be paid in respect of hackney carriages plying for hire within the prescribed distance by means of a table (hereafter in this section called a "table of fares") made in accordance with the provisions of this section.

(2) (a) Where the Corporation make a table of fares they shall publish in at least one newspaper circulating in the borough a notice setting out the table of fares and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall be deposited in the offices of the town clerk and may be inspected free of charge by any person at all reasonable hours for a period of fourteen days from the date of the first publication of the notice.

PART V  
—cont.

(3) If no objection to a table of fares is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares shall come into operation on 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, whichever is the later.

(4) If objection to a table of fares is duly made as aforesaid and is not withdrawn, the table of fares shall be of no effect unless and until it is confirmed by the Secretary of State who may confirm it with or without modification.

(5) A table of fares made under this section shall have effect for the purposes of the Act of 1847 as if included in byelaws made by the Corporation under section 68 of that Act.

(6) On the coming into operation of a table of fares made under this section, any byelaws made by the Corporation for fixing the rates and fares under section 68 of the Act of 1847, or any table of fares previously made under this section, shall cease to have effect.

(7) Section 252 of the Act of 1933 shall extend and apply to a table of fares made under this section as it applies to byelaws made by the Corporation.

59. Any person who, within the prescribed distance, on completion of the hire of a hackney carriage licensed by the Corporation under the Act of 1847, refuses to pay any fare lawfully due from him shall be liable to a fine not exceeding twenty pounds. Penalty on persons refusing to pay fare.

60.—(1) For the purposes of their functions under the Act of 1847 the Corporation may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the borough and, with the consent of the owner, on any land not forming part of a street. Stands for hackney carriages.

(2) Before appointing any stand for hackney carriages in exercise of the powers of this section, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.



PART V  
—cont.

(3) Nothing in this section shall empower the Corporation to appoint any such stand—

- (a) so as unreasonably to prevent access to any premises of the British Railways Board or of passenger road transport operators; or
- (b) in any station of the British Railways Board, except with the consent of that board or, as the case may require, those operators or so as unreasonably to prevent access to any apparatus or operational land of the Central Electricity Generating Board.

(4) Any byelaws made by the Corporation before the passing of this Act for fixing stands of hackney carriages under section 68 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

Prohibition  
of other  
vehicles on  
hackney  
carriage  
stands.

**61.**—(1) Except for the purpose of taking up or setting down passengers, no person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 60 (Stands for hackney carriages) of this Act.

(2) If any person contravenes the provisions of this section, he shall be liable in the case of a first conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

(3) A prohibition operating by virtue of this section shall be indicated by such traffic sign as may be approved for the purpose pursuant to sections 54 and 55 of the Act of 1967.

Provisions  
as to motor  
vehicles let  
for hire.

**62.**—(1) The Corporation may make byelaws for applying with such consequential modifications as may be provided for in the byelaws, any of the provisions of—

- (a) sections 37 to 67 of the Act of 1847 and section 171 of the Public Health Act 1875 as they apply with respect to hackney carriages and their proprietors and drivers; and
- (b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

to private hire vehicles and their proprietors and drivers.

1875 c. 55.

1960 c. 16.

(2) In this section “private hire vehicle” means a motor vehicle (within the meaning of the Road Traffic Act 1960) not being a vehicle licensed under the provisions of the Act of 1847 with respect to hackney carriages, which is kept for the purpose of

being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

PART V  
—cont.

- (a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for longer periods of hire;
- (b) a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business;
- (c) a public service vehicle; or
- (d) a vehicle belonging to or used by the British Railways Board for the purpose of carrying passengers or their luggage to or from any of their railway stations or premises.

63.—(1) If in the borough any person exhibits or permits to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) any sign (not being a sign required to be exhibited by virtue of section 14 of the Vehicles (Excise) Act 1962) or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire he shall be liable to a fine not exceeding twenty pounds.

Misleading signs on motor vehicles.

1962 c. 13.

(2) Without prejudice to the generality of the foregoing subsection, if in the borough any person exhibits or permits to be exhibited on any vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle) which is offered or let for hire with the services of a driver any sign or advertisement containing the words “ cab ”, “ taxi ”, “ taxi-cab ” or “ for hire ” he shall be deemed to have contravened the provisions of that subsection.

## PART VI

### MARKETS

64.—(1) The Corporation may—

Powers of Corporation as to markets.

- (a) continue the markets held at the commencement of this Act and from time to time alter the places at which the markets respectively are or may be held and may establish and hold new markets and discontinue the whole or any part of such existing or new markets;
- (b) continue and from time to time provide market places and market houses together with all such market stands, buildings, offices, approaches, appliances, car parks, conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters;

PART VI  
—cont.

- (c) provide and maintain weighing houses and weighing machines and all proper appliances for weighing vehicles and for weighing or measuring articles and may appoint and pay persons to attend to such weighing or measuring;
- (d) alter, enlarge, improve, extend, reconstruct and rebuild their existing market houses, and the shops and buildings under or adjoining them, or they may erect or provide and maintain new buildings therefor and in connection with or as part of such market house or new buildings or any market place or any of their markets or markets undertaking they may maintain and may erect or provide offices, shops, stores, warehouses, car parks, premises for receipt of rents, stallages and charges and other tenements or buildings;
- (e) for the aforesaid purposes or any of them or for any purpose of or in connection with any of their markets or markets undertaking, appropriate and use any lands for the time being vested in or belonging to them.

(2) Any cold-air store or refrigerator for the storage and preservation of meat and other articles of food provided under paragraphs (b) or (d) of subsection (1) of this section shall be provided subject to, and in accordance with, the provisions of section 80 of the Food and Drugs Act 1955.

1955 c. 16.  
(4 & 5 Eliz. 2.)

Power to take possession of market stands for non-payment of rents, etc.

**65.**—(1) If after any rent, stallage or charge has become due and payable to the Corporation in respect of a market stand the person occupying or using it fails to pay such rent, stallage or charge within three days after demand has been made therefor, the Corporation may enter upon and take possession of the stand and re-let it without prejudice to any other remedy for the recovery of such rent, stallage or charge.

(2) In this section “market stand” means a stand, stall, shed, pen, table, compartment, standing room, station or place in any market house, market place or cattle market of the Corporation.

Public gatherings at or near markets.

**66.** The Corporation may permit any market place or any land used for the purpose of any market or cattle market and any open land belonging to them adjoining thereto to be used for public meetings, public services, public speaking and public lectures and for entertainment and dancing; and may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto.

67. Nothing in this Part of this Act shall prejudice the rights or interests of the Corporation as owners of the franchise of the market held in the borough in pursuance of a charter granted by His late Majesty King Henry the Third in the year 1260.

PART VI  
—cont.

Saving for  
rights of  
Corporation.

68.—(1) In addition to and without prejudice to any other powers conferred on the Corporation by section 61 of the Food and Drugs Act 1955, the Corporation may make byelaws with respect to the market for all or any of the following purposes, namely:—

Market  
byelaws.  
1955 c. 16.  
(4 & 5 Eliz. 2.)

- (a) prohibiting or regulating the bringing into the market of any article, commodity or produce intended for sale within the market or of any specified description of any such article, commodity or produce;
- (b) securing the cleanliness of any land or premises within the market and any vehicle entering the market (including shops, stands and other places and vehicles where articles, commodities or produce are stored, sold or are exposed for sale or inspection) and preventing the accumulation on or in any such land, premises or vehicle, and securing the removal therefrom, of refuse;
- (c) preventing the outbreak and spread of fire in the market and, in particular, for that purpose—
  - (i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;
  - (ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the depositing in any place (otherwise than for storage), of such descriptions of articles, commodities, produce, containers or packing materials as appear to the Corporation to be flammable;
  - (iii) imposing such prohibitions, restrictions or requirements as appear to the Corporation requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment;
- (d) regulating the conduct of persons resorting to the market and, in particular, preserving order therein and preventing damage to, and loss of, property therein;
- (e) regulating traffic within the market (except on roads to which the Road Traffic Acts 1960 to 1967 apply) and the movement, speed and parking of vehicles (including hand-propelled vehicles and conveyances) therein.

PART VI  
—cont.

(2) The following provisions shall have effect in relation to byelaws made under paragraph (a) of subsection (1) of this section:—

- (a) The byelaws may grant exemptions from any of the provisions thereof or provide for the grant of such exemptions by such persons as may be specified in the byelaws:
- (b) A description of any article, commodity or produce may be framed by reference to any circumstances whatsoever.

## PART VII

## PUBLIC ORDER AND PUBLIC SAFETY

Entertainment  
clubs and  
coffee bars.

69.—(1) (a) In this section—

“ coffee bar ” means—

(i) any premises which are kept open for public refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning not being premises which are kept open wholly or mainly as an ancillary amenity for residents of a bona fide hotel, guest house or lodging house; or

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

“ entertainment club ” means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of entertainment, dancing or the playing of games in any premises, not being entertainment or dancing in respect of which a licence is required under the Private Places of Entertainment (Licensing) Act 1967;

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

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

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

(b) For the purposes of this section premises shall be deemed to be kept open for public refreshment at any time during which they are being used for the sale of refreshments to the public whether or not the public are allowed to be on the premises at the time of sale.

PART VII  
—cont.

(2) For the purposes of a resolution relating to a specified drug, the provisions of subsections (3) and (4) of section 121 (The appointed day) of this Act shall (with any necessary modifications) apply to any such resolution and the day fixed thereby.

(3) If, in the opinion of the Corporation, it becomes unnecessary that premises of any particular class or description should remain subject to the provisions of this section, the council may by resolution determine that as from a date to be specified in the resolution such class or description of premises shall be exempted from the provisions of this section; and the provisions of subsections (3) and (4) of the said section 121 shall (with any necessary modifications) apply to any such resolution and the day fixed thereby:

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

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

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

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

(ii) by an entertainment club;

unless they are registered;

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

PART VII  
—cont.

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

- (a) the premises are not suitable for the purpose having regard to their situation and to the character of adjacent properties; or
- (b) the persons intended to be concerned with the conduct of the premises for the purposes of a coffee bar or by an entertainment club (as the case may be) are such that young persons resorting thereto are likely to be depraved or corrupted; or
- (c) the premises are not safe for such use or the means of heating the premises are not safe; or
- (d) the premises are not provided with satisfactory means of lighting, sanitation and ventilation; or
- (e) adequate precautions against fire on the premises have not been taken; or
- (f) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises; or
- (g) the owner or occupier of the premises or any person intended to be concerned in the organisation or management of the coffee bar or the entertainment club has, within the period of five years immediately preceding the date of the application for registration or, as the case may be, for renewal of registration, been convicted of an offence under this section other than an offence under paragraph (b) of subsection (4).

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

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

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

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

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

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

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

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

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

- (i) the maintenance of order and safety;
- (ii) the number of persons who may be allowed on the premises at any time;
- (iii) the taking of proper precautions against fire and the maintenance in proper order of means of escape in case of fire, fire-fighting appliances and means of lighting, sanitation and ventilation;
- (iv) the maintenance in safe condition of means of heating the premises; and
- (v) the hours of opening and closing the premises, regard being had, *inter alia*, to the desirability of avoiding any nuisance to residents in the neighbourhood.

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

(12) Before refusing to register or renew the registration of any premises or revoking the registration of any premises and in any case if any person has given notice to the Corporation under



PART VII  
—cont.

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

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

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

- (a) any person concerned in the organisation or management of the coffee bar or entertainment club who knew or had reasonable cause to suspect that the premises were used in such manner or for any such purpose aforesaid; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises were used in such manner or for any such purpose as aforesaid—
  - (i) allowed the premises to be so used; or
  - (ii) let the premises or otherwise made the premises available to any person by whom an offence in connection with such use has been committed;

shall be liable to a fine not exceeding fifty pounds:

Provided that nothing in this subsection shall apply to the administration of a drug or a specified drug for the purposes of medical treatment by or in accordance with the directions of a medical practitioner registered pursuant to the Medical Act 1956.

1964 c. 64.  
1965 c. 15.

1956 c. 76.

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

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—cont.

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

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

(17) Notwithstanding the reference in subsection (1) of this section to the hours of eleven o'clock in the evening and five o'clock in the morning, where premises are for the time being registered with the Corporation under this section, the person who keeps the premises shall be deemed to have been duly licensed in respect of those premises under the provisions of the Late Night Refreshment Houses Act 1969 in respect of the period between the hours of ten o'clock in the evening and five o'clock in the morning, and the provisions of that Act, and of any enactment amending or extending the same, shall apply accordingly. 1969 c. 53.

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

- (i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described or any building to which paragraph (a) of section 71 of that Act applies; or
- (ii) a private house or private flat; or
- (iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act 1964; 1964 c. 26.  
or

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—cont.

- (iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Secretary of State under subsection (6) of section 269 of the Act of 1936 or any branch of such organisation; or
- (v) any premises which are kept open wholly as an ancillary amenity to a tenpin bowling establishment; or
- (vi) any premises which are used as a canteen forming part of a factory or office which is subject to the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963.
- 1961 c. 34.  
1963 c. 41.
- (b) Nothing in this section shall apply to—
- (i) a club registered or licensed under the Licensing Act 1964;
- 1964 c. 26.
- (ii) a club, organisation or body registered as a charity under section 4 of the Charities Act 1960;
- 1960 c. 58.
- (iii) a club provided or maintained by the Corporation;
- (iv) a club, organisation or body for the benefit of which the Corporation have exercised any of the powers conferred upon them by section 4 of the Physical Training and Recreation Act 1937;
- 1937 c. 46.
- (v) a club, organisation or body in respect of the use of any premises exclusively and bona fide for the purpose of—
- (A) games played on a playing field held with those premises;
- (B) a gymnasium or swimming bath;
- (C) playing badminton, fives, racquets, squash, bingo, tombola, billiards, chess, dominoes, bridge, whist or any game similar to any of those games;
- (D) yachting or boating;
- or to any premises used by any such club, organisation or body.
- (c) Nothing in this section shall apply to any premises in respect of which a licence is for the time being in force—
- (i) for the public performance of stage plays; or
- (ii) for public music or dancing or other entertainment of the like kind; or
- (iii) for a cinematograph exhibition:

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

70.—(1) The Corporation may make byelaws for the control of noise from road works or any engineering or building operations, including works of demolition.

Control of noise from building, demolition and road works.

(2) (a) Where upon application being made to the Corporation they are satisfied that any particular operation cannot reasonably be carried out without contravening any byelaws made under this section the Corporation may grant permission for noise to be caused in the course of the carrying out of that operation in excess of that permitted by the byelaws.

(b) To assist them in reaching a decision upon an application made under paragraph (a) of this subsection the Corporation shall consider the practicality and cost of any alternative operation and the disturbance which may be caused by the noise for which permission has been sought.

(c) Any permission under paragraph (a) of this subsection may be granted subject to such conditions as the Corporation think fit and any operation carried on in breach of a condition imposed shall be deemed to be carried on without permission.

(d) Any person aggrieved by the refusal of any permission or by any condition imposed thereby may appeal to a magistrates' court.

(3) (a) In proceedings brought for contravening a byelaw made in pursuance of this section it shall be a defence for the defendant to prove that the best practicable means have been used for the control of the noise caused in the course of the carrying out of any operation which is the subject of the proceedings and such defence shall be available whether or not an application has been made to the Corporation under subsection (2) of this section in respect of that operation.

(b) In determining for the purposes of this subsection whether the best practicable means have been taken for the control of the noise a court shall have regard to cost and to local conditions and circumstances.

(4) No byelaw under this section shall extend to control noise from activities carried out by the British Railways Board on operational land of that board or by or on behalf of statutory undertakers in the exercise of their statutory powers.

(5) Nothing in this section or in any byelaws made thereunder shall affect the operation of the Construction (General Provisions) Regulations 1961 or any regulations made under Part II or IV of the Factories Act 1961.

1961 c. 34

71.—(1) A stationary internal combustion engine shall not be used in the borough unless an effectual silencer is provided and used on the exhaust of the engine.

Silencers for internal combustion engines.

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be

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—cont.

so used, the Corporation may give him notice that the engine is being or has been so used; and if, after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as aforesaid, or causes or permits it to be so used, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding two pounds.

(3) An authorised officer of the Corporation shall, on producing if so required some duly authenticated document showing his authority, have the right—

- (a) to enter at all reasonable hours premises on which there is reason to believe that such an engine is being or has been used in contravention of this section; and
- (b) to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off;

and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof.

(4) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act 1954.

(5) In exercising the powers of subsection (3) of this section in relation to premises occupied by or being constructed for statutory undertakers and used or intended for use by them in connection with the generation or supply of electricity or (as the case may be) the manufacture, storage or supply of gas or water, the officer of the Corporation shall comply with the reasonable requirements of the undertakers in the interest of safety and for preventing unnecessary interference with any process carried on in the premises.

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

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials shall for the purposes of this section have effect as if the expression “materials” included timber.

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

1954 c. 70.

Removal,  
etc., of  
dangerous  
trees.

Provided that for the purposes of such application the said section 290 shall have effect as if—

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—cont.

(a) for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

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

(b) in subsection (6) thereof the words after “in so doing” were omitted.

(4) In any case where the removal or cutting down of, or the execution of works in relation to, any tree—

(a) will interfere with the exercise by a river authority of any of its functions; or

(b) will cause injury or damage to or otherwise interfere with any drainage work;

the Corporation shall (except in case of emergency) consult with the river authority before serving notice under this section.

73.—(1) Where there is on any land in the borough a pond, well, mineshaft, quarry or other excavation which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a source of danger to children or other persons, the Corporation may pay, or contribute to the payment of, any expenses incurred in the execution, by any person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger: Protection of dangerous excavations.

Provided that, in the case of an excavation in respect of which any person may, under section 144 of the Act of 1959, or section 151 of the Mines and Quarries Act 1954, be required to execute works to obviate the danger, the Corporation shall only pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such person to be required to bear the expense, or the whole of the expense (as the case may be), of executing such works. 1954 c. 70.

(2) If in the case of any such pond, well, mineshaft, quarry or other excavation as aforesaid on any land in their district—

(a) the Corporation are unable, after making reasonable inquiry, to ascertain the name and address of the owner or occupier of the land; or

(b) the Corporation have, by notice given to the owner or occupier of the land, requested the execution of such works of repair, protection or enclosure as they may consider necessary to obviate the danger, and, despite an offer made by the Corporation to pay or contribute

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to the payment of any expenses incurred by the owner or occupier in the execution of such works, the works are not executed within such reasonable time thereafter as may be necessary for the purpose;

the Corporation may, subject to the provisions of subsection (3) of this section, themselves execute such works.

(3) (a) Where, in a case referred to in paragraph (b) of subsection (2) of this section, the Corporation propose themselves to execute works on any land they shall, before carrying the proposal into effect, serve notice on the owner or occupier of the land specifying—

- (i) the place where the Corporation propose to execute such works;
- (ii) the effect of paragraphs (b) and (c) of this subsection;
- (iii) the nature of the works proposed; and
- (iv) the period, which shall not be less than twenty-eight days, within which notice of objection to the proposal may be sent in writing to the Corporation.

(b) The Corporation shall consider any notice of objection sent to them by the owner or occupier of the land within the period so specified and give notice of their decision on the objection to the person by whom it was made.

(c) If that person is aggrieved by the decision of the Corporation he may, within twenty-one days after receiving notice thereof, appeal to a magistrates' court, and the court shall have power to make such order in the matter as it considers reasonable but in so doing shall have regard as between an owner and occupier to the terms and conditions, whether contractual or statutory, of the tenancy.

(4) If in pursuance of subsection (2) of this section, or of an order of a court made under paragraph (c) of subsection (3) of this section, the Corporation themselves execute works of repair, protection or enclosure on any land, they shall, unless otherwise agreed in writing between the Corporation and the owner or occupier of the land and unless otherwise provided in any such order of the court, maintain those works.

(5) The Corporation may pay such contributions as they think fit towards any expenses incurred by any person in executing works in relation to any such pond, well, mineshaft, quarry or other excavation in the borough for the purpose of obviating danger to persons.

Disposal of  
dangerous  
containers.

74.—(1) No person shall within the borough dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of any flammable

explosive or poisonous substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container to any person or property.

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—cont.

(2) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing:

Provided that no proceedings shall be instituted for an offence under this section if the disposal or deposit of the container contravenes section 19 of the Civic Amenities Act 1967.

1967 c. 69.

(3) In this section "poisonous substance" means a substance specified in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act 1933.

1933 c. 25.

75.—(1) As from the appointed day no person shall commence to erect in the borough 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 Corporation of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require, and the Corporation have approved the erection of the stand under this section.

Safety of  
stands.

(2) Within five weeks from the receipt of such a notice from any person the Corporation 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 Corporation 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 Corporation shall have regard to that statement in



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—cont.

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 Corporation may allow.

(4) The Corporation 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 Corporation 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 Corporation 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 Corporation 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 section 287 (1) (a) 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 Corporation to enforce.

(8) The provisions of this section shall not apply to a stand used by statutory undertakers on operational land or to a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

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—cont.

(9) In this section “stand” includes a structure, but does not include a building, or extension of a building, to which building byelaws or building regulations are applicable.

76.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof. Tipping of spoil and refuse.

(2) Byelaws made by virtue of this section may—

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

(b) provide that any spoil or refuse tip placed, kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse by the British Railways Board for the purpose of constructing, altering or maintaining any railway or by statutory undertakers in their operational land.

77.—(1) As from the appointed day no person shall at any place to which this section applies— Touting, hawking, etc.

(a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the Corporation, which may be given on such terms and conditions as they think fit—

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

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—cont.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals, except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

(3) The prohibition imposed by subsection (1) (b) (i) of this section shall not apply to a sale or offering for sale to persons residing in, or occupying, or employed or carrying on business at, premises in or adjoining a place to which this section applies.

(4) The prohibition imposed by subsection (1) (b) (ii) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in or includes selling or supplying photographs for such publication.

(5) This section applies to any place in the borough—

(a) in or on a parade, promenade, drive or public walk;

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation or under their management and control;

(c) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

(6) Any person aggrieved by the refusal of the Corporation to give their consent under subsection (1) (b) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrates' court.

(7) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is given thereunder, he shall be liable to a fine not exceeding twenty pounds.

(8) The provisions of this section shall not prevent any land owner, or any person with his consent, exercising any rights on that land which he could have exercised if this section had not been enacted.

## PART VIII

## FINANCE

78.—(1) The Corporation may borrow—

Power to  
Corporation  
to borrow.

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority, 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 Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

79. In addition to the modes of borrowing prescribed by the Act of 1933 the Corporation may raise money—

Power to  
raise money  
by bills.

(1) for any purpose for which the Corporation are authorised to borrow;

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

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

(a) 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:

(b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

(c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Corporation may determine:

(d) Bills shall be issued under the authority of a resolution passed by the council and shall bear the signature of the treasurer of the borough or of some other person authorised by the council:

PART VIII  
—cont.

- (e) The Corporation may make regulations providing for—
- (i) the preparation and form and the mode of issue, payment and cancellation of bills;
  - (ii) the issue of new bills in lieu of bills defaced, lost or destroyed;
  - (iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;
  - (iv) the giving of a proper discharge on the payment of a bill:
- (f) 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:
- (g) 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—
- (i) the sum of one million pounds; or
  - (ii) one-fifth of the estimated gross rate income of the borough during the then current financial year;
- whichever is the greater:
- (h) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:
- (i) The Corporation may borrow for the purpose of repaying the principal money raised by bills, but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has then been raised by the issue of bills:
- (j) The power of raising money by means of bills shall not be exercised by the Corporation in any financial year during which the estimated gross rate income of the Corporation does not exceed three million pounds:
- (k) In this section—
- “ gross rate income ” means the gross rate income as used in the determination of the product of a rate of one new penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967;
  - “ revenues ” has the same meaning as in section 218 of the Act of 1933;

“signature” includes a facsimile of a signature by whatever process reproduced.

PART VIII  
—cont.

80. In addition to any other method by which the Corporation may raise 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 money by means of the issue of bearer bonds or other securities to bearer.

Power to raise money by bearer bonds.

81.—(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.

Power to raise money abroad.

(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 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).

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

Extension of power to invest superannuation fund moneys.  
1937 c. 68.

(a) the following paragraphs were included in Part III (Wider-Range Investments) of Schedule 1 to that Act:—

“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, 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 being securities

1947 c. 14.

PART VIII  
—cont.

which at the time of making the investment are quoted on any stock exchange in any of the said scheduled territories or any of the territories mentioned in this paragraph.

5. In the purchase, whether alone or jointly or in common with any other person, of immovable property of any tenure or kind in the United Kingdom, elsewhere than in the borough, the Isle of Man or the Channel Islands, or of any share or interest in such immovable property, including any interest in such immovable property comprised in a building agreement providing for the grant of a lease of such property contingent on the erection or completion of the building specified in such agreement.

6. In the advance of money upon the security of any legal estate or interest in immovable property comprised in a building agreement as specified in paragraph 5 of this Part and in any such case whether the security be taken by a separate and distinct mortgage or security made exclusively to the Corporation, or by a mortgage or security made jointly to the Corporation and any other person.”;

(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).”;

(iii) sub-paragraph (a) of paragraph 3 were omitted and the following were substituted for sub-paragraph (b) of the said paragraph 3:—

“(b) shares or debenture stock of an incorporated company which has not paid a dividend on its ordinary stock or shares for each of the five years immediately preceding the date of investment, or if the company has been incorporated or registered or has been trading for less than five years before that date unless—

(i) the Company has paid such a dividend on its ordinary stock or shares for each of

the years since incorporation or registration or commencement of trading as the case may be; or

- (ii) in the case of a company which has not been incorporated or registered or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such companies has paid dividends on its ordinary stock or shares for each of the five years immediately preceding the date of the amalgamation.”;

(iv) after paragraph 4 there were inserted the following paragraph:—

“4A. The securities mentioned in paragraph 4 of Part III of this Schedule do not include shares or debentures of an incorporated company of which the total issued and paid-up share capital is less than one million pounds sterling or its equivalent in any foreign currency.”

(2) (a) Notwithstanding anything in the Act of 1961, the Corporation 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—

- (i) no such moneys shall be so invested at any time when the value of all the investments made in the manner specified in the said Part III as so amended equals or exceeds three-quarters of the total value of the said superannuation fund; and
- (ii) no such moneys so invested in the manner specified in paragraphs 5 and 6 of the said Part III as so amended shall equal or exceed one-quarter of the total value of the said superannuation fund.

(b) For the purposes of this subsection, the value of any investment belonging to the superannuation fund shall be deemed to be the value of the investment at the time at which it was made.

(3) In this section “the Act of 1961” means the Trustee Investments Act 1961.

1961 c. 62.

83. Notwithstanding anything in any other enactment the moneys standing to the credit of any capital, repairs, reserve, Investment of other funds of Corporation



PART VIII  
—cont.

renewals, insurance, contingencies or other similar fund established by the Corporation, other than funds applicable wholly or partly for the redemption of debt, may be invested in similar manner and subject to the like restrictions as money of the superannuation fund.

Super-  
annuation  
benefits in  
certain cases  
of premature  
retirement.

84.—(1) Where, after the commencement of this Act, the employment of a contributor who has attained the age of fifty-five years and completed ten years' service is terminated in the interests of efficiency before he has attained the age of sixty-five years, he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Provided that this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the Corporation in writing that he does not wish this subsection to apply to him and if he does so notify the council then for the purpose only of ascertaining whether under any enactment he has become entitled to receive superannuation benefits he shall be deemed not to have had his employment terminated as aforesaid if within twelve months of the termination of his employment he again enters employment in which he could become entitled to receive a superannuation benefit or in relation to which a transfer value or the like is payable.

(2) Where, after the commencement of this Act, a contributor who has attained the age of fifty years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

- (i) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Corporation in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;
- (ii) unless the Corporation otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age and in any event shall not be paid before the person attains the age of fifty-five years.

(3) Where a person who has become entitled to a superannuation benefit by virtue of subsection (2) of this section dies before any payment on account of such benefit has been made to him, as from the date of his death the like benefits shall be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of "service" in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

(5) For the purposes of section 16 of the Local Government Superannuation Act 1953, and of any rules made thereunder, a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16. 1953 c. 25.

(6) In this section words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings and—

“the Act of 1937” means the Local Government Superannuation Act 1937; 1937 c. 68.

“pensionable age” in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would on ceasing to hold his employment become entitled to superannuation benefits by reason of having otherwise than under this section attained such age and completed such period of service as is prescribed in the Local Government Superannuation Acts 1937 to 1953 or the Local Government Superannuation (Benefits) Regulations 1954 as the case may be;

“superannuation benefit” includes any benefit which is or may be granted in pursuance of the Local Government Superannuation Acts 1937 to 1953 or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme.

(7) (a) An authority to whom this subsection applies may by resolution adopt the foregoing provisions of this section as from

PART VIII  
—cont.

such date as may be specified in such resolution, and where those provisions are so adopted they shall apply and have effect in relation to the authority as if—

- (i) any reference therein to a contributor were a reference to a contributor to the superannuation fund as respects whom the authority are the employing authority;
- (ii) any reference to the Corporation were a reference to the authority.

(b) This subsection applies to—

- (i) the Stockport County Borough Magistrates' Courts Committee;
- (ii) any organisation, undertaking or body in respect of whom there is for the time being in force an admission agreement with the Corporation pursuant to section 15 of the Local Government Superannuation Act 1953;
- (iii) any other employing authority in relation to whom the superannuation fund is the appropriate superannuation fund within the meaning of paragraph (d) of subsection (3) of section 1 of the Act of 1937.

1953 c. 25.

Expenses of investment of superannuation fund.

**85.** The costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund, or otherwise in relation thereto, shall be paid by the Corporation out of that fund.

Extension of section 25 of Local Government Superannuation Act 1953.

**86.** On the death of any person who is in receipt of a pension or to whom there is due any other payment from the Corporation as the widow or other beneficiary of a deceased employee of the Corporation (in this section referred to as "the beneficiary"), the provisions of section 25 of the Local Government Superannuation Act 1953 (which enables certain payments to be accelerated on delay in production of probate) shall apply and have effect with respect to the payment of any sum due from the Corporation to the beneficiary or to the legal personal representative of the beneficiary as those provisions would apply if the beneficiary had been an employee of the Corporation.

Establishment charges.

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

88.—(1) Section 12 of the Prices and Incomes Act 1968 (which enables a local authority to increase the rent payable to the authority for houses let on a weekly or other periodical tenancy whose rents fall to be carried to the authority's housing revenue account without the tenancy being terminated) shall—

PART VIII  
—cont.

Notice of alteration of rents without notice to

(a) apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the Corporation; and

quit.  
1968 c. 42.  
1958 c. 42.

(b) as so applied, extend to a reduction as well as to an increase of rent.

(2) Accordingly the said section 12 shall, as it applies to the Corporation as a local authority within the meaning of that section, have effect as if in subsection (1)—

(a) the words “on a weekly or other periodical tenancy” were omitted;

(b) after the word “increased” there were inserted the words “or reduced”; and

(c) after the word “increase” there were inserted the words “or reduction”;

and as if in subsection (4) for the definition of “local authority houses” there were substituted the words “‘local authority houses’ are houses belonging to the local authority” and after the word “increase” there were inserted the words “or reduction”.

89.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on the hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment, and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of rates from certain owners.

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

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

(4) This section shall not apply to any hereditaments to which subsection (1) of section 55 of the General Rate Act 1967 applies by virtue of a resolution of the council.

1967 c. 19.

PART VIII  
—cont.

Recovery of  
water rates  
and charges.

90. Notwithstanding the provisions of any enactment any water rates and charges collected by the Corporation on behalf of any water undertaking shall (without prejudice to any other right or remedy by the said undertaking) be recoverable by the Corporation in a magistrates' court in the same manner and subject to the same provisions as the general rate.

Recovery of  
rate, etc., from  
persons  
removing.

91.—(1) If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate, water rate or water charge which may be due from him and intends to evade the payment by departing from those premises the justice may in addition to issuing a summons for non-payment issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the Corporation and to detain them until the complaint is determined upon the return of the summons.

(2) In this section "water charge" includes a meter rent.

Insurance  
fund.

92.—(1) The Corporation may if they think fit establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as "the specified risks").

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

(3) When the insurance fund shall amount to the prescribed amount the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund be restored to the prescribed amount, and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed such moneys as are in excess of the prescribed amount shall be transferred to the general rate fund and if any sums shall have been appropriated from the housing revenue account under the next succeeding subsection to the housing revenue account in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

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

PART VIII  
—cont.

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

(5) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks or any of them, all moneys for the time being standing to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

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

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of that fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings, departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

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

PART VIII  
—cont.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and if any sums shall have been appropriated from the housing revenue account under subsection (4) of this section the housing revenue account in such proportion as the Corporation consider equitable and shall be charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

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

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

(9) In this section—

“ insurance office ” means—

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

“ statutory securities ” means any securities in which trustees are for the time being authorised by law to invest trust moneys or in which the Corporation are authorised to invest moneys forming part of the superannuation fund;

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

Reserve funds.

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

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

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

(a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking, department or service; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking, department or service; or

(c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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

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

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

(5) In the event of any undertaking, department or service of the Corporation in respect of which a reserve fund has been established under this section ceasing the fund shall be applied in or toward the extinguishment of any loan raised by the Corporation under any enactment or for any other purpose to which capital money may properly be applied.

94. Nothing in this Act shall be taken as exempting the Corporation from the provisions of any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 or from the provisions of the Exchange Control Act 1947.

Saving for  
Borrowing  
(Control and  
Guarantees)  
and Exchange  
Control Acts.  
1946 c. 58.  
1947 c. 14.



## PART IX

## ADMINISTRATION

Modification of mortgages by endorsement under hand.

**95.** Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage, or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid, or both to extend such time and to alter such rate of interest, effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body, of the duly authorised representative of that body) and of the town clerk or his duly authorised representative, endorsed on the deed by which such mortgage was originally granted, and the provisions of any such endorsement shall be deemed to be incorporated in the deed and shall, as from the date specified in the endorsement, operate and take effect accordingly.

Evidence of proceedings, appointments, etc.

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

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

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

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

Computer equipment.

**97.**—(1) The Corporation may provide for any person services and facilities for the processing of data by computer or by any other equipment of the Corporation which the Corporation may possess, and may make such charges as may be agreed for the provision of those services and facilities.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not without the consent of the person from whom it was obtained

be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

PART IX  
—cont.

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

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

Provided that—

- (i) 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; 1958 c. 51.  
1962 c. 56.
- (ii) the Corporation shall afford a right of access for the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document so destroyed.

(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 or 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.

(5) In this section—

“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 council, any committee of the council or any officer of the

PART IX  
—cont.

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.

Power to provide car parks for certain purposes.

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

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

Recreational and other facilities for employees.

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

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

(a) erect and maintain buildings;

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

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

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

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

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

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

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

PART IX  
—cont.

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

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

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

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

PART X

GENERAL

**103.—**(1) For the purpose of providing a parking place under section 28 of the Act of 1967 the Corporation may with the consent of the Secretary of State utilise any part of a park, pleasure ground or open space provided by them or under their management and control:

Parking places in parks, etc.

Provided that the part of any park, pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof, or one acre, whichever is the less.

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

1906 c. 25.

**104.** Where it appears to an officer of the Corporation that a vehicle has been left without lawful authority in any car park belonging to the Corporation (other than in a parking place to which section 31 or section 39 of the Act of 1967 applies) he may remove the vehicle, and the provisions of subsections (3) and (5) of section 20, and sections 21 and 22, of the Civic Amenities Act 1967 shall apply in respect of any such vehicle.

Removal of unauthorised vehicles from Corporation car parks.  
1967 c. 69.

**105.—**(1) The Corporation may within or outside the borough provide recreational facilities and for that purpose may provide such buildings and execute such works as may be necessary or expedient.

Recreational facilities.

PART X  
—cont.

(2) References in the following provisions of this section to recreational facilities provided under this section shall include references to any buildings provided, or works executed, under the last foregoing subsection, and to anything with which any such facility or building is equipped by virtue of section 271 of the Act of 1936, as applied by this Act.

(3) The Corporation may either—

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

(4) The Corporation may—

- (a) at a recreational facility provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments:

Provided that the Corporation shall not themselves provide or sell intoxicating liquor under the powers conferred by this subsection.

(5) The Corporation may make byelaws for regulating the use of recreational facilities provided under this section, whether within or outside the borough, and the conduct of persons using them or resorting thereto.

(6) In this section “recreational facility” means a golf course, driving range, bowling alley, skating rink or other recreational facility.

Provision of  
bulk refuse  
containers by  
Corporation.

**106.** The Corporation may at the request of the owner or occupier of any premises within the borough provide and maintain at such premises a bulk refuse container on such terms and conditions and at such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Corporation.

Maintenance  
of and access  
to bulk refuse  
containers.

**107.—**(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container, or where the Corporation at the request of the owner or occupier provide a

bulk refuse container, the Corporation may by notice require him to provide and maintain to the satisfaction of the Corporation a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Corporation such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Corporation constructed to convey bulk refuse containers to and from refuse vehicles.

PART X  
—cont.

(2) A notice under the preceding subsection may require the owner or occupier of the premises to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section and, in their application to notices given under this section, shall have effect as if the following paragraph were added to subsection (3) thereof:—

“(g) where the notice requires the owner or occupier of part of the premises in question to execute works for the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that other part ought to bear, or contribute towards, the expenses of executing the works required”;

and subsection (5) of the said section 290 shall have effect accordingly as if after the reference to “paragraph (f)” there were inserted the words “or paragraph (g)”.

108. Section 55 of the Act of 1936 shall in its application to the borough have effect as if the following subsections were substituted for subsections (1) and (2) thereof:—

Means of  
access for  
removal of  
refuse, etc.

“(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with a local authority, the local authority shall reject the plans, unless it is shown to them that—

(i) satisfactory means of access can, and will, be provided from the building to a street for the purpose of the removal of refuse; and

(ii) satisfactory provision will be made for the storage of refuse:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans

PART X  
—cont.

and specifications approved by the Secretary of State in connection with housing operations to which section 145 of the Act of 1957 applies.

- (b) Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a magistrates' court.
- (c) In this section 'refuse storage accommodation', in relation to a building, means accommodation for the storage of dustbins or other refuse containers containing or intended to contain the refuse arising from the use or occupation of the building.
- (2) (a) It shall be unlawful for any person except with the consent of the local authority so to close or obstruct the means of access by which refuse is removed from any building, that removal of refuse is thereby impeded, and the local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.
- (b) Any person who contravenes the provisions of this subsection shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding two pounds for each day on which the offence continues after conviction thereof."

Power to lend  
museum  
objects for  
educational  
purposes.

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

Provided that this section shall not apply to any specimen, work of art or other object which has been left with the Corporation for the purpose of identification or which is in their possession by virtue of a trust or loan the terms of which are inconsistent with the powers conferred by this section.

Power to  
advertise  
advantages  
of borough.

**110.—**(1) For the purpose of promoting and fostering the development of the borough the Corporation may incur expenditure in advertising and making known the advantages, facilities and amenities afforded by the borough in any manner which the

Corporation may think fit, and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

PART X  
—cont.

(a) combine with any other organisation, company or person; and

(b) employ such persons, firms or companies as they think fit.

(2) Any expenditure under this section shall be separate from and additional to the expenditure, if any, of the Corporation under the Local Authorities (Publicity) Act 1931.

1931 c. 17.

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

Disposal of lost and uncollected property.

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

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

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

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

(5) Where lost property or the proceeds thereof vest in the Corporation under subsection (2) of this section and a person employed by the Corporation shows to their reasonable satisfaction and without unreasonable delay that before such vesting the property belonged to him he shall, to the extent to which (having regard to subsection (3) of this section) the property or proceeds remain so vested, be entitled to the return of the property or, if it has been disposed of, to receive the proceeds.



PART X  
—cont.

(6) In this section—

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

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

Extension of  
power to  
maintain  
burial  
grounds.

112.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

- (a) to put, and keep, in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (b), (c) or (d) of the foregoing subsection the Corporation shall—

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation’s proposals and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications or than the twenty-first day after the date on which the notice in the burial ground is first displayed or, where notice is required to be served, than the twenty-first day after the date of service whichever is the latest; and
- (c) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Secretary of State unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense, in substitution, a memorial of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) (a) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject to obtain for any work a faculty or licence of a consistory court.

(b) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence, and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such a faculty or licence was obtained.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“memorial” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking the grave or memorial.

113.—(1) In this section—

“the Commission” means the Commonwealth War Graves Commission;

For protection  
of Common-  
wealth  
War Graves  
Commission

**PART X**  
—cont.

“ Commonwealth war burial ” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 112 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

- (a) not later than the date upon which such notice is first published in a newspaper circulating in their area serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 112;
- (b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 112;

and in any such case shall have due regard to any written representations made by the Commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not in pursuance of the powers of the said section 112 remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

- (a) that no other memorial shall be placed or erected over such grave;
- (b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;
- (c) that in the case of any headstone placed or erected by the Commission over any such grave, such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 112, the Corporation shall, not later than the

date on which the matter is referred to the Secretary of State, inform the Commission in writing of such reference and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Secretary of State.

PART X  
—cont.

**114.** No power conferred upon the Corporation by section 64 (Powers of Corporation as to markets), section 99 (Power to provide car parks for certain purposes) or section 103 (Parking places in parks, etc.) of this Act shall be exercised in such a manner—

Saving for trusts.

(a) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation without an order of the High Court or the Charity Commissioners or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(b) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by or granted to the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

**115.** As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

Confirming authority for byelaws.

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

Local inquiries.

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

**117.**—(1) Where an offence under the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Liability of directors, etc.

(2) The provisions hereinbefore referred to are—

Section 69 (Entertainment clubs and coffee bars).

(3) In this section “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry

**PART X**  
—*cont.*

or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

**Restriction  
on right  
to prosecute.**

**118.** The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

**Appeals.**

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

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

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

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

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

**Application  
of general  
provisions  
of Act of  
1936.**

**120.—(1)** The sections of the Act of 1936 specified in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) The sections of the Act of 1936 specified in Part II of the said schedule shall have effect as if references therein to that Act included references to the following Parts of this Act, that is to say:—

Part II.—(Fire precautions).

Part IV.—(Streets).

Part VII.—(Public order and public safety).

(3) The provisions of section 287 of the Act of 1936 shall have effect as if references therein to that Act included references to the following provisions of this Act, namely:—

Section 27 (Securing of unoccupied houses under Act of 1957);

Section 29 (Repair of walls, etc., of yards).

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

PART X  
—cont.

The appointed day.

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

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

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

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

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

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

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

(a) immediately before that day was carrying on that business, or using any premises for that purpose; and

(b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as the decision is subject to appeal pursuant to this Act.

122. For the protection of statutory undertakers the following provisions shall, except as may be otherwise agreed in writing between the Corporation and the undertakers concerned, apply and have effect:—

For protection of statutory undertakers.

(1) Nothing in the following sections of this Act shall relieve the Corporation or any person acting with the consent or on the requirement of the Corporation from liability for damage caused by them to apparatus, and the powers of those sections shall be so exercised as not unreasonably to obstruct or render less convenient the access to any

PART X  
—cont.

apparatus or operational land for purposes of placing, inspecting, repairing, maintaining, renewing or removing apparatus—

Section 35 (Trees, grass verges and gardens);

Section 38 (Regulation of placing of things in footpaths);

Section 39 (Decorations in streets);

Section 43 (Temporary stoppage of streets):

(2) (a) Except where other provision is made in this Act for the determination of any matter by way of objection or appeal, any difference which may arise between the Corporation and a statutory undertaker under a provision of this Act (other than a difference as to the meaning or construction of the provision) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers;

(b) In determining a difference pursuant to this section the arbitrator shall have regard to any duty or obligation to which the undertakers are subject in respect of any apparatus and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

Saving for  
Town and  
Country  
Planning  
Acts.  
1962 c. 38.

**123.** Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session of the 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Repeals.

**124.** The enactments specified in Schedule 4 to this Act are hereby repealed to the extent mentioned in that schedule.

Costs of Act.

**125.** 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 Corporation out of the general rate fund of the borough or out of moneys to be borrowed under this section.

## SCHEDULES

### SCHEDULE 1

Section 26.

#### ENACTMENTS TO WHICH POWER TO REQUIRE INFORMATION APPLIES

Public Health Act 1875.	1875 c. 55.
Public Health Acts Amendment Act 1890.	1890 c. 59.
Public Health Acts Amendment Act 1907.	1907 c. 53.
Public Health Act 1925.	1925 c. 71.
Land Drainage Act 1930.	1930 c. 44.
Public Health Act 1936.	1936 c. 49.
Public Health (Drainage of Trade Premises) Act 1937.	1937 c. 40.
Shops Act 1950.	1950 c. 28.
Land Drainage Act 1961.	1961 c. 48.
Public Health Act 1961.	1961 c. 64.
Town and Country Planning Acts 1962 to 1968.	
Housing Acts 1957 to 1969.	

### SCHEDULE 2

Section 31.

#### CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

1. The vehicle must be permanently fitted with a rigid roof with or without a sliding panel.
2. The area of the vehicle to the rear of the driver's seat must—
  - (a) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle; and
  - (b) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear.
3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 2 of this schedule (or if there is more than one such row of seats the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must when the seats are ready for use be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.



Section 120.

## SCHEDULE 3

## SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

## PART I

## SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, etc.
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 II, IV AND VII OF THIS ACT

Section	Marginal note
275	Power of local authority to execute work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payments by instalments.
293	Recovery of expenses, etc.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint etc.
329	Saving for certain provisions of the Land Charges Act 1925.

1925 c. 22.

SCHEDULE 4

Section 124.

ENACTMENTS REPEALED

Act	Section	Marginal note
An Act for Improving and regulating the Borough of Stockport in the several counties of Chester and Lancaster. (1837) 1 Vict. c. cxxix	clvii	For recovery of Tenant's Rates in Cases of Removal.
	clviii	Warrant for the Recovery of Rates, which may include several Persons.
An Act to purchase and define the Manorial and Market Rights of Stockport, to establish public Parks, to purchase or lease Waterworks, to build Bridges, and to make other Communications within the Borough of Stockport. (1847) 10 & 11 Vict. c. cclxxxiv	xxix	Council empowered to enlarge and maintain Markets.
	xxxviii	No Bye Laws to be valid until sanctioned according to the Provisions of 5 & 6 W. 4 c. 76.
Stockport Corporation Act 1899 (1899) 62 & 63 Vict. c. cxvii	49	Dangerous places to be repaired or enclosed.
	96	Corporation may erect buildings &c.
	97	Power to Corporation to let refreshment rooms &c.
	98	Byelaws as to recreation grounds.
	99	Application of moneys received from admissions to public recreation grounds &c.
Stockport Corporation Act 1934 (1934) 24 & 25 Geo. 5. c. lv	45	Insurance fund.
	46	Capital reserve fund.

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