

Oxfordshire County Council Act 1971

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ELIZABETH II



1971 CHAPTER lxiii

An Act to confer further powers on the Oxfordshire County Council and on local, highway and other authorities in the administrative county of Oxford in relation to lands, amenities, highways and the local government, improvement, health and finances of the county and of the boroughs and districts therein; and for other purposes.

[5th August 1971]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to lands, amenities and highways and for the local government, improvement, protection from fire, health and welfare and finances of the administrative county of Oxford, and that the powers of the county council of that administrative county and of the local and other authorities therein should be enlarged and extended as by this Act provided:

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

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

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

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Oxfordshire County Council Act 1971.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Highways and road traffic.
- Part IV.—Parks, cemeteries, etc.
- Part V.—Public health and welfare.
- Part VI.—Fire protection and public order.
- Part VII.—Finance.
- Part VIII.—Miscellaneous.
- Part IX.—General.

Interpretation. 3.—(1) In this Act the several words and expressions (other than those defined in subsection (2) of this section) to which meanings are assigned by sections 90, 110 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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

1936 c. 49. “ the Act of 1936 ” means the Public Health Act 1936;

1957 c. 56. “ the Act of 1957 ” means the Housing Act 1957;

1959 c. 25. “ the Act of 1959 ” means the Highways Act 1959;

- PART I
—cont.
- “ the Act of 1962 ” means the Town and Country Planning Act 1962; 1962 c. 38.
- “ the Act of 1967 ” means the Road Traffic Regulation Act 1967; 1967 c. 76.
- “ apparatus ” means mains, pipes or other apparatus, and electric lines and works (as respectively defined in the Electric Lighting Act 1882) and telegraphic lines (as defined in the Telegraph Act 1878) belonging to, or maintained by, any statutory undertakers, and includes any works constructed for the lodging therein of apparatus; 1882 c. 56.
1878 c. 76.
- “ appointed day ” has the meaning assigned to that expression by section 4 (The appointed day) of this Act;
- “ authorised security ” means a mortgage, stock, bond or other security which the Council or a local authority (as the case may be) are for the time being authorised to grant, create or issue, or upon, or by means of, which the Council or a local authority (as the case may be) are for the time being authorised to raise money;
- “ building regulations ” has the same meaning as in section 4 of the Public Health Act 1961; 1961 c. 64.
- “ caravan ” has the same meaning as in Part I of the Caravan Sites and Control of Development Act 1960; 1960 c. 62.
- “ claimed county road ” has the same meaning as in the Act of 1959;
- “ contravention ” includes failure to comply, and “ contravene ” shall be construed accordingly;
- “ the Council ” means the county council of the county;
- “ the county ” means the administrative county of Oxford;
- “ county road ” means a highway which by virtue of section 21 of the Act of 1959 or some other enactment is a county road in the county;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction thereof;
- “ district ” means a borough or an urban or rural district in the county;
- “ enactment ” 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 within the county;
- “ the fire authority ” has the same meaning as in the Fire Services Act 1947; 1947 c. 41.
- “ highway authority ” means—
- (a) in the case of a trunk road, the Secretary of State or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that road;

PART I
—cont.

(b) in the case of a county road, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and

(c) in the case of any other highway, the local authority for the district in which the highway is situate;

“house” means a dwelling-house, whether a private dwelling-house or not, and includes any building or part of a building which is occupied or intended to be occupied as a separate dwelling;

“land” includes land covered by water and any interest in land or any easement or right in, to or over land;

“local authority” means the council of a district;

1952 c. 55. “magistrates’ court” has the same meaning as in the Magistrates’ Courts Act 1952;

“officer” includes servant;

1969 c. 48. “operational land” in the case of the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969 and, in the case of any other statutory undertakers, has the same meaning as in the Act of 1962 as originally enacted;

“owner” in relation to any premises, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack-rent of the premises or, where the premises are not let at a rack-rent, would be so entitled if the premises were so let;

“parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish;

“the police authority” means the Thames Valley Police Authority or any other police authority of which the Council are a constituent member;

1960 c. 16. “public service vehicle” has the same meaning as in section 117 of the Road Traffic Act 1960;

“road” has the same meaning as in the Road Traffic Act 1960;

“rural district” means a rural district in the county;

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

1959 c. 25. “street” has the same meaning as in the Highways Act 1959;

“tribunal” means the Lands Tribunal;

“urban district” means a borough or an urban district in the county;

“verge” includes land situated between two carriageways and any part of a street which is not a carriageway, footway or cycle track;

“voluntary organisation” means any organisation not carried on for profit, not being an organisation carried on by a public authority.

PART I
—cont.

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

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

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

(3) The local authority shall cause to be published in a local newspaper circulating in the district 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 the 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 clerk of the local authority to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

PART II

LANDS

5.—(1) If a local authority—

(a) acquire land by agreement; or

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

Suspension of
restrictive
covenants.

PART II
—cont.

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

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

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

(3) The local authority shall—

- (a) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the period (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, serve by registered post or the recorded delivery service a copy of the said notice on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and
- (c) on or before the date of the first publication of the said notice, post a copy or copies of the said notice in a prominent position on the land to which the resolution relates.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the local authority 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 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 local authority acquire or appropriate the land.

(b) If no objection is duly made under subsection (4) of this section, or if all objections so made are withdrawn, the appropriate Minister may, if he thinks fit, confirm the resolution and 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 local authority acquire or appropriate the land.

(7) If in the opinion of the local authority 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 local authority may—

(a) in four 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 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 local authority 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, serve by registered post or the recorded delivery service a copy of the said notice on every person who they consider, after reasonable inquiry, may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

(c) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection, post a copy or copies of that notice in a prominent position on the land.

PART II
—cont.

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

1965 c. 56.

(9) The local authority 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 and loss suffered in consequence thereof, and the amount of the compensation shall, in case of dispute, be determined in accordance with the Land Compensation Act 1961.

1961 c. 33.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the local authority are the owners of the land to which the restriction relates and, if compensation is paid by the local authority under subsection (9) of this section in respect of the suspension of a restriction relating to the building upon, or use of, land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

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

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

(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;

1963 c. 38.

(c) any restriction arising under the Water Resources Act 1963 or under any agreement expressed to be made pursuant to that Act;

(d) any restriction expressed to be in favour of the Conservators of the River Thames in respect of their statutory functions relating to river pollution;

(e) 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 any other local authority, or the Council, or the British Railways Board, or the British Waterways Board, or the Conservators of the River Thames; or

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

contained in any deed, wayleave, agreement or other instrument.

(13) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the local authority have acquired or agreed to acquire that land; and in subsection (12) (e) (i) of this section “local authority” has the same meaning as in the Act of 1933.

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

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

7. The power of a local authority to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land that may be acquired under any enactment. Provision of substituted sites.

8. In respect of land acquired by a local authority under any enactment for the benefit or improvement or development of their district section 165 of the Act of 1933 shall have effect with the omission of the words “and which is not required for the purpose for which it was acquired or is being used”. Disposal of land.

PART II
—cont.Compulsory
acquisition
of
easements.

9.—(1) A local authority, by means of an order made by the local authority and submitted to, and confirmed by, the confirming authority, may be authorised to create in favour of the local authority in, over or under any land which under any enactment the local authority may be authorised to acquire compulsorily any easement or other right in, over or under or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any land or building owned or occupied, or intended to be acquired or occupied, by the local authority for the purposes of any of their undertakings, powers or duties:

1971 c. 41.

Provided that a local authority shall not exercise the powers of this section in circumstances where they may be authorised to acquire such rights by virtue of section 47 of the Highways Act 1971.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in, over or under or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

1946 c. 49.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946, and as if—

(a) the expression “ compulsory purchase of land ” in the said Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(b) paragraphs 9 and 10 of Schedule 1 to the said Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1), whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of either of those paragraphs has an easement or other right, being an easement or other right which, if it were land, would be land to which the paragraph relates.

1965 c. 56.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within section 8 of the Compulsory Purchase Act 1965.

(5) In this section “ confirming authority ” means the authority having power to authorise the purchase compulsorily of the land

for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the local authority.

PART II
—cont.

10.—(1) A local authority may provide and maintain, or contribute to the cost of providing and maintaining, recreational, social and welfare facilities for their employees.

Recreational
and other
facilities for
employees.

(2) For the purposes aforesaid, the local authority may—

- (a) erect or maintain buildings;
- (b) make such charges as they think fit for the use of facilities provided under this section;
- (c) make regulations for the management of such premises.

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

- (a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the local authority without an order of the High Court or of the Charity Commissioners or of the Secretary of State or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or
- (b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the local authority) subject to which a gift or lease of any land or building has been accepted by, or granted to, the local authority, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

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

Undertakings
and agreements
binding
successive
owners.

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

shall, if registered in the local land charges register, be enforceable by the local authority against the person or persons who entered into, or joined as a party to, such undertaking or agreement and all persons deriving title by, through or under him or them.

(2) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the local authority a copy thereof.

PART II
—cont.
Agreements
with
developers.

12.—(1) The Council and any person having an estate or interest in any land within the county may enter into an agreement which may provide for all or any of the following:—

- (a) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;
- (c) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Council shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;
- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the lighting, maintenance and cleansing of the public rights of way so dedicated, including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for, or in connection with, development of that land;
- (f) arrangements for the maintenance of open spaces provided in connection with development of that land;
- (g) arrangements relating to the provision, maintenance or use of means of disposal of foul or surface water for, or in connection with, development of that land;
- (h) any other related or consequential matters.

(2) (a) An agreement entered into under this section may contain positive and negative covenants and, whether they be positive or negative and notwithstanding that they may not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee, they shall, if registered in the local land charges register, be enforceable by the Council against the covenantor and all persons deriving title by, through or under the covenantor.

(b) In the event of the person who has entered into an agreement under this section or any person deriving title by, through or

under him failing to perform any of the positive covenants contained in the agreement, the Council may, after giving not less than twenty-one days' notice of their intention so to do, enter on the land and do the work in default, and the expenses incurred by the Council in so doing shall be recoverable by them from the person in default.

PART II
—cont.

(c) Except as may be expressly provided in the agreement, an agreement entered into under this section shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

(3) The Council may take or acquire shares or other securities in any company incorporated in the United Kingdom with which an agreement is entered into under this section.

(4) In this section "development" has the same meaning as in section 12 of the Act of 1962.

(5) Section 291 of the Act of 1936 shall have effect as if reference therein to that Act included a reference to this section.

13.—(1) Where the Council have, either before or after the passing of this Act, contributed or agreed to contribute towards, or in connection with, the acquisition or use, by the council of any other administrative county or of any county borough, district or parish (whether or not in the county) or by any other public body (in this section referred to as an "authority") or by any person or any trustees, of land for the purpose of a public or private open space, recreation or pleasure ground, sports ground or playing fields, or public walk, or towards, or in connection with, the laying out or maintenance of such land, and such authority, person or trustees have or has, either before or after the passing of this Act, in consideration of such contribution, or of an agreement to make such contribution, entered into a covenant with the Council restrictive of the use of such land, the Council shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority, person or trustees and against the persons deriving title under them or him in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

Enforcement
of restrictive
covenants
relating to
land acquired
for open
spaces.

(2) Where an authority have, either before or after the passing of this Act, contributed towards, or in connection with, the acquisition or use by the Council of land for the purpose of a public or private open space, recreation or pleasure ground, sports ground or playing fields, or public walk, or towards, or in connection with, the laying out or maintenance of such land, and

PART II
—cont.

the Council have, either before or after the passing of this Act, in consideration of such contribution, or of an agreement to make such contribution, entered into a covenant with the authority restrictive of the use of such land, the authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if the authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

1925 c. 22.

(3) (a) For the purposes of section 15 of the Land Charges Act 1925, any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(b) This section shall not apply to a covenant contained in any instrument made before 27th November, 1970, unless the restrictions enforceable under the covenant were registered as local land charges within twelve months after that date.

1965 c. 56.

(4) Any covenant to which this section applies shall continue to be enforceable notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement under the Lands Clauses Acts, or any Act incorporating those Acts, or to which provisions of the Compulsory Purchase Act 1965 are applicable.

(5) Nothing in this section shall deprive the Council or any authority, person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

Reservation of easements, etc., on sale.

14. On selling any land the Council—

(a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;

(b) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and, without prejudice to the generality of the foregoing provisions of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

Entry on land for certain purposes.

15.—(1) Whenever it becomes necessary for the Council, or any of their officers, contractors or workmen, to enter, examine or lay open any land (not being land on which buildings for manufacturing purposes are erected) for the purpose of making plans,

surveying, measuring, taking levels or making trial holes in connection with a function (other than a function as a highway authority) for which they are for the time being or could under any enactment for the time being in force be authorised to acquire or use land compulsorily, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Council may, after notice to such owner or occupier, apply to a magistrates' court for an order under this section.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Council, or any of their officers, contractors or workmen, may at all reasonable times between the hours of 9 o'clock in the morning and 6 o'clock in the following evening enter, examine or lay open the land mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that, except in case of emergency, no entry shall be made or works commenced in pursuance of this section unless at least twenty-eight days' notice of the intended entry and of the object thereof be given to the owner and occupier of the land intended to be entered.

(3) Before entry is made upon any land for the purpose of making trial holes therein in pursuance of an order made on the application of the Council under subsection (2) of this section the Council shall give to the gas board and the electricity board in whose area the land is situated and to the Gas Council and the Central Electricity Generating Board not less than fourteen days' notice specifying the situation of the land.

(4) The Council shall at their own expense and with all due speed and diligence make good and restore to its former condition any land laid open by them, or their officers, contractors or workmen, and shall make good, to the reasonable satisfaction of the owner and occupier of the land entered, all damage or loss sustained by them in consequence of such entry, examination or laying open, and any dispute as to the amount of damage or loss so sustained shall, in default of agreement, be assessed by the tribunal, and the amount so assessed shall be recoverable in any court of competent jurisdiction.

(5) If any statutory undertakers refuse to permit any of their operational land, or the British Railways Board refuse to permit any land belonging to them and used for the purposes of their undertaking, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section, application under that subsection shall not be made to a magistrates' court, but any question arising as to whether permission for any such land to be so entered upon, examined or laid open is unreasonably withheld shall be determined by arbitration, and if

PART II
—cont.

the arbitrator shall determine that such permission is unreasonably withheld, the Council shall have the like powers of entering, examining and laying open the said land for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

Application
to local
authorities
of provisions
of Part II.

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

(2) The provisions hereinbefore referred to are—

Section 12 (Agreements with developers);

Section 13 (Enforcement of restrictive covenants relating to land acquired for open spaces);

Section 14 (Reservation of easements, etc., on sale);

Section 15 (Entry on land for certain purposes).

PART III

HIGHWAYS AND ROAD TRAFFIC

Interpretation
of Part III.

17. In this Part of this Act—

“code of 1875” and “code of 1892” have the same respective meanings as in section 173 of the Act of 1959;

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

“street works” and “street works authority” have the same respective meanings as in section 213 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.

Mixing of
mortar in
streets.

18.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the county which is a highway maintainable at the public expense except upon a board or in a receptacle which will protect the road from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

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

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

19.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street in the county or in any open space to which the public have access adjacent to any street in the county—

(a) remove or cut any turf; or

(b) remove, cut or displace any tree, shrub or plant which has been planted for the purpose of improving amenities, or cut or pluck any bud, blossom, flower or leaf of any such tree, shrub or plant.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding twenty pounds and to the payment of such further amount as appears to the court reasonable compensation for any damage done by such contravention, which last-mentioned amount shall be paid to the person having control of the street or open space.

(3) In any proceedings under this section in respect of any matter referred to in subsection (1) (b) of this section it shall be a defence for the defendant to show that he did not know, and had no reason to know, that the tree, shrub or plant in question had been planted for the purpose of improving amenities.

(4) Nothing in this section shall—

(a) apply to any open space vested in, or under the control of a local authority or the National Trust for Places of Historic Interest or Natural Beauty, or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act 1949; or

1949 c. 97.

(b) affect any right of statutory undertakers or the British Railways Board to open or break up any street or land in the exercise of any statutory power.

20. Between midnight and 7 o'clock in the following morning the provisions of any order made by a local authority under, or having effect by virtue of, the Act of 1967 prohibiting the driving of vehicles on any road specified in any such order otherwise than in a specified direction shall not apply to any mechanically propelled and operated street cleansing vehicle when engaged in the cleansing of any street.

Street
cleansing.

21.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the

Adjustment of
boundaries of
estates in
connection
with streets.

PART III
—cont.

Damage to
trees, etc., in
streets and
in open
spaces.

PART III
—cont.

proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

(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;

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

(2) The notice shall be given to the owners of all the estates affected thereby.

(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 local authority 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 local authority; 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) The costs and expenses of any arbitration under this section shall, except so far as the award may otherwise provide, be paid by the local authority.

(8) 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.

(9) 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 any such mortgages, covenants,

restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

PART III
—cont.

(10) The local authority 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.

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

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

- (i) projects over any part of the footway which is less than two 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 or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the local authority 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.

23.—(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;

Temporary
stoppage
of streets.

a local authority may break up and for any reasonable time stop up, divert and interfere with any street in their district and divert the traffic therefrom and prevent persons using it:

PART III
—cont.

Provided that a local authority shall not exercise the powers of this section—

- (i) as respects any trunk road, without the consent of the Secretary of State; or
- (ii) as respects any county road, without the consent of the Council; or
- (iii) 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
- (iv) so as to obstruct, or interfere with, the access to, or exit from, any station, wharf or depot of any railway, canal, inland navigation or passenger road transport undertakers.

(2) A local authority, 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 a local authority 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.

Verges, etc.,
of housing
estates.

24.—(1) Where any grass verge, garden or space which has been provided by a local authority in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with a local authority under that Act, or any enactment repealed by that Act, or by any other person, is maintained in an ornamental condition or mown, the local authority may by notice prohibit any person from—

- (a) causing or permitting motor vehicles or caravans to enter upon any such grass verge, garden or space; or
- (b) entering upon any such garden.

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

(3) If any person (except in a case of emergency) contravenes a notice so posted he shall be liable to a fine not exceeding twenty pounds.

(4) Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided by a housing association, the local authority shall consult the association.

(5) The powers of this section shall not be exercisable in relation to any grass verge, garden or space which forms part of a highway maintainable at the public expense.

25.—(1) (a) If, after the appointed day, representation is made in manner hereinafter mentioned to a local authority that the amenities of any part of their district are prejudicially affected by the use during the prescribed hours of any land within the curtilage of any private dwelling-house in a street in the district as a parking place for one or more heavy commercial vehicles, the local authority may make an order in accordance with the provisions of this section prohibiting the use during the prescribed hours of land within the curtilage of the private dwelling-houses in the street, or any part thereof, to which the representation relates as a parking place for one or more heavy commercial vehicles.

PART III
—cont.

Parking
of heavy
commercial
vehicles.

(b) A representation under the foregoing paragraph shall be made in writing and signed by local government electors residing in not less than five private dwelling-houses, being dwelling-houses in the street concerned or dwelling-houses in any other street which are within 100 yards of the land in question.

(2) (a) If the local authority propose to make an order under this section, they shall publish notice of their proposal in a local newspaper circulating in the district stating where the draft order can be inspected and copies purchased and that objections to the order may be made in writing within one month after the date of the first publication of the notice.

(b) Not later than the date of the first publication of the notice in pursuance of paragraph (a) above the local authority shall serve a copy of the notice on the owner or occupier of every dwelling-house abutting or fronting on the street, or the part thereof, to which the draft order relates.

(c) Before determining to make the order the local authority shall consider all objections made within one month after the date of the first publication of the notice and shall consult the police authority and the highway authority (where the local authority are not the highway authority) and shall afford to the owner or occupier of every dwelling-house abutting or fronting on the street, or the part thereof, to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee of the local authority.

(3) (a) Any order made under this section shall specify the street, or the part thereof, to which it applies.

(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 making 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 local authority may determine.

PART III
—cont.

(4) When an order has been made by the local authority under this section they shall give notice thereof, and of the right of appeal, by publication in a local newspaper circulating in the district, and any person affected by the order and the owner or occupier of a dwelling-house in the district 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) Nothing in any order made under this section shall apply so as to prevent a heavy commercial vehicle waiting during the prescribed hours on any land within the curtilage of any private house in a street to which the order relates for any period not exceeding one hour.

(6) The occupier of the land within the curtilage of a private dwelling-house or any 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 contravention thereof shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(7) 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.

(8) In this section—

- “prescribed hours” means the hours between 9 o'clock in the evening and 7 o'clock in the following morning;
- “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;

“ 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 hundred-weight;

“ dual-purpose vehicle ” means a vehicle constructed or adapted for the carriage of both passengers and 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 subsection (9) of this section; 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.

(9) The conditions as to construction of dual-purpose vehicles referred to in subsection (8) of this section are the following:—

(a) the vehicle must be permanently fitted with a rigid roof with or without a sliding panel;

(b) the area of the vehicle to the rear of the driver's seat must—

(i) 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

(ii) be lit on each side and 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;

(c) 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 (b) of this subsection (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.

PART III
—cont.
Decorations
in streets.

26.—(1) A local authority may, on the occasion of any public festivity, cause flag-poles and pylons to be erected in any street in their district for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

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

(3) The local authority shall not exercise the powers of this section in a trunk road without the consent of the Secretary of State, or in a county road without the consent of the Council or in any street belonging to or repairable by the British Railways Board without their consent.

(4) Any consent required by subsection (3) of this section shall not be unreasonably withheld but may be given subject to a condition that the local authority shall at their own expense remove anything placed in or under the surface of a street under the powers of this section if reasonably required to do so by the Secretary of State or the Council or the British Railways Board, as the case may be.

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

27.—(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 highway authority 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 said building within such reasonable time as may be specified in the notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

(2) (a) If, within twenty-eight days of the date of the service by the highway authority of a notice under subsection (1) of this section, the person on whom the notice is served gives counter-notice to the highway authority 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 that subsection;

- (ii) the highway authority 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;

PART III
— cont.

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

(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 highway authority, with or without adjoining lands, on terms not less favourable to the highway authority than those on which they could 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 highway authority serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) For the purpose of complying with any notice under subsection (1) of this section, the owner may, notwithstanding anything in any lease or other agreement, enter upon any land or building affected by any requirement of the notice and carry out the work required by the notice.

(4) (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 highway authority 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.

(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 1961 c. 33.

PART III
—cont.

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.

(5) 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.

(6) Where compensation is payable under this section in right of an interest in land which is subject to a mortgage—

- (a) the compensation payable in respect of the depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;
- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) no compensation under this section shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
- (d) the compensation payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee and shall in either case be applied by him as if it were proceeds of sale.

(7) 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 highway authority may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(8) In this section “building” includes a structure but, except as provided by paragraph (6) of section 115 (For protection of statutory undertakers) of this Act, does not include any building or structure of any statutory undertakers situated on their operational land.

28.—(1) Subject to the provisions of this section, in any street which is a highway maintainable at the public expense, or on any land acquired by the highway authority for the purpose of the construction or improvement of any such street, or for preventing the erection of buildings detrimental to the view from the street, the highway authority shall have power—

PART III
—cont.
Trees, grass
verges and
gardens.

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

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

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

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

PART III
—cont.

(5) A local authority who are not the highway authority may exercise the powers conferred on the highway authority by subsection (1) of this section in relation to any street vested in them and, with the consent of the highway authority, in relation to any street in their district which is a highway maintainable at the public expense.

1925 c. 68.

(6) Section 82 of the Act of 1959 shall cease to apply to any such street or land as is referred to in subsection (1) of this section, and anything done by the Council or a local authority or a parish council under that section, or under section 1 of the Roads Improvement Act 1925, with respect to any such street 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 Council or a local authority to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(8) Subject to the restrictions for the time being imposed by any enactment on their expenditure, a parish council may, with the consent of the highway authority, exercise the powers conferred by subsection (1) of this section with respect to any highway in the parish maintainable at the public expense.

(9) (a) Where the Council or a local authority 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.

Oil pipes
etc., in land
designated
for streets.

29.—(1) If, before constructing or laying pipes or manholes in any land to which this section applies for or in connection with the conveyance of oil for use or storage in any premises, the owner or occupier of the land obtains the consent of the appropriate authority, such consent and the terms and conditions thereof shall be binding upon the highway authority for the purposes of any subsequent adoption by them of the land as a highway maintainable at public expense, whether by agreement or otherwise.

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

imposed by them under subsection (6) of this section, shall be binding on successive owners and occupiers of the premises and shall be treated, for the purposes of the Land Charges Act 1925, as a local land charge and, for the purposes of Schedule 5 to the Building Societies Act 1962, as a charge acquired by a local authority taking effect by virtue of this section whether or not the appropriate authority are a local authority.

PART III
—cont.

1925 c. 22.

1962 c. 37.

(3) If the appropriate authority have not signified their consent under this section within three months from the making of the application therefor, the consent shall be deemed to have been refused.

(4) Any person aggrieved by the refusal of a consent under subsection (1) of this section, or by any term or condition imposed by the appropriate authority under subsection (2) or subsection (6) of this section, may appeal to a magistrates' court.

(5) If any person fails to comply with any term or condition of an appropriate authority imposed under subsection (2) or subsection (6) of this section, he shall, subject to any order made on appeal, but without prejudice to any other liability to which he may be subject, be liable to a fine not exceeding fifty pounds.

(6) (a) Before the appropriate authority determine to give any consent under this section, they shall give at least twenty-eight days' notice of the application therefor to the gas board and the electricity board in whose area the land is situated and to any other statutory undertakers who appear to the appropriate authority to be concerned, and on giving any such consent shall attach thereto such conditions as may be reasonably required for the protection of any apparatus belonging to, or used or maintained by, statutory undertakers or for securing access to such apparatus.

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

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

(8) This section shall not apply to—

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

(b) a pipe-line (as defined in section 65 of the Pipe-lines Act 1962), being a pipe-line which may be placed in a street under the provisions of section 15 of the said Act of 1962 and in exercise of the powers given by that section; or

PART III
—cont.

(c) the carrying out of any works by statutory undertakers in the exercise of their statutory powers.

(9) This section applies to land in the county laid out as a street but not for the time being forming part of a highway, and in this section “appropriate authority” means, in the case of land in an urban district, the local authority and, in the case of land in a rural district, the Council.

Defacing
of road
surface, etc.

1961 c. 63.

30.—(1) The highway authority may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway or upon a tree, structure or works on or in a highway contrary to paragraph (cc) of section 117 (1) of the Act of 1959, as amended by section 7 of the Highways (Miscellaneous Provisions) Act 1961.

(2) The court by which a person is convicted of an offence under the said section 117 may, whether or not it imposes a fine, by order require him to pay to the highway authority any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to subsection (2) (c) of the said section or incurred by them under subsection (1) of this section.

Sale of food
and articles
on verges,
etc.

31.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall provide, erect, place or use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on the verge of any road to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

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

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

(i) all trunk roads and roads which are classified as principal roads by the Secretary of State under the Local Government Act 1966;

(ii) any other road, or part thereof, to which the highway authority may by order apply this section.

1966 c. 42.

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

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the clerk of the highway authority, the highway authority shall consider any such objection before making the order.

(4) Nothing in this section shall apply to—

(a) any shed, hut, shelter, booth, stall, shop or other erection or any vehicle or any container provided, erected or placed on private property by or with the consent of the owner of such property; or

(b) any building erected or work constructed with the consent of the Secretary of State in pursuance of section 194 of the Law of Property Act 1925 or of any other statutory provision or any scheme made pursuant to a statute; or 1925 c. 20.

(c) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or land to which this section applies.

(5) In this section—

“container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

“vehicle” means any vehicle of any description, whether drawn or propelled by mechanical power or not.

32.—(1) Where for the convenience of persons using a trunk road or county road it appears to the Council to be necessary to provide parking places for vehicles, they shall have for such purpose the powers of a local authority under the provisions of sections 28 to 32 of the Act of 1967, other than subsections (1), (2), (5) and (7) of section 29 of that Act, to provide, in the county, parking places (other than underground parking places); and the said powers, as extended to the Council by virtue of this section, shall include powers to provide and maintain any camping places, refreshment rooms, office accommodation, shelters, cloak-rooms or other conveniences for use in connection with any such parking place. Provision of parking places on trunk roads and county roads.

PART III
—cont.

(2) Accordingly, the said provisions of sections 28 to 32, in their application to the Council, shall have effect as if—

(a) references to a parking place were construed as including references to any such camping places, refreshment rooms, office accommodation, shelters, cloakrooms or other conveniences;

(b) in section 28 (1) for the words “purpose of relieving or preventing congestion of traffic” there were substituted the words “convenience of persons using a trunk road or county road within the meaning of the Highways Act 1959” and the words “whether above or below ground and” were omitted;

(c) for section 28 (5) there were substituted the following subsection:—

“ (5) Any power conferred by this section to provide a parking place includes power to maintain it and any buildings comprised in it”; and

(d) in section 28 (6) the words from “and for the purposes of this section” to the end of the subsection were omitted;

(e) section 28 (8) and section 31 (5) were omitted.

(3) The powers conferred on the Council by this section shall not be exercised on land adjoining a trunk road without the consent of the Secretary of State.

(4) Where the Council propose to acquire any land or to utilise any land appropriated by them for the purposes of subsection (1) of this section, they shall, before carrying the proposal into effect—

(a) cause notice of the proposal (specifying the land to which it relates and notifying the period, which shall not be less than twenty-eight days, within which any representations relating to the proposal shall be sent in writing to the Council) to be published in at least one newspaper circulating in the area in which the land is situated and a copy of the notice to be posted for not less than fourteen days on, or adjacent to, the land; and

(b) consider any representations which are sent to them in writing within the time fixed in that behalf and give notice of their decision on the representations to the person by whom they were made.

(5) The Council shall not themselves provide or sell refreshments at any refreshment room or other premises provided for the purposes of subsection (1) of this section, and any refreshment

room or other premises so provided shall be disqualified for receiving a licence granted by licensing justices under the Licensing Acts 1953 to 1961, other than a restaurant licence within the meaning of section 1 of the Licensing Act 1961.

PART III
—cont.

1961 c. 61.

33.—(1) The powers of a parish council under section 46 of the Act of 1967 to provide parking places for bicycles and motor-cycles shall extend so as to authorise a parish council to provide parking places (whether or not consisting of buildings) for other vehicles in the circumstances and subject to the conditions prescribed by that section and by section 47 of the said Act.

Extension of parish councils' powers to provide parking places.

(2) For the purpose of exercising the powers of the said section 46 as extended by this section the following provisions of the Act of 1967 shall apply to a parish council as they apply to a local authority, namely:—

subsections (5) and (8) of section 28; subsections (1) to (7) and (9) of section 29; section 30; subsections (1) to (6) of section 31; and section 96.

(3) The provisions of section 48 of the Act of 1967 shall apply to the exercise by a parish council of the powers of this section as they apply to such a council in the exercise of the powers of section 46 of that Act and section 49 of that Act shall have effect accordingly.

34.—(1) A rural district council may provide, erect and maintain in proper and convenient situations within their district such place-name signs as they may from time to time determine:

Erection of place names.

Provided that no such sign shall be erected on land forming part of, or adjacent to, a highway except with the consent of the highway authority and in accordance with such conditions as the highway authority may require.

(2) Any sign provided or erected under this section shall comply with any order or regulation made by the Secretary of State in respect of traffic signs or any general or special directions given by the Secretary of State, in pursuance of the Act of 1967.

(3) Nothing in this section shall prejudice the exercise by a highway authority or the Secretary of State of their powers under section 61 of the Act of 1967 (Removal of traffic signs etc.), but, in the case of any sign provided or erected by a rural district council on land which they neither own nor occupy, those powers shall be exercisable in relation to the rural district council instead of in relation to the owner or occupier of the land, and for the purpose of complying with a notice given under subsection (1) of the said section 61 requiring the removal of any such sign, the rural district council may enter on the land and exercise such other powers as may be necessary for that purpose.

PART III
—cont.

Power for rural district councils to contribute to cost of private street works.

Application of code of 1875 and code of 1892 to parts of public streets.

35. A rural district council may at any time resolve to bear the whole or a portion of the expense of any street works in their district under the code of 1892, and where a rural district council so resolve the liabilities of the owners of premises in respect of those expenses shall be treated as discharged or as proportionately reduced accordingly.

36.—(1) Where in any district it appears to the street works authority that a new street has been formed by reason of additions made to an existing footpath, bridleway or other highway maintainable at the public expense (not being or comprising a carriage-way within the meaning of the Act of 1959), otherwise than by the giving up for the purpose by the street works authority of lands owned by them, the street works authority may, notwithstanding anything in the code of 1875 or the code of 1892, carry out street works in respect of such street, or any part of such street, and apportion the expenses thereof on the premises fronting, adjoining or abutting on such street, or such part thereof as if no part of the said street was so maintainable.

(2) Save in a case falling within the provisions of subsection (1) of this section, for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting on the street shall, if the street works authority so resolve, be deemed to front, adjoin or abut on the part of the street which is not so maintainable.

(3) Where, in consequence of any order or orders made under sections 30 or 32 of the Public Health Act 1925, or sections 159 or 166 of the Act of 1959, any lands have been or are added to an existing highway maintainable at the public expense in any district, such lands, if so resolved by the street works authority, shall, for the purposes of the code of 1875 or the code of 1892, be deemed to be a street which is not maintainable at the public expense, and the street works authority may apportion the whole or any portion of the expenses of any street works carried out in respect of such street, or any part of such street, on the premises of which such lands formed part immediately before their addition to the highway as aforesaid:

Provided that such expenses shall not include any expenses which under section 163 (4) of the Act of 1959 are to be borne by the street works authority.

37.—(1) Where any street works in the county have been completed by a street works authority but they are unable to recover the amount due from the owner of any premises or

1925 c. 71.
Recovery of street works charges where owner unknown.

otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot, after diligent inquiry, made when the said amount becomes due and at reasonable intervals thereafter, be found, the street works authority may, at any time after the expiration of twelve years from the date when the said amount becomes due, apply to the county court, and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the street works authority absolutely, and thereupon the street works authority may appropriate the said premises subject to, and in accordance with, the provisions of section 163 of the Act of 1933, as if the said premises were land which was not required for the purpose for which it was acquired.

PART III
—cont.

(2) Where the county court makes an order under subsection (1) of this section the tribunal shall, for the purpose of determining the value of the said premises, nominate one of their members selected in accordance with section 1 (6) and section 3 of the Lands Tribunal Act 1949, and the member nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof, and the street works authority shall thereupon pay into court a sum equal to the amount of such valuation, after deduction of the amount of the final apportionment in respect of the said premises, with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Secretary of State under section 212 of the Act of 1959 together with all costs and expenses reasonably incurred by the street works authority. 1949 c. 42.

(3) Any payment into court under subsection (2) of this section shall be made in accordance with section 25 of the Compulsory Purchase Act 1965, and section 9 (5) of that Act shall apply to any such payment into court. 1965 c. 56.

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

(5) In relation to a street works authority which is the council of an urban district, this section shall have effect as if for reference to the code of 1892 there were substituted reference to the code of 1875 or the code of 1892, whichever shall be the appropriate code.

PART IV

PARKS, CEMETERIES, ETC.

Parking places
in parks, etc.

38.—(1) For the purpose of providing a parking place under section 28 of the Act of 1967 a local authority 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:

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.

1906 c. 25.

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

Golf courses.

39.—(1) A local authority to whom this section applies may, within or outside their district, provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under subsection (1) of this section and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The local authority may either—

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

(4) The local authority may—

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

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

PART IV
—cont.

(b) The confirming authority in respect of byelaws made under this subsection shall be the Secretary of State.

(6) In this section “golf course” includes a driving range.

(7) This section so far as it relates to a driving range applies to all local authorities and so far as it relates to a golf course which is not a driving range applies to the Banbury Borough Council and the Bicester Urban District Council.

40. No powers conferred upon a local authority by the last two foregoing sections of this Act, namely:—

Saving for trusts.

Section 38 (Parking places in parks, etc.); and

Section 39 (Golf courses);

shall be exercised in such a manner—

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

(2) as to contravene a covenant or condition (other than a covenant or condition which was subsisting before the date of the gift or lease to the local authority) subject to which a gift or lease of any land or a building has been accepted by, or granted to, the local authority, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

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

Extention of power to maintain burial grounds.

(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.

PART IV
—cont.

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

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in their area, 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 burial authority'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 burial authority 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 later; 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 burial authority before the date specified under subsection (3) (b) of this section, that proposal shall not be carried out without the consent of the Secretary of State, unless the notice is withdrawn.

(5) The burial authority 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 subsection (2) (a) of this section, or, where notice has been served under subsection (2) (c) thereof, after the date of such service, whichever is the later.

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

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

PART IV
—cont.

(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 burial authority from any obligation to which they are subject apart from those provisions 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 burial authority 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) The provisions of section 42 (For protection of Commonwealth War Graves Commission) of this Act apply in the case of a burial ground in which there are situated any Commonwealth war graves to which that section relates.

(10) In this section and the said section 42—

“burial authority” has the same meaning as in section 5 (2) of the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970;

1970 c. 29.

“burial ground” includes a cemetery;

“the Commission” means the Commonwealth War Graves Commission;

“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;

“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.

42.—(1) In relation to any burial ground to which the provisions of section 41 (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 burial authority shall—

For
of Common-
wealth War
Graves
Commission.

(a) not later than the date upon which a notice is first published in a newspaper under subsection (2) of the said section 41 serve a copy of the notice upon the Commission;

PART IV
—cont.

- (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 subsection (1) (b), (c) or (d) of the said section 41;

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

(2) The burial authority shall not in pursuance of the powers of the said section 41 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 burial authority and the Commission.

(3) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 41, the burial authority 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 him.

PART V

PUBLIC HEALTH AND WELFARE

Tipping of
spoil and
refuse.

43.—(1) A local authority 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.

(2) Byelaws made under 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—

- (a) regulate or control the tipping of spoil or refuse by railway, canal or inland navigation undertakers for the purpose of constructing, altering or maintaining any railway, canal, inland navigation or wharf works; or
- (b) regulate or control the tipping of spoil or refuse by the Conservators of the River Thames in the exercise of their statutory powers as an inland navigation and land drainage authority; or
- (c) regulate or control the tipping of spoil or refuse by the Central Electricity Generating Board, the Gas Council, the Southern Gas Board or the South Western Gas Board on their operational land.

(4) The confirming authority in respect of byelaws made under this section shall be the Secretary of State.

44. In its application to a district section 76 (3) of the Act of Control of 1936 (which prohibits interference with dustbins and refuse refuse tips) shall have effect as if, in paragraph (b) thereof, after the words "in any place provided" there were inserted the words "or used".

45.—(1) Where plans of a building have been deposited with a Refuse local authority in pursuance of building regulations the local disposal authority may, notwithstanding anything in section 64 of the Act of 1936, reject the plans if the local authority are not satisfied that they show that—

- (a) adequate provision will be made for the storage of refuse and for related facilities; and
- (b) adequate means of access will be provided from a highway to the place of storage of the refuse so as to facilitate the removal of refuse to the local authority refuse vehicles:

Provided that this section shall not apply to a private dwelling-house not forming part of a building comprising more than one dwelling-house within the same curtilage.

PART V
—cont.

PART V
—cont.

(2) If the local authority 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.

(3) Any question arising under this section between the local authority and the person by or on whose behalf plans are deposited as to whether the provision for the storage of refuse or for related facilities or the means of access shown on the plans will be adequate may, on the application of that person, be determined by a magistrates' court:

Provided that no such application shall be entertained unless it is made before the proposed building has been substantially commenced.

Power to provide dustbins for trade refuse.

46.—(1) A local authority may, as respects any premises in their district, provide and maintain such number of dustbins or other similar receptacles for the reception of trade refuse as they may consider necessary.

(2) Section 75 (3) of the Act of 1936 (which enables a local authority to make charges in respect of dustbins provided by them) shall apply in relation to a dustbin or other receptacle provided under subsection (1) of this section.

Restriction on use of dustbins.

47.—(1) As from 1st January, 1972, no person shall deposit in a dustbin or other receptacle for removal by, or on behalf of, a local authority (whether as house refuse or trade refuse) any corrosive substances or flammable liquids (whether in containers or not) whereby injury to the health of the employees of the local authority or their agents may be caused, unless he takes such steps as may be reasonably necessary to prevent danger from the container.

(2) As from 1st January, 1972, no person shall deposit in a dustbin or other receptacle, for the removal of house refuse by, or on behalf of, a local authority, any refuse of a liquid or partially liquid character unless in a closed container.

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

(4) (a) The Council shall before 30th November, 1971, cause public notice to be given of the general effect of the foregoing provisions of this section by advertisement in two or more local newspapers circulating in the county and otherwise in such manner as the Council think fit.

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

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

PART V
—cont.
Disposal of
dangerous
containers.

(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 local authority 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.

(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.

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

Securing of
unoccupied
houses under
Act of
1957.

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

(b) by a clearance order under section 44 of the Act of 1957, ordered any building or any part thereof to be vacated and, in such a case, it appears to the local authority 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 local authority, 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) Nothing in this section shall prejudice the powers of a local authority to take steps to deal with any dangerous, ruinous or dilapidated house or building under any enactment.

(3) 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.

PART V
—cont.Expenses of
executing
demolition
orders.

50.—(1) Any expenses adjudged to be payable to the local authority consequent upon the exercise of their powers under section 23 (1) or section 44 (3) of the Act of 1957 (which relate to the demolition of buildings pursuant to demolition orders or clearance orders made under that Act) shall, until recovered, be a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

1925 c. 20.

(2) The local authority shall for the purpose of enforcing a charge under this section have all the powers and remedies under the Law of Property Act 1925 and otherwise of mortgagees by deeds having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.

Amendment
of Act of
1957 relating
to closing
orders.

51. In its application to a district the Act of 1957 shall have effect as if—

(1) in section 27 (which makes provision for the determination of a closing order made under that Act)—

(a) at the end of subsection (2) there were inserted the following proviso:—

“ Provided that where the local authority are satisfied that part of any premises as respects which a closing order has been made has been rendered fit for human habitation, they may determine the order so far as it relates to that part ”;

(b) in subsection (3) (b) after the word “ determine ” there were inserted the words “ in whole or in part ”;

(c) at the end of subsection (5) there were inserted the following words:—

“ or by the owner of part of any premises where such a closing order is in force in respect of that part ”;

(2) at the end of section 28 (which makes provision for the revocation of such a closing order and the substitution of a demolition order) there were inserted the following proviso:—

“ Provided that a demolition order shall not be made by virtue of this section in relation to any premises in respect of which a closing order has been determined so far as it relates to a part of those premises ”.

Supply of
water to
premises
where supply
cut off.

52.—(1) Where an occupied house in a district has ceased to be supplied with water sufficient for the domestic purposes of the

occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway); or the cutting off of the supply of water through that pipe, or the absence or defective state of any fittings, the local authority may, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

(2) In any proceedings for the recovery of expenses under the foregoing subsection the court may inquire whether the whole or any part of the expenses should, instead of being borne by the person from whom they are sought to be recovered, be borne by the occupier of the premises in respect of which they were incurred, and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings, unless the court is satisfied that that other person, at the instance of the defendant, has had due notice of the proceedings and an opportunity of being heard.

(3) The functions of the local authority under the foregoing provisions of this section may be exercised by the medical officer of health or the public health inspector of the district.

(4) The local authority may if they think fit themselves bear the whole or any part of any expenses recoverable by the local authority under this section.

(5) (a) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the water undertakers concerned (which consent shall not be unreasonably withheld), and in giving their consent the water undertakers—

(i) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an occupied house has been cut off by them in exercise of their statutory powers, conditions to secure that the supply to that house is not restored under this section unless the local authority pay to the water undertakers

PART V
—cont.

any sum due to them in respect of the supply of water to that house and any expenses reasonably incurred by them in cutting off the supply; and

- (ii) may, without prejudice to any action or proceedings which they may take under any other enactment, elect to carry out on behalf of the local authority any repair, renewal or other works proposed by the local authority, in which case the expenses reasonably incurred by the water undertakers in so doing shall be repaid to them by the local authority.

(b) Any difference arising between any water undertakers and a local authority under this subsection (other than a difference as to the meaning or construction thereof) shall be determined by arbitration.

1945 c. 42. (6) In this section words and expressions to which meanings are assigned in section 1 of Schedule 3 to the Water Act 1945 have the same respective meanings.

Sanitary
conveniences
for persons
employed on
construction
work.

53.—(1) A local authority may by notice require a contractor engaged in or upon any building operations in their district, or in or upon the construction or reconstruction of any works therein, within such time as may be specified in the notice—

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

if it is reasonably practicable so to do.

(2) This section shall not apply to building operations or works—

- 1961 c. 34. (i) to which section 127 of the Factories Act 1961 applies; or
1954 c. 70. (ii) at any mine or quarry within the meaning of the Mines and Quarries Act 1954.

(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.

Power to order
alteration
of domestic
chimneys.

54.—(1) If a magistrates' court is satisfied upon a complaint by a local authority that any smoke, gas or vapour from a chimney, flue or pipe of a building or structure forming part of, or within the curtilage of, a house in their district is prejudicial to health

or a nuisance, the court may make an order requiring the owner of the chimney, flue or pipe, within such time as may be specified in the order—

PART V
—cont.

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

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

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

55.—(1) If it appears to a local authority that any party or boundary wall of any court, courtyard, yard or garden attached to, or forming part of, any house or other premises in their district, or the fence or door of any such court, courtyard, yard or garden—

Repair of
walls, etc.

- (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 occupants of the premises or to the public;

the local authority may by notice require the owner or occupier of the premises, or, in the case of a party wall, the owners or occupiers of both premises, 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.

56.—(1) A stationary internal combustion engine shall not be used in a district 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 subsection (1) of this section, or causes or permits such an engine to be so used, the local authority 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.

PART V
—cont.

(3) Any person served with a notice under this section may appeal to a magistrates' court on the grounds that the notice is not justified:

Provided that the provisions of subsection (2) of section 119 (Appeals) of this Act shall not apply to the use of an engine in respect of which a notice is served under this section whether or not an appeal is brought.

(4) An authorised officer of the local authority 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 local authority 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.

Protection of
dangerous
excavations.

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

1954 c. 70.

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 local authority 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 body or person to be required to bear the expense, or the whole of the expense (as the case may be), of executing such works.

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

(b) the local authority 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 local authority to pay or contribute 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 local authority may, subject to the provisions of subsection (3) of this section, themselves execute such works.

(3) (a) Where, in a case referred to in subsection (2) (b) of this section, the local authority 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 local authority propose to execute such works;
- (ii) the nature of the works proposed;
- (iii) the effect of paragraphs (b) and (c) of this subsection; 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 local authority.

(b) The local authority 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 local authority 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 any tenancy.

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

(5) The Council may pay such contributions as they think fit towards any expenses incurred by any person (including a local

PART V
—cont.

authority) in executing works in relation to any such pond, well, mineshaft, quarry or other excavation in the county for the purpose of obviating danger to persons.

Rescue
apparatus.

58.—(1) An authority may, on any land which is for the time being owned by them or under their control, or with the consent of the occupier on any other land, provide and maintain apparatus for use in the rescue of persons in danger of drowning or persons who have been injured or otherwise incapacitated while engaged in any activity involving danger to life or limb, together with structures for the storage or safe keeping of any such apparatus.

(2) An authority may contribute to the expenses incurred by any other body or person in providing in their area any apparatus or structure as aforesaid.

(3) An authority may combine with, or contribute to the expenses of, any other authority in exercising their powers under this section.

(4) In this section “authority” means the Council, a local authority or a parish council and “area” means in relation to the Council, the county, in relation to a local authority, their district and in relation to a parish council, their parish.

PART VI

FIRE PROTECTION AND PUBLIC ORDER

Oil-burning
equipment.

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

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

(b) Byelaws made under this section may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment in any building or on any land, and the mode of arrangement, and requirements as to maintenance, of any such works, apparatus, fittings and appliances.

(c) The confirming authority in respect of byelaws made under this section shall be the Secretary of State, and in relation thereto

sections 250 and 252 of the Act of 1933 (which make provision as to the procedure for making and confirming byelaws and the production of byelaws) shall apply and have effect as if, in subsection (6) of the said section 250, after the word "confirm" in the second place where that word occurs there were inserted the words "or confirm with modifications" and as if at the end of the said subsection (6) there were added the following proviso:—

" Provided that, if so directed by the confirming authority, the local authority shall cause notice of any proposed modification to be given in accordance with such directions before any byelaw is confirmed with modifications."

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

(b) If the local authority do not, within two months from the submission of plans and specifications of any 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) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land in a district, the local authority are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to install or place such equipment, approve the installation or placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in byelaws made under this section.

(5) (a) Any person aggrieved by the refusal of the local authority to approve the installation or placing of any equipment under subsection (4) 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 local authority 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 local authority given under this section.

(6) Any officer of the fire authority who is duly authorised for the purpose shall, on producing, if so required, some duly

PART VI
—cont.

authenticated document showing his authority, have a right to enter at all reasonable times any premises for the purpose of ascertaining whether there is, or has been, in or in connection with the premises any contravention of the provisions of this section; and the provisions of subsections (2) to (5) of section 287 of the Act of 1936 shall, subject to any necessary modifications, apply for the purposes of this subsection as they apply for the purposes of subsection (1) of that section.

(7) For the purposes of section 287 (1) (a) of the Act of 1936 as applied by this Act, the provisions of this section, and of any byelaws made thereunder, shall be provisions which it is the duty of the local authority to enforce.

(8) (a) If any person installs oil-burning equipment in any building or on any land in a district without giving notice to the local authority 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 other than pursuant to an approval granted under subsection (4) 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 local authority;

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.

(9) 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 one thousand gallons; or
- (b) the installation of any oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952, or the Theatres Act 1968, is for the time being in force; or
- (c) the installation by any statutory undertakers or the British Railways Board of any oil-burning equipment for the purposes of their respective undertakings:

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

- (i) to a house; or

(ii) to a building used as offices or showrooms other than, in the case of the British Railways Board, a building so used which forms part of a railway station.

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—cont.

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

1961 c. 34.

1963 c. 41.

(11) (a) In this section—

“ apparatus ” and “ fittings ” include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters;

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

“ house ” means a dwelling-house, whether a private dwelling-house or not, and includes a flat and maisonette;

“ 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 catchpits, and any other equipment used for or in connection with the heating of the boiler;

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

(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.

60.—(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 a local authority, the local authority 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 fought effectively; or

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

PART VI
—cont.

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

- (a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(3) This section shall not apply in relation to the erection or extension of a building in accordance with a planning permission given in pursuance of an application therefor made to the local planning authority under the Act of 1962.

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

(5) If a local authority reject the plans under the authority of this section, the notice given in pursuance of 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 a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans may, on the application of that person, be determined by a magistrates’ court.

Provision of means of escape from fire in certain buildings.

61.—(1) In its application to any district section 60 of the Act of 1936 shall have effect as if—

- (a) in subsection (1), for the words “twenty feet” there were substituted the words “eighteen feet”; and
- (b) for subsection (4) there were substituted the following subsection:—

“(4) This section applies to any building which exceeds one storey in height and in which the floor of

any upper storey is more than eighteen feet above the surface of the street or ground on any side of the building and which, in whole or in part, is used—

- (a) as a flat or flats or tenement dwellings; or
- (b) as an inn, hotel, boarding house, hospital, nursing home, children's home, old persons' home, or similar institution; or
- (c) as a restaurant, shop, school, store, office or warehouse."

(2) (a) The local authority may by notice require the person having control of a building to which the said section 60 applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and, if he fails to do so, he shall be liable to a fine not exceeding twenty pounds.

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

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

(3) The said section 60 of the Act of 1936, as having effect in accordance with this section, shall not apply to any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

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

Fire precautions in certain large buildings.

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

Provided that—

- (i) nothing in paragraph (a) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the 1961 c. 34.

PART VI

—cont.

1963 c. 41.

1971 c. 40.

Act of 1936 applies, to premises to which the Offices, Shops and Railway Premises Act 1963 applies, to premises with respect to which a fire certificate is for the time being in force under the Fire Precautions Act 1971, or to premises to which building regulations imposing requirements as to the provision of means of escape in case of fire apply;

- (ii) nothing in paragraph (b) of this subsection, so far as it relates to the provision of fire alarms, shall apply to a factory to which section 48 (7) of the said Act of 1961 applies, or to premises to which section 34 of the said Act of 1963 applies, nor, so far as it relates to the provision of a fire extinguishing system, shall the said paragraph apply to a factory to which section 51 (1) of the said Act of 1961 applies, or to premises to which the said Act of 1963 applies.

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

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

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

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

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

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

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

(4) All means of escape provided in any building to which this section applies under the requirements of subsection (1) (a) of this section or under building regulations imposing requirements as to the provision of means of escape in case of fire, and any fire alarms and fire extinguishing systems fitted under the requirements of subsection (1) (b) of this section shall be properly maintained and kept free from obstruction.

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

(b) The occupier of any premises who contravenes any of the requirements of subsection (4) of this section shall be guilty of an offence under this section.

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

(6) Any person aggrieved by—

(a) a requirement of a local authority; or

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

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

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

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

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

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

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

PART VI
—cont.

1968 c. 54.

- (9) Nothing in this section shall apply to any building—
- (a) in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or
 - (b) exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by section 71 (c) of that Act; or
 - (c) in Group V (Shop) in the table to regulation E2 of the Building Regulations 1965, which is divided by compartment walls or compartment floors, constructed in accordance with those regulations in such a manner that no division of the building is of a cubic extent exceeding 250,000 cubic feet.

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

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

63.—(1) The power of a local authority to make byelaws under section 75 of the Public Health Act 1961 relating to pleasure fairs shall extend to the making of byelaws 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.

(2) Without prejudice to the generality of the foregoing provisions of this section, any byelaws made under section 75 of the said Act of 1961 as extended by this section may—

- (a) 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;
- (b) prohibit or restrict the storage and use of flammable gases other than for domestic purposes;

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

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

64. In its application to a district section 29 of the Public Health Act 1961 (which relates to the demolition of buildings) shall have effect as if, in subsection (5) thereof, there were inserted the following paragraph:—

PART VI
—cont.
Fire precautions on demolition of buildings

“(bb) to take such precautions as the local authority may reasonably require with regard to the burning on the site of materials or rubbish or of any structure”.

65.—(1) Subject to the provisions of this section, a local authority shall consult with the fire authority—

Consultation by local authorities with fire authority.
1928 c. 32.

(a) before granting, with or without conditions, a petroleum spirit licence under the Petroleum (Consolidation) Act 1928;

(b) before exercising their functions under sections 59 or 60 of the Act of 1936 (which require a local authority to reject building plans for certain public and other buildings unless satisfactory exits, entrances and passages are provided and to reject building plans for certain high buildings unless means of escape from fire are provided);

(c) before issuing a site licence, with or without conditions to which this paragraph applies or altering any such conditions attached to a site licence, or providing a site for caravans under the Caravan Sites and Control of Development Act 1960;

1960 c. 62.

(d) before approving, under subsection (4) of section 59 (Oil-burning equipment) of this Act, the installation or placing of equipment which does not comply with the appropriate specification contained in byelaws made under that section;

(e) before exercising their functions under subsection (1) or (2) of section 60 (Building plans: access for fire brigade) of this Act;

(f) before approving particulars of the matters referred to in subsection (1) (a) and (b) of section 62 (Fire precautions in certain large buildings) of this Act;

(g) before making byelaws under section 63 (Byelaws for prevention of fire at fairs and circuses) of this Act;

(h) before including in a notice served under section 29 of the Public Health Act 1961 relating to the demolition of any building a requirement under subsection (5) of that section as extended by section 64 (Fire precautions on demolition of buildings) of this Act.

1961 c. 64.

(2) Subsection (1) (c) of this section applies to conditions for securing that proper measures are taken for preventing and detecting the outbreak of fire and that adequate means of fire fighting are provided and maintained, and consultation in respect

PART VI
—cont.

of the matters specified in that paragraph shall only be required in relation to such measures for preventing and detecting the outbreak of fire and such means of fire fighting.

(3) Nothing in this section shall affect the validity of any exercise by a local authority of their functions under any enactment without compliance with this section.

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

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

- (a) obstructs the access to any police telephone call box in the county or to a structure provided in the county for police purposes or to a fire alarm provided by the fire authority; or
- (b) interferes with equipment in such a call box, structure or fire alarm; or
- (c) removes, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, structure or fire alarm, or of a fire hydrant in the county;

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 county a statement which he knows to be false; or
- (b) from a call box of the Post Office telephone service in the county, a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action;

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

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

(3) In this section—

- “ structure ” includes any installation; and
- “ appropriate authority ” means, in relation to a fire alarm or fire hydrant, the fire authority and, in any other case, the police authority.

Damage by ineradicable substances.
1914 c. 58.

67. In its application to the county section 14 of the Criminal Justice Administration Act 1914 shall have effect as if the expression “ damage ” included the making of any mark or inscription by means of an ineradicable substance.

68.—(1) No procession shall pass through the streets of an urban district unless written notice stating the route by which, and the date and time on and at which, it will pass has been delivered at the office of the clerk of the local authority of that district, and at the principal police station in the district, by mid-day on the day next but one before the date stated, treating as not an intervening day a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning.

PART VI
—cont.

Notice of
street
processions.

(2) If a procession passes through the streets of an urban district in contravention of the foregoing subsection, or by a route, or at a time, other than that stated in the notice delivered with respect thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding twenty pounds.

(3) In this section "procession" means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to a public or ceremonial procession habitually held.

69. As from the appointed day in any district section 65 of the Towns Improvement Clauses Act 1847 (which requires the occupiers of houses and other buildings in streets to mark their houses with numbers) shall have effect in its application to the district as if, after the words "with such numbers as the commissioners approve of", there were inserted the words "and in such positions as to be easily readable from the street", and as if, after the words "a number approved of by the commissioners", there were inserted the words "and in such position as to be easily readable from the street".

Numbers of
houses.
1847 c. 34.

70.—(1) The provisions of the Town Police Clauses Act 1847 and of section 171 of the Public Health Act 1875 shall extend to empower the local authority of a district to which this section applies to make byelaws for declaring that, to the extent determined by such byelaws, those provisions and any byelaws of the local authority in force with respect to hackney carriages shall apply to any motor vehicle (notwithstanding that it is not a hackney carriage) which is offered or let for hire with the services of a driver and to such drivers:

Provisions as
to motor
vehicles let
for hire.
1847 c. 89.
1875 c. 55.

Provided that—

(a) this section shall not apply to—

(i) any vehicle which is kept by any person in connection with any business carried on by such person as a funeral director or owner of funeral vehicles available for hire and used wholly or mainly in connection with such business; or

PART VI
—cont.

(ii) any vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or

(iii) a public service vehicle; or

(iv) any vehicle belonging to, or used by, the British Railways Board for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises;

or to the drivers or conductors of such vehicles;

(b) nothing in this section shall empower the local authority to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the British Railways Board except with the consent of that board.

(2) This section applies to an urban district, and to a rural district, or part of a rural district, in relation to which an order under section 13 of the Act of 1936 (investing the rural authority with urban powers) is for the time being in force.

Misleading
signs on
motor vehicles.

1962 c. 13.

71.—(1) If in any district 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.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, if in the district 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 VII

FINANCE

Power to
borrow.

72.—(1) The Council may borrow—

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

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

(2) A local authority may borrow such sums as may be necessary for any of the purposes of this Act.

PART VII
—cont.

(3) 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.

(4) The Council shall repay sums borrowed under subsection (1) (b) of this section within five years from the date of the borrowing.

(5) It shall not be lawful to exercise the powers of borrowing conferred by subsection (1) (a) or subsection (2) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

73. For the purposes of section 7 (2) of, and paragraph 1 (c) of Schedule 1 to, the Local Government (Financial Provisions) Act 1963—

Amendment
of power to
issue bonds.

1963 c. 46.

(a) bonds issued under the said Act of 1963 by a local authority or a joint committee of local authorities established under section 2 of the Local Government Superannuation Act 1937 to, and held continuously by, building societies and persons and bodies of such other classes as the local authority or joint committee (as the case may be) may, with the consent of the Treasury, from time to time determine, shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;

1937 c. 68.

(b) a bond issued by a local authority or joint committee as aforesaid shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may at the discretion of the local authority or joint committee (as the case may be) be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.

74.—(1) A local authority may lend to any other authority, upon such terms and conditions as may be agreed, such money as the local authority think fit to lend and as the other authority are authorised to borrow, and any money so lent shall be repaid to the local authority by the other authority within the period prescribed by the sanctioning authority, or otherwise, for the repayment thereof.

Power to
local
authorities
to lend
money to
certain
authorities.

PART VII
—cont.

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

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

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

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

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

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

(7) In this section "other authority" means the Council, the council of any county district in the county and any other authority having jurisdiction within the county, being a local authority as defined by section 34 of the Local Loans Act 1875, and includes any river authority having jurisdiction within the county and any joint board if all the constituent authorities are such authorities as aforesaid.

1875 c. 83.

Modification
of mortgages
by endorse-
ment under
hand.

75. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between a local authority and a person at any time entitled to any mortgage granted by the local authority 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 local authority 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 hand of such person (or in the case of a corporate body, by the duly authorised representative of that body) and of the clerk of the local authority 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 said deed and shall, as from the date specified in such endorsement, operate and take effect accordingly.

PART VII
—cont.

76.—(1) A local authority may establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good all such losses, damages, costs and expenses as may from time to time be specified in a resolution of the local authority (in this section referred to as “the specified risks”).

General
insurance
fund.

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

(3) In each financial year after the establishment of the insurance fund the local authority shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the local authority fully insured in some insurance office of good repute against the specified risks; or

(b) if the local authority insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the local authority may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the local authority shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount, and if at any time the local authority reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed, such moneys shall be transferred to the general rate fund of the local authority, and shall be apportioned between the several accounts of that fund in such proportions as the local authority consider equitable.

(5) The local authority shall provide the yearly payments aforesaid by contributions from the revenue moneys of the general rate fund of the local authority and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the local

PART VII
—cont.

authority 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.

(6) (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, all moneys for the time being standing to the credit of the 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 local authority in respect of such investments shall be carried to the general rate fund of the local authority.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section, the local authority shall in every financial year, so long as the fund is less than the prescribed amount, carry to the credit of that fund out of the revenue moneys of the general rate fund of the local authority an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last foregoing paragraph.

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

(7) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the local authority in respect of the specified risks 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 local authority 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.

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

(8) Any covenant or obligation binding on the local authority 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 local authority under subsection (1) of this section and that risk shall be one of the specified risks.

(9) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks, the insurance fund may be carried to, and form part of, any capital fund established by the local authority under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or (if the local authority so determine) shall be applied in such other manner as the Secretary of State may approve towards the discharge of any debt of the local authority or otherwise for any purpose for which capital money may properly be applied. 1953 c. 26.

(10) In this section—

“insurance office” means—

(a) an insurance company; or

(b) an underwriter being a member of an association of underwriters;

“financial year” means a period of twelve months ending on 31st March;

“prescribed amount” means such sum as may from time to time be prescribed by the local authority; and

“statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust moneys or, in relation to the Banbury Borough Council, in which the local authority are by this Act authorised to invest money forming part of the superannuation fund maintained by them under Part I of the Local Government Superannuation Act 1937.

1937 c. 68.

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

(2) Any sum received by the local authority under any such contract shall, after deduction of any expenses incurred in the

PART VII
—cont.

recovery thereof, be paid by the local authority to, or to the personal representatives of, the voluntary assistant who has suffered the accident, disease or sickness in respect of which the sum is received.

1774 c. 48.

1958 c. 72.

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

(4) In this section “voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything otherwise than for profit or reward for the purposes of, or in connection with, the carrying out of any of the functions of the local authority, and includes any officer or member of a voluntary organisation which provides in the county services or facilities of the kind provided by the local authority in pursuance of their functions, or to which the local authority make any financial contribution.

Power to
grant
gratuities to
widows and
dependants of
former
employees.
1953 c. 25.

78.—(1) Section 18 of the Local Government Superannuation Act 1953 in its application to a district shall have effect as if—

- (i) for the expression “to the widow or any other dependant” in subsections (1) and (2) there were substituted the words “to a dependant”;
- (ii) after paragraph (c) of subsection (1) there were inserted the following new paragraph:—

“ (d) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of twenty-one years:

Provided that the aggregate of the capital value of such annuity and of such periodical payments shall not exceed the amount aforesaid ”.

(2) Subsection (1) of the said section 18 (as amended by the last foregoing subsection) shall apply to a dependant of a former employee of a local authority who dies within one year after ceasing to be in their employment as it applies to a dependant of an employee who dies whilst in their employment:

Provided that no gratuity shall be granted under this subsection to a dependant of a former employee to whom a gratuity has been granted under subsection (1) of the said section 18.

79. If any money (other than wages or salary) is payable by a local authority to an employee or creditor, or to the holder of any authorised security, and the person entitled to such payment is a minor, the receipt of his guardian shall be a sufficient discharge to the local authority.

PART VII
—cont.
Receipts in
case of minors.

80.—(1) Subject as mentioned in subsection (4) of this section, in its application to the investment by the Banbury Borough Council (in this section hereinafter referred to as “the corporation”) under section 21 (3) 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 of
Banbury
Borough
Council to
invest
super-
annuation
fund moneys.

(a) in Part II (Narrower-Range Investments Requiring Advice) of Schedule 1 to that Act—

(i) for paragraphs 3 and 4 thereof there were substituted the following paragraphs:—

“3. In fixed-interest securities issued by any public, municipal or local authority, or any publicly controlled or nationalised industry or undertaking, whether established within or outside the United Kingdom.

4. In fixed-interest securities issued by the government of any territory outside the United Kingdom.”;

(ii) for paragraph 6 thereof there were substituted the following paragraph:—

“6. In debentures issued by a company incorporated in the United Kingdom or established under the law of any territory outside the United Kingdom.”;

(iii) in paragraph 9 thereof, the words “in the United Kingdom”, where first occurring, were omitted and the following sub-paragraph were added at the end of that paragraph:—

“(g) any public, municipal or local authority established outside the United Kingdom.”;

(b) in Part III (Wider-Range Investments) of the said schedule—

(i) in paragraph 1 for the words “and not being securities falling within Part II of this Schedule” there were substituted the words “or in any securities issued by a company established under the law of any territory outside the United Kingdom, and not being in either case securities falling within Part II of this Schedule”;

PART VII
—cont.

(ii) at the end of paragraph 3 there were added the words “or in any units or other shares of a property unit trust”;

(iii) the following paragraphs were included:—

“4. In the purchase, whether alone or jointly or in common with any other person, of immovable property of any tenure or kind outside the borough of Banbury in the United Kingdom, 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.

5. In the advance of money upon the security of—

(i) immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands; or

(ii) any legal estate or interest in immovable property comprised in a building agreement as specified in paragraph 4 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.

6. In undertaking or financing whether alone or jointly with any other person—

(i) the erection of a new building or the improvement or extension of an existing building; or

(ii) building operations or other development; on land belonging to the corporation or to any other person or on land which is, or will be, held jointly by the corporation and any other person.

7. Upon the security of freehold or leasehold ground rents, land charges or rentcharges.”;

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

(i) paragraphs 1 and 3 were omitted;

(ii) for paragraph 2 there were substituted the following paragraph:—

“2. (a) Not more than one-tenth of the value of all the investments made at any one time in the

manner specified in paragraph 1 of Part III of this schedule shall be represented by securities the price of which is not quoted on a recognised stock exchange or quoted on a recognised security market;

(b) For the purpose of this paragraph the value of any investment shall be deemed to be the value of the investment at the time at which it was made";

(iii) in paragraph 4 after the definition of "ordinary deposits" and "special investment" there were inserted the following definitions:—

" 'quoted on a recognised security market' in its application to securities not registered in the United Kingdom means that the security has been granted an official quotation or is listed on a recognised security market or that dealing prices on such a market in respect of that security are published not less frequently than once a week;

'recognised stock exchange' in its application to the United Kingdom means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958 or the Belfast Stock Exchange;

1958 c. 45.

'recognised security market' in its application to securities not registered in the United Kingdom means a stock exchange, an association of stock and share dealers or an over-the-counter market recognised as a market or association in which dealings in the country concerned normally take place."

(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 as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said schedule as so amended equals or exceeds three-quarters of the total value of the superannuation fund; and
- (ii) no such moneys so invested in the manner specified in paragraphs 4, 5 and 6 of Part III of the said schedule as so amended shall equal or exceed one-quarter of the total value of the superannuation fund.

PART VII
—cont.

(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) All costs, charges and expenses incurred by the corporation in investing moneys forming part of the superannuation fund or otherwise in relation thereto may be paid by the corporation out of such fund.

1937 c. 68.

(4) The provisions of this section shall have effect subject to the consent of the Secretary of State and notwithstanding anything in section 21 (3) of the Local Government Superannuation Act 1937.

1961 c. 62.

(5) In this section—

“ the Act of 1961 ” means the Trustee Investments Act 1961;

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

Expenses of
public
ceremonies,
entertainment,
etc.

81.—(1) A local authority may make reasonable payments for or in connection with—

(a) refreshments for members or representatives of the local authority, other local authorities, or other bodies, or for other persons attending conferences or meetings convened by the local authority; and

(b) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the local authority.

1956 c. 36.

(2) Section 1 (Payment of expenses of official and courtesy visits, etc.) of the Local Authorities (Expenses) Act 1956 shall, in relation to a local authority, have effect as if in paragraph (b) thereof after the words “ distinguished persons ” there were inserted the words “ residing in or ”.

Compensation
for injury to
or death of
employees.

82.—(1) A local authority may pay compensation—

(a) to any of their employees who sustains an injury in the course of his employment; or

(b) to a dependant of any of their employees who, in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section may be paid either—

(a) by way of a lump sum; or

(b) by way of periodical payments of such amounts and payable at such times and for such periods as the local authority may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an employee of the local authority or his dependant may have against any person other than the local authority or, except so far as may be agreed when the compensation is granted, against the local authority.

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

(2) In any case where a local authority exercise the powers of the foregoing subsection they shall transfer from their general rate fund to the fund the amount which, but for the exercise of those powers, would have been returned to the fund.

(3) In this section—

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

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

“the fund” means the appropriate superannuation fund of the local authority within the meaning of the Local Government Superannuation Act 1937.

1937 c. 68

(4) In the case of a payment made by the Council in advance to a former officer of a local authority in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Council, the powers of subsection (1) of this section shall be exercisable by the Council in accordance with any request made by the local authority, and where the said powers are so exercised the local authority shall pay out of their general rate fund to the fund the amount which, but for the exercise of those powers, would have been returned to the fund.

PART VII
—cont.

Notice of
alteration of
rents without
notice to
quit.
1968 c. 42.
1958 c. 42.

84.—(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—

- (a) apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the local authority; and
- (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 local authority 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”.

False
statements to
obtain
tenancies.

85. If a person for the purposes of obtaining for himself or another person the tenancy or occupation of a house belonging to, or at the disposal of, the Council, knowingly or recklessly makes, or permits to be made, to the Council or to any committee of the Council or member of the Council or employee of the Council a statement which is false in a material particular about his, or that other person's needs or means, he shall be liable to a fine not exceeding one hundred pounds.

Establishment
expenses.

86. Without prejudice to section 292 of the Act of 1936, and to that section as applied by any other enactment, where under any enactment the Council 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 10 per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Recovery of
water rates
and charges
by local
authorities.

87. The following provisions shall have effect with respect to the collection by a local authority of water rates and charges in pursuance of any agreement entered into between the local

authority and a joint board authorised to supply water in the county, or in pursuance of any requirement made by such a joint board, under any enactment relating to the board:—

PART VII
—cont.

- (1) For the collection and recovery of such rates or charges the local authority shall have the same powers as they have for the collection and recovery of the general rate;
- (2) The same books and forms of demand note and receipt may be used for the general rate and such rates or charges.

88.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay rates charged on such hereditament, the owner shall be liable to pay to the local authority for the district in which the hereditament is situated so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rates included in such payment, and so much of such payment may, on proof of such agreement, be recovered by the local authority 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.

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

(2) This section shall not apply to any hereditaments to which section 55 (1) of the General Rate Act 1967 applies by virtue of 1967 c. 9. a resolution of the local authority.

(3) In this section—

“owner” in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof; and

“rates” includes water rates or charges.

89. The Council shall not be required to register as joint holders of any authorised security any more than four persons.

Joint holders
of mortgages
etc.

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

Interest and
dividends by
post.

PART VII
—cont.

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

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

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

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

1882 c. 61.

Application to local authorities, etc., of provisions of Part VII.

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

(2) The provisions hereinbefore referred to are—

Section 85 (False statements to obtain tenancies);

Section 86 (Establishment expenses);

Section 89 (Joint holders of mortgages, etc.);

Section 90 (Interest and dividends by post).

(3) The provisions of subsection (1) of section 81 (Expenses of public ceremonies, entertainment, etc.) of this Act shall apply to a parish council and, for that purpose, shall have effect as if for references therein to a local authority there were substituted references to the parish council, and subject to any other necessary modifications.

Application of super-annuation provisions to certain employing authorities.

92.—(1) An authority to which this section applies may by resolution adopt all or any of the provisions set out in Schedule 1 to this Act as from such date, not being earlier than 1st September,

1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to the authority as if—

PART VII
—cont.

(a) any reference therein to a contributor were a reference to a contributor to the superannuation fund maintained by the Council under Part I of the Local Government Superannuation Act 1937 as respects whom the authority 1937 c. 68. are the employing authority; and

(b) any reference therein to the employing authority were a reference to the authority.

(2) This section applies to—

(a) any organisation, undertaking or body in respect of which there is for the time being in force an admission agreement with the Council pursuant to section 15 of the Local Government Superannuation Act 1953; 1953 c. 25.

(b) any other employing authority in relation to which the superannuation fund maintained by the Council under Part I of the Local Government Superannuation Act 1937 is the appropriate superannuation fund within the meaning of section 1 (3) (d) of that Act.

PART VIII

MISCELLANEOUS

93.—(1) A local authority may publish or prepare for publication or contribute to the publication of, and sell or dispose of, works of scholarship, bulletins, journals, periodicals, leaflets and documents of historical or literary interest having a local connection or relating to the functions of the authority. Publication of bulletins, etc.

(2) Nothing in this section shall affect the rights of any person under the law for the time being relating to copyright.

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

PART VIII

—cont.

Evidence of
proceedings,
appointments,
etc.

95.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk of a local authority as a copy of a resolution passed, order made, or report received, by the local authority 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 authority 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 local authority 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 local authority or committee on that date.

(3) In this section “ officer ” includes 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 local authority and its committees.

Microfilming
of documents.

96.—(1) A local authority may make and retain microfilm recordings of documents of the authority.

(2) Notwithstanding anything in any enactment, a local authority may destroy any documents of the authority, other than minutes, of which they have made and retained microfilm recordings:

Provided that—

(a) the local authority shall not under this section destroy records deposited with them under the Public Records Act 1958, or any other enactment, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962 or any other enactment, or records of a like kind acquired or accepted by them before the commencement of the said Act of 1962;

(b) the local authority 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 made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

1958 c. 51.

1962 c. 56.

(4) Notwithstanding anything in any enactment or any rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section 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 the clerk of the local authority 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 that microfilm recording.

(5) In this section, unless the context otherwise requires—

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

“microfilm recording” means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye;

“minutes” means the minutes of the proceedings of a meeting of the local authority or of a committee thereof and includes all reports or other documents appended thereto or incorporated therein.

97. Notwithstanding anything in paragraph 3 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority, or of any committee or sub-committee thereof, may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next ensuing meeting of the local authority, or at the same or any subsequent meeting of the committee or sub-committee (as the case may be), by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

98. A resolution of a local authority under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders of the office or offices stated therein.

Authorisation
of appearance
of officers
in legal
proceedings.

PART VIII
—cont.
Delegation
of powers
to sub-
committees.

99.—(1) A committee lawfully authorised by a local authority to exercise any powers of the local authority under any enactment may, subject to any direction of the local authority, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit, and subject as aforesaid may delegate, with or without restrictions or conditions, any of their functions to a sub-committee so appointed.

(2) A sub-committee appointed under this section (other than a sub-committee of a committee for regulating and controlling the finances of the local authority or of their district) may include persons who are not members of the local authority.

(3) A majority of the members of any such sub-committee shall be members of the local authority, and, whenever at any meeting of any such sub-committee the members present thereat do not include a majority of members of the local authority, any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(4) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which any committee of the local authority are authorised to appoint a sub-committee under any other enactment.

Appointment
of deputies.

100. In its application to the county, section 115 of the Act of 1933 (which makes provision for the appointment of deputies of certain officers) shall have effect as if for the words “or sanitary inspector” there were substituted the words “public health inspector or other officer”.

Power to
change titles
of officers.

101.—(1) Notwithstanding anything in Part IV of the Act of 1933, or in any other enactment, the Council may from time to time by resolution determine that the office, style or title of any officer of the Council shall be that specified in the resolution instead of that specified in the Act of 1933 or in any other enactment, and any thing done by an officer as holding the office, or in the style or title specified in the resolution, shall be valid and effectual for all purposes as it would have been had it been done by the officer in the office and holding the style or title specified in the Act of 1933.

(2) As from the date of the passing of any resolution by the Council pursuant to subsection (1) of this section, any reference (whether specific or general) in any enactment or document to the office or title of an officer to whom the resolution relates shall be construed as if the office or title specified in the resolution were substituted for the office or title specified in that enactment or document.

102. The powers of the Council under section 134 of the Local Government Act 1948 to make or assist in making arrangements for the giving of information to the public in certain matters shall extend to any information concerning the county and its neighbourhood.

PART VIII
—cont.
Information centres.
1948 c. 26.

103. The Council may advertise in any manner which they may think fit—

Power to advertise facilities.

(a) the facilities and amenities afforded by the county for industry or as a tourist centre, place of historical or cultural interest, or holiday resort; or

(b) the institutions provided by them under the Public Libraries and Museums Act 1964;

1964 c. 75.

and for that purpose may—

(i) cause to be published, and may sell or dispose of, bulletins, journals and leaflets and documents of historical or literary interest having a local connection;

(ii) combine with any other organisation, company or person, and with any local authority authorised in that behalf; and

(iii) expend a sum which shall not in any financial year exceed the equivalent of twice the product of a penny rate levied in the county as estimated for the purpose of section 12 of the General Rate Act 1967.

1967 c. 9.

104.—(1) In this section—

Disposal of lost and uncollected property.

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

“uncollected property” means any property deposited in any cloakroom or parcels’ store provided by the Council for the use of the public or any containers deposited in any market storeroom provided by the Council in which there is exhibited a notice containing a statement of the effect of subsections (2) and (3) of this section.

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

PART VIII
—cont.

(3) If within the period of three months from the date on which it came into the custody of the Council, any lost or uncollected property is not proved to the reasonable satisfaction of the Council to belong to any claimant and the Council are satisfied after reasonable enquiry, that the owner of the property cannot be identified or found or that the property cannot reasonably be returned to him, it shall upon the expiration of that period vest in the Council:

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 Council under this section, be disposed of at such time and in such manner as the Council may think fit, and, if it is sold, the proceeds of sale shall vest in the Council at the expiration of the period of three months from the date on which the property came into their custody.

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

(5) In the case of uncollected property placed in the custody of the Council on express terms inconsistent with the rights of the Council under this section, this section shall have effect subject to those terms.

(6) This section shall not apply to any specimen, work of art, book, record or document referred to in subsection (1) (b) of section 105 (Disposal of unsuitable specimens) of this Act.

Disposal of
unsuitable
specimens.

105.—(1) The Council may sell, lend, exchange or give or otherwise dispose of, any specimen, work of art, book, record or document—

(a) vested in them which in the opinion of the Council is not required for exhibition or use in any museum, art gallery, library, place for the deposit of archives or other building of the Council; or

(b) coming into the custody of the Council after being left at any museum, art gallery, library, place for the deposit of archives or other building of the Council for the purpose of identification or otherwise and which has been in the possession of the Council for a period of not less than three months:

Provided that in the case of any object to which paragraph (b) of this subsection applies, the powers of this subsection shall be subject to any express terms on which that object was placed in the custody of the Council.

PART VIII
—cont.

(2) The Council may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery, library or archives for the transfer to that person of any specimen, work of art, book, record or document vested in the Council which in the opinion of the Council is more suitable for exhibition or use in the museum, art gallery, library or archives of that person than in a museum, art gallery, library, place for the deposit of archives or other building of the Council.

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

(a) the Council shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and

(b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor.

(4) Any moneys received by the Council on the disposal under this section of any object vested in them by virtue of a gift or bequest shall, subject to the terms of any trust affecting the said object where the moneys so received exceed fifty pounds, be applied in the purchase of specimens, works of art, books, records or documents, or paid into the art fund maintained by the Council under section 15 of the Public Libraries and Museums Act 1964.

1964 c. 75.

106.—(1) A parish council may provide prizes in connection with competitions for allotments or allotment gardens but shall not expend thereon more than twenty-five pounds in any one year or such higher amount as the Secretary of State may by order either specially or generally allow. Prizes for allotment competitions.

(2) Expenditure under this section shall not be treated as expenditure under the provisions of the Allotments Acts 1908 to 1950 for the purposes of the limitations on expenditure provided for by section 16 of the Allotments Act 1922, but shall 1922 c. 51.

PART VIII
—cont.
1957 c. 42.

be treated as expenditure under the provisions of the Allotments Acts 1908 to 1950 for the purposes of section 15 of, and Schedule 1 to, the Parish Councils Act 1957.

Power to
require
information as
to ownership
of premises.

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

- (a) any enactment in force at the passing of this Act which authorises the Council to acquire land compulsorily;
- (b) any enactment mentioned in Schedule 2 to this Act; and
- (c) any local enactment in force on the passing of this Act which authorises the Council 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 Council to execute works on lands or premises within the county;

require—

- (i) the occupier of, and any person having an interest in, any premises in the county, 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, whether as freeholder, mortgagee, lessee or otherwise, and 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 county 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) If any person who has been required by the Council in pursuance of this section to give to them any information fails to give that information, or knowingly makes any misstatement in respect thereof, he shall be liable to a fine not exceeding fifty pounds.

(3) For the purposes of this section “interest” includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in subsection (1) of this section which contain power to require

information as to the ownership of premises shall cease to apply to the Council in so far as they relate to the same subject-matter as this section.

PART VIII
—cont.

108.—(1) Any power conferred on an officer of the Council by or under any enactment to enter upon and inspect any building or works in course of construction shall include a power to use, free of expense, for the purpose of the entry or inspection, any ladders, scaffolding and plant in or about the building or works.

Power to use ladders, etc., for entry or inspection.

(2) If the builder of, or contractor for, any building or works or any person employed by him in or about any building or works—

- (a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or
- (b) otherwise obstructs such an officer in the exercise of those powers;

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

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

Application to local authorities of provisions of Part VIII.

(2) The provisions hereinbefore referred to are—

- Section 101 (Power to change titles of officers);
- Section 102 (Information centres);
- Section 103 (Power to advertise facilities);
- Section 104 (Disposal of lost and uncollected property);
- Section 105 (Disposal of unsuitable specimens);
- Section 107 (Power to require information as to ownership of premises);
- Section 108 (Power to use ladders, etc., for entry or inspection).

PART IX

GENERAL

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

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

PART IX
—cont.

Breach of
conditions
of consent.

111. Where, in pursuance of any enactment, a local authority give their approval or consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose, any breach of any such terms or conditions shall, as regards liability to a penalty and other consequences, be deemed equivalent to the execution of the work or the doing of the act or thing without the required approval or consent.

Apportion-
ment of
expenses in
case of joint
owners.

112. Where, under the provisions of any enactment, a local authority execute any works of common benefit to two or more buildings belonging to different owners, and those expenses or any part of them are recoverable by the local authority, they shall (if no provision is made in the enactment, or in any other enactment applied thereto or incorporated therein, as to the incidence of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the local authority or, in case of dispute, by a magistrates' court.

Restriction
on right to
prosecute.

113. 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 (except section 70 (Provisions as to motor vehicles let for hire) thereof) by any person other than a party aggrieved or the Council or the highway authority or the local authority (as the case may be) or a constable.

Crown rights.

114.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein authorises the Council or a highway authority or local authority to take, use, or in any manner interfere with, any land or hereditaments or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council, highway authority or local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

115. For the protection of statutory undertakers (hereafter in this section referred to as "undertakers") the following provisions shall, unless otherwise agreed in writing between the appropriate authority and the undertakers concerned, apply and have effect:—

PART IX
—cont.

For protection
of statutory
undertakers.

(1) In this section—

"appropriate authority" means the local authority, the highway authority, the parish council, the police authority, or any person acting with their consent, as the case may require;

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

"position" includes depth:

(2) (a) Notwithstanding anything in section 21 (Adjustment of boundaries of estates in connection with streets) of this Act, provision shall not be required under that section for—

(i) the adjustment or alteration of the boundaries of, or the exchange of, any operational land of the undertakers; or

(ii) the removal or modification of covenants, restrictions or conditions for the benefit of, or for preventing interference with the use of, or for securing access to, any such land or any apparatus of the undertakers;

except with the consent of those undertakers, which consent shall not be unreasonably withheld;

(b) Any question or difference arising under this paragraph shall be determined by arbitration under and in accordance with the said section 21:

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

Section 23 (Temporary stoppage of streets);

Section 24 (Verges, etc., of housing estates);

Section 26 (Decorations in streets);

Section 28 (Trees, grass verges and gardens);

PART IX
—cont.

Section 29 (Oil pipes, etc., in land designated for streets);

Section 32 (Provision of parking places on trunk roads and county roads);

Section 33 (Extension of parish councils' powers to provide parking places):

(4) Notwithstanding the temporary stopping up or diversion of any street or part thereof under the powers of section 23 (Temporary stoppage of streets) of this Act, the undertakers shall be at liberty at all times to enter upon the street with any necessary vehicles to execute and do all such works and things in any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus:

(5) Nothing in section 24 (Verges, etc., of housing estates) or section 28 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

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

(6) The powers of section 27 (Enforcement of improvement line) of this Act may be exercised by the appropriate authority in relation to any building or structure of the undertakers situated on their operational land with the consent of the undertakers, which shall not be unreasonably withheld:

(7) (a) When the appropriate authority serve any notice under subsection (1) of section 49 (Securing of unoccupied houses under Act of 1957) of this Act they shall at the same time send a copy of such notice to the gas board and the electricity board in whose area the premises are situated;

(b) Nothing in the said section 49 shall prejudice the rights of the undertakers to enter upon any premises in exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, any undertakers exercising such powers of entry in respect of any premises secured under the said section 49 shall ensure that the premises are not left less secure by reason of the entry:

- (8) In exercising the powers conferred by subsection (4) of section 56 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for undertakers and used or intended to be used by them for the generation or supply of electricity, the manufacture or storage of gas or for the pumping, storage or supply of water, an authorised officer of the appropriate authority shall conform to any reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:
- (9) Any question or difference arising between the appropriate authority and the undertakers under paragraphs (3) to (8) of this section shall be determined by arbitration.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 (which relate to the giving of evidence at, and the defraying of the cost of, local inquiries) shall apply in relation to any such inquiry, and for that purpose shall have effect as if the expression “department” in that section included any Minister of the Crown having functions under this Act.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946. 1946 c. 31.

117. In arbitrations under a provision of this Act mentioned in column (1) of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the person mentioned in column (2) of that table on the application of any party after giving notice in writing to the other party or parties:— Arbitration.

(1) Provision of Act	(2) Person appointing arbitrator
Subsection (5) of section 15 (Entry on land for certain purposes)	The President of the Institution of Civil Engineers.
Subsection (4) of section 21 (Adjustment of boundaries of estates in connection with streets)	The Secretary of State.
Subsection (5) of section 52 (Supply of water to premises where supply cut off)	The Secretary of State.
Paragraph (9) of section 115 (For protection of statutory undertakers)	The President of the Institution of Civil Engineers.

PART IX
—cont.

Liability of
directors, etc.

118.—(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.

(2) The provisions hereinbefore referred to are—

Section 25 (Parking of heavy commercial vehicles);

Section 59 (Oil-burning equipment);

Section 85 (False statements to obtain tenancies).

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

Appeals.

119.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates’ court under this Act (except under the provisions thereof mentioned in subsection (2) of section 120 (Application of general enactments) of this Act) and sections 301 and 302 of that Act shall apply accordingly.

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

(a) involves the execution of any work or the taking of any action; or

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

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

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Council, highway authority or local authority themselves execute the work or take the action; and

(ii) that person may carry on that business, and use those premises for that purpose.

120.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included reference to this Act, except the provisions thereof mentioned in subsection (2) of this section.

PART IX
—cont.

Application
of general
enactments.

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 3 to this Act shall have effect as if references therein to that Act included reference to Part III (Highways and road traffic) of this Act.

(3) The sections of the Act of 1936 mentioned in Part III of Schedule 3 to this Act shall have effect as if references therein to that Act included a reference to Part III (Highways and road traffic), Part V (Public health and welfare) and Part VI (Fire protection and public order) of this Act.

121. The following enactments in the Oxfordshire County Council Act 1970 are hereby repealed:—

Repeal.
1970 c. lxxxiii.

Section 14 (Sale of food and articles on verges etc.);

Section 16 (Mixing of mortar in county roads);

Section 17 (Damage to trees etc. in county roads and in open spaces).

122. Nothing in this Act shall be taken as exempting the Council or any local authority from the provisions of the Exchange Control Act 1947.

Saving for
Exchange
Control
Act 1947.
1947 c. 14.

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

Costs of Act.

SCHEDULES

SCHEDULE 1

Section 92

SUPERANNUATION PROVISIONS APPLICABLE TO CERTAIN
EMPLOYING AUTHORITIESBenefits in
certain cases of
premature
retirement.

A.—(1) Where, after the passing 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—

- (a) this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the employing authority in writing that he does not wish this subsection to apply to him; and
- (b) in the case of a contributor who is a justices' clerk to whom Part I of Schedule 3 to the Local Government Superannuation Act 1953 applies, the foregoing provisions shall have effect as if for the words "sixty-five years" there were substituted the words "seventy years or any lesser age, not being less than sixty-five years, at which he would have completed forty-five years' service."

1953 c. 25.

(2) Where, after the passing of this Act, a contributor who has attained the age of fifty-five years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, 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 Local Government Superannuation Act 1937:

1937 c. 68.

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 employing authority 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 employing authority 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.

(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 section 40 (1) of the Local Government Superannuation Act 1937, whether or not any payment has been made to him on account thereof.

SCH. 1
—cont.

(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.

1937 c. 68.
1953 c. 25.

(6) In this section—

"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, the Justices' Clerks and Assistants (Superannuation) Regulations 1954, or the Probation Officers and Clerks (Superannuation) Regulations 1954, or any other regulations made under those Acts, as the case may be; and

"superannuation benefits" include 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 local Act scheme.

B. On the death of any person who is in receipt of a pension or to whom there is due any other payment from the employing authority as the widow or other beneficiary of a deceased employee of the employing authority (in this section referred to as "the beneficiary"), the provisions of section 25 of the Local Government Superannuation Act 1953 shall apply and have effect with respect to the payment of any sum due from the employing authority 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 employing authority.

Extension of
section 25 of
Local
Government
Superannuation
Act 1953.

Section 107

SCHEDULE 2

ENACTMENTS MENTIONED IN SECTION 107

1875 c. 55.	Public Health Act 1875.
1890 c. 59.	Public Health Acts Amendment Act 1890.
1907 c. 53.	Public Health Acts Amendment Act 1907.
1925 c. 71.	Public Health Act 1925.
1930 c. 44.	Land Drainage Act 1930.
1936 c. 49.	Public Health Act 1936.
1937 c. 40.	Public Health (Drainage of Trade Premises) Act 1937.
1950 c. 28.	Shops Act 1950.
1957 c. 56.	Housing Act 1957.
1961 c. 64.	Public Health Act 1961.
1961 c. 48.	Land Drainage Act 1961.
1962 c. 38.	Town and Country Planning Act 1962.
1964 c. 56.	Housing Act 1964.
1967 c. 69.	Civic Amenities Act 1967.
1968 c. 72.	Town and Country Planning Act 1968.

Section 120

SCHEDULE 3

GENERAL ENACTMENTS APPLIED

PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT, OTHER THAN PART III.

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
287	Power to enter premises.
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

SCH. 3
—cont.

SECTIONS OF ACT OF 1959 APPLIED TO PART III OF THIS ACT

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

PART III

SECTIONS OF ACT OF 1936 APPLIED TO PARTS III, V AND VI OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act 1925. 1925 c. 22.

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