

ELIZABETH II



1973 CHAPTER xxiii

An Act to repeal or re-enact with amendments local enactments in force in the borough of Rhondda; to enact provisions in relation to the lands, health, local government, industry and finances of the borough; to confer further powers on the mayor, aldermen and burgesses of that borough; and for other purposes.

[18th July 1973]

WHEREAS—

(1) The borough of Rhondda (hereinafter referred to as “the borough”) is a borough under the government of the mayor, aldermen and burgesses of the borough (hereinafter referred to as “the Corporation”):

(2) Numerous local enactments are in force in the borough and it is expedient at this time that those enactments should be either repealed or re-enacted with amendments:

(3) It is expedient to enact provisions with reference to the lands, health, local government, industry and finances of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended as by this Act provided:

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

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

1933 c. 51.

(6) 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 Rhondda Corporation Act 1973.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands and buildings.

Part III.—Public health.

Part IV.—Public order and safety.

Part V.—Trade administration and licensing.

Part VI.—Finance.

Part VII.—Miscellaneous.

Part VIII.—General.

Interpretation.

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

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

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

“ the Act of 1936 ” means the Public Health Act 1936;

“ the Act of 1955 ” means the Food and Drugs Act 1955;

1936 c. 49.

1955 c. 16

(4 & 5 Eliz. 2.)

- “ the Act of 1967 ” means the Road Traffic Regulation Act 1967 as printed pursuant to section 133 of the Transport Act 1968;
- “ the Act of 1972 ” means the Local Government Act 1972;
- “ the appointed day ” has the meaning assigned to it by section 4 (The appointed day) of this Act;
- “ authorised security ” means any mortgage or other security that the Corporation are for the time being authorised to grant or issue, but does not include stock or bonds;
- “ the borough ” means the borough of Rhondda;
- “ bulk refuse container ” means a container, of not less than one cubic yard nominal capacity, designed or adapted to be emptied of refuse by mechanical means into a refuse vehicle of the Corporation;
- “ contravention ” includes a failure to comply and “ contra-vene ” shall be construed accordingly;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough acting by the council;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ the electricity board ” means the South Wales Electricity Board;
- “ enactment ” includes an enactment in this Act or in any public general or local Act and any order, byelaw, scheme or regulation for the time being in force within the borough;
- “ the generating board ” means the Central Electricity Generating Board;
- “ industrial building ” has the meaning assigned thereto by the provisions of the Town and Country Planning Act 1971;
- “ land ” includes buildings, land covered by water and any legal estate or interest in land or any easement or right in, to or over land;
- “ magistrates’ court ” has the same meaning as in the provisions of the Magistrates’ Courts Act 1952;
- “ officer ” includes servant;
- “ operational land ” in relation to the statutory undertakers (other than the Post Office) means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than

PART I
—cont.

1967 c. 76.

1968 c. 73.

1972 c. 70.

1971 c. 78.

1952 c. 55.

PART I
—cont.

- 1969 c. 48. with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings, and in relation to the Post Office has the same meaning as in the provisions of paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;
- “proper officer” has the same meaning as in section 270 (3) of the Act of 1972;
- 1960 c. 16. “public service vehicle” has the same meaning as in the provisions of section 117 of the Road Traffic Act 1960;
- “the railways board” means the British Railways Board;
- “the statutory undertakers” means the British Gas Corporation, the electricity board, the generating board, the water undertakers and the Post Office or any of them as the case may be;
- 1878 c. 76. “telegraphic line” has the same meaning as in the provisions of the Telegraph Act 1878;
- 1945 c. 42. “the water undertakers” has the same meaning as in the provisions of the Water Act 1945, other than those contained in Part II of that Act.

(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) In this Act, except where the context otherwise requires, any reference to a provision of the Act of 1972, which at the commencement of this Act has not come into force, shall until such provision comes into force be read as a reference to the enactment (if any) which that provision re-enacts, whether with or without modification.

The appointed day.

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

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

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

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

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

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

(4) Either—

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

- (b) a photostatic or other reproduction certified by the proper officer 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;

PART I
—cont.

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

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 120 (Appeals) of this Act.

PART II

LANDS AND BUILDINGS

5.—(1) Notwithstanding any rule of law, enactment or restrictive covenant the Corporation may—

Power to sell
or appropriate,
etc., lands
free from
certain rights.

- (a) in respect of the lands described in Part I of Schedule 1 to this Act sell, lease or otherwise dispose of the same; and

- (b) in respect of the lands described in Part II of the said schedule appropriate the same for the purpose of the Corporation's functions under the Highways Acts 1959 to 1971;

free from any beneficial interest or other right therein of the public or the inhabitants at large.

(2) Nothing in this section shall authorise the Corporation to dispose of any of the lands mentioned in Part I of Schedule 1 to this Act at less than the best price, consideration or rent which can reasonably be obtained, having regard to any restrictions or conditions subject to which the land is sold, leased or otherwise disposed of.

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

Extension of
power to
maintain
burial grounds.

- (a) to put, and keep, in order any memorial therein;
(b) to level any grave therein;

PART II
—cont.

- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

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

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

(3) Each of the notices shall—

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

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

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required

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

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

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

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

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

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

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation 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.

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

(10) In this section—

“burial ground” has the same meaning as in the Open Spaces Act 1906;

1906 c. 25.

“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 a grave or memorial.

(11) The provisions of this section shall cease to have effect on the coming into force of regulations or orders made by the Secretary of State for the Environment and relating to the same subject-matter as the said section.

7.—(1) A person, other than an officer of the Corporation or a person or the servant of a person who has a contract with the Corporation in or about any work in connection with the burial As to offences in cemeteries.

PART II
—cont.

grounds, cemeteries or crematoria belonging to the Corporation, shall not, except for the purpose of properly tending the same, pluck out or otherwise interfere with any flower, plant, shrub, wreath, ornament, memorial or other thing on any grave in a burial ground, cemetery or crematorium belonging to or maintained by the Corporation.

(2) Any person who offends against the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) The provisions of this section shall cease to have effect on the coming into force of regulations or orders made by the Secretary of State for the Environment and relating to the same subject-matter as the said section.

For protection
of Common-
wealth War
Graves
Commission.

8.—(1) In this section—

“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.

(2) In relation to any burial ground to which the provisions of section 6 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 6; and

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 6;

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

(3) The Corporation shall not, in pursuance of the powers of the said section 6, remove any memorial placed or erected

over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

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

(4) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 6 the Corporation shall, not later than the date on which the matter is referred to the Secretary of State, inform the Commission in writing of such reference and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Secretary of State.

9.—(1) For the purpose of providing a parking place under the provisions of section 28 of the Act of 1967 the Corporation may, with the consent of the Secretary of State, utilise any part of a park, pleasure ground, or open space (not being a highway) provided by them or under their management and control: Parking places in parks, etc.

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

(2) In this section “open space” has the same meaning as in the provisions of the Open Spaces Act 1906. 1906 c. 25.

10.—(1) The Corporation may in any open space, park or pleasure ground or refreshment room in any open space, park or pleasure ground for the time being belonging to them or under their control or in any civic or other public building for the time being belonging to them or under their control provide and sell refreshments of any kind (other than intoxicating liquor) subject to the provisions of all enactments relating thereto. Sale of refreshments in open spaces.

PART II
—cont.

(2) Refreshments shall not be provided under this section in connection with the giving of any entertainment or the holding of any dance pursuant to the provisions of section 145 of the Act of 1972.

(3) This section does not apply to any golf course provided under section 16 (Golf courses) of this Act.

Compulsory
acquisition of
easements.

11.—(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the appropriate Minister, may be authorised to create in favour of the Corporation in or over any land which under any enactment the Corporation may be authorised to acquire compulsorily any easement or other right in or over or in relation to such land which, in the opinion of the appropriate Minister, is essential to the full enjoyment or use of any buildings owned or occupied by the Corporation for the purposes of any of their undertakings, powers or duties:

Provided that the Corporation may 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.

1971 c. 41.

(2) The appropriate Minister shall not confirm any order under this section unless he determines that the easement or right can be created without material detriment to the land in or over 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 provisions of 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 provisions of the said Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(b) the provisions of 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 the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(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 the meaning of the provisions of subsection (1) of section 8 of the Compulsory Purchase Act 1965.

PART II
—cont.
1965 c. 56.

(5) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the enjoyment or use of which the easement or other right is required or who would have had such power if such land were not already owned by the Corporation.

12.—(1) Whenever it becomes necessary for the Corporation, or any of their officers, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes in connection with a function 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 Corporation may, after notice to such owner or occupier, apply to a magistrates’ court for an order under this section.

Entry on land
for certain
purposes.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Corporation, or any of their officers, contractors or workmen, may at all reasonable times between the hours of nine in the forenoon and six in the afternoon 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 under this section unless at least twenty-eight days’ notice of the intended entry and of the object thereof be given to the occupier of the land intended to be entered.

(3) The Corporation shall at their own expense 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 or occupier of the land entered, all damage or loss sustained by him in consequence of such entry, examination or laying open, and any dispute as to the amount of damage or loss so sustained as aforesaid shall, in default of agreement, be assessed by the Lands Tribunal.

(4) If any statutory undertakers refuse to permit any of their operational land, or the railways board refuse to permit any land belonging to them and used for the purposes of their undertaking, or the river authority refuse to permit any land belonging to them and used for any purpose in connection with the performance of any of their functions, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section,

PART II
—cont.

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 a single arbitrator appointed in default of agreement by the President of the Institution of Civil Engineers, and if the arbitrator shall determine that such permission is unreasonably withheld, the Corporation 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.

(5) Any person who, in compliance with the provisions of this section or an order made thereunder, is admitted into a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

1971 c. 41.

(6) The provisions of this section shall not apply in any case to which sections 64, 65, 66 or 67 of the Highways Act 1971 are applicable.

Agreements
with
developers.

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

- (a) determining the manner in which that land is to be developed and 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) ensuring 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 Corporation 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 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) the use by the public of any paths or ways, which are not dedicated to the public, over that land for purposes of access to open country, upon such terms and conditions as may be specified in the agreement (including terms and conditions as to the maintenance and cleansing of the surface of such paths or ways and the lighting of any building or structure over or above such paths or ways and the maintenance of any support of such paths or ways);
- (f) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for, or in connection with, development of that land or relating to the provision or maintenance of roads required for the purposes of that development;
- (g) arrangements for the maintenance of open spaces provided in connection with development of that land;
- (h) arrangements relating to the provision, maintenance or use of means of disposal of foul or surface water or trade effluent or waste for or in connection with development of that land;
- (i) any other related or consequential matters.

(2) (a) An agreement entered into under the foregoing subsection 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 as a local land charge for the purposes of the provisions of the Land Charges Act 1925, be enforceable by the Corporation against 1925 c. 22. 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 the foregoing subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement the Corporation 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 Corporation shall be recoverable by them from the person in default.

(c) Except as may be expressly provided in the agreement, an agreement entered into under the foregoing subsection shall be

PART II
—cont.

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.

(d) Nothing in any agreement entered into in pursuance of paragraph (e) of subsection (1) of this section shall prejudice or affect any powers exercisable by the generating board or the electricity board, whether by agreement or otherwise, for the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus in, on, under or over any land to which the agreement relates or any obligations or rights of the said boards in relation to the exercise of such powers.

(3) The Corporation 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 the provisions of section 22 of the Town and Country Planning Act 1971;

“open country” has the meaning that would be assigned to that expression by section 59 (2) of the National Parks and Access to the Countryside Act 1949 if in that section reference to the authority with whom an access agreement is made were read as a reference to the Corporation.

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

Suspension of
restrictive
covenants.

14.—(1) If the Corporation—

(a) acquire land by agreement; or

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

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

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

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

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

1971 c. 78.

1949 c. 97.

(3) The Corporation shall—

(a) in two 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 borough where a copy of the resolution and map may be inspected and specifying the time, not being less than twenty-one days from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

(b) on or before the date of the first publication of the said notice—

(i) except where the benefit of the restriction is enjoyed by the public at large, serve a copy of that notice by registered post or the recorded delivery service on every person whom they consider, after reasonable inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

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

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister.

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

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

(7) If in the opinion of the Corporation, there is doubt whether any such land as is mentioned in subsection (1) of this section is

PART II
—cont.

affected by any restriction to which that subsection relates or whether any such restriction is enforceable, the Corporation may—

- (a) in two 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 subsections (8) and (9) of this section and specifying the time not being less than twenty-one days from the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Corporation, and shall produce to them his documents of title in support of his claim;
- (b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—
 - (i) except where the benefit of the restriction is enjoyed by the public at large, serve a copy of that notice by registered post or the recorded delivery service on every person whom they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and
 - (ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to the benefit of a restriction against the land but in the circumstances referred to in subsection (7) of this section has failed to comply with a notice given under that subsection, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Corporation shall pay compensation in 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 such compensation shall be determined, in case of dispute, in accordance with the Land Compensation Act 1961.

1961 c. 33.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction, or, if the Corporation convey the land to any body for any of the purposes of the provisions of the Education Acts 1944 to 1971, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Corporation under subsection (9) of this section in respect of the suspension of a restriction relating to the

building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that the land may be used for a particular purpose, the restriction shall, after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the provisions of the Education Acts 1944 to 1971, remain unenforceable only so long as the land is used for that purpose.

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

(12) Nothing in this section shall apply to—

- (a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;
- (b) any restriction imposed by covenant, or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave, agreement or other instrument, and imposed by, or enuring for the benefit of, the National Coal Board for the purpose of safety;
- (c) any restriction for the protection of, or for preventing interference with, the use of, or for securing access to, operational land or apparatus of the statutory undertakers or the railways board contained in any deed, wayleave, agreement or other instrument.

(13) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Corporation have acquired or agreed to acquire or appropriated that land.

15.—(1) The Corporation, when they are required by any enactment to make compensation to any person interested in any land, 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 Corporation or any person purchasing or acquiring any land from them under this section from any rent, covenant, restriction, reservation, term or condition made payable by or contained in any conveyance, lease or other deed or instrument by which the land has been conveyed

PART II
—cont.

or leased to or otherwise acquired by the Corporation or any persons from or through whom the Corporation have derived title to it.

Golf courses.

16.—(1) The Corporation may, upon land within or outside the borough, 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 the foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of the provisions of section 271 of the Act of 1936.

(3) The Corporation 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 Corporation may at a golf course provided under this section—

- (a) 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 Corporation may make byelaws for regulating the use of golf courses provided under this section, whether within or outside the borough, and the conduct of persons using them or resorting thereto.

(b) Any person who contravenes any byelaw under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

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

Provisions
as to
illuminations.

17.—(1) Subject to the provisions of this section the Corporation may—

- (a) provide or arrange, on such terms and conditions as they may think fit, for the provision of illuminations

in, on, over or across any building or place (with the consent of the owner or occupier thereof), or over or across any street in the borough;

PART II
—cont.

(b) illuminate any inscription which has been set up of the name of any street in the borough:

Provided that the Corporation shall not exercise the powers of this section in, on, over or across any trunk road, without the consent of the Secretary of State, which may be given subject to a condition that the Corporation shall at their own expense remove anything placed in any trunk road under the powers conferred by this section if required by the Secretary of State to do so.

(2) The provisions of section 45 of the Public Health Act 1961 shall, in their application to the borough, extend and apply to such attachments as may be required for the purposes of this section as if they were attachments affixed under subsection (1) of the said section 45 and the said provisions as so applied shall have effect with any necessary modifications. 1961 c. 64.

(3) Nothing in this section shall authorise the provision, maintenance or operation of any illumination—

(i) which hinders or is likely to hinder the interpretation of any railway signal or any traffic sign as defined by the provisions of section 54 of the Act of 1967 or is likely to render more hazardous the use of any railway; or

(ii) unless it is so provided, maintained and operated as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line, or electric lines and works (including works for the lodging therein of such lines and works) as respectively defined in the provisions of the Electric Lighting Act 1882 and belonging to or maintained by the electricity board or the generating board. 1882 c. 56.

(4) In this section—

“ attachments ” includes lamps, brackets, pipes, electric lines or other apparatus;

“ place ” includes a garden, park or promenade.

18.—(1) The Corporation, for the purpose of ascertaining whether or not an offence has been committed under the provisions of section 1 of the Caravan Sites and Control of Development Act 1960, may by notice require the owner or reputed owner of any land in the borough on which a caravan is stationed or any person who, either directly or indirectly, receives rent in respect of such land, to state in writing the name and address of the occupier of such land, and any person who, having been required Information as to occupiers of land on which caravans are stationed. 1960 c. 62.

PART II
—cont.

by the Corporation in pursuance of this section to give to them any information, wilfully fails to give that information within twenty-eight days of being so required, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(2) In this section—

“caravan” has the meaning assigned to it by the provisions of subsection (1) of section 29 of the said Act of 1960;

“occupier” has the meaning assigned to it by the provisions of subsection (3) of section 1 of the said Act of 1960.

Undertakings
and
agreements
binding
successive
owners.

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

(a) given or made under seal either on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

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

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

(3) Any charge on the land constituted by any such undertaking or agreement shall for the purposes of subsection (1) of section 32 of the Building Societies Act 1962 (which prohibits advances by building societies on second mortgage) be deemed not to be a prior mortgage within the meaning of that subsection.

1962 c. 37.

Recovery of
deposits under
Lands Clauses
Consolidation
Act 1845 or
Compulsory
Purchase Act
1965.

1845 c. 18.

1965 c. 56.

20. Notwithstanding anything in the provisions of the Lands Clauses Consolidation Act 1845, or the provisions of the Compulsory Purchase Act 1965, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been paid by the Corporation into the Supreme Court in pursuance of the provisions of section 76 of the said Act of 1845 or the provisions of section 9 of the said Act of 1965 or paid by the Corporation into the Supreme Court by way of security in pursuance of the provisions of section 85 of the said Act of 1845 or the provisions of Schedule 3 to the said Act of 1965 to order upon application by the Corporation that the money so paid

or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

PART II
—cont.

Provided that upon the application of any person making claim to the money paid as aforesaid or any part thereof or to the land in respect of which the same shall have been paid or any part of such land or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the High Court shall think fit.

21.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished leaving exposed a wall of adjoining premises, the Corporation may—

Boundary
walls.

(a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

(i) weatherproofing the surface of the wall;

(ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to a magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer of the Corporation, or of their contractor, acting in pursuance of an order of a magistrates' court or of the Crown Court made in pursuance of the foregoing provisions of this section, and after the giving of not less than twenty-four

PART II
—cont.

hours' notice to the occupier of the land on which the exposed wall is situated, may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works thereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

Advances for
erection of
buildings, etc.

22.—(1) The Corporation may advance money to—

- (a) any person for the purpose of enabling or assisting him to purchase or lease any land in the borough; or
- (b) the owner, purchaser or lessee of—
 - (i) any land in the borough; or
 - (ii) any land (whether within or outside the borough) acquired from or leased by the Corporation;

for the purpose of carrying out any work either to enable or assist him to build on such land or to extend or improve any existing building thereon, or required in relation to the preparation or improvement of the site for that building or for the provision or improvement of services or facilities on which any trade or business carried on or intended to be carried on in such building depends:

Provided that any such advance shall not exceed nine-tenths of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

1963 c. 29.

(2) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963 shall apply in relation to an advance made under subsection (1) of this section, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3 of references to an advance made under subsection (1) of this section and to any other necessary modifications.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land in respect of which the advance was made, but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) In this section—

“lessee” includes a person to whom the Corporation have agreed to grant a lease and the expression “lease” shall be construed accordingly; and

“owner” means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land.

23. The Corporation may, if requested so to do by any person—

(a) who is the owner or intended owner or lessee of any land in the borough; or

(b) who has purchased or intends to purchase or take on lease from the Corporation any land (whether within or outside the borough);

being in either case land upon which an industrial building is built or is intended to be built, extended or improved, carry out any work required in relation to the preparation or improvement of the site for that building or for the provision or improvement of services or facilities on which any trade or business carried on or intended to be carried on in such building depends, and may make grants towards the cost of such works or of the provision or improvement of such services or facilities or both:

Provided that nothing in this section shall authorise the Corporation to carry out works for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

24. The Corporation may enter into and carry into effect any agreement or arrangement with the statutory undertakers for the provision and maintenance by such undertakers of any works, facilities, supplies or services which may be necessary for the purpose of—

(a) development by the erection of any building or the construction or carrying out of works on land for the benefit or improvement of the borough; or

(b) facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such

PART II
—cont.

undertaking (including the requirements arising from the needs of persons employed or to be employed therein);

or for the purpose of the use of any land after it has been developed for any of those purposes.

Power to Corporation to guarantee rents, etc., of industrial buildings.

25. The Corporation may, if requested to do so by any person who is the owner or intended owner, or lessee or intended lessee, of any industrial building, or any part of an industrial building, or of land on which it is proposed that any industrial building should be erected, guarantee or contract to secure the payment of—

- (a) any rent or other sum payable in respect of the building or part thereof;
- (b) any sums payable to the statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purposes of any trade or business carried on, or to be carried on, in the building.

PART III

PUBLIC HEALTH

A. *Environmental health*

Amendment of section 34 of Public Health Act 1961.
1961 c. 64.

26. The provisions of section 34 of the Public Health Act 1961 shall, in their application to the Corporation, have effect as if the words “and after such removal for erecting or maintaining such hoarding or fence as they consider expedient and which does not unduly interfere with reasonable access by the owner to and from the site for the purpose of preventing, so far as may be reasonably practicable, any further accumulation of rubbish on that site” had been inserted at the end of subsection (1).

Amendment of section 17 of Public Health Act 1961.

27. The provisions of section 17 of the Public Health Act 1961 shall, in their application to the Corporation, have effect as if there were inserted in subsection (1) of that section the words “or otherwise so defective as to be in need of urgent repair” after the words “is stopped up”.

Sanitary conveniences for persons employed on construction work.

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

- (1) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and

- (2) where the workpeople employed thereon comprise both men and women, to provide as aforesaid for men and women separately;

PART III
—cont.

if it is reasonably practicable so to do:

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

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

29.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted, is held, given or provided or is about to be held, given or provided, or in respect of which there is for the time being in force a licence under the provisions of section 9 of the Betting, Gaming and Lotteries Act 1963 to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport or during the continuance of the licence in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable. Sanitary conveniences at places of public exhibition, betting offices, etc.
1963 c. 2.

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

(3) Any person who contravenes a notice served on him under this section within such reasonable period, not being less than the appropriate period after the date of the service of the notice as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport or for effecting betting transactions, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds in respect of a first offence and fifty pounds for a second or subsequent offence:

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises; and
- (b) no proceedings shall be taken against a person who has contravened a notice served on him under this section

PART III
—cont.

if, on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) The provisions of section 89 of the Act of 1936 shall, in their application to the borough, have effect as if there were inserted in subsection (1) of that section the words “or refreshment-house” for the words “refreshment-house or place of public entertainment”.

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

(5) This section shall not apply to—

(a) premises or places in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under the provisions of section 75 of the Public Health Act 1961;

(b) premises in respect of which there is in force a licence under the provisions of the Cinematograph Acts 1909 and 1952.

(6) In this section “appropriate period” means either a period of one month, or, in the application of subsection (1) of this section to any temporary exhibition, performance, amusement, game or sport or place in respect of which there is such a licence, a period of seven days.

1961 c. 64.

Supply of water to premises where supply cut off.

30.—(1) Where an occupied house in the borough 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 Corporation may, after giving not less than twenty-four hours' notice to the owner of the house of their intention to do so, 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 preceding 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 Corporation may, if they think fit, themselves bear the whole or any part of any expenses recoverable by the Corporation under this section.

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

(a) 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 those undertakers in exercise of their statutory powers, conditions to secure that the supply to that house is not restored under the powers of this section unless the Corporation pay to the water undertakers 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

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

(5) Any difference which may arise between the water undertakers and the Corporation under the last foregoing subsection (other than a difference as to the meaning or construction of the said subsection) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

31.—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke, gas or vapour from a chimney Power to order alteration of chimneys

PART III
—*cont.*

chimney, flue or pipe of a building or structure forming part of or within the curtilage of, premises in the borough 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—

- (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) Any person who contravenes an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) No complaint shall be made to a magistrates' court under this section in respect of—

- (a) a building for the time being included in a list published by the Secretary of State under any enactments with respect to ancient monuments without the consent of the Secretary of State; or
- (b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under the provisions of section 54 of the Town and Country Planning Act 1971, not being a building to which paragraph (a) of this subsection applies, without the consent of the Secretary of State.

1971 c. 78.

1961 c. 34.

1906 c. 14.

(4) This section shall not apply to premises subject to the provisions of the Factories Act 1961 or controlled under the provisions of the Alkali, &c., Works Regulation Act 1906 or belonging to or primarily used by the railways board for the purposes of their undertaking.

Repair of
walls, etc.,
of yards.

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

- (a) has collapsed or been pulled down; or
- (b) is in danger of collapsing; or
- (c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

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

PART III
—cont.

Provided that, in the case of any property in respect of which there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act 1957, no works shall be required by notice served under this section in relation to any wall, fence or door comprised in such property other than emergency works (as defined in section 1 (5) of the said Act) or other works specified in the notice served under the said section 3. 1957 c. 59.

33. The following provisions of the Housing Act 1957 shall in their application to the Corporation have effect as if— Amendment of Housing Act 1957 relating to closing orders. 1957 c. 56.

(1) in the provisions of subsection (2) of section 27 the following proviso were inserted:—

“ Provided that where the Corporation 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.”;

(2) in the provisions of paragraph (b) of subsection (3) of section 27 after the word “ determine ” there were inserted the words “ in whole or in part ”;

(3) in the provisions of subsection (5) of section 27 there were inserted at the end of that subsection the words “ or by the owner of part of any premises where such a closing order is in force in respect of that part ”;

(4) in the provisions of section 28 the following proviso were inserted:—

“ 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”.

34.—(1) Where the Corporation are satisfied that it is expedient to execute urgent repairs to any building or structure in the borough arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by flooding, gales, lightning, earthquakes or landslides the Corporation may at their expense execute such emergency works of repair to the building or structure as in their opinion are necessary. Repair of damaged buildings, etc.

PART III
—cont.

(2) Before exercising their powers under this section the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building or structure.

Further
power to
remedy
obstructed
private
sewers.

35.—(1) Where—

(a) several premises in the occupation of different persons are drained by means of a private sewer belonging to the owners or occupiers of those premises; and

(b) it appears to the Corporation that the sewer is obstructed; they may by notice in writing require the persons concerned to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with, the Corporation may themselves carry out the work necessary to remedy the defect and may, subject to the provisions of subsection (3) of this section, recover the expenses reasonably incurred in so doing from the persons concerned in such proportions as they may determine.

(3) In proceedings to recover expenses under this section the court may inquire whether any requirement contained in a notice served under this section was reasonable and whether any apportionment by the Corporation was fair, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise an apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(4) In this section “persons concerned” means, in relation to a private sewer which is obstructed, the owner or occupier of the premises on which the sewer is situated at the point at which the obstruction occurs and the owner or occupier of any other premises drained by means of that sewer if the point at which foul water and surface water are discharged from those other premises to the sewer is situated at a level which is higher than that of the said point of obstruction.

(5) The provisions of this section shall be without prejudice to the provisions of section 39 of the Act of 1936 and the provisions of section 17 of the Public Health Act 1961.

1961 c. 64.

Protection of
property
broken into,
etc.

36.—(1) Where the Corporation are of the opinion that, by reason of damage caused thereto or as the result of unlawful breaking and entering or breaking out or attempted breaking and entering or breaking out, any house or building in the borough is

not effectively secured so as to prevent unlawful entry, they may themselves do such things in relation to the house or building as are reasonably required effectively to secure it against such entry:

Provided that the Corporation shall not exercise their powers under this section without the consent of the owner or occupier of the house or building unless his identity or whereabouts cannot after reasonable inquiry be ascertained.

(2) The Corporation may delegate their powers under this section to the police authority with or without restrictions or conditions.

37.—(1) No person shall place refuse or waste paper in a street or public place in the borough for the purpose of its being removed by the Corporation unless the refuse or waste paper is placed in a properly closed dustbin or in some other receptacle in which the refuse or waste paper is properly secured or which is provided for the purpose by the Corporation.

Deposit of refuse in street and interference with refuse.

(2) No person shall remove any article, refuse or waste paper placed in any street or public place in the borough for the purpose of being collected and removed by the Corporation.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

38.—(1) Any person (except in the execution of some act which he has lawful authority to perform) who throws, casts, deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter whatsoever into any river, stream or watercourse within the borough (not being a main river for the purposes of the provisions of the Land Drainage Act 1930) so as directly or indirectly and whether either singly or in combination with other similar acts of the same or any other person to obstruct or impede the flow of water in, into or out of the same shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for throwing rubbish into streams.

1930 c. 44.

(2) Before the Corporation first take any steps for the purpose of enforcing the provisions of this section they shall consult with the Glamorgan River Authority in regard to those provisions and their enforcement by the Corporation.

39.—(1) The powers of the Corporation (exercising, under the provisions of section 50 (2) of the Land Drainage Act 1930, the powers of a drainage board conferred by the provisions of section 35 of that Act as amended by the provisions of section 28 of the Land Drainage Act 1961) to require a person to remedy

Cleansing of rivers and streams.

1961 c. 48.

PART III
—cont.

a condition of a watercourse in the borough being a condition such that the proper flow of water is impeded shall extend to a condition that the proper flow of water is likely to be impeded and accordingly the provisions of the said section 28 shall, in their application to the Corporation, have effect as if—

- (a) in the provisions of subsection (2) after the word “impeded” there were inserted the words “or likely to be impeded”; and
- (b) in the provisions of subsection (4) (a), after the word “occurs” there were inserted the words “or is likely to occur”.

(2) Where the Corporation, pursuant to the provisions of section 34 of the said Act of 1961, exercise the power of maintaining existing works under the provisions of section 34 (1) (a) of the said Act of 1930 in a case where a river or stream or any part thereof is obstructed so that there is an immediate likelihood of damage being occasioned to property thereby or there is a danger to persons the Corporation may recover from the person by whose act or default the obstruction occurred the expenses reasonably incurred by them in so doing.

(3) (a) A person against whom proceedings are taken under subsection (2) of this section (hereafter in this section referred to as “the original defendant”) shall upon complaint duly made by him and on giving to the Corporation not less than three clear days’ notice of his intention be entitled to have any person to whose default or sufferance he alleges that the obstruction was due brought before the court in the proceedings and if the original defendant proves that the obstruction arose or continued by the default or sufferance of that other person the court shall have power—

- (i) to order that such expenses as aforesaid may be recovered from that other person; or
- (ii) to apportion the expenses between persons by whose defaults or sufferances the obstruction arose or continued in such manner as the court may deem fair and reasonable.

(b) Where the original defendant seeks to avail himself of the provisions of paragraph (a) of this subsection—

- (i) the Corporation as well as the person to whose default or sufferance the original defendant alleges that the obstruction is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

PART III
—cont.

(4) The provisions of section 61 of the said Act of 1930 and section 40 of the said Act of 1961 shall apply for the purposes of this section as they apply for the purposes of those Acts.

40.—(1) No person shall in any street or public place in the borough carry waste food by way of trade otherwise than in a suitably covered container suitable for the purpose. Carrying or storage of waste food.

(2) No person shall deliver by way of trade to any premises in the borough for the purpose of use for the storage of waste food a sack, bin or container which is not clean or is in an offensive condition.

(3) Any person who contravenes a provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(4) In this section the expression “waste food” means a substance which is not intended for human consumption and which has been, or has been part of, food intended for human consumption, and includes waste food which is mixed with other refuse.

41.—(1) Where on an information laid by or on behalf of the Corporation a person is convicted of an offence against regulations made under section 13 of the Act of 1955 and the offence includes— Closure of insanitary food premises and stalls.

(a) the carrying on of a food business at any insanitary premises or at any premises the condition, situation or construction of which is such that food is exposed to the risk of contamination; or

(b) the carrying on of a food business on, at or from an insanitary stall or on, at or from a stall which is so situated or constructed or is in such a condition that food is exposed to the risk of contamination;

then, if it has been proved that open food is stored, sold or offered or exposed for sale at the premises or on, at or from the stall and that by reason of the insanitary or defective condition of the structure or fittings or fixtures or equipment or infestation of vermin or accumulation of refuse the carrying on of a food business at those premises or on, at or from that stall, would be dangerous to health, the court may, on the application of the Corporation, whether or not it makes any other order, by order prohibit the

PART III
—cont.

storage, sale or offer or exposure for sale at those premises or on, at or from that stall of open food until the state of the premises or stall has been remedied:

Provided that an order under this subsection shall not be made unless the Corporation have, not less than fourteen days before the trial of the information, given the person against whom the information was laid written notice of their intention to apply for the order.

1967 c. 80.

(2) An order under the preceding subsection is a disqualification within the meaning of section 26 (2) of the Criminal Justice Act 1967.

(3) Where an information is, or has been, laid by or on behalf of the Corporation of a kind described in subsection (1) of this section and application is made by or on behalf of the Corporation for an order under this subsection, the court may, if satisfied—

- (a) by evidence tendered by or on behalf of the Corporation; and
- (b) after affording the person against whom the information is or was laid, if he appears, an opportunity to be heard and tender evidence;

that the use of the premises or stall for the storage, sale or offer or exposure for sale of open food, involves imminent risk of injury to health, make an interim order prohibiting, either absolutely or subject to conditions, the use of those premises or that stall for that purpose until the earliest opportunity for trying the information:

Provided that the court shall not entertain an application under this subsection unless it is satisfied that at least three clear days' notice in writing of intention to make it and of the time at which it would be made has been given to the person against whom the information is or was laid and, if he is not that person, to the owner of the premises or stall, as provided in the next following subsection.

1949 c. 101.

(4) Notice for the purpose of the proviso to the last preceding subsection may be served in any way, except by post, authorised by rules made under section 15 of the Justices of the Peace Act 1949 for the service of a summons issued by a justice of the peace; and, where the person to be served, including a corporation, is the person against whom the information is or was laid, it may as an alternative be served by leaving it for him with some person at the premises to which the information relates.

(5) The Corporation shall serve a copy of an interim order made under subsection (3) of this section as soon as may be after it has been made on the person against whom the information

was laid and, if he is not that person, on the owner of the premises or stall and shall affix a copy of it in a conspicuous position on the premises or, if practicable, on the stall.

PART III
—cont.

(6) If on the trial of an information under this section the court determines that, at the date of any interim order that may have been made under this section, the use of the premises or stall in question for the sale of open food did not involve imminent risk of injury to health, the court may order the Corporation to pay to the person against whom the information was laid and any other person who at the time when the interim order was made was carrying on a food business at those premises or on, at or from that stall and to the owner of the premises or stall, or any of them, compensation for loss occasioned by the interim order.

(7) Without prejudice to the right of appeal against conviction or sentence under the Magistrates' Courts Act 1952, a person 1952 c. 55. aggrieved by a decision of a magistrates' court under this section may appeal to the Crown Court; and for the purposes of this subsection a person aggrieved shall include—

- (a) a person other than the person convicted owning or carrying on business at premises or on, at or from a stall the subject of an order under subsection (1) of this section;
- (b) a person owning or carrying on business at premises or on, at or from a stall the subject of an order under subsection (3) of this section;
- (c) the Corporation, where the court refuses to make an order under subsection (1) or subsection (3) of this section;
- (d) any person, including the Corporation, complaining of the award or refusal of compensation under subsection (6) of this section or of the amount of compensation awarded;
- (e) the applicant or the Corporation where the appeal is against a decision of a magistrates' court under subsection (11) of this section.

(8) A person who contravenes an order under subsection (1) or subsection (3) of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(9) Where an order has been made under subsection (1) of this section, then, on the application of any person intending to carry on a food business at the premises or on, at or from the stall, to which the order relates, the Corporation may, under the hand of any of its officers authorised in that behalf, issue a certificate that the state of the premises or stall has been remedied and such a certificate shall be conclusive evidence of that fact.

PART III
—cont.

(10) Where an order has been made under subsection (3) of this section and any such certificate as aforesaid is issued before the trial of the information, the order shall cease to have effect and, if the certificate is produced to the court, the court shall dismiss any application that may have been made under subsection (1) of this section but without prejudice to the award of compensation under subsection (6) of this section.

(11) Where the Corporation, on an application for a certificate under subsection (9) of this section, refuses a certificate, the applicant may appeal to a magistrates' court and the court, if it allows the appeal, shall revoke the order under subsection (1) of this section, or as the case may be, revoke the order under subsection (3) of this section and dismiss the application under the said subsection (1).

(12) Subsection (2) of section 120 (Appeals) of this Act shall not apply to an appeal against a refusal of a certificate as aforesaid.

(13) A magistrates' court, when exercising its jurisdiction to make an interim order under subsection (3) of this section or to dismiss an application under subsection (1) of this section in pursuance of powers conferred by subsection (10) of this section, may consist of a single justice.

(14) In this section "equipment", "food business", "open food" and "stall" have the same meanings as in the relevant regulations made under section 13 of the Act of 1955.

Reduction
of noise
from use of
air-powered
tools and
compressors.

42.—(1) No person shall in the borough use or cause or permit to be used any air-powered tool or mobile air compressor unless it is equipped with effective means for reducing the noise emitted:

Provided that in any proceedings brought by virtue of this section it shall be a defence to prove that the best practicable means had been employed to reduce the noise emitted.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(3) In determining in any case whether the best practicable means have been employed the court shall include in their consideration amongst other things cost and local conditions and circumstances and the current state of technical knowledge.

(4) In this section "best practicable means" includes the provision and maintenance of suitable plant and the proper use thereof.

Reduction
of dust, etc.,
from building
operations,
etc.

43.—(1) No person shall carry out in the borough any engineering or building operations, including works of demolition or

cleansing of buildings or structures, or the movement on sale of coal or other solid fuel, unless he takes such precautions as are reasonably adequate to reduce by as much as the best practicable means will allow the amount of dust or chemicals in solution which may be blown or deposited on to a street or on property in the vicinity of the works, either during the carrying out of the operations or sale or in the removal of refuse or material therefrom.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(3) (a) In any proceedings under this section the court in determining the best practicable means shall include in their consideration, amongst other things, cost and local conditions and circumstances and the current state of technical knowledge.

(b) In this section “best practicable means” includes the provision and maintenance of suitable plant and the proper use thereof.

(4) In this section the expression “dust” includes grit and abrasives.

(5) Nothing in this section shall apply to any works to which the provisions of the Public Utilities Street Works Act 1950 1950 c. 39 apply.

B. Refuse collection and disposal

44. The Corporation may, as respects any premises in the borough, provide and maintain such number of dustbins or other receptacles for the reception of trade refuse as they may consider necessary and make such reasonable charges as they may from time to time determine in connection therewith.

Power to provide dustbins for trade refuse.

45.—(1) As from the appointed day, no person shall deposit in a dustbin or other receptacle used for the reception of house refuse or trade refuse which is to be removed by or on behalf of the Corporation, or in a receptacle provided by the Corporation under the provisions of subsection (1) of section 51 of the Public Health Act 1961—

Restriction on use of dustbins, etc

1961 c. 64.

(a) any refuse of a liquid or partially liquid character;

(b) any corrosive or explosive substance; or

(c) any similar matter in such a state or condition that injury to the health of the employees of the Corporation may be caused thereby:

Provided that paragraph (a) of this subsection shall not apply to dustbins in respect of which the Corporation may make byelaws pursuant to section 72 of the Act of 1936.

PART III
—cont.

(2) As from the appointed day, no person shall use any dustbin provided by the Corporation (being a dustbin so provided for the removal of house refuse) for any purpose other than the deposit of refuse for removal by, or on behalf of, the Corporation.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Provision of
bulk refuse
containers by
Corporation.

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

Maintenance
of and access
to bulk refuse
containers.

47.—(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container, or where the Corporation at the request of the owner or occupier provide a bulk refuse container, the Corporation may by notice require him to provide and maintain to the satisfaction of the Corporation a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Corporation such means of access from a street to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Corporation constructed to convey bulk refuse containers to and from refuse vehicles.

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

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

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

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

Means of
access for
removal of
refuse, etc.

48. The provisions of section 55 of the Act of 1936 shall in their application to the Corporation have effect as if the following subsections were substituted for subsections (1) and (2) thereof:—

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

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

(ii) the method of storage of refuse, together with the related facilities to be provided, are adequate:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans and specifications approved by the Secretary of State in connection with housing operations to which the provisions of section 145 of the Housing Act 1957 apply. 1957 c. 56.

(b) Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a magistrates' court.

(c) In this section ‘refuse storage accommodation’, in relation to a building, means accommodation for the storage of dustbins or other refuse containers containing or intended to contain the refuse arising from the use or occupation of the building.

(2) (a) It shall be unlawful for any person except with the consent of a local authority to close or obstruct so as to interfere with the removal of the refuse the means of access by which refuse is removed from any building, and a local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.

(b) Any person who contravenes the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds ”.

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

PART III
—cont.

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

- (a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and 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 the provisions of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse—

- (a) by the railways board or by the statutory undertakers for the purposes of their respective undertakings; or
- (b) by the Glamorgan River Authority in the exercise of any of their functions; or
- (c) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Acts 1954 and 1969 or at a tip to which Part I of the Mines and Quarries (Tips) Act 1969 applies.

1969 c. 10.

Control of
refuse tips.

50. The prohibition on the sorting over or disturbing of material in the provisions of subsection (3) of section 76 of the Act of 1936 shall apply in respect of material deposited in any place in the borough used by a local authority for the deposit of refuse, whether provided by the Corporation or not.

C. Miscellaneous

Research into
matters
concerning
social
conditions,
etc.

51. The Corporation may undertake investigations and research into matters affecting the borough relating to—

- (a) social or economic conditions; or
- (b) health or hygiene;

and may contribute by grants or otherwise towards the cost of similar investigations and research undertaken by other bodies or persons.

Insurance of
certain
voluntary
workers.

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

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

(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 provisions of the Insurance Companies Act 1958 to be a policy of insurance upon the happening of personal accidents, disease or sickness. 1774 c. 48. 1958 c. 72.

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

53.—(1) As from the appointed day, the following provisions shall have effect in the borough with respect to the slaughter of any of the following animals, namely, horses, cattle, sheep, goats or pigs, where the animal is slaughtered owing to emaciation or disease, and the provisions of the Meat Inspection Regulations 1963 do not have effect in relation to the slaughtering by reason of its not being for human consumption. Slaughter of animals otherwise than for human consumption.

(2) The owner of any such animal shall comply with the following provisions:—

(a) Except in the cases mentioned in paragraph (b) of this subsection, he shall not slaughter it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired:

(b) If, by reason of accidental injury, illness or exposure to infection or other emergency affecting that animal or in order to comply with the provisions of regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations 1958, it is necessary to slaughter it either before the expiration of twenty-four hours from the giving of such a notice as is required by paragraph (a) of this subsection, or without giving such a notice he may so slaughter it, or cause it to be so slaughtered; but—

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcase intact until the expiration of that period, or until its disposal is approved by an authorised officer, whichever first occurs; or

PART III
—cont.

(ii) if the slaughter is without giving such a notice, he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice, or until its disposal is approved by an authorised officer, whichever first occurs:

- (c) He shall, on the application of an authorised officer made within two weeks from the date of its slaughter, furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

(a) to send, at any time during that period, to a laboratory a specimen taken from the carcase or the whole carcase; or

(b) to take such a specimen, or the whole carcase, into his possession at any time during that period, and to retain it;

but, where the owner gives such a permission and it is acted upon, he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, if the slaughter was in a knacker's yard, or the carcase is moved to a knacker's yard immediately after the slaughter, the owner may take, or cause to be taken, from the carcase during that period any part or organ which, in the opinion of the owner, it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase, but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken, and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

(5) The owner of an animal who—

- (a) without reasonable excuse contravenes this section or fails to discharge an obligation thereby imposed on him; or

(b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

PART III
—cont.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(6) Nothing in this section shall affect the operation of the provisions of the Diseases of Animals Act 1950 or of any order, licence or act of the Minister of Agriculture, Fisheries and Food made, granted or done thereunder, or having effect by virtue of the provisions of subsection (2) of section 89 of the said Act of 1950. 1950 c. 36.

(7) In this section—

“ authorised officer ” means any officer who is, by virtue of the provisions of the Act of 1955, an authorised officer for the purpose of the examination and seizure of meat under the provisions of Part I of the Act of 1955 relating to food unfit for human consumption;

“ knacker’s yard ” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption.

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

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be so used, the Corporation may give him notice that the engine is being or has been so used; and if, after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as aforesaid, or causes or permits it to be so used, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(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 120 (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 Corporation shall have the right in respect of any premises which he has entered in pursuance of the powers conferred by the provisions of section 287 of the Act of 1936 as applied by this Act to inspect and test any silencer on the

PART III
—cont.

exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off; and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof.

1954 c. 70.

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

(6) For the purposes of this section “a stationary internal combustion engine” includes a movable internal combustion engine whether part of other apparatus or not when stationary in the borough.

(7) This section shall not apply to an internal combustion engine used for the propulsion of a vehicle.

Provisions
as to self-
operated
laundries.

55.—(1) For the purposes of this section premises shall be deemed to be used as a self-operated laundry when facilities are provided to the public on those premises on payment for washing or dry-cleaning clothes or other articles by machines operated primarily by the customer.

1958 c. 72.

(2) (a) The occupier of premises used either partly or wholly as a self-operated laundry shall, in order to ensure that the plant and machinery installed in the premises for the purpose of the business are so fitted and maintained as to avoid risk of explosion, leakage of fluids or vapour and danger to the persons operating or in the vicinity of the plant and machinery, cause such plant and machinery to be inspected at least once in every fourteen months after the appointed day by a competent engineer appointed or approved by an insurance company (within the meaning of the Insurance Companies Act 1958) or agreed between the occupier and the Corporation, and the occupier of the premises shall send to the proper officer a certificate (hereinafter called “a certificate of inspection”) by such an insurance company or by such an engineer certifying the result of the inspection.

(b) If—

(i) before the expiration of fourteen months and fourteen days from—

(A) the appointed day; or

(B) in the case of premises which are not used as a self-operated laundry before the appointed day the date on which the premises are first used as a self-operated laundry; or

(c) (except in the case of the first certificate of inspection to be made in respect of premises) the date on which the last certificate of inspection was sent by the occupier of the premises to the proper officer;

the occupier of the premises fails to send a certificate of inspection to the proper officer; or

(ii) a certificate of inspection sent to the proper officer fails to show that the plant and machinery upon the premises are so fitted and maintained as aforesaid;

the Corporation may make application by way of complaint to a magistrates' court who may order the closing of the premises to the public until a certificate of inspection is received by the proper officer showing that the plant and machinery are so fitted and maintained as aforesaid.

(c) Any person who contravenes an order made by a court under paragraph (b) of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) (a) Where, from and after the appointed day, any substance which in the opinion of the proper officer may be dangerous to the public is used in connection with any dry-cleaning process in any premises used as a self-operated laundry the occupier of those premises shall, if so required by the proper officer, display on the premises such notices as in the opinion of the Corporation, after consultation with such bodies as appear to them to represent the trade or business of self-operated laundries, may be reasonably required for the purpose of safeguarding the public.

(b) Any person who contravenes any provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(4) The provisions of this section shall not affect any requirements of the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963 or any regulations made under the said Acts or either of them, which are applicable to a self-operated laundry to which this section applies. 1961 c. 31. 1963 c. 41.

PART IV

PUBLIC ORDER AND SAFETY

56.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with any life-saving equipment vested in the Corporation within the borough. Life-saving equipment of Corporation.

PART IV
—cont.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

1961 c. 64.

(3) The provisions of section 81 of the Public Health Act 1961 in their application to the Corporation shall apply to life-saving equipment vested in the Corporation.

Safety of
stands, etc.

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

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

- (a) such modifications of the plan, section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

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

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

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

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

PART IV
—cont.

(6) Any person who—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time or a crowd control barrier; or

(b) erects such a stand or barrier otherwise than in accordance with a plan, section and particulars submitted to the Corporation under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the said plan, section and particulars as modified by the notice; or

(c) being the owner or occupier of such a stand erected otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or

(d) being the owner or occupier of such a stand or barrier, contravenes any requirement imposed by a notice under subsection (2) or under subsections (2) and (3) of this section;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and to a daily fine not exceeding two pounds:

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

(7) The provisions of this section shall not apply to a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

(8) In this section "stand" includes a structure, but nothing in this section applies to works of which notice must be given or of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations.

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

Securing of unoccupied buildings.
1957 c. 56.

(a) by a closing order made under the provisions of sections 17, 18, 26 or 35 of the said Act of 1957 or the provisions of section 26 of the Housing Act 1961 the Corporation have ordered any house or building or, any part thereof, to be closed; or

1961 c. 65.

PART IV
—cont.

1957 c. 56.

(b) by a clearance order made under the provisions of section 44 of the said Act of 1957 the Corporation have ordered any building or any part thereof to be vacated, and in such case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated; or

(c) by a demolition order under the provisions of section 17 of the Housing Act 1957 the Corporation have ordered any house to be demolished; or

(d) a house or building in the borough is unoccupied for a period exceeding six weeks;

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

(2) A notice shall not be given under subsection (1) of this section in any case where the Corporation have approved the use for any purpose of any premises which have been ordered to be closed so long as the premises are used for that purpose.

(3) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous, ruinous or dilapidated house or building under any enactment.

(4) In this section—

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

“owner” includes any person deemed to be the person having control of the house for the purposes of the provisions of Part II of the said Act of 1957;

“securing of the house or building” shall be deemed to include the sealing up of the drains or sewers to the house or building.

Removal,
etc., of
dangerous
trees.

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

(2) The provisions of section 276 (Power of local authority to sell certain materials) of the Act of 1936 as applied by this Act shall have effect as if the expression "materials" included timber.

(3) In any case of emergency the officer for the time being duly authorised by the council may forthwith take such action as might be required under subsection (1) of this section.

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

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

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

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

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

(5) In this section—

the expression "lost property" means any property coming into the custody of the Corporation, after being left on or in any premises occupied by the Corporation to which the public have access; and

the expression "uncollected property" means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

PART IV
—cont.Touting,
hawking, etc.

61.—(1) As from the appointed day no person shall at any place in the borough to which this section applies—

- (a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden or place of amusement or for a boat, hackney carriage or public service vehicle; or
- (b) without the consent of the Corporation—
 - (i) hawk, sell or offer or expose for sale any article or commodity; or
 - (ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section; or
 - (iii) let for hire or offer or expose for hire—
 - (A) any animal or vehicle; or
 - (B) any chair, seat or form:

Provided that any consent given under paragraph (b) of this subsection may be granted for such period, and subject to such terms and conditions as the Corporation may prescribe.

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

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

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

(5) This section applies to any place—

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

(c) (except for the purposes of sub-paragraph (iii) of subsection (1) (b) of this section) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

PART IV
—cont.

(6) Any person aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a magistrates' court.

(7) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

62.—(1) The Corporation may provide, erect and maintain in the borough such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions existing in the vicinity of such posts and signs with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land.

As to warning posts and signs.

(2) Nothing in this section shall be in derogation of any order or regulation made by the Secretary of State in respect of traffic signs or any general or special directions given by him in pursuance of the provisions of the Act of 1967.

63.—(1) No person shall within the borough dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of inflammable, explosive or poisonous substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container to any person or property.

Disposal of dangerous containers.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing:

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

1967 c. 69.

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

1933 c. 25.

PART V

TRADE ADMINISTRATION AND LICENSING

A. Hackney carriages, etc.

Interpretation
and com-
mencement
of this head
of this Part
of Act.

1847 c. 89.

1960 c. 16.

1875 c. 55.

64.—(1) In this head of this Part of this Act, unless the subject or context otherwise requires—

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

“ hackney carriage ” has the same meaning as in the provisions of the Act of 1847, but does not include a public service vehicle;

“ motor vehicle ” has the same meaning as in the provisions of the Road Traffic Act 1960;

“ the prescribed distance ” has the same meaning as in the provisions of section 171 of the Public Health Act 1875;

“ private hire vehicle ” has the meaning assigned to it by the provisions of section 68 (Provisions as to motor vehicles let for hire) of this Act.

(2) The provisions contained in this head of this Part of this Act shall come into operation on and after the appointed day.

Prohibition
of other
vehicles
on hackney
carriage
stands.

65.—(1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of this Act.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) Nothing in this section shall be deemed to make it an offence for a public service vehicle driver on a stage carriage or express carriage route to stop his vehicle on a stand or part thereof for so long as may be necessary solely for the taking up or setting down of passengers.

(4) Notice of the prohibition contained in subsection (1) of this section shall be indicated by such traffic signs as may be specified for the purpose in regulations made by the Secretary of State for the Environment and the Secretary of State for Wales acting jointly, or authorised by the Secretary of State for Wales, in pursuance of their powers under sections 54 and 55 of the Act of 1967.

Misleading
signs on
motor vehicles.

66.—(1) Any person who exhibits or who permits to be exhibited on any vehicle in the borough (not being a hackney

carriage licensed to ply for hire) any sign (not being a sign required to be exhibited by virtue of the provisions of section 21 of the Vehicles (Excise) Act 1971) or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

PART V
—cont.

1971 c. 10.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, there shall not be displayed in the borough on any vehicle other than a vehicle licensed as a hackney carriage under this head of this Part of this Act any sign or notice—

- (a) which consists of or includes the word “taxi” or “cab”, whether in the singular or plural and whether alone or as part of another word; or
- (b) which consists of the words “for hire”, or the form or wording of which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it, or would be so available if not already hired.

(3) On and after the appointed day in the borough no advertisement—

- (a) indicating that motor vehicles can be hired on application to a specified address or telephone number, being the address or telephone number of premises in that district; or
- (b) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the word “taxi” or “cab”, whether in the singular or plural and whether alone or as part of another word, unless the vehicles offered for hire are hackney carriages or the advertisement makes it clear that they are not.

(4) Any person who—

- (a) drives a vehicle in respect of which subsection (2) of this section is contravened or causes or permits that subsection to be contravened in respect of any vehicle; or
- (b) subject to subsection (5) of this section, issues, or causes to be issued, an advertisement which contravenes subsection (3) of this section;

shall be guilty of an offence and liable on summary conviction, in the case of a first offence under the paragraph of this subsection in question, to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence under that paragraph, to a fine not exceeding fifty pounds.

(5) Where a person is charged with an offence under paragraph (b) of subsection (4) of this section, it shall be a defence to

PART V
—cont.

prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that paragraph.

(6) In this section “advertisement” includes every form of advertising whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly.

(7) The provisions of this section shall not apply to a public service vehicle.

Provisions
as to hackney
carriages and
private hire
vehicles.

67. The provisions of Schedule 2 to this Act shall apply to the hackney carriages licensed by the Corporation and private hire vehicles in the borough.

Provisions as
to motor
vehicles let
for hire.

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

(a) sections 37 to 66 of the Act of 1847 as they apply with respect to hackney carriages and their proprietors and drivers; and

(b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

to private hire vehicles and their proprietors and drivers.

(2) In this section “private hire vehicle” means a motor vehicle not being a vehicle licensed under the provisions of the Act of 1847, with respect to hackney carriages, standing or plying for hire in the borough notwithstanding that such vehicle stands or plies for hire from private premises only and whether or not it is on view to the public, and which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

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

(b) a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business; or

(c) a public service vehicle.

B. Window cleaners

PART V
—cont.

69. As from the appointed day no person shall within the borough—

Window
cleaners to
be licensed.

- (1) carry on whether whole time or part time the trade of window cleaner; or
- (2) perform the duties of window cleaning while employed by a person carrying on the trade of window cleaner;

without a licence from the Corporation authorising him so to do.

70.—(1) An application for a licence under this head of this Part of this Act—

Applications
for and
provisions as
to window
cleaning
licences.

- (a) shall be made in writing to the Corporation;
- (b) shall be made by or on behalf of the person requiring the licence;
- (c) may be made by such person on behalf of any person employed by him or proposed to be employed by him as aforesaid;
- (d) shall be in such form as the Corporation shall from time to time require;
- (e) shall be signed by the applicant; and
- (f) shall contain such information as the Corporation may reasonably require with respect to the applicant and every person employed by him or proposed to be employed by him as aforesaid.

(2) Every such licence shall be in force for one year only from the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation (which they are hereby authorised to appoint) and the proper officer shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

71. The Corporation shall as soon as reasonably practicable after the receipt of an application under this head of this Part of this Act grant or renew a licence to the applicant to carry on the trade of window cleaner or, as the case may be, to perform the duties of window cleaning.

Grant of
window
cleaning
licences.

72. On and after the appointed day—

- (a) any person who carries on the trade of window cleaner; and
- (b) anyone employed by such person who performs the duties of window cleaning;

Penalties
under this
head of this
Part of Act.

PART V
—cont.

without a licence granted or renewed under section 71 (Grant of window cleaning licences) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

*C. Hairdressers and barbers*Hairdressers
and barbers.

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

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

(3) Any person who carries on business in contravention of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and of the byelaws made by the Corporation under section 77 of the Public Health Act 1961 displayed in the premises, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

1961 c. 64.

PART VI

FINANCE

Power to
borrow.

74.—(1) The Corporation may borrow—

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

and, subject to the provisions of this section, the provisions of section 172 of and Part I of Schedule 13 to the Act of 1972 and any regulations made thereunder shall have effect as if money borrowed under this section were borrowed under such last-mentioned provisions.

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

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

PART VI
—cont.

1946 c. 58.

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

Receipt in
case of
minors, etc.

76.—(1) The Corporation may give notice by post 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 twenty-one days after the date of service of the notice notifies the Corporation that he objects, the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post at the address in the register.

Interest and
dividends by
post.

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

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

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

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

1882 c. 61.

77.—(1) Where the holder of an amount of any authorised security occupies an office or official position, his official description may be entered in the register in lieu of his name and where in relation to an amount of an authorised security of any description any such official description is so entered, an instrument of transfer and an instrument containing directions with

Designation
of holders of
authorised
securities in
register.

PART VI
—cont.

respect to the payment of interest on that amount shall if executed by the person for the time being occupying that office or position be as effectual as if his name were entered as the holder of that amount.

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

- (a) to enter in the register any designation or description which appears to them unreasonably long or elaborate; or
- (b) to enter in the register both the name of a holder of an authorised security and any such official description as could under subsection (1) of this section be so entered in lieu of his name.

(3) Where the official description in the register is that of trustee, the official description so entered shall not constitute notice of any trust for the purposes of the provisions of section 209 of the Act of 1933.

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

Flood relief
fund.

78.—(1) The Corporation may establish a fund to be called “the flood relief fund” to provide for the alleviation of distress caused by the flooding of land in the borough or for the prevention of such flooding by—

- (a) replacing, repairing or cleaning clothing or household effects destroyed or damaged by such flooding;
- (b) providing fuel to persons affected by such flooding or carrying out necessary drying operations; and
- (c) constructing such works or installing such appliances as they consider necessary for the prevention of such flooding;

and that fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of a rate of one-half of one new penny in the pound as ascertained or estimated for the purpose of the provisions of Part II of the General Rate Act 1967; and the maximum amount standing to the credit of such fund shall from time to time be determined by the Corporation.

1967 c. 9.

(2) (a) Pending the application of the flood relief fund to the purposes authorised by the foregoing provisions of this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in any security in which the Corporation are for the time being authorised by any enactment to invest moneys.

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

PART VI
—cont.

79.—(1) (a) The Corporation may provide a reserve fund in respect of their housing advances scheme by setting aside such an amount as they may by resolution direct and investing the same in accordance with the provisions of this section until the fund so provided amounts to the prescribed maximum:

Housing
advances
reserve fund.

Provided that—

- (i) for the purposes of this section “the prescribed maximum” shall be a sum equal to 1 per cent. of the amount at any time owed to the Corporation in respect of housing advances under their housing advances scheme or such greater sum as may from time to time be approved by the Secretary of State;
- (ii) the aggregate amount set aside for the purposes of the reserve fund provided under this subsection shall not except with the consent of and to such extent as may be approved by the Secretary of State exceed in any year the equivalent of a rate of one-half of one new penny in the pound as ascertained or estimated for the purpose of Part II of the General Rate Act 1967 or the surplus of interest and charges on the account in that year, whichever is the less.

1967 c. 9.

(b) All moneys for the time being standing to the credit of a housing advances reserve fund shall (in so far as those moneys are not for the time being required for the purposes of the fund) be invested in any security in which the Corporation are for the time being authorised by any enactment to invest moneys and any income arising from the investment of the moneys in the said reserve fund shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the said reserve fund.

(2) The reserve fund provided under this section may be applied in making good any deficiency incurred by the Corporation under their housing advances scheme and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

PART VI
—cont.

Reserve funds.

80.—(1) The Corporation may at any time create a reserve fund in respect of any undertaking, department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and accumulating the same until the fund so provided amounts to the maximum for the time being prescribed by the Corporation, not exceeding a sum equal to one-fifth of the aggregate capital expenditure on the undertaking, department or service or such higher sum as may be approved by the Secretary of State.

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

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

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

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

(4) All moneys for the time being standing to the credit of a reserve fund shall (in so far as those moneys are not for the time being required for the purposes of the fund) be invested in any security in which the Corporation are for the time being authorised by any enactment to invest moneys and any income arising from the investment of the moneys in the reserve fund shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(5) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking, department or service as aforesaid, any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking, department or service

and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking, department or service.

PART VI
—cont.

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

81.—(1) The Corporation may establish a fund to be called “the research and development fund” to which they may pay—

Research and
development
fund.

(a) an initial contribution, not exceeding the equivalent of the product of a rate of one new penny as ascertained or estimated for the purpose of Part II of the General Rate Act 1967;

1967 c. 9.

(b) such other sums from the revenue of the general rate fund as they may direct not being moneys directed by law to be applied to any other purpose, including any lump sum, if necessary, to bring the balance of the fund to an amount equal to the product of a rate of one new penny as defined under paragraph (a) of this subsection at 31st March in any year.

(2) The Corporation may apply the moneys in the fund to finance any research and development which they resolve to be connected with the initiation, variation, advancement, management or administration of the functions and services either actual or proposed in connection with which the Corporation are, or may become, responsible within the borough:

Provided that the amount of any expenditure incurred by the Corporation under this subsection shall not in any financial year exceed the equivalent of the product of one-half of a new penny rate for the borough.

(3) All moneys for the time being standing to the credit of the research and development fund shall (in so far as those moneys are not for the time being required for the purposes of the fund) be invested in any security in which the Corporation are for the time being authorised by any enactment to invest moneys.

82.—(1) If at any time it appears to the Corporation that the moneys standing to the credit of any fund to which this section applies are more than sufficient for the purposes for which the fund was established, or that it is no longer necessary to maintain the fund, the Corporation may prescribe as the maximum amount

Reduction
and closing
of certain
funds.

PART VI
—cont.

of the fund an amount which is less than the amount of the moneys then standing to the credit of the fund or may close the fund, as the case may be:

Provided that nothing in this subsection shall prevent the Corporation from re-establishing a fund to which this section applies as occasion may require.

1953 c. 26. (2) Where the Corporation prescribe as the maximum amount of a fund to which this section applies an amount which is less than the amount of the moneys then standing to the credit of the fund, or close the fund, under the provisions of subsection (1) of this section, they may transfer surplus moneys to the credit of any other fund to which this section applies, subject to the provisions of any enactment relating to that other fund, or to the credit of any capital fund established by them under section 1 of the Local Government (Miscellaneous Provisions) Act 1953.

(3) Notwithstanding anything in subsection (2) of this section, any limit for the time being imposed on the maximum amount of any fund to which surplus moneys are transferred under the provisions of that subsection shall not be exceeded without the consent of the Secretary of State.

(4) This section applies to—

- 1952 c. li.
- (a) any insurance fund established by the Corporation under section 105 (Insurance fund) of the Glamorgan County Council Act 1952;
 - (b) any reserve fund established under section 80 (Reserve funds) of this Act;
 - (c) any renewal and repairs fund established by the Corporation under section 1 of the Local Government (Miscellaneous Provisions) Act 1953;
 - (d) any other fund established by the Corporation pursuant to any enactment including this Act.

Expenses of
executing
closing or
demolition
orders, etc.
1957 c. 56.

83.—(1) Any expenses adjudged to be payable to the Corporation consequent upon the exercise of their powers under the provisions of section 17 or the provisions of subsection (1) of section 23 or the provisions of subsection (3) of section 44 of the Housing Act 1957 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 Corporation shall for the purpose of enforcing a charge under this section have all the powers and remedies under the provisions of the Law of Property Act 1925 and otherwise of mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

PART VI
—cont.Establishment
expenses.

84. Without prejudice to the provisions of section 292 of the Act of 1936, and to that section as applied by any other enactment where under any enactment the Corporation are empowered to execute works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses, such additional sum, not exceeding 7 per cent. of the cost of the works, as they think fit in respect of their establishment charges.

85. The provisions of section 7 of the Local Government (Financial Provisions) Act 1963 and Schedule 1 to that Act in their application to the Corporation shall have effect as if the following provisions were substituted for paragraph 1 in that schedule:—

Amendment
of power to
issue bonds.
1963 c. 46.

“ 1.—(a) Subject to the provisions of sub-paragraph (b) of this paragraph bonds issued under this Act shall—

- (i) bear interest at such rate as the Corporation may determine at the time of the issue of the bonds;
- (ii) be issued for such period as the Corporation may determine being not less than a period of one year.

(b) For the purposes of sub-paragraph (a) of this paragraph—

- (i) bonds issued to and held continuously by building societies and persons and bodies of such other classes as the Corporation 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;
- (ii) a bond 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 be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.”.

36.—(1) The Corporation may lend money for a period not exceeding twelve months to any person on the security of—

Power to
make
temporary
loans.

- (a) any stock, bonds, bills or other property in which trustees are by law authorised to invest trust money or a certificate to bearer relating to any such stock; or
- (b) Treasury bills or bills issued by any local authority in the United Kingdom or temporary loan receipts; or

PART VI
—cont.

- (c) bills or bonds payable or guaranteed by the Treasury or secured upon the revenues of or local rates leviable by any local authority in the United Kingdom authorised to issue bills or bonds and in the securities of which trustees are by law authorised to invest; or
- (d) any securities transferable by delivery issued or guaranteed by the government of any overseas territory within the Commonwealth in the securities of which trustees are by law authorised to invest.

(2) The aggregate amount of money lent under this section which is outstanding at any one time shall not exceed one million pounds.

(3) The Corporation shall determine the percentage by which the value of the securities on which a loan is to be made under this section shall exceed the amount of the loan.

Power to
provide
information
as to
borough.

87. In their application to the borough—

- (a) section 142 of the Act of 1972 shall have effect as if the information referred to in that section included any information concerning the borough and its neighbourhood;
- (b) subsection (1) of section 144 of the Act of 1972 shall be construed as if the following paragraph were inserted therein:—
 - “(c) advertise the advantages, facilities and amenities afforded by the borough as a place of architectural, historical or cultural interest, and for that purpose employ persons, firms or companies as they think fit”.

Expenses of
public
ceremonies,
entertainment,
etc.

88. In its application to the Corporation section 176 of the Act of 1972 (which empowers a local authority to defray certain expenses relating to official and courtesy visits and other purposes) shall have effect as if the expenses referred to in that section included reasonable expenses for or in connection with—

- (a) the arrangement and conduct of ceremonies relative to or arising out of any statutory functions of the Corporation;
- (b) occasions of public ceremony or festival or in the reception or entertainment of distinguished persons;
- (c) the fostering of good relations between cities and towns in the United Kingdom and other cities and towns in Europe (not exceeding in any one year the sum of one thousand pounds to any organisation formed for that purpose);

- (d) the entertainment of members of athletic, sporting or cultural teams, clubs or societies visiting the borough from any European country outside the United Kingdom; and
- (e) the expenses of members of athletic, sporting and cultural teams, clubs and societies from the borough visiting any European country outside the United Kingdom.

PART VI
—cont.

89.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charges on such hereditament, the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments. The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

Recovery of
rates from
certain owners.

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

(3) This section shall not apply to any hereditaments to which the provisions of section 55 of the General Rate Act 1967 applies 1967 c. 9. by virtue of a resolution of the Corporation.

90. For the purposes of the provisions of section 61 of the General Rate Act 1967, the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Rates when
deemed to be
in arrear.

91. Notwithstanding anything contained in any other enactment—

(a) any water rate, rent or charge payable to the Corporation as agent for the water undertakers by any person in respect of a supply of water to any premises in the borough may be demanded and collected together with the general rate payable by that person;

Collection and
recovery of
water rates,
rents or
charges.

(b) in respect of premises within the borough the same book may be used for the water rates, rents or charges and the general rate;

PART VI
—cont.

- (c) any such water rate, rent or charge may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions as apply to the recovery of the general rate.

Modification of mortgages and bonds by endorsement under hand.

92. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between the Corporation and a person at any time entitled to any mortgage or bond granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or bond or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid, or both to extend such time and to alter such rate of interest, effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body, by the duly authorised representative of that body) and of the proper officer or his duly authorised representative endorsed by way of supplemental deed or bond to the deed by which such mortgage or bond 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 endorsements operate and take effect accordingly.

Certain vehicles deemed to be property of Corporation for third-party insurance purposes.
1972 c. 20.

93. Any vehicle for the time being in the custody and control of the Corporation and in charge of a person in their employment or any other person for whose actions they are responsible shall be deemed to be a vehicle owned by the council of a borough for the purposes of the provisions of Part VI of the Road Traffic Act 1972 (which relates to compulsory insurance or security against third-party risks arising out of the use of motor vehicles).

Apportionment of expenses in case of joint owners.

94. Where, under the provisions of any enactment, the Corporation 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 Corporation, 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 Corporation, or, in case of dispute, by a magistrates' court.

Disclosure by officers of Corporation of interest in contracts.

95.—(1) Where an officer employed by the Corporation, other than the proper officer, has given a general notice to the proper officer which, if the first-mentioned officer had been a member of a council, would have been deemed to be a sufficient disclosure of his interest in any contract or proposed contract by virtue of the provisions of section 96 (1) of the Act of 1972 he shall be

seemed for the purposes of the provisions of section 117 of that Act to have given notice to the Corporation of his pecuniary interest in that contract or proposed contract.

(2) The proper officer shall record in a book to be kept for the purpose particulars of any notice given under the preceding subsection, and the book shall be open at all reasonable hours to the inspection of any member of the council.

(3) Where the proper officer records in the said book a statement of matters concerning himself which, if he had been any other officer employed by the Corporation, might have been the subject of a notice under subsection (1) of this section, that record shall have the same effect for the purposes of the provisions of section 117 of the Act of 1972 as a notice under subsection (1) of this section.

96.—(1) Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made, the Corporation shall not be required to demand the return of such portion thereof, not exceeding fifty pounds, as the Corporation may determine. Recovery of salary, paid in advance, of deceased officer.

(2) In this section—

“employee” means any officer of the Corporation or any officer whose salary or wages are payable by the Corporation; and

“emoluments” means in relation to an officer his salary or wages (as the case may be).

97.—(1) The provisions of 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— Notice of alteration of rents without notice to quit.
1968 c. 42.

(a) apply to all houses as defined by the provisions of the Housing (Financial Provisions) Act 1958 belonging to the Corporation; and 1958 c. 42.

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

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

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

PART VI
—cont.

(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 the provisions of 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”.

PART VII

MISCELLANEOUS

Acquisition
and repair of
sculptures, etc.

98. The Corporation may acquire for exhibition or for use as a feature in connection with any development or redevelopment scheme carried out or being carried out by them in the borough works of sculpture or other objects of artistic, scientific or historical interest and may provide for the renovation, renewal, replacement or recasting of any such works or objects so acquired or otherwise in their possession or care.

Acquisition
of works of
art produced
to order.

99.—(1) The Corporation may enter into and carry into effect agreements or arrangements—

(a) for the taking and purchase of any photographs; or

(b) for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed.

(2) The payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of the product of one-half of a new penny rate as ascertained or estimated for the purpose of the provisions of Part II of the

1967 c. 9.

Power to
lend objects
for
educational
purposes.

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

Provided that the power conferred upon the Corporation by this section shall not be exercised in such a manner—

- (a) as to be at variance with a trust subject to which the object is held by the Corporation without the consent of the donor or the trustee or the Charity Commissioners; or
- (b) as to contravene a covenant or condition subject to which a gift or loan of an object has been accepted by the Corporation without the consent of the donor or other person entitled in law to the benefit of the covenant or condition.

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

Disposal of
unsuitable
specimens.

- (a) vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation ; or
- (b) coming into the custody of the Corporation after being left at any museum, art gallery, library or other building of the Corporation for the purpose of identification or otherwise and which has been in the possession of the Corporation for a period of not less than three months.

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

(3) Where any object referred to in paragraph (a) of subsection (1) of this section has become vested in the Corporation by virtue of a gift or bequest—

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

PART VII
—cont.

(4) Where any object referred to in paragraph (b) of subsection (1) of this section is left in their custody, the Corporation—

- (a) shall at that time give notice of the effect of the said paragraph (b) to the person leaving the object; and
- (b) shall, if reasonably practicable, consult with that person, or his personal representatives, before exercising the powers of this section.

(5) Any moneys received by the Corporation in the exercise of the powers of this section as respects any object which has become vested in the Corporation by virtue of a gift or bequest shall be applied by them in the purchase of specimens, works of art, books or documents or paid into the art fund maintained by them under the provisions of section 15 of the Public Libraries and Museums Act 1964 except in a case in which such moneys exceed fifty pounds and are subject to a trust the terms of which prevent them being so applied or paid.

1964 c. 75.

Publication
of works of
scholarship,
etc.

102.—(1) The Corporation may publish or contribute to the publication of, and sell or dispose of works of scholarship, bulletins, journals, official guides, periodicals, leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Corporation.

(2) Nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

Provision of
lectures, etc.

103.—(1) It shall be lawful for the Corporation to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures:

Provided that in connection with the powers contained in this section the sum to be expended by the Corporation in any one financial year on the provision of lectures shall not exceed the equivalent of the product of one-half of a new penny rate as ascertained or estimated for the purpose of the provisions of Part II of the General Rate Act 1967 in addition to any moneys received by the Corporation under the provisions of this section.

1967 c. 9.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any lectures given in pursuance of this section.

(3) Nothing in this section shall be taken to dispense with the consent of a Minister of the Crown to any appropriation, lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

PART VII
—cont.

104. The provisions of Part III of the Weights and Measures Act 1963 in their application to the borough shall have effect as if weighing or measuring equipment were deemed to be provided or available for use by the public in any case where a fee for such use is charged, notwithstanding that the use of such equipment is restricted to any particular class or classes of persons.

Public weighing or measuring equipment.
1963 c. 31.

105. Where, under any enactment, the Corporation give their 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 be deemed as regards liability to a penalty and other consequences, equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to breach of conditions of consent of Corporation.

106.—(1) Powers of the Corporation under the provisions of section 4 of the Physical Training and Recreation Act 1937 shall include the power—

Extension of section 4 of Physical Training and Recreation Act 1937.
1937 c. 46.

(a) to provide and arrange for the training of wardens, teachers and leaders in respect of any facilities for exercise, recreation and social activities provided by, or by arrangement with, them at any premises used as recreational or sports centres, or as a park, open space, golf course, playing field or swimming bath provided by them or under their control or management;

(b) to provide boating facilities and for that purpose the Corporation may, within the borough, provide and maintain such yacht basins, buildings, slipways, jetties, moorings, starting boxes and other works as may be necessary or expedient for the purpose thereof or in connection therewith.

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

1906 c. 25.

107. From and after the passing of this Act, any police constable shall have the same power of enforcing byelaws made by the Corporation as is given to the officers of the Corporation by the byelaws from time to time in force.

Power of constables to enforce byelaws.

PART VII
—cont.

Signs
indicating
stopping
places for
public service
vehicles.

108.—(1) The Corporation may provide, erect and maintain in proper and convenient situations within the borough, on or near to the route of any public service vehicles, signs or directions indicating the position of stopping places on such routes.

(2) The Corporation may enter into and carry into effect agreements with any persons authorised to run public service vehicles within the borough in relation to the provision, erection and maintenance of any such signs or directions and as to the contributions to be made by any such person towards the cost of the provision, erection and maintenance thereof.

(3) The exercise of the powers conferred by this section shall be subject to any regulations or directions made by the Secretary of State for the Environment and the Secretary of State for Wales acting jointly, or any authorisations issued by the Secretary of State for Wales, in pursuance of their powers under sections 54 and 55 of the Act of 1967.

(4) This section shall not apply to—

- (a) a county road (other than a claimed road) except with the consent of the Glamorgan County Council;
- (b) a trunk road except with the consent of the Secretary of State.

Power to
require
information
as to
ownership
of premises:

109.—(1) The Corporation 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 Corporation to acquire land compulsorily;
- (b) any enactment mentioned in Schedule 3 to this Act; and
- (c) this Act and any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of land or premises requiring the execution by such owner or occupier of works on such land or premises or which authorises the Corporation to execute works on land or premises within the borough;

require—

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

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

PART VII
—cont.

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

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

(4) This section shall not apply to a function under an enactment referred to in paragraph (a) or paragraph (b) of subsection (1) of this section which contains a provision to the same effect as this section.

110.—(1) Any power conferred on an officer of the Corporation 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) The builder of, or contractor for, any building or works or any person employed by him in or about any building or works who—

(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;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

111. As from the appointed day the provisions of section 65 of the Towns Improvement Clauses Act 1847 (which requires the occupiers of houses and other buildings in the streets to mark their houses with numbers) shall in their application to the borough have effect as if after the words "with such numbers as the commissioners approve of" there were inserted the words "such size, colour and type 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 "of such size, colour and type and in such position as to be easily readable from the street". Numbers of houses.
1847 c. 34.

PART VII
—cont.

Electronic
or mechanical
accounting
equipment.
1970 c. 39.

112. In its application to the Corporation section 1 of the Local Authorities (Goods and Services) Act 1970 (which enables a local authority to enter into agreements with public bodies for the supply to them of goods, materials and services and for other purposes) shall have effect as if it enabled the Corporation by agreement with any person to use or permit the use of electronic or mechanical equipment provided by the Corporation for the purposes of all or any of their accounting work on behalf of or by that person, and to make charges therefor.

Information
as to identity
of drivers.

1967 c. 69.

113. The provisions of section 85 of the Act of 1967 shall, in their application to offences committed within the borough, have effect as if the following subsection was substituted for subsection (1) thereof:—

“(1) This section applies to any offence under Part III of the Civic Amenities Act 1967 or under any of the foregoing provisions of this Act except an offence against any of the following provisions, that is to say, sections 9 (9), 17 (5), 31 (5) (in its application to England and Wales), 77 (7) and 80 (8).”

Hire of
chairs, etc.

114. The Corporation may let chairs and other equipment on hire to organisers of exhibitions, shows and other functions within the borough and may make such charges for the hire of chairs and other equipment as they may think fit.

Recreational
and other
facilities for
employees.

115. The Corporation may within or outside the borough provide and maintain, or contribute to the cost of providing and maintaining, recreational, social and welfare facilities for their employees, and the Corporation may—

- (i) erect and maintain buildings;
- (ii) make such charges as they think fit for the use of facilities provided under this section;
- (iii) make regulations for the management of such buildings.

Byelaws as
to stables.

116.—(1) The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions—

- (a) in or about or arising out of such stable; or
- (b) in or about or arising out of any stable erected after the passing of this Act.

(2) Any person who contravenes any byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

PART VIII

GENERAL

117. As respects byelaws made under this Act the confirming authority for the purpose of section 236 of the Act of 1972 shall be the Secretary of State. Confirming authority for byelaws.

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

(2) Subsections (2) to (5) of section 250 of the Act of 1972 shall apply in relation to any such inquiry.

(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.

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

120.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates’ court under this Act; and sections 301 and 302 of that Act shall apply accordingly. Appeals.

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

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

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

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

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

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

PART VIII
—cont.

Evidence of
proceedings,
appointments,
etc.

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

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

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

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

(5) Notwithstanding anything in any enactment any deed, grant, licence, certificate of registration or other document may be given under the hand of the proper officer or his duly authorised deputy instead of under the common seal of the Corporation and shall be deemed to have been so given if a facsimile of his signature by whatever process reproduced is affixed to such deed, grant, licence, certificate of registration or other document.

Liability of
directors, etc.

122.—(1) Where an offence under the provisions of this Act mentioned in Schedule 4 to this Act or against any byelaw made pursuant to this Act 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) In the foregoing subsection “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Application
of general
provisions of
Act of 1936.

123.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 5 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to section 17 (Provisions as to illuminations), and also to the following Parts of this Act, that is to say:—

Part III (Public health);

Part IV (Public order and safety):

Provided that the provisions of section 290 shall have effect as if after paragraph (a) of subsection (3) of the said section there were included the following provision:—

“(aa) that the notice or requirement is unreasonable;”.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included reference to the following sections of this Act, that is to say:—

Section 21 (Boundary walls);

Section 26 (Amendment of section 34 of Public Health Act 1961);

Section 27 (Amendment of section 17 of Public Health Act 1961);

Section 28 (Sanitary conveniences for persons employed on construction work);

Section 29 (Sanitary conveniences at places of public exhibition, betting offices, etc.);

Section 30 (Supply of water to premises where supply cut off);

Section 31 (Power to order alteration of chimneys);

Section 32 (Repair of walls, etc., of yards);

Section 33 (Amendment of Housing Act 1957 relating to closing orders);

Section 34 (Repair of damaged buildings, etc.);

Section 35 (Further power to remedy obstructed private sewers);

Section 36 (Protection of property broken into, etc.);

Section 38 (Penalty for throwing rubbish into streams);

Section 44 (Power to provide dustbins for trade refuse);

Section 45 (Restriction on use of dustbins, etc.);

Section 46 (Provision of bulk refuse containers by Corporation);

Section 47 (Maintenance of and access to bulk refuse containers);

Section 48 (Means of access for removal of refuse, etc.);.

PART VIII
—cont.

- Section 49 (Tipping of spoil and refuse);
 Section 50 (Control of refuse tips);
 Section 53 (Slaughter of animals otherwise than for human consumption);
 Section 54 (Silencers for internal combustion engines);
 Section 57 (Safety of stands, etc.);
 Section 58 (Securing of unoccupied buildings);
 Section 59 (Removal, etc., of dangerous trees);
 Section 62 (As to warning posts and signs);
 Section 63 (Disposal of dangerous containers);
 Section 68 (Provisions as to motor vehicles let for hire);
 Section 73 (Hairdressers and barbers).

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

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

Arbitration.

125. Save as otherwise expressly provided in this Act, in arbitrations under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of any party (after giving notice in writing to the other party or parties) by the President of the Institution of Civil Engineers.

Repeals.

126. The enactments specified in Schedule 6 to this Act are (in so far as they apply to the Corporation and are not already repealed) hereby repealed to the extent mentioned in that schedule.

Crown rights.

127.—(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 contained authorises the Corporation 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 Corporation 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.

PART VIII
—cont.

1950 c. 39.

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

For protection
of certain
statutory
undertakers.

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

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the generating board or the electricity board;

(b) mains, pipes or other apparatus belonging to or maintained by the British Gas Corporation;

and includes any works constructed for the lodging therein of apparatus;

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

“ the undertakers ” means the British Gas Corporation, the electricity board and the generating board, or any of them, as the case may be:

(2) Nothing in the following sections of this Act shall relieve the Corporation or any person acting with the consent of or on the requirement of the Corporation 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 unreasonably inconvenient the access to any apparatus or operational land:—

Section 9 (Parking places in parks, etc.);

Section 12 (Entry on land for certain purposes);

Section 16 (Golf courses);

Section 28 (Sanitary conveniences for persons employed on construction work);

Section 29 (Sanitary conveniences at places of public exhibition, betting offices, etc.);

Section 30 (Supply of water to premises where supply cut off);

Section 35 (Further power to remedy obstructed private sewers);

PART VIII
—cont.

Section 59 (Removal, etc., of dangerous trees);

Section 62 (As to warning posts and signs);

Section 108 (Signs indicating stopping places for public service vehicles):

- (3) Before making a trial hole in any land in exercise of the powers of section 12 (Entry on land for certain purposes) of this Act the Corporation shall give to the undertakers not less than fourteen days' notice specifying the situation of the land in which it is proposed to make the trial hole:
- (4) In exercising the powers conferred by subsection (4) of section 54 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity or gas the proper officer of the Corporation shall conform to such reasonable requirements of the undertakers as are made in the interests of safety and for preventing interference with any process carried on in such premises:
- (5) The provisions of section 57 (Safety of stands, etc.) of this Act shall not apply to any stand used by the undertakers on operational land for the purposes of their undertaking:
- (6) (a) When the Corporation give any notice under subsection (1) of section 58 (Securing of unoccupied buildings) of this Act they shall give to the undertakers a copy of such notice;
- (b) Nothing in the said section 58 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 58 shall ensure that the premises are not left less secure by reason of the entry:

- (7) Nothing in section 65 (Prohibition of other vehicles on hackney carriage stands) of this Act shall apply to any vehicle of the undertakers:

Provided that the undertakers shall not cause or permit any vehicle to wait on any hackney carriage stand except in a case of necessity:

- (8) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration in accordance with the provisions of section 125 (Arbitration) of this Act;
- (b) In settling any difference under this section, the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus, and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

PART VIII
—cont.

129. For the protection of the Post Office the following provisions of this section shall, unless otherwise agreed in writing between the Corporation and the Post Office, apply and have effect:—

For protection
of the
Post Office.

- (1) The powers conferred by the following provisions of this Act shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus or operational land of the Post Office:—

- Section 9 (Parking places in parks, etc.);
- Section 16 (Golf courses);
- Section 59 (Removal, etc., of dangerous trees);
- Section 62 (As to warning posts and signs);
- Section 108 (Signs indicating stopping places for public service vehicles);
- Paragraph 2 of Schedule 2 (Stands for hackney carriages):

- (2) In this Act “ apparatus ”, in relation to the Post Office, means any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus.

1878 c. 76.

130. Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for
Town and
Country
Planning
Act.

1971 c. 78.

PART VIII

—cont.

Saving for
trusts, etc.

131. No power conferred upon the Corporation by the following provisions of this Act, namely:—

Section 9 (Parking places in parks, etc.);

Section 16 (Golf courses);

shall be exercised in such a manner—

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

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

Exchange
control.
1947 c. 14.

132. It shall not be lawful to exercise the powers conferred by any of the provisions of this Act except in compliance with the Exchange Control Act 1947.

Costs of Act.

133. The costs, charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act.

SCHEDULES

SCHEDULE 1

Section 5.

DESCRIPTION OF LANDS REFERRED TO IN SECTION 5 OF THIS ACT

PART I

Lands to which access is obtained from Excelsior Terrace, Maerdy, within the borough containing 4.71 acres or thereabouts bounded on the west side by premises known as Ferndale Comprehensive School and on the north side by National Coal Board land and on the east side by National Coal Board land and on the south side by premises known as The Welsh Industrial Estates Corporation Factory Site.

PART II

Lands at Bronwydd Park, Porth within the borough containing 148 square yards or thereabouts lying on the south-west side of the lane at the side of Tynycymmer House, Porth, and bounded on the south-west side by Bronwydd Park, Porth.

Section 67.

SCHEDULE 2

PROVISIONS AS TO HACKNEY CARRIAGES, ETC.

Fixing of fares
for hackney
carriages.

1.—(1) The Corporation may fix the rates or fares, as well for time as distance, to be paid in respect of hackney carriages plying for hire within the prescribed distance by means of a table (hereinafter in this paragraph referred to as “ a table of fares ”) made in accordance with the provisions of this paragraph.

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

(b) A copy of the notice referred to in paragraph (a) of this subparagraph shall for the period of fourteen days from the date of the first publication thereof be deposited at the office of the proper officer and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares is duly made within the period specified in the notice referred to in sub-paragraph (2) of this paragraph, or if all objections so made are withdrawn, the table of fares shall come into operation on the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection, whichever is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the table of fares shall be of no effect unless and until it is confirmed by the Secretary of State and before confirming a table of fares the Secretary of State may, if he thinks fit, cause a local inquiry to be held into the same and after considering the report of the person who held the inquiry, may confirm the table of fares with or without modification.

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

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

(7) Section 238 of the Act of 1972 shall extend and apply to a table of fares made under this paragraph as it applies to byelaws made by the Corporation.

Stands for
hackney
carriages.

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

SCH. 2
—cont.

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

(3) Nothing in this paragraph shall empower the Corporation to appoint any such stand so as unreasonably to prevent access to any premises or in any station of the railways board except with their consent or so as unreasonably to prevent access to any apparatus or operational land of the generating board or the electricity board.

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

(5) The Corporation shall not under the powers of this paragraph appoint a stand in such a position as to interfere with access to any premises of passenger road transport operators except with their consent, and in deciding the position of stands the Corporation shall have regard to the position of any bus stops for the time being in use.

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

Transfer of
hackney
carriages, etc

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

(2) Any person aggrieved by the refusal of the Corporation under this paragraph may appeal to a Crown Court.

(3) Any proprietor or part proprietor who fails to give notice to the Corporation as provided by sub-paragraph (1) of this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

4. The cost not exceeding two pounds for inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether licences should be granted therefor under the Act of 1847 shall, if the council so resolve, be recoverable from the proprietors thereof.

Recovery of
costs of
inspections.

5. In its application to the borough, section 46 of the Act of 1847 shall have effect as if for the words "five shillings" there were substituted the words "one pound for the first licence and twenty-five new pence for any succeeding licence".

Fees for
driver's
licence.

SCH. 2
—cont.

Suspension
and
revocation of
proprietor's
licence.

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

(2) Any such proprietor aggrieved by a decision of the Corporation under sub-paragraph (1) of this paragraph may appeal to a Crown Court.

Suspension
and revocation
of driver's
licence.

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

(2) Any such driver aggrieved by a decision of the Corporation under sub-paragraph (1) of this paragraph may appeal to a Crown Court.

Qualifications
for drivers of
hackney
carriages.

8.—(1) Notwithstanding anything in the Act of 1847 the Corporation shall not grant a licence to act as a driver of a hackney carriage or a private hire vehicle—

(a) to any person who has not for at least twelve months been the holder of a licence granted under Part II of the Road Traffic Act 1960 (not being a provisional licence) authorising him to drive a motor car;

(b) to any person who in the opinion of the Corporation is not sufficiently familiar with the borough.

(2) Any person aggrieved by a refusal of the Corporation under sub-paragraph (1) (b) of this paragraph may appeal to a Crown Court.

Power to
require
applicants to
submit
information.

9.—(1) The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle to submit to them such information as to the physical fitness of the applicant and as to the character of the applicant as they may consider necessary to enable them to determine whether to grant such licence.

(2) A person who knowingly or recklessly makes a false statement in giving information under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Fitness of
hackney
carriages, etc.

10. Any person acting on behalf of the Corporation and authorised in writing by the proper officer shall have power at all reasonable times to inspect any hackney carriage in the borough and any private hire vehicle in the borough which is for the time being licensed by the Corporation under the Act of 1847 for the purpose of ascertaining its fitness, and if he is not satisfied of the fitness of the hackney carriage or private hire vehicle or of the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further

inspection at such reasonable time and place as may be specified in the notice and suspend the licence of the proprietor until such time as he is so satisfied or the expiration of a period of two months, whichever shall first occur.

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

12. The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle— Fitness of drivers.

(a) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or private hire vehicle; and

(b) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage or private hire vehicle.

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

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

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

15. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage or private hire vehicle unless the Corporation are satisfied of his ability to drive such a vehicle and for that purpose the Corporation may require him to provide facilities for a practical test of his ability to drive. Tests for drivers of hackney carriages.

16.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly, and the expenses of such testing and certificate, not exceeding one pound in any one year, shall be borne by the owner of the hackney carriage. Inspection and certification of taximeters.

SCH. 2
—cont.

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

(3) Any person using a taximeter or other similar apparatus which is not so certified, or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Construction
of hackney
carriages to
be approved
by Corporation.

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

(2) Any person altering the construction of a hackney carriage in contravention of the provisions of this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, and the court may in addition order the suspension of the licence for such hackney carriage.

Byelaws as to
hackney
carriages.

18. The power to make byelaws conferred upon the Corporation by section 68 of the Act of 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes, that is to say:—

- (a) for the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws;
- (b) for the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) for regulating the conduct of passengers in hackney carriages;
- (d) for the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such hackney carriage at any specified time within seven days previous to such request being made.

SCHEDULE 3

Section 109.

ENACTMENTS MENTIONED IN SECTION 109 OF THIS ACT

Public Health Act 1875.	1875 c. 55.
Public Health Acts Amendment Act 1890.	1890 c. 59.
Public Health Acts Amendment Act 1907.	1907 c. 53.
Public Health Act 1925.	1925 c. 71.
Land Drainage Act 1930.	1930 c. 44.
Public Health Act 1936.	1936 c. 49.
Public Health (Drainage of Trade Premises) Act 1937.	1937 c. 40.
Housing Act 1957.	1957 c. 56.
Caravan Sites and Control of Development Act 1960.	1960 c. 62.
Land Drainage Act 1961.	1961 c. 48.
Public Health Act 1961.	1961 c. 64.
Housing Act 1961.	1961 c. 65.
Housing Act 1964.	1964 c. 56.
General Rate Act 1967.	1967 c. 9.

SCHEDULE 4

Section 122.

PROVISIONS OF ACT TO WHICH SECTION 122 OF THIS ACT APPLIES

Section 29 (Sanitary conveniences at places of public exhibition, betting offices, etc.);
Section 65 (Prohibition of other vehicles on hackney carriage stands);
Section 66 (Misleading signs on motor vehicles);
Section 72 (Penalties under this head of this Part of Act);
Section 73 (Hairdressers and barbers);
Schedule 2, paragraph 3 (Transfer of hackney carriages, etc.)

Section 123.

SCHEDULE 5

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO SECTION 17 AND PARTS III AND IV OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
285	Service of notices, &c.
289	Power to require occupier to permit works to be executed by owners.
290	Provisions as to appeals against, and the enforcement of, notices requiring execution of works.
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.

PART III

SECTION APPLIED TO SECTIONS 21, 26 TO 36, 38, 44 TO 50, 53, 54, 57 TO 59,
62, 63, 68 AND 73 OF THIS ACTSCH. 5
—cont.

Section	Marginal note
287	Power to enter premises.

SCHEDULE 6

Section 126.

ENACTMENTS REPEALED

Session and chapter	Title or short title	Extent of repeal
31 & 32 Vict. c. lvi	The Ystrad Gas and Water Act 1868	The whole Act.
35 & 36 Vict. c. lxxix	Gas and Water Orders Confirmation Act 1872	Ystrad Gas and Water Order 1872.
37 & 38 Vict. c. cxliv	The Ystrad Gas and Water Company's Gas Act 1874	The whole Act.
42 & 43 Vict. c. clix	Gas and Water Orders Confirmation Act 1879	Ystrad Gas and Water Order 1879.
46 & 47 Vict. c. xlvi	Gas and Water Orders Confirmation Act 1883	Ystrad Gas and Water Order 1883.
53 & 54 Vict. c. clx	Ystrad Gas and Water Works Act 1890	The whole Act.
59 & 60 Vict. c. lxxi	Ystradyfodwg Urban District Council (Gas and Water) Act 1896	The whole Act.
62 & 63 Vict. c. lxxii	Rhondda Urban District Council Act 1899	The whole Act.
2 Edw. 7 c. clxxii	Rhondda Urban District Council (Tramways &c.) Act 1902	The whole Act.
5 Edw. 7 c. clviii	Rhondda Urban District Council Act 1905	The whole Act.
10 Edw. 7 & 1 Geo. 5 c. cxxi	Rhondda Urban District Council (Tramways Extensions &c.) Act 1910	The whole Act.
10 Edw. 7 & 1 Geo. 5 c. xci	Education Board Provisional Orders Confirmation (Berks &c.) Act 1910	So far as it relates to the urban district of Rhondda.

SCH. 6
—cont.

Session and chapter	Title or short title	Extent of repeal
1 & 2 Geo. 5 c. ciii	Rhondda Urban District Council Act 1911	The whole Act.
2 & 3 Geo. 5 c. cxx	Education Board Provisional Orders Confirmation (Kent &c.) Act 1912	So far as it relates to the urban district of Rhondda.
3 & 4 Geo. 5 c. cxxix	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1913	Rhondda Order 1913.
5 & 6 Geo. 5 c. lxxi	Rhondda Urban District Council (Tramways Extensions &c.) Act 1915	The whole Act.
10 & 11 Geo. 5 c. lxix	Rhondda Urban District Council Act 1920	The whole Act.
16 & 17 Geo. 5 c. xcvi	Rhondda Urban District Council Act 1926	The whole Act.

— ∞ —

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

Rhondda Corporation Act 1973

CHAPTER xxiii

ARRANGEMENT OF SECTIONS

PART I

Section

PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. The appointed day.

PART II

LANDS AND BUILDINGS

5. Power to sell or appropriate, etc., lands free from certain rights.
6. Extension of power to maintain burial grounds.
7. As to offences in cemeteries.
8. For protection of Commonwealth War Graves Commission.

Section

9. Parking places in parks, etc.
10. Sale of refreshments in open spaces.
11. Compulsory acquisition of easements.
12. Entry on land for certain purposes.
13. Agreements with developers.
14. Suspension of restrictive covenants.
15. Compensation may be in land.
16. Golf courses.
17. Provisions as to illuminations.
18. Information as to occupiers of land on which caravans are stationed.
19. Undertakings and agreements binding successive owners.
20. Recovery of deposits under Lands Clauses Consolidation Act 1845 or Compulsory Purchase Act 1965.
21. Boundary walls.
22. Advances for erection of buildings, etc.
23. Power to Corporation to assist industry.
24. Agreement with statutory undertakers for provision of works.
25. Power to Corporation to guarantee rents, etc., of industrial buildings.

PART III

PUBLIC HEALTH

A. Environmental health

26. Amendment of section 34 of Public Health Act 1961.
27. Amendment of section 17 of Public Health Act 1961.
28. Sanitary conveniences for persons employed on construction work.
29. Sanitary conveniences at places of public exhibition, betting offices, etc.
30. Supply of water to premises where supply cut off.
31. Power to order alteration of chimneys.
32. Repair of walls, etc., of yards.
33. Amendment of Housing Act 1957 relating to closing orders.
34. Repair of damaged buildings, etc.
35. Further power to remedy obstructed private sewers.
36. Protection of property broken into, etc.
37. Deposit of refuse in street and interference with refuse.
38. Penalty for throwing rubbish into streams.
39. Cleansing of rivers and streams.
40. Carrying or storage of waste food.
41. Closure of insanitary food premises and stalls.
42. Reduction of noise from use of air-powered tools and compressors.

Section

43. Reduction of dust, etc., from building operations, etc.

B. Refuse collection and disposal

44. Power to provide dustbins for trade refuse.

45. Restriction on use of dustbins, etc.

46. Provision of bulk refuse containers by Corporation.

47. Maintenance of and access to bulk refuse containers.

48. Means of access for removal of refuse, etc.

49. Tipping of spoil and refuse.

50. Control of refuse tips.

C. Miscellaneous

51. Research into matters concerning social conditions, etc.

52. Insurance of certain voluntary workers.

53. Slaughter of animals otherwise than for human consumption.

54. Silencers for internal combustion engines.

55. Provisions as to self-operated laundries.

PART IV

PUBLIC ORDER AND SAFETY

56. Life-saving equipment of Corporation.

57. Safety of stands, etc.

58. Securing of unoccupied buildings.

59. Removal, etc., of dangerous trees.

60. Disposal of lost and uncollected property.

61. Touting, hawking, etc.

62. As to warning posts and signs.

63. Disposal of dangerous containers.

PART V

TRADE ADMINISTRATION AND LICENSING

A. Hackney carriages, etc.

64. Interpretation and commencement of this head of this Part of Act.

65. Prohibition of other vehicles on hackney carriage stands.

66. Misleading signs on motor vehicles.

67. Provisions as to hackney carriages and private hire vehicles.

68. Provisions as to motor vehicles let for hire.

B. Window cleaners

69. Window cleaners to be licensed.

Section

- 70. Applications for and provisions as to window cleaning licences.
- 71. Grant of window cleaning licences.
- 72. Penalties under this head of this Part of Act.

C. Hairdressers and barbers

- 73. Hairdressers and barbers.

PART VI

FINANCE

- 74. Power to borrow.
- 75. Receipt in case of minors, etc.
- 76. Interest and dividends by post.
- 77. Designation of holders of authorised securities in register.
- 78. Flood relief fund.
- 79. Housing advances reserve fund.
- 80. Reserve funds.
- 81. Research and development fund.
- 82. Reduction and closing of certain funds.
- 83. Expenses of executing closing or demolition orders, etc.
- 84. Establishment expenses.
- 85. Amendment of power to issue bonds.
- 86. Power to make temporary loans.
- 87. Power to provide information as to borough.
- 88. Expenses of public ceremonies, entertainment, etc.
- 89. Recovery of rates from certain owners.
- 90. Rates when deemed to be in arrear.
- 91. Collection and recovery of water rates, rents or charges.
- 92. Modification of mortgages and bonds by endorsement under hand.
- 93. Certain vehicles deemed to be property of Corporation for third-party insurance purposes.
- 94. Apportionment of expenses in case of joint owners.
- 95. Disclosure by officers of Corporation of interest in contracts.
- 96. Recovery of salary, paid in advance, of deceased officer.
- 97. Notice of alteration of rents without notice to quit.

PART VII

MISCELLANEOUS

- 98. Acquisition and repair of sculptures, etc.
- 99. Acquisition of works of art produced to order.
- 100. Power to lend objects for educational purposes.
- 101. Disposal of unsuitable specimens.

Section :

102. Publication of works of scholarship, etc.
103. Provision of lectures, etc.
104. Public weighing or measuring equipment.
105. As to breach of conditions of consent of Corporation.
106. Extension of section 4 of Physical Training and Recreation Act 1937.
107. Power of constables to enforce byelaws.
108. Signs indicating stopping places for public service vehicles.
109. Power to require information as to ownership of premises.
110. Power to use ladders, etc., for entry or inspection.
111. Numbers of houses.
112. Electronic or mechanical accounting equipment.
113. Information as to identity of drivers.
114. Hire of chairs, etc.
115. Recreational and other facilities for employees.
116. Byelaws as to stables.

PART VIII

GENERAL

117. Confirming authority for byelaws.
118. Local inquiries.
119. Restriction on right to prosecute.
120. Appeals.
121. Evidence of proceedings, appointments, etc.
122. Liability of directors, etc.
123. Application of general provisions of Act of 1936.
124. Protection of members and officers of Corporation from personal liability.
125. Arbitration.
126. Repeals.
127. Crown rights.
128. For protection of certain statutory undertakers.
129. For protection of the Post Office.
130. Saving for Town and Country Planning Act.
131. Saving for trusts, etc.
132. Exchange control.
133. Costs of Act.

SCHEDULES:

Schedule 1—Description of lands referred to in section 5 of this Act.

Schedule 2—Provisions as to hackney carriages, etc.

Schedule 3—Enactments mentioned in section 109 of this Act.

Schedule 4—Provisions of Act to which section 122 of this Act applies.

Schedule 5—Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to section 17 and Parts III and IV of this Act.

Part III—Section applied to sections 21, 26 to 36, 38, 44 to 50, 53, 54, 57 to 59, 62, 63, 68 and 73 of this Act.

Schedule 6—Enactments repealed.