

County of South Glamorgan Act 1976

CHAPTER xxxv

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ELIZABETH II



1976 CHAPTER xxxv

An Act to re-enact with amendments and to extend certain local enactments in force within the county of South Glamorgan; to confer further powers on the County Council of South Glamorgan, the Council of the City of Cardiff and the Council of the Borough of Vale of Glamorgan; to make further provision in regard to the environment, local government, improvement and finances of the county and those local authorities; and for other purposes.

[15th November 1976]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter 1972 c. 70. referred to as "the Act of 1972") the county of South Glamorgan (hereinafter referred to as "the county") was constituted on the 1st April, 1974, so as to consist of an area comprising the following areas described by reference to administrative areas existing immediately before the passing of the Act of 1972:—

The county borough of Cardiff

In the administrative county of Glamorgan—

the boroughs of Barry and Cowbridge;

the urban district of Penarth;

the rural district of Cardiff except the parishes of Llanfedw, Llanilterne, Pentyrch, Rhydygwern, Rudry and Van;

the rural district of Cowbridge except the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem:

In the administrative county of Monmouthshire, in the rural district of Magor and St. Mellons, the parish of St. Mellons:

(2) Numerous local enactments were in force in parts of the said area and by section 262 of the Act of 1972 it was provided that subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

(3) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole of the county or to parts of the county:

(5) It is expedient at the same time to extend and enlarge in various respects the powers of the County Council of South Glamorgan, the Council of the City of Cardiff and the Council of the Borough of Vale of Glamorgan:

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

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

(8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 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

1.—(1) This Act may be cited as the County of South Glamorgan Act 1976.

(2) This Act shall come into operation on the 1st January, 1977.

Short title
and com-
mencement.

2.—(1) Subject to the next following subsections, and unless the context otherwise requires, expressions in this Act which are defined in section 343 of the Act of 1936 have the meanings given by that section.

PART I
—cont.

Interpretation.

(2) In this Act, unless the context otherwise requires—

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

“ the Act of 1972 ” means the Local Government Act 1972; 1972 c. 70.

“ the appointed day ” has the meaning given by section 3 (The appointed day) of this Act;

“ the borough ” means the borough of Vale of Glamorgan;

“ the borough council ” means the council of the borough;

“ the city ” means the city of Cardiff;

“ the city council ” means the council of the city;

“ contravention ” includes a failure to comply, and “ contravene ” shall be construed accordingly;

“ the county ” means the county of South Glamorgan;

“ the county council ” means the county council of the county;

“ district ” means a district in the county;

“ district council ” means the council of a district;

“ the electricity board ” means the South Wales Electricity Board;

“ enactment ” includes an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the county;

“ the generating board ” means the Central Electricity Generating Board;

“ highway authority ” means—

(a) in the case of a trunk road, the Secretary of State;

(b) in the case of any other highway, the county council;

“ 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;

“ local authority ” means the county council or a district council;

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

“ operational land ” in relation to statutory undertakers other than the Post Office has the same meaning as in section 222 of the Town and Country Planning Act

PART I
—cont.

1971 c. 78.

1969 c. 48.

1971 and in relation to the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;

“the railways board” means the British Railways Board;

“statutory undertakers” means the electricity board, the British Gas Corporation, the generating board, the water authority and the Post Office, or any of them as the case may be and “statutory undertaker” shall be construed accordingly;

“the water authority” means the Welsh National Water Development Authority.

(3) Any reference in this Act to a proper officer shall, in relation to any purpose and any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority or for that area, as the case may be.

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

The
appointed
day.

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

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

(3) The local authority shall cause to be published in a local newspaper circulating in the county or the district (as the case may be) 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 thirty days after the date of the publication of the said notice.

(4) Either—

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

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

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 consent of the local authority to a person carrying on any business, or to the use of premises for any purpose, it shall be lawful for any person who—

PART I
—cont.

- (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 consent 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 section 62 (Appeals) of this Act.

PART II

LANDS AND BUILDINGS

4.—(1) Subsection (1) of section 44 of the Public Health Acts Amendment Act 1890 (which enables a local authority to close a public park or pleasure ground provided by them, or any part thereof) shall have effect in relation to Romilly Park as if for the maximum number of twelve days for such closure in any one year there were substituted a maximum of sixteen days. Romilly Park.
1890 c. 59.

(2) On each occasion of the exercise of the powers of the said subsection (1) the borough council shall give reasonable notice thereof by advertisement in one or more local newspapers circulating in the borough, and shall affix a copy or copies of the notice to some conspicuous object or objects in the park.

5.—(1) The borough council may acquire and maintain motor or other vehicles for the conveyance of passengers in Porthkerry Park in the borough while that park belongs to or is controlled by them. Provision of
vehicles in
Porthkerry
Park.

(2) Subject to the provisions of Part III of the Road Traffic Act 1960 the borough council may, on such terms and conditions as they may think fit, carry passengers on any such vehicles and may demand and take for any passengers so carried such fares as they may from time to time determine. 1960 c. 16.

(3) The operation of vehicles in pursuance of this section shall not, for the purposes of section 101 (1) of the Road Traffic Act 1930, be regarded as the operation of a tramway, light railway, trolley vehicle, or omnibus undertaking. 1930 c. 43.

PART II
—cont.

Regulation of
Cadoxton
Common.

6. The borough council shall at all times keep the lands generally known as Cadoxton Common vested in them and may from time to time enclose, lay out, level, maintain and improve those lands in such manner as they think best for the recreation, convenience and benefit of the public, and may erect and maintain any building or other structure they think suitable for improving the lands as a place of recreation:

Provided that except as hereinbefore provided the borough council shall use all lawful means to prevent or resist any other encroachment upon the lands or any attempt to build thereon.

Power to sell,
etc., scheduled
lands free
from certain
rights, etc.

1913 c. 32.

7.—(1) Notwithstanding any rule of law, the borough council may sell, lease or otherwise dispose of the lands described in Schedule 1 to this Act free from any beneficial interest or other right therein of the public or the inhabitants at large other than rights to the use and enjoyment of highways and the right of access to the ancient monument known as St. Baruch's Chapel conferred by section 13 of the Ancient Monuments Consolidation and Amendment Act 1913:

Provided that the borough council shall not, without the consent of the Secretary of State, sell, lease or otherwise dispose of the said lands for a consideration less than the current market value thereof, but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(2) Section 153 of the Act of 1972 shall apply to capital money received by the borough council on a disposal of land under this section as it applies to capital money received by a local authority under Part VII of that Act.

Power to
provide
facilities for
hovercraft,
hydrofoil
vessels, etc.

8.—(1) (a) A district council may, after consultation with the South Wales Police Authority, use for such time as they may think fit land under the management and control of the district council as a terminal for hovercraft, hydrofoil vessels or similar craft or vessels carrying passengers but not freight, other than the motor cars of the passengers and their personal luggage, and may erect or adapt on any such land and may maintain and manage buildings, structures, slipways and other works for use in connection with such hovercraft, hydrofoil vessels and similar craft or vessels and may make reasonable charges in respect of the use of such works.

(b) A district council may at any such terminal provide such plant, facilities, appliances and conveniences as may be requisite or expedient for the operation, equipment, maintenance, repair and use of such hovercraft, hydrofoil vessels and similar craft or vessels.

(2) A district council may let to any person buildings, structures or facilities provided by them under this section.

PART II
—cont.

(3) In this section—

“hovercraft” has the same meaning as in the Hovercraft Act 1968;

1968 c. 59.

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils.

9. The Memorial Hall vested in the Barry Community Council immediately before the commencement of this Act shall be managed henceforth by a committee appointed by that council:

Memorial
Hall, Barry.

Provided that—

(1) nothing in this section shall derogate from the powers of the court or of the Charity Commissioners under the Charities Act 1960;

1960 c. 58.

(2) this section shall cease to have effect on the commencement of any scheme made under the said Act of 1960 whereby provision is made for determining the persons upon whom the power to manage the said Hall is conferred.

10.—(1) Notwithstanding anything in any enactment, the rights of burial in the burial ground formerly provided by the parish council of the parish of Llanishen in the part of the parish of Llanishen added to the city by the Cardiff (Extension) Order 1921, of the parishioners and inhabitants of the parish of Llanishen (as that parish existed immediately before the said Order of 1921 came into operation) shall continue.

Rights of
burial at
Llanishen and
Llandaff.

(2) Notwithstanding anything in any enactment, the burial ground formerly vested in the parish council of Llandaff in the part of that parish added to the city by the said Order of 1921 shall continue to be reserved exclusively for the burial of parishioners and inhabitants of so much of that parish as at the commencement of the said Order was not comprised in any of the ecclesiastical districts of Gabalfa, Canton and Ely:

Provided that the city council may in any case in which they consider that there are special circumstances which render it desirable to do so, permit the burial of any other person in the said burial ground.

PART III

ASSISTANCE TO INDUSTRY, ETC.

Interpretation
and duration
of Part III
of Act.

1971 c. 78.

11.—(1) In this Part of this Act—

“ industrial building ” has the same meaning as in section 66 of the Town and Country Planning Act 1971;

“ owner ” means any 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.

(2) This Part of this Act shall cease to have effect at the end of 1984.

Loans for
erection of
buildings, etc.

12.—(1) A local authority may advance money—

(a) to any person for the purpose of enabling or assisting him to purchase or take on lease any land in their area; or

(b) (i) to any person who is the owner or lessee or intended owner or lessee of any land in their area; or

(ii) to any person who has purchased or taken on lease, or intends to purchase or take on lease, from the local authority any land outside their area;

for the purpose of carrying out any work either to enable or assist him to build, or to extend or improve any existing building, on such land:

Provided that any such advance (when aggregated with any other advance under this section and for the time being outstanding in respect of the same interest in the land) shall not exceed nine-tenths of the amount which in the opinion of the local authority will be the market value of the interest of the intended borrower in the land after the purpose for which the advance is made has been effected.

1963 c. 29.

1968 c. 13.

(2) The provisions of subsections (2) and (5) of section 3 of the Local Authorities (Land) Act 1963 (which empowers local authorities to make advances for the erection of buildings on land sold or let by them) and of subsection (4) of that section (as varied in particular by section 6 of the National Loans Act 1968) shall apply in relation to an advance made under 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 this section and to any other necessary modifications.

(3) A borrower may with the written permission of the local authority (which shall not be unreasonably withheld) at any

time transfer his interest in any land in respect of which an advance was made under this section but any such transfer shall be made subject to the terms of the instrument securing the advance.

PART III
—cont.

(4) Any person authorised in writing by the local authority to act under this section shall have power at all reasonable times to enter any land, or any building whether completed or not, in respect of which an advance has been made under this section for the purpose of ascertaining whether the provisions of this section and of any instrument securing such advance and made by virtue of subsection (2) of this section are being complied with.

13.—(1) A local authority may, if requested so to do by any person—

Power to
assist industry.

- (a) who is the owner or lessee or intended owner or lessee of any land in their area; or
- (b) who has purchased or taken on lease or intends to purchase or take on lease from the local authority any land outside their area;

being in either case land upon which an industrial building is, or is intended to be, built, extended or improved, carry out any work required—

- (i) in relation to the preparation or improvement of the site for that proposed or existing building, extension or improvement;
- (ii) for the provision, extension or improvement of facilities or services on which any trade or business carried on or intended to be carried on in that building depends;

and may make grants or loans towards the cost of such work or of the provision of such facilities or services or of any machinery and equipment proposed to be installed in such building and which is subsequently installed in such building:

Provided that a local authority shall not make a grant or loan under this section towards the provision of machinery or equipment except in respect of an undertaking which has been engaged in carrying on any process specified in section 66 of the Town and Country Planning Act 1971 or scientific research as defined in that section in the area of the local authority for not less than two years immediately prior to the making of the grant or loan.

1971 c. 78.

(2) It shall be a term of any loan towards the cost of the provision of machinery or equipment in a building under this section that the machinery or equipment remains in that building during the subsistence of the loan.

PART III
—cont.

(3) Nothing in this section shall authorise a local authority to carry out works for the provision, extension or improvement of services which it is the function of statutory undertakers to provide, extend or improve.

Power to guarantee rents, etc., of certain buildings.

14.—(1) A local authority may, if requested so to do by any person who is the owner or lessee or intended owner or lessee of any building or part of a building to which this section applies or of land in their area on which it is proposed that any such 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 sum payable to any statutory undertaker in respect of the provision or maintenance of any works, facilities, supplies or services for the purpose of any trade or business carried on or to be carried on in the building.

(2) This section applies to any industrial building in the area of the local authority.

PART IV

MUSIC AND DANCING LICENCES IN CARDIFF

Interpretation of Part IV of Act.

15. In this Part of this Act (except in subsection (6) of section 16 (Music and dancing licences)) the expression “entertainment” means public dancing, singing, music or other public entertainment of the like kind but does not include a travelling fair or circus.

Music and dancing licences.

16.—(1) Subject to the provisions of this Act, as from the appointed day a place shall not be kept or used in the city for the purposes of any entertainment without a licence from the city council under this section.

(2) (a) The city council may grant licences under this section to such persons as they think fit to keep or use places specified in the licence for the purposes of entertainment on such terms and conditions and subject to such restrictions as they may prescribe by the licence and may renew such licences.

(b) Any licence granted pursuant to paragraph (a) of this subsection may be granted so as to be provisional upon the carrying out to the reasonable satisfaction of the city council of such structural or other alterations to premises at the place specified in the licence as may in the opinion of the city council be reasonably required.

(3) Any place licensed under this section for the purposes of entertainment may be open for those purposes after the hour stated in the licence—

PART IV
—cont.

(a) with the written permission of the city council; or

(b) on any special occasion when a special order of exemption shall have been granted under subsection (4) of section 74 of the Licensing Act 1964 in respect of that place;

1964 c. 26.

until the hour specified in such permission or special order (as the case may be) as the hour for closing.

(4) Part IV of the Public Health Acts Amendment Act 1890 shall not be adopted by the city council.

1890 c. 59.

(5) Nothing in this Part of this Act shall prejudice or affect the provisions of section 7 of the Cinematograph Act 1952 or of section 182 (1) of the Licensing Act 1964.

1952 c. 68.

(6) (a) A licence shall not be required under this section for any premises by reason only of the use of the premises—

(i) for the purpose of the public performance of a stage play which includes persons playing music, dancing or singing or which otherwise includes or is accompanied by music; or

(ii) for the giving of a boxing or wrestling entertainment which is accompanied by music, as the case may be; or

(iii) for the playing of music and singing as an incident to any religious meeting or service held in any building regularly used for public worship.

(b) For the purposes of this subsection any music played in any premises by way of introduction to, in any interval between parts of or by way of conclusion of, a stage play or entertainment or in the interval between two stage plays or entertainments shall be treated as music accompanying a stage play or entertainment if the total time taken by music so played on any day amounts to less than one-quarter of the total time taken by the stage plays or entertainments given in the premises on that day.

17.—(1) A licence granted by the city council under section 16 (Music and dancing licences) of this Act shall, unless previously revoked, be in force for the period of one year or for such shorter period as the city council may determine on the grant of the licence: Duration, transfer, etc., of licences.

Provided that the city council may grant an occasional licence for the use of any place or premises for the purposes of any such entertainment as is referred to in the said section 16 on such one or more particular occasions only as may be specified in the licence.

PART IV
—cont.

(2) The city council may transfer any such licence as is referred to in this section to such person as they think fit.

(3) An applicant for the grant or renewal or transfer of any such licence as aforesaid shall give not less than twenty-eight days' notice of his intention to make such application to—

- (a) the city council and the applicant shall also furnish such particulars and give such other notices as the city council may by regulation prescribe; and
- (b) the chief superintendent of police of the district in which the premises are situated; and
- (c) the fire authority;

and, before making any such grant, renewal or transfer, the city council shall consult such chief superintendent and the fire authority.

(4) Any failure to comply with the requirements of subsection (3) of this section shall not affect the validity of any licence granted under the said section 16.

Fees for
licences.

18.—(1) A person when making application for the grant or renewal of a licence (other than an occasional licence) under section 16 (Music and dancing licences) of this Act shall pay to the city council such reasonable fee as the city council may fix.

(2) Any person when making application under the foregoing provisions of this Part of this Act for the grant or renewal of an occasional licence or for the transfer of a licence shall pay to the city council such reasonable fee as the city council may fix.

(3) Any fees paid to the city council pursuant to the foregoing provisions of this section may be retained by the city council whether the licence is or is not granted, renewed or transferred.

(4) The city council may remit any fees payable under this section in respect of an application for the grant, renewal or transfer of a licence for the purposes of an entertainment which in the opinion of the city council has been organised or arranged for a charitable or similar object.

Fines under
Part IV of
Act.

19. If any person—

- (a) provides an entertainment to which the foregoing provisions of this Part of this Act apply in any place or premises in respect of which there is not in force a licence appropriate for such entertainment under this Part of this Act; or

PART IV
—cont.

- (b) being the occupier or rated as occupier of any place or premises keeps or uses such place or premises or allows them to be kept or used for any such entertainment without a licence appropriate for such entertainment under this Part of this Act; or
- (c) being a person to whom a licence has been granted under this Part of this Act or to whom a licence has been transferred under this Part of this Act in respect of any place or premises keeps or uses such place or premises or allows them to be kept or used in contravention of the terms, conditions or restrictions on or subject to which such licence was granted or transferred;

he shall be liable on summary conviction—

- (i) in respect of an offence under paragraph (a) or paragraph (b) of this section to a fine not exceeding £100; and
- (ii) in respect of an offence under paragraph (c) of this section to a fine not exceeding £50.

20. If the holder of a licence granted by the city council and for the time being in force under the foregoing provisions of this Part of this Act be convicted of any contravention of any of the terms, conditions or restrictions on or subject to which the licence has been granted, renewed or transferred the licence may be revoked by the city council.

Power to
revoke
licences.

21. A police officer, an officer of the fire authority or any person appointed for the purpose by the city council may at all reasonable times enter any place or premises licensed by the city council under the foregoing provisions of this Part of this Act in which there is reason to believe that an entertainment to which the said provisions apply is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment or stage play, and the terms, conditions or restrictions on or subject to which any licence under the said provisions has been granted, are complied with.

Powers of
entry and
inspection.

22. Where under the foregoing provisions of this Part of this Act the city council—

Initial appeals
under Part IV
of Act.

- (a) refuse to grant, renew or transfer a licence; or
- (b) revoke a licence; or

PART IV
—cont.

(c) attach any terms, conditions or restrictions to a licence; any person aggrieved by such refusal, revocation or attachment may appeal to a magistrates' court.

Cancellation and variation of licences by agreement.

1909 c. 30.

23.—(1) Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence granted by the city council and for the time being in force under the foregoing provisions of this Part of this Act or under the Cinematograph Act 1909, the city council may—

- (a) cancel the licence; or
- (b) modify or waive any of the terms, conditions or restrictions attached to the licence or attach new or substituted terms, conditions or restrictions to such licence.

(2) The terms, conditions or restrictions of any such licence as so modified, and any new or substituted terms, conditions or restrictions attached under the powers of this section shall be binding and enforceable in all respects as if they had been attached to the licence at the grant thereof.

Devolution of licences in case of death of licensee.

24. Upon the death of the holder of a licence granted in respect of a place or premises in the city under this Part of this Act or the Cinematograph Act 1909, the person carrying on at the place or premises the functions in respect of which the licence was granted or acting as the actual and responsible manager of the place or premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Notice of street processions.

25.—(1) No procession shall pass through the streets of a district unless notice stating—

- (a) the route by which and the date and time on and at which it will so pass; and
- (b) the name of a person responsible for organising the procession and the purpose of the procession;

has been delivered at the offices of the chief executives of the county council and of the district council respectively and the chief superintendent of police of the district in which the procession is to take place at least thirty-six hours (exclusive of Sundays) before the time so stated.

(2) If any procession passes through the streets of a district in contravention of the foregoing subsection or by a route or at a time other than that stated in the notice delivered with respect thereto under that subsection any person organising or conducting the procession shall be liable on summary conviction to a fine not exceeding £50.

PART V
—cont.

(3) In this section the expression “procession” means any public, protest or ceremonial procession or any circus procession or procession of wild animals:

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

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

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

(b) without the consent of the district council—

(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, subject to the payment of such reasonable charges and to such terms and conditions as the district council may prescribe, and may be revoked at any time.

(2) A district council 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 sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to—

(a) any street in the city; or

(b) 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.

PART V
—cont.

(4) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) 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) Any person who knowingly contravenes any of the foregoing provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(6) This section applies to any place—

(a) in a public off-street car park or in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by a district council, or under their management and control;

(b) on the seashore;

(c) in, or in part of, any street, esplanade, parade, promenade, marine drive or public walk (hereafter in this section called a “relevant place”) specified in any resolution for the time being in force and passed by a district council under subsection (7) of this section;

and in paragraph (c) of this subsection “street” means the whole or part of a highway or other place over which there is a public right of passage.

(7) A district council may by resolution specify any relevant place as one to which this section applies and may from time to time by subsequent resolution rescind or vary any previous resolution and may add to or alter the relevant place or places to which this section applies:

Provided that the district council shall not under the powers of this subsection specify any street belonging to or repairable by the railways board without the consent of that board.

(8) (a) A district council shall give public notice of the passing by them of a resolution under the foregoing provisions of this section by advertisement in a newspaper or newspapers circulating in the district and by posting a notice in every relevant place to which it relates.

(b) Every such notice shall state that objections or representations with regard to the specification of any relevant place or places mentioned in the resolution may be made in writing addressed to the proper officer within such period (not being earlier than twenty-eight days after the publication of the notice

in the newspaper or newspapers or the posting of the notice in the relevant place or places whichever shall be the later) as may be specified in the notice.

PART V
—cont.

(c) As soon as may be after the last day for making objections or representations under paragraph (b) of this subsection the district council shall take into consideration any objections or representations which may have been received by the proper officer and may if they think fit confirm the resolution referred to in paragraph (a) of this subsection without modification or may confirm the said resolution with such modifications as they think fit but not so as to add any relevant place or places to those specified in the said resolution, or may rescind the said resolution.

(d) Public notice of the confirming resolution shall be given by the district council in like manner as public notice of the resolution is required to be given under paragraph (a) of this subsection.

(e) The resolution as so confirmed whether with or without modification shall come into force on such day as may be specified in the notice of the confirming resolution to be given pursuant to paragraph (d) of this subsection, not being earlier than twenty-eight days after the publication of the notice in the local newspaper or newspapers or the posting of the notice in the relevant place or places, whichever is the later.

(9) The provisions of this section shall not prevent the owner of any part of the seashore, or any person with his consent, from exercising any right which he could have exercised if this section had not been enacted.

(10) In relation to any consent under paragraph (b) of subsection (1) of this section, any person aggrieved by—

- (a) the refusal of such consent;
- (b) any term or condition attached to a consent;
- (c) the revocation of a consent; or
- (d) the amount of any charge prescribed by a district council payable as in respect of a consent;

may appeal to a magistrates' court.

(11) In this section "seashore" includes any bank, barrier, dune, beach, flat or other land adjacent to the foreshore.

27.—(1) As from the appointed day no person shall commence to erect in a district a stand to which this section applies unless he has given notice to the district council of his intention to do so, accompanied by such particulars as the district council may reasonably require, and the district council have approved the erection of the stand under this section. The particulars which under this section may be so required shall not include a plan and section unless (in a case where none accompanies the notice

Safety of
stands.

PART V
—cont.

given to the district council by the person seeking their approval) not more than seven days after the giving of that notice the district council give notice to that person that a plan and section are required.

(2) Within five weeks from the receipt of such a notice and particulars from any person and after consultation with the fire authority the district council may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of any 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 district council to be necessary for securing the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

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

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

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

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand to which this section applies; or
- (b) erects such a stand otherwise than in accordance with particulars submitted to the district council 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 any plan, section and particulars as modified by the notice; or

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

(d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

he shall be liable on summary conviction to a fine not exceeding £100:

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) This section applies to a stand provided or to be provided for the purpose of affording seating or standing accommodation for twenty or more persons at a time, but does not apply to works of which notice must be given, or plans, sections, specifications or written particulars must be deposited in accordance with building regulations.

28.—(1) In their application to a district the provisions of section 29 of the Public Health Act 1961 (which relates to the demolition of buildings) shall, as from the appointed day, have effect as if—

(a) for subsection (3) other than the proviso there were substituted:—

“(3) No person shall undertake a demolition to which subsection (1) of this section applies unless a notice specifying the building and the works of demolition intended to be carried out has been given to the local authority and either notice under the said subsection (1) has been served by the local authority in relation to the demolition or the appropriate time specified in subsection (4) of this section within which such notice may be so served has expired; and a person contravening this subsection shall be liable on summary conviction to a fine not exceeding four hundred pounds:”;

(b) paragraphs (d) and (e) of subsection (5) applied to any pipe for the supply of gas as they apply to any sewer, drain or water pipe;

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

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

PART V
—cont.

(h) to make good and restore to the satisfaction of the local authority any injury to any adjacent building or the facilities thereof whatsoever (including the replacement or repair of walls, pipes, gutters, roofing, or other facilities which are removed or damaged in connection with the demolition and necessary to the safety or enjoyment of persons using the same) occasioned by reason of the demolition or of any act or omission of any person engaged in the demolition;

(i) to make arrangements with the South Wales Electricity Board for the disconnection of the supply of electricity to the building to be demolished;

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the manner in which, and the conditions subject to which, the demolition is to be undertaken and the condition of the site on completion.”;

(d) in subsection (6) for the words “or paragraph (e)” there were substituted the words “paragraph (e) or paragraph (h).”;

(e) in paragraph (b) of subsection (10) after the word “weatherproofed” there were inserted the words “or any injury to the building to be made good and restored” and at the end of that paragraph there were added the words “or of so making good and restoring”.

1974 c. 37.

(2) Nothing in this section shall prejudice or affect the operation of the relevant statutory provisions of Part I of the Health and Safety at Work etc. Act 1974 and if any requirement imposed by virtue of this section is inconsistent with any requirement imposed by or under that Act, the requirement under the said Act shall prevail.

Protection of
property
broken into,
etc.

29.—(1) Where a district council 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 their district 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 a district council 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) Nothing in this section shall apply to any house or building being premises in respect of which—

PART V
—cont.

(a) an undertaking that the premises shall not be used for human habitation is in force by virtue of section 16 (4) of the Housing Act 1957 or section 60 (2) of the Housing Act 1969; or

1957 c. 56.
1969 c. 33.

(b) a closing order is in force by virtue of section 17, 26 or 35 of the Housing Act 1957, section 26 of the Housing Act 1961 or section 60 of the Housing Act 1969;

1961 c. 65.

and references in the foregoing provisions of this subsection to sections 16 (4) and 17 of the said Act of 1957 include references to them as applied by section 18 of that Act.

PART VI

REGULATION OF STREET TRADING IN CARDIFF

30. In this Part of this Act—

Interpretation
and application
of Part VI
of Act.

“ article or thing ” includes any living thing;

“ licensed traders’ street ” means a street in respect of which a resolution passed by the city council under paragraph (b) of subsection (1) of section 31 (Designation of streets for purposes of street trading) of this Act is for the time being in force;

“ prohibited street ” means a street in respect of which a resolution under paragraph (a) of the said subsection (1) is for the time being in force;

“ street ” means the whole or part of a highway or other place in the city over which there is a public right of passage;

“ street trading ” means the selling or exposing or offering for sale of any article or thing in a street;

“ street trading licence ” means a licence under this Part of this Act.

31.—(1) The city council may by resolution designate a street as a street in which street trading is—

Designation
of streets for
purposes of
street trading.

(a) prohibited; or

(b) prohibited otherwise than under and in accordance with any prescription of a street trading licence;

and may rescind or vary such a resolution:

Provided that—

(i) before passing a resolution under this section the city council shall consult the highway authority and the chief officer of police; and

PART VI
—cont.

(ii) the city council shall not under the powers of this subsection specify any street belonging to or repairable by the railways board without the consent of the railways board.

(2) (a) The city council shall give public notice of the passing by them of a resolution having the effect of designating any part of a street as a prohibited street or as a licensed traders' street (hereafter in this section called a "designating resolution") under the foregoing provisions of this section by advertisement in a newspaper or newspapers circulating in the city and by posting a notice in every street to which it relates.

(b) Every such notice shall state that objections or representations with regard to the specification of any street mentioned in the resolution may be made in writing addressed to the proper officer within such period (expiring not earlier than twenty-eight days after the publication of the notice in the newspaper or newspapers or the posting of the notice in the street, whichever shall be the later) as may be specified in the notice.

(3) As soon as may be after the last day for making objections or representations under subsection (2) of this section the city council shall take into consideration any objections or representations which may have been received by the proper officer and may if they think fit confirm the designating resolution referred to in subsection (1) of this section without modification or may confirm the said resolution with such modifications as they think fit but not so as to add any street to those specified in the said resolution or may rescind the said resolution.

(4) Public notice of the confirming resolution shall be given by the city council in like manner as public notice of the resolution is required to be given under paragraph (a) of subsection (2) of this section.

(5) (a) A designating resolution as so confirmed whether with or without modification shall come into force on such day as may be specified in the notice of the confirming resolution to be given pursuant to subsection (4) of this section, not being earlier than twenty-eight days after the publication of the notice in the local newspaper or newspapers or the posting of the notice in the street whichever is the later.

(b) A resolution under this section which is not a designating resolution shall come into force upon its passing.

(6) As from the commencement of this Act, the streets or parts of streets specified in Part I of Schedule 2 to this Act (and to which immediately before the commencement of this Act the provisions of Part X (Regulation of street trading) of the Cardiff Corporation Act 1961 applied) and the streets or parts of streets specified in Part II of that Schedule (and to which immediately

before the commencement of this Act the provisions of section 62 (Hawking, etc., of any article or commodity) of the Cardiff Corporation Act 1969 applied) shall respectively be licensed traders' streets and prohibited streets as if they had been designated under this section without prejudice to the power of the city council by resolution under subsection (1) of this section to vary, add to or otherwise alter the street to which the provisions of this Part of this Act for the time being apply.

PART VI
—cont.

1969 c. xlvii.

32.—(1) A person requiring a street trading licence or the renewal of a street trading licence shall make application in writing to the city council in such form as the city council may by resolution prescribe (a copy of which form shall be supplied by the city council to any person on demand) and shall in such application state—

Street trading
licences.

- (a) his full name and address;
- (b) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;
- (c) the street or streets in which and the day or days and the time or times on and at or during which he intends so to sell or expose or offer for sale such articles and things;
- (d) the nature of the barrow, cart or stall on or from which he intends so to sell or expose or offer for sale such articles and things; and
- (e) such other information as the city council may reasonably require.

(2) As soon as reasonably practicable after the receipt of an application under this section the city council shall (save as provided by the next following subsection) grant or renew a street trading licence to the applicant.

(3) The city council may refuse to grant or renew a street trading licence or may at any time revoke or vary a street trading licence if—

- (a) the applicant or licensee is on account of misconduct or for any other sufficient reason unsuitable to hold such licence; or
- (b) the space available in the street or streets to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of the licence insufficient to permit of the applicant or licensee engaging therein in any street trading, or in the particular street trading proposed to be or actually carried on by him, without causing undue interference with or inconvenience to traffic in such street or streets; or

PART VI
—cont.

- (c) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the city council under this Part of this Act; or
- (d) the licensee has for a period of not less than three consecutive months not exercised his rights under the licence; or
- (e) the street or streets to which the application relates is or are a prohibited street or prohibited streets:

Provided that—

- (i) the city council shall not refuse to grant or renew and shall not revoke a street trading licence on the ground only that the applicant or licensee does not reside in the city;
- (ii) the city council shall not refuse to grant or renew and shall not revoke or vary a street trading licence unless they shall have given to the applicant or licensee not less than seven days' previous notice in writing that, for the reasons specified in the notice, objection has been or will be taken to such grant or renewal, or that for the reasons so specified such a revocation or variation is proposed and (if so required by him in writing within three days after the receipt of such notice) they shall have afforded him an opportunity of being heard by a committee of the city council against such refusal, revocation or variation.

(4) If the city council refuse to grant or renew a street trading licence or revoke or vary a street trading licence they shall notify the applicant or licensee and deliver to him particulars in writing of the ground or grounds for such refusal, revocation or variation.

(5) A street trading licence may prescribe—

- (a) the street or streets in which and the position or place (if any) in any such street or streets at which the licensee may sell or expose or offer for sale articles or things under the authority of the licence;
- (b) the class or classes of articles or things which the licensee may so sell or expose or offer for sale;
- (c) the day or days on which and the time or times at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid;
- (d) the design of any barrow, cart or stall, its maximum dimensions and layout and the number and positioning of barrows, carts or stalls which may be used by the licensee for the purpose of street trading under the authority of the licence;
- (e) requirements as to the deposit and removal of refuse;
- (f) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority as aforesaid;

(g) the charges payable under section 36 (Charges to holders of street trading licences) of this Act; and

(h) requirements as to the legible and prominent display on any barrow, cart or stall used under such authority as aforesaid of the name of the holder of the licence and the number of his licence or such other means of identification as may be so prescribed;

and on any occasion of the renewal of a street trading licence the city council may vary such prescriptions.

(6) A street trading licence shall unless revoked be valid—

(a) (if granted or renewed at any annual meeting fixed by the city council for the purpose of considering applications under this section) for a period of one year; or

(b) (if granted or renewed at any other time) for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

33. The city council shall take such steps as they think necessary for affording to any recognised organisation representative of street traders (and to any street trader or other interested party not being a member of any such organisation) an opportunity to make representations with regard to the nature of the prescriptions made by the council in street trading licences pursuant to subsection (5) of section 32 (Street trading licences) of this Act, and to related matters. Consultation with traders, organisations, etc.

34.—(1) Any person making application for the grant or renewal of a street trading licence shall when making the application pay to the city council in respect thereof such reasonable fee as the city council think fit. Fees for street trading licences.

(2) Where the city council refuse to grant or renew a street trading licence they shall repay to the person who made the application therefor the amount of the fee paid by him as aforesaid.

35. Any person aggrieved by the refusal of the city council to grant or renew a street trading licence, or by the revocation or variation by the city council of a street trading licence or by any prescription made by the city council under section 32 (Street trading licences) of this Act, may appeal to a magistrates' court. Appeal against refusal of licence, etc., under Part VI of Act.

36. The city council may make and recover from holders of street trading licences granted by them reasonable charges— Charges to holders of street trading licences.

(a) for the removal of refuse or other services rendered by them to such holders; and

PART VI
—cont.

- (b) in respect of the expenses incurred by them in the administration of this Part of this Act and in the cleansing of streets to which this Part of this Act applies and in which street trading takes place.

Power to
licensees
under
Part VI of
Act to employ
other persons.

37. Subject to the provisions of any byelaws relating to street trading made under the Children and Young Persons Acts 1933 to 1969 and for the time being in force, a person holding a street trading licence may employ any other persons to assist him in the conduct of his business without any further street trading licence being required.

Offences
under
Part VI
of Act.

38.—(1) Subject to the provisions of this Part of this Act, any person who or whose assistant engages in street trading in any street—

- (a) which he knows to be a prohibited street; or
(b) which he knows to be a licensed traders' street except under the authority of, and in accordance with any prescription in, a street trading licence;

shall be guilty of an offence.

In this subsection and in subsection (3) below a prohibited street or a licensed traders' street shall be deemed to include land within 6 metres of the street except that a person who is—

- (i) the owner of that land; or
(ii) the occupier of that land and liable to be assessed to rates in respect thereof; or
(iii) on that land with the consent in writing of such owner or occupier;

proof of which shall lie upon him, shall not be guilty of an offence under either of these subsections by reason of his trading on that land.

(2) Where any person has appealed under section 35 (Appeal against refusal of licence, etc., under Part VI of Act) of this Act against the refusal of the city council to renew a street trading licence or against the revocation or variation of a street trading licence or against any variation of a prescription in a street trading licence which has been renewed, such licence shall until such appeal has been heard and determined or has been abandoned be deemed for the purposes of this subsection (as the case may be) to have been renewed or not to have been revoked or varied or to have been renewed without any variation of the prescription therein.

(3) In any proceedings for an offence under subsection (1) of this section—

PART VI
—cont.

(a) where it is shown that any article or thing was displayed in or on any receptacle in a stationary position in any street that article or thing shall be presumed to have been exposed or offered for sale (at such time and in such position at which it was so displayed) by the person in charge or appearing to be in charge thereof unless it is shown to the satisfaction of the court that the article or thing was brought into that street for some purpose other than for the purpose of selling it or exposing or offering it for sale in a street;

(b) a person shall be deemed to engage in street trading on any occasion on which he sells or exposes or offers for sale any article or thing whether or not he regularly carries on the business of street trading.

(4) Any person engaging in street trading in a prohibited street or licensed traders' street shall on being required to do so by an officer of the city council duly authorised in writing and (if so required) producing his authority or by a police officer furnish to such officer his name and address and in default of compliance with such requirement he shall be guilty of an offence.

(5) Every person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £100.

39.—(1) Nothing in this Part of this Act shall—

Savings.

(a) restrict the right of any person holding a pedlar's certificate to carry on the business of a pedlar in accordance with such certificate;

(b) apply to the sale or exposure or offer for sale of newspapers or periodicals by any person who—

(i) (in the case of the sale or exposure or offer for sale of newspapers) does not use in connection with such sale or exposure or offer for sale a receptacle which occupies a stationary position in a street other than an exempt receptacle; or

(ii) (in any other case) does not use in connection with such sale or exposure or offer for sale any receptacle which occupies a stationary position in a street;

(c) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street, apply to that trader in respect of any street trading conducted by him in the course of that business unless he permits any vehicle, stall or other receptacle used by him to occupy a stationary position in the street for an unreasonable time;

PART VI
—cont.

- (d) apply to the carrying on of street trading under and in accordance with a street trading licence in a prohibited street by a person who at the date on which that street becomes a prohibited street is, and during the continuous period of one year preceding that date has been, the holder of a street trading licence authorising that person to engage in street trading in that street;
- (e) apply to the sale or exposure or offer for sale of any article or commodity in a prohibited street pursuant to an authority granted under section 56 (Highway amenities) of this Act or in accordance with any terms and conditions relative to street trading and attached to such an authority.

(2) In this section—

“ exempt receptacle ” means a receptacle which—

- (i) is exclusively used for the sale or exposure or offer for sale of daily or Sunday newspapers or local newspapers circulating in any part of the city; and
- (ii) occupies a position wholly in the footway of the street; and
- (iii) does not exceed 1 metre in height or occupy or extend over a portion of the footway measuring more than 1 metre in any direction or exceeding a quarter of a square metre in area; and

“ receptacle ” means a vehicle or stall or any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used as a container for or for the display of newspapers or periodicals.

Saving for sales in legal markets or fairs.

40. In the case of any market or fair held in pursuance of any statute, royal licence, royal charter or letters patent or as of right from time immemorial nothing in this Part of this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to, or is acting under the written authority of, a person, holding or entitled to hold such market or fair or to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

Application of section 29 of Cardiff Markets Act 1835.
1835 c. li.

41. Nothing in section 29 of the Cardiff Markets Act 1835 shall render unlawful the carrying on of street trading under and in accordance with a street trading licence.

Notice to be given of provisions of Part VI of Act.

42.—(1) As soon as may be after the commencement of this Act the city council shall cause to be published in a local newspaper circulating in the city notice of the general effect of the provisions of this Part of this Act.

(2) Either—

PART VI
—cont.

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

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

PART VII

AERODROMES AND AIRCRAFT NOISE

43.—(1) This Part of this Act applies to noise, including Application vibration, attributable to aircraft using Glamorgan (Rhoose) of this Part. Airport or any other land owned or managed by the county council and designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft.

(2) For the purposes of this section—

- (a) land owned or managed by the county council jointly with any other authority or person or by a joint committee of which the county council are a member shall be treated as owned or managed by the county council;
- (b) land includes the roof or any other part of a building.

44.—(1) The county council may for the purpose of the Purchase of construction of works for the measurement or mitigation of land for works noise to which this Part of this Act applies purchase by agreement for the or may be authorised by means of an order made by the county mitigation of council and submitted to and confirmed by the Secretary of aircraft noise. State to acquire compulsorily land within or outside the county.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of 1946 c. 49. land under this section, and accordingly shall have effect 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.

45. The county council may upon any land owned by them Works for or in which they have a sufficient interest, construct and maintain mitigation of works for the measurement or mitigation of noise to which this aircraft noise. Part of this Act applies:

Provided that the county council shall so exercise their powers under this section as not to create a nuisance.

PART VII
—cont.

Power to
enter land.

46.—(1) Subject to the provisions of this section any person authorised by the county council shall, on producing if so required some authenticated document showing his authority, have a right to enter at all reasonable hours any land for the purpose of taking measurements of noise to which this Part of this Act applies:

Provided that admission to any land shall not be demanded as of right unless at least forty-eight hours' notice of the intended entry has been given to the occupier.

(2) Nothing in this section shall empower any person authorised by the county council to enter into any premises belonging to or used by the railways board for the purposes of their undertaking, nor to enter upon any operational land of the statutory undertakers without their consent which shall not be unreasonably withheld.

Byelaws as
to operation
of aircraft at
county council
aerodrome.

47.—(1) The county council may make byelaws for controlling the operation of aircraft using a county council aerodrome or the facilities of a county council aerodrome at or in the vicinity of Glamorgan (Rhoose) Airport or any such land as is mentioned in section 43 (Application of this Part) of this Act for the purpose of mitigating or preventing noise to which this Part of this Act applies and noise including vibration attributable to aircraft using any of the facilities provided at that aerodrome.

(2) Any person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100:

Provided that any departure from such a byelaw to the extent necessary for the purposes of securing the safety of aircraft in flight or the safety of aircraft, persons or property on the ground shall be deemed not to contravene any byelaw made under this section.

(3) (a) If the Secretary of State is satisfied that any byelaw made under this section is inconsistent with the safety of aircraft, the safety of vehicles or persons using the aerodrome or public safety or with any international obligation assumed by the Government of the United Kingdom he may for the purpose of removing such inconsistency and after consulting the county council by order revoke or modify the byelaw.

(b) Any byelaw modified by the Secretary of State under this subsection shall have effect as if it had been duly made by the county council and confirmed by the Secretary of State.

PART VIII

FIRE PRECAUTIONS

Underground
parking
places.

48.—(1) Where plans of any proposed work deposited with a district council in pursuance of building regulations include

proposals for the construction, alteration or extension of an underground parking place, or the alteration of a building for use as an underground parking place, the district council may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire, being proposals relating to all or any of the following matters:—

- (a) the construction of the approaches to the underground parking place;
- (b) the means of ventilation of the underground parking place;
- (c) the electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of a satisfactory emergency lighting system in connection with the underground parking place;
- (e) fire protection, fire alarms and fire-fighting equipment and appliances in connection with the underground parking place;
- (f) the means of ingress to and egress from the underground parking place including illuminated exit signs;
- (g) the provision of adequate means for preventing flammable substances from being admitted to any drainage system forming part of the underground parking place;
- (h) the means of access to the underground parking place for fire brigade appliances and personnel.

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

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the district council ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

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

(3) If, after plans of any underground parking place have been passed by the district council in consequence of any proposals made under subsection (1) of this section, it appears to the district council that any such proposal has not been carried into effect

PART VIII
—cont.

or is not being observed, the district council may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

(4) If any person on whom a notice has been served under subsection (3) of this section uses the underground parking place, or permits it to be used as an underground parking place, without giving effect to, or securing the observance of, any proposal specified in the notice, he shall be liable on summary conviction to a fine not exceeding £100.

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

Further
provision
as to
underground
parking
places.

49.—(1) Without prejudice to the provisions of section 48 (Underground parking places) of this Act, a district council may, by notice to the owner or occupier of any underground parking place in the district which is first brought into use after the commencement of this Act, require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and, in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the district council in pursuance of building regulations, the district council may, by notice to the owner or occupier thereof, require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (h) of subsection (1) of the said section 48 as the district council think fit.

(2) Any person on whom a notice under this section has been served who contravenes any requirements specified in the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(3) Subsections (2) to (5) and (7) of section 290 of the Act of 1936 shall apply to a notice under this section as if for references therein to the court there were substituted references to the Secretary of State.

Interpretation
and powers
of entry for
purposes of
sections 48
and 49.

50.—(1) In section 48 (Underground parking places) and section 49 (Further provision as to underground parking places) of this Act, “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by the county council or the Secretary of State under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force, or a building or part of a building

to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor vehicles, at a level more than 1 metre below the lowest level of the surface of the ground adjoining any part of such building.

PART VIII
—cont.

(2) For the purposes of section 287 (1) (a) of the Act of 1936 as applied by this Act, the provisions of the said sections 48 and 49 shall be provisions which it is the duty of a district council to enforce.

51.—(1) Section 60 of the Act of 1936 shall apply in each district but shall have effect as if—

(a) in subsection (1), for the words “twenty feet” there were substituted “4.5 metres”; and

Provision of means of escape from fire in certain buildings.

(b) for subsection (4) there were substituted the following subsection:—

“(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than 4.5 metres above the surface of the street or ground on any side of the building and which—

(a) is used as a flat or flats or tenement dwellings; or

(b) is used as an inn, hospital, nursing home, children’s home, aged persons’ home or similar institution or as a restaurant, school, shop, store, office or warehouse.”.

(2) (a) The district council may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) of this section, applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

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

(i) that the requirement is not justified by the terms of this subsection;

(ii) that there has been some informality, defect or error in, or in connection with, the notice;

(iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

PART VIII
—cont.

(3) The said section 60 of the Act of 1936, as having effect in accordance with this section, shall not apply to—

- (a) any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or
- (b) any premises to which section 9A of the Fire Precautions Act 1971 applies.

1971 c. 40.

Firemen's
switches for
luminous
tube signs.

52.—(1) This section applies to apparatus consisting of—

- (a) luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed; and
- (b) the transformers required to raise the voltage so as to operate the signs or equipment,

not being apparatus which is inside a building and is attended while in operation.

(2) As from the appointed day, apparatus in the county to which this section applies shall be provided with a cut-off switch (on the low-voltage side of the transformer, if any); and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the county council may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

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

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

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

(5) Where notice has been given to the county council as required by subsection (3) or subsection (4) of this section, the proposed, or, as the case may be, actual, position, colouring or marking of the switch shall be deemed to satisfy the requirements of the county council unless, within fourteen days from the date

of the service of the notice, the county council have served on the consumer a counter-notice stating that their requirements are not satisfied.

PART VIII
—cont.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers for a fireman's emergency switch shall for the purposes of this section be deemed to satisfy the requirements of the county council.

(7) A person aggrieved by a counter-notice served by the county council under subsection (5) of this section may appeal to the Secretary of State, who, if he allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus to which this section applies is installed which does not comply with subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and for each day on which an offence is continued after conviction thereof, to a fine not exceeding £5.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(10) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937, or any regulations that may be made under section 60 of the Electricity Act 1947.

1947 c. 54.

(11) This section shall not apply to apparatus installed on or in premises, or any part of premises, in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign is proposed to be fitted on or in any such premises the owner or occupier thereof shall, before such apparatus is fitted, give notice under subsection (3) of this section to the county council informing them of the position in which it is proposed to place the cut-off switch.

53.—(1) Within a district, unless the district council consent, no building shall be erected with a storey or part of a storey at a greater height than 18.3 metres:

Further precautions against fire in high buildings.

Provided that the district council shall not withhold consent under this subsection if they are satisfied that, having regard to the proposed use to which the building is to be put, proper arrangements will be made and maintained for preventing or reducing danger from fire in the building.

PART VIII
—cont.

(2) In giving their consent under this section the district council may attach thereto conditions relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building including, without prejudice to the generality of the foregoing, conditions relating to—

- (a) the provision of automatic fire alarms;
- (b) the provision of a fire-extinguishing system;
- (c) effective means of removal of smoke in the event of fire; and
- (d) the provision of such means as the district council may consider necessary for fighting fire.

(3) Any person who is aggrieved by a decision of the district council under this section to withhold consent or to attach conditions to a consent may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) Any person who contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) The measurement of the height of any such building or part of a building as is mentioned in this section shall be calculated in accordance with the provisions of the building regulations for the time being in force.

(6) In this section "automatic fire alarm" means a device which, without manual intervention, originates an alarm of fire.

(7) Nothing in this section shall apply to—

- (a) any building exempted from the provisions of building regulations; or
- (b) any building, being a shop or departmental store to which the British Standard Code of Practice known as CP3: Chapter IV: Part 2 (1968) or the code for the time being in force applies, if and for so long as, when erected, it complies with the recommendations of that part of that code of practice relating to the planning, construction and equipment of such a building.

Byelaws with regard to certain temporary structures.

54.—(1) A district council may make byelaws with regard to temporary structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

- (a) the provision of safe and adequate means of ingress to and egress from the structure;

- (b) the provision of first-aid fire-fighting equipment;
- (c) the provision of proper and sufficient passages or gangways in the structure;
- (d) the stability of the structure and any stands erected therein;
- (e) the proper arrangement of any seating accommodation to be provided in the structure:

PART VIII
—cont.

Provided that no byelaws made under this section shall apply to any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Public Health Act 1961.

1961 c. 64.

(2) This section applies to any tent, marquee or other similar structure which is erected in a district and to which the public are admitted whether with or without any charge for admission for the purposes of or in connection with any fair, show, travelling circus, exhibition, game, sport, athletic or other contest or public entertainment or any political, religious or other public meeting.

55. Nothing in the foregoing sections of this Part of this Act shall affect the operation of the Fire Services Acts 1947 to 1959 or any regulations or orders made thereunder.

Saving for
Fire Services
Acts.

PART IX

MISCELLANEOUS

56. Where a local authority consider it expedient or desirable that the powers conferred on them by section 213 of the Town and Country Planning Act 1971 (which relates to the provision of amenity for highways reserved to pedestrians) should be exercised, they may by resolution authorise the exercise of those powers by any person approved by them on such terms and conditions as they think fit, including such terms and conditions as they consider necessary—

Highway
amenities.
1971 c. 78.

- (1) for the safety of persons using the highway; and
- (2) to ensure the removal of anything placed in the highway at the termination of the period of authorisation, the making good of any damage caused by the placing or removal and the reimbursement to the highway authority of any expenditure incurred by them in so doing.

57. As from the commencement of this Act, the public slaughterhouse provided by the city council shall be deemed to be provided under section 15 of the Slaughterhouses Act 1974.

City council's
slaughter-
house.
1974 c. 3.

PART IX
—cont.Pleasure
boats.
1890 c. 59.

58.—(1) The powers of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 (which empowers an urban authority to provide and let or license persons to provide and let pleasure boats on any lake or piece of water in a park or pleasure ground) shall—

(a) in their application to the borough council be extended so as to enable the council to provide and operate pleasure boats for carrying passengers on the sea, whether at separate fares or otherwise, and to provide and maintain landing stages, mooring places and boathouses in connection with any such pleasure boats:

Provided that nothing in the said powers shall enable the borough council to provide, operate and let for hire pleasure boats for use on the waters of the Bristol Channel beyond an area bounded by imaginary straight lines commencing at a point on the borough boundary at Hayes Point, thence proceeding in a southerly direction for a distance of 16,030 feet, thence in a westerly direction for a distance of 18,620 feet and thence in a northerly direction for a distance of 12,160 feet to and terminating at the borough boundary at Porthkerry Beach approximately 2,000 feet west of Bullcliff Rocks;

(b) in their application to the city council be extended so as to be exercisable with respect to the rivers Ely and Taff, and for the purposes of or in connection with the exercise of those powers as so extended the city council may, on any land in the city for the time being belonging to them and abutting on or situate near the river Ely or the river Taff, provide such buildings or structures and execute such works as may be necessary or convenient:

Provided that the powers conferred by this paragraph shall not be so exercised as to affect or interfere with the abstraction of water by the water authority from the river Ely or by the railways board from the river Taff for the purposes of their respective undertakings or any works constructed or maintained by the water authority or the railways board in connection therewith.

(2) Before in any case exercising the powers of this section the city council shall consult the water authority.

Arrangements
between
authorities
as to construc-
tion of works.
1970 c. 39.

59.—(1) Notwithstanding anything in subsection (10) of section 101 of the Act of 1972, the Local Authorities (Goods and Services) Act 1970 or any other enactment, a district council may, at the request of the county council, enter into arrangements with the county council for the construction of buildings or the

carrying out of other works by the district council (hereinafter in this section called “relevant work”) on behalf of the county council in the district in relation to the fire, education, small-holdings and social services functions of the county council.

(2) If the county council desire a district council to carry out a relevant work under this section, they shall either—

- (a) put the relevant work out to competitive tender and shall in respect thereof comply with the provisions of the Code of Procedure for Selective Tendering (1972 Edition) published by the National Joint Consultative Committee of Architects Quantity Surveyors and Builders or such other code of procedure as shall from time to time be published by that Committee in collaboration with the Secretary of State or be approved for the purposes hereof by the Secretary of State; or
- (b) negotiate a price which shall not exceed the limit specified in the following subsection for the carrying out of the relevant work.

(3) (a) The limit specified for the purposes of paragraph (b) of subsection (2) of this section shall be £20,000 or a higher sum bearing the same proportion to the said sum of £20,000 as shall be borne by any increase in the Index of Retail Prices to the figure shown therein for the month of May 1976.

(b) The Index of Retail Prices shall mean the Index of Retail Prices published by H.M. Stationery Office or any official publication substituted therefor.

(4) Any agreement for the carrying out of a relevant work shall incorporate the appropriate standard form of building contract for the time being published by the Joint Contracts Tribunal (commonly called the RIBA Standard Form of Contract) or that published by the Association of Consulting Engineers, the Institution of Civil Engineers and the Federation of Civil Engineering Contractors (commonly called the ICE Standard Form of Contract) or such other standard form as shall be in common use.

(5) A district council shall use their best endeavours to secure that the income derived from the exercise of the powers of this section from the carrying out of each relevant work is sufficient to defray their expenditure in respect of that work.

(6) The accounts of the district council shall include a separate account (hereinafter called “the specified account”) in respect of each relevant work carried out by that council in the exercise of the powers of this section to be included in the accounts next following the expiry of nine months after the issue of the Final

PART IX
—cont.

Certificate for each relevant work; and subsection (1) of section 159 of the Act of 1972 (which relates to the inspection and taking of copies of accounts) shall have effect as if the reference to the accounts to be audited included a reference to the specified account.

(7) A district council shall bring into the specified accounts all known expenditure, liabilities, charges, expenses and costs including financing costs attributable to any works carried out in exercise of the powers of this section and shall in particular without prejudice to the generality of the foregoing ensure that the specified accounts shall—

(a) include a proper charge in respect of—

(i) the use of premises in connection with the carrying out of any relevant work; and

(ii) works department administrative expenses; and

(iii) central administrative expenses; and

(b) include a proper charge including capital costs, operating costs, maintenance and finance costs for all plant and vehicles including workshops, plant and equipment, and small plant and loose tools used in carrying out any relevant work; and

(c) include a proper charge to take account of any supplies taken from stock for the purpose of carrying out any relevant work; and

(d) include a proper charge for labour, materials, machinery, on cost and all other relevant costs of goods manufactured by the district council and used in the carrying out of any relevant work; and

(e) where an item is attributable partly to work carried out in exercise of the powers of this section and partly to other work, show a fair apportionment having regard to the respective values of the works in question.

(8) After audit the specified accounts shall be available to the public for examination.

PART X

GENERAL

Compensation: how to be determined.

60. When any compensation, costs, damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for by this or any other enactment, such amount may be recovered by action in the county court.

61.—(1) Any Minister of the Crown (as defined in the Ministers of the Crown Act 1975) may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act or under any enactment mentioned in Part II or Part III of Schedule 5 to this Act.

PART X
—cont.

Local
inquiries.
1975 c. 26.

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

62.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act; and sections 301, 302 and 304 of that Act shall apply accordingly.

Appeals.

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

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

then, until the time for appealing has expired, or, 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 local authority themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

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

Liability of
directors etc.

(2) Where the affairs of a body corporate are managed by its members the foregoing subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

PART X
—cont.

Contravention
due to default
of other
person.

Defence of
due diligence.

64. Where the commission by any person of an offence under this Act is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against any other person.

65.—(1) In any proceedings for an offence under any of the provisions mentioned in Schedule 3 to this Act, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) If in any case the defence provided under subsection (1) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(3) The time within which proceedings for an offence under any of the provisions of this Act mentioned in Schedule 3 to this Act may be commenced by virtue of section 64 (Contravention due to default of other person) of this Act shall, instead of being six months in accordance with section 104 of the Magistrates' Courts Act 1952, be twelve months.

1952 c. 55.

Application
of general
provisions of
Act of 1936.

66.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 4 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) The section of the Act of 1936 mentioned in Part II of the said Schedule shall have effect as if references therein to that Act included a reference to—

(a) the following sections of this Act, that is to say:—

Section 27 (Safety of stands);

Section 28 (Control of demolitions);

(b) the following Parts of this Act, that is to say:—

Part IV (Music and dancing licences in Cardiff);

Part VIII (Fire precautions).

Restriction
on right to
prosecute.

67. 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 a local authority or a police officer.

Repeals.

68.—(1) Subject to subsection (4) of this section the enactments mentioned in column (1) of Part I of Schedule 5 to this Act, in so far as they apply within the county or any part thereof, are hereby repealed to the extent mentioned in column (2) thereof.

(2) The enactments mentioned in column (1) of Part II of Schedule 5 to this Act, in so far as they apply within the county or any part thereof, shall continue so to apply to the extent mentioned in column (2) thereof and to that extent subsection (9) of section 262 of the Act of 1972 shall not apply to those enactments.

(3) The enactments mentioned in columns (1) and (2) of Part III of Schedule 5 to this Act shall, notwithstanding subsection (1) of section 262 of the Act of 1972 have effect in their application to the county as if for any reference to a local authority and to the area within which the enactment has effect, there were substituted respectively reference to the local authority mentioned opposite thereto in column (3) and to the area mentioned opposite thereto in column (4) of that Part, but nothing in this subsection shall affect the operation of subsection (9) of section 262 of the Act of 1972.

(4) The enactments mentioned in columns (1) and (2) of Part IV of Schedule 5 to this Act shall continue to have effect in accordance with and subject to the provisions of section 262 of the Act of 1972.

(5) The saving provisions contained in Schedule 6 to this Act shall have effect in relation to repeals effected by this Act.

69. For the protection of the statutory undertakers the provisions of this section shall, unless otherwise agreed in writing between the appropriate authority and the statutory undertakers, apply and have effect:—

For protection
of statutory
undertakers.

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

“ apparatus ”—

(a) in the case of electricity undertakers, means electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by such undertakers; or

1882 c. 56.

(b) in the case of gas or water undertakers, means mains, pipes or other apparatus belonging to or maintained by such undertakers;

(c) in the case of the Post Office, includes any telegraphic line belonging to or used by the Post Office;

and includes any works for the lodging therein of apparatus;

“ appropriate authority ” means the county council or a district council, as the case may require;

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

“ position ” includes depth:

PART X
—cont.

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

Section 6 (Regulation of Cadoxton Common);

Section 8 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.);

Section 45 (Works for mitigation of aircraft noise);

Section 58 (Pleasure boats):

- (3) Nothing in section 6 (Regulation of Cadoxton Common) of this Act shall prevent the carrying out by the electricity undertakers of any development permitted under Class X and Class XVIII in Schedule 1 to the Town and Country Planning General Development Order 1973 or such diversion of apparatus as may be agreed to from time to time between the borough council and the electricity undertakers:

- (4) Nothing in the following sections of this Act shall relieve the appropriate authority from any restrictions or obligations which may be imposed by or under the Land Drainage Act 1930 and the Land Drainage Act 1961, that is to say:—

Section 8 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.);

Section 58 (Pleasure boats):

- (5) Where the appropriate authority propose to give notice under subsection (1) of section 29 of the Public Health Act 1961, as amended by section 28 (Control of demolitions) of this Act, requiring a person undertaking a demolition to take action under paragraph (d) or paragraph (e) of subsection (5) of the said section 29 with respect to any pipe for the supply of gas, they shall give the British Gas Corporation at least seven days' notice of their intention to do so:

- (6) The powers of section 58 (Pleasure boats) of this Act shall not, without the written consent of the water authority, be so exercised as to obstruct or interfere with the access to any sea defences or land drainage works for the time being vested in or under the jurisdiction or control of the water authority:

- (7) (a) Any question or difference which may arise between the appropriate authority and the statutory undertakers

S.I. 1973/31.

1930 c. 44.

1961 c. 48.

1961 c. 64.

under this section shall be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party;

PART X
—cont.

- (b) In settling any question or difference under this section, the arbitrator shall have regard to any duty or obligation which the statutory undertakers may be under in respect of any apparatus and may, if he thinks fit, require the appropriate authority to execute any temporary or other work so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

70. In the Health and Safety at Work etc. Act 1974—

- (1) Subsection (5) of section 62 (which enables building regulations to repeal or modify certain enactments) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;

Saving for
Health and
Safety at
Work etc.
Act 1974.
1974 c. 37.

- (2) Subsection (1) of section 80 (which among other things enables regulations to repeal or modify any provision to which that subsection applies) shall apply as if the provisions to which that subsection applies included any provision of this Act and regulations and byelaws in force by virtue of this Act.

71.—(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 a local authority to take, use or in any manner interfere with, any land or hereditaments or any rights of whatsoever description—

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

- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

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

1950 c. 39.

SCHEDULES

Section 7.

SCHEDULE 1

DESCRIPTION OF THE LANDS REFERRED TO IN SECTION 7 (POWER TO SELL, ETC., SCHEDULED LANDS FREE FROM CERTAIN RIGHTS, ETC.) OF THIS ACT

Lands within the borough containing 46.64 acres or thereabouts and comprising the following parcels:—

First, 12.56 acres or thereabouts being enclosure numbered 7267 on the 1/2500 ordnance map (edition of 1956) (Plan S.T. 1166) known as Spion Kop, bounded to the west by Station Approach Road; to the north by the boundary fence of land occupied by the railways board; to the east in part by Friars Road, the northern boundary of No. 2 Friars Road, the northern and western boundaries of enclosure numbered 8774 on the said map (Plan S.T. 1166), the western boundary of St. John's Methodist Church, the western and southern boundaries of the Welfare Clinic, the western edge of a lane approximately 10 feet wide at the rear of Nos. 12 to 26 (even numbers inclusive) Friars Road and the western boundary of No. 26 Friars Road and bounded on the south by Friars Road between No. 26 Friars Road and Station Approach Road junction;

Secondly, an area of 2.45 acres or thereabouts comprising allotment gardens at Earl Crescent bounded on the west by Redbrink Crescent and Friars Road between the western boundary of No. 70 Redbrink Crescent and the junction of Earl Crescent; on the north-west by Earl Crescent; on the north-east by the rear access lane to premises Nos. 20 to 42 (even numbers inclusive) Redbrink Crescent; and on the east and south by the rear boundaries of premises Nos. 44 to 70 (even numbers inclusive) Redbrink Crescent, but excluding land to the north-west comprising premises Nos. 1 and 2 Earl Crescent and religious and club premises fronting Earl Crescent;

Thirdly, all those parcels of land approximately 20.38 acres in extent between Forrest Drive, Friars Road, Redbrink Crescent and high-water mark of medium tides including enclosures numbered 0269, 0063, 0152, 0742, 0531 and 0119 on the 1/2500 ordnance map (edition of 1955) (Plan S.T. 1266) and enclosures numbered 9770, 9367, 9664, 9756, 8723, 5751 (part) and 5348 (part) (Plan S.T. 1166), bounded by Forrest Drive, Friars Road, Redbrink Crescent, the eastern boundary of enclosure numbered 0269 (Plan S.T. 1266) and its continuation in a north-easterly direction to its junction with Redbrink Crescent, by high-water mark of medium tides to the east, south and west of the Whitmore Bay Promenade at its commencement at grid reference No. 11806630 and thence by a line drawn across the width of the promenade to the foot of the embankment at a distance of approximately

40 feet from the sea wall, continuing in a north-westerly direction parallel to the sea wall at a distance of approximately 40 feet therefrom along the rear line of the promenade to the north-eastern corner of the eastern shelter; thence along the eastern, southern and western sides of that shelter; thence by a line drawn in a north-north-easterly direction to and along the north-eastern edge of a footpath leading in a north-westerly direction to grid reference No. 11596649, thence in a northerly direction to the footpath bounding the rear of the Friars Road public conveniences, thence along the south-eastern edge of that footpath in an approximately north-easterly direction to its junction with Friars Road, thence in an easterly direction along the southern boundary of Friars Road to its junction with Forrest Drive excluding enclosure numbered 0419 (Plan S.T. 1266) and the land lying to the south-south-east of that enclosure between the south-eastern boundary of that enclosure and high-water mark of medium tides;

SCH. 1
—cont.

Fourthly, all that area of land bounded by Forrest Drive and Friars Road comprising approximately 11.25 acres, including enclosures numbered 8649, 9123, 9142, 9837 and 8734 (Plan S.T. 1166) and enclosures numbered 0137 and 0141 (Plan S.T. 1266), but excluding enclosures numbered 9428 and 9338 (Plan S.T. 1166), enclosure numbered 0129 (Plan S.T. 1266) and the access road from Forrest Drive to enclosure numbered 9338 (Plan S.T. 1166).

SCHEDULE 2

Section 31.

STREETS REFERRED TO IN SECTION 31 (DESIGNATION OF STREETS FOR PURPOSES OF STREET TRADING) OF THIS ACT

PART I

LICENSED TRADERS' STREETS

Lake Road East.

Lake Road West.

Penarth Road, between a point 30 feet south-west of its junction with Sloper Road and its junction with Taffs Mead Embankment.

Cathedral Road—

(a) between its junction with Sneyd Street and its junction with Cowbridge Road East; and

(b) between its junction with Pontcanna Street and its junction with the bus terminus in Llandaff Fields.

Penhill Road.

Sloper Road.

SCH. 2
—cont.

Leckwith Road, between its junction with Lawrenny Avenue and its junction with Cowbridge Road East.

Broad Street, between its junction with Sudcroft Street and its junction with Leckwith Road.

Western Avenue, between a point 100 yards north-east of its junction with Mill Lane and a point 100 yards south-west of its junction with Mill Lane.

Tudor Street.

High Street, Llandaff.

The Green, Llandaff.

Bridge Street, Llandaff.

City Road.

Upper Clifton Street.

Broadway.

Newport Road.

Fitzalan Road.

Crwys Road.

Whitchurch Road.

Woodville Road.

Wellfield Road.

Splott Road.

Carlisle Street.

Countisbury Avenue.

Moorland Road.

Hills Terrace.

Tweedsmuir Road.

Menelaus Street.

Cowbridge Road West.

Grand Avenue.

Station Road, Llandaff North.

St. Fagans Road.

Corporation Road.

Avondale Road from Corporation Road to Kent Street.

Ferry Road from Kent Street to York Place.

Ball Road.

Gelligaer Street.

Stacey Road.

Blenheim Road.

Muirton Road.

Cathays Terrace,

and with the exception of Talbot Street East all side streets abutting on to the above-mentioned streets for a distance of 100 feet from the junction of those side streets with the main street.

PART II
PROHIBITED STREETS

SCH. 2
—cont.

Queen Street.	High Street.
Duke Street.	Wood Street.
Castle Street.	Central Square.
St. John Street.	Cowbridge Road East.
Working Street.	Clifton Street.
Trinity Street.	Glossop Road.
The Hayes.	Longcross Street.
St. Mary Street.	Albany Road.
Victoria Place.	Moorland Road.
Hayes Bridge Road.	Hills Street and
Mill Lane.	Frederick Street,

and all side streets abutting onto the above-mentioned streets for a distance of 100 feet from the junction of those side streets with the main street.

SCHEDULE 3

Section 65.

PROVISIONS REFERRED TO IN SECTION 65 (DEFENCE OF DUE DILIGENCE) OF THIS ACT

PART I
PROVISIONS OF THIS ACT

Section 19 (Fines under Part IV of Act);
 Section 25 (Notice of street processions);
 Section 27 (Safety of stands);
 Section 38 (Offences under Part VI of Act);
 Part VIII (Fire precautions).

PART II
OTHER PROVISIONS

Act	Provision	
Barry Urban District Council Act 1913 ...	Section 61.	
Cardiff Corporation Act 1969... ..	Sections 23, 26 and 27.	1913 c. xcix. 1969 c. xlvii.

Section 66.

SCHEDULE 4

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED TO THIS ACT

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
288	Penalty for obstructing execution of Act.
293	Recovery of expenses, &c.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

PART II

SECTION APPLIED TO SECTIONS 27 AND 28 AND
PARTS IV AND VIII OF THIS ACT

Section	Marginal note
287	Power to enter premises.

SCHEDULE 5

Section 68.

ENACTMENTS REFERRED TO IN SECTION 68 (REPEALS) OF THIS ACT

PART I

ENACTMENTS REPEALED

(1) Enactment	(2) Extent of repeal
The Glamorganshire Canal Act 1790	The whole Act. 1790 c. lxxxii.
The Glamorganshire Canal Act 1796	The whole Act. 1796 c. lxix.
Cardiff Corporation Act 1837	The whole Act. 1837 c. xviii.
The Public Health Supplemental Act 1850 (No. 3)	The Order referring to 1850 c. cviii. Cardiff.
Cardiff Waterworks Act 1853	The whole Act. 1853 c. xxiv.
Cardiff Gaslight Act 1854	The whole Act. 1854 c. xxxiii.
Llandaff and Canton District Markets Act 1858	The whole Act. 1858 c. cv.
The Local Government Supplemental Act 1859 (No. 2)	The Cardiff Provisional 1859 c. xi. Order.
Cardiff Waterworks Act 1860	The whole Act. 1860 c. cv.
Cardiff Borough Act 1862	The whole Act. 1862 c. cxxiii.
The Local Government Supplemental Act 1865 (No. 5)	The Cardiff Provisional 1865 c. cviii. Order.
Cardiff Gas Light and Coke Company's Act 1870	The whole Act. 1870 c. lxxv.
Cardiff Improvement Act 1871	The whole Act, except 1871 c. clxi. sections 20 to 24 and 34 and the provision referred to in Part IV of this Schedule.
The Tramways Orders Confirmation Act 1871	The Cardiff Tramways 1871 c. clxxxix. Order 1871.
The Tramways Orders Confirmation Act 1873	The Cardiff Tramway 1873 c. cxcvii. Order 1873.
Local Government Board's Provisional Orders Confirmation Act 1873	The Borough of Cardiff Order. 1873 c. i.
Cardiff Improvement Act 1875	The whole Act except 1875 c. clxxxvii. section 64.
Cardiff Waterworks Act 1878	The whole Act. 1878 c. cxliv.
Cardiff Corporation Act 1879	The whole Act except 1879 c. cxxxiii. section 33.
The Glamorganshire Canal Act 1882	The whole Act. 1882 c. clxxvi.
Cardiff Corporation Act 1884	The whole Act except 1884 c. ccxxii. section 61.
Barry and Cadoxton Gas and Water Act 1886	The whole Act. 1886 c. xxxvii.
Cardiff Corporation Act 1887	The whole Act. 1887 c. lx.
Cardiff Gas Act 1887	The whole Act, except the 1887 c. xxxix. provisions referred to in Part II of this Schedule.
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1888	The Borough of Cardiff Order. 1888 c. xl.
Electric Lighting Orders Confirmation (No. 8) Act 1891	The Cardiff Electric Lighting Order 1891. 1891 c. civ.
Barry and Cadoxton Local Board (Gas and Water) Act 1893	The whole Act. 1893 c. lxxvii.

SCH. 5 —cont.	(1) Enactment	(2) Extent of repeal
1894 c. clxi.	Cardiff Corporation Act 1894	The whole Act except sections 30 and 31 and the provisions referred to in Part IV of this Schedule.
	Glamorgan, Monmouth, Cardiff and Newport (St. Mellons, &c.) Confirmation Order 1894	The whole Order.
1895 c. lxxxv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1895	The Borough of Cardiff Order 1895.
1896 c. ccxlv.	Barry Urban District Council Act 1896 ...	The whole Act except the provision referred to in Part IV of this Schedule.
1898 c. cxxviii.	Cardiff Corporation Act 1898	The whole Act except the provisions referred to in Part II of this Schedule.
1901 c. lx.	Cardiff Corporation Act 1901	The whole Act.
1901 c. xxxvii.	Electric Lighting Orders Confirmation (No. 2) Act 1901	The Llandaff and Dinas Powis Electric Lighting Order 1901.
1901 c. clxxiv.	Electric Lighting Orders Confirmation (No. 7) Act 1901	The Barry Electric Lighting Order 1901.
1902 c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902	The Cardiff Order 1902.
1903 c. lxxvii.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1903	The Barry Order 1903.
1903 c. cxlv.	Tramways Orders Confirmation (No. 1) Act 1903	The Cardiff Corporation Tramways (Extension) Order 1903.
1904 c. cxxii.	Local Government Board's Provisional Order Confirmation (No. 15) Act 1904	The whole Act.
1904 c. lxvi.	Electric Lighting Orders Confirmation (No. 1) Act 1904	The Barry Electric Lighting Order 1904.
1906 c. xxv.	Electric Lighting Orders Confirmation (No. 2) Act 1906	The Barry Electric Lighting Order 1906.
1906 c. xc.	Cardiff Gas Act 1906	The whole Act, except the provisions referred to in Part II of this Schedule.
1908 c. cxvii.	Electric Lighting Orders Confirmation (No. 3) Act 1908	The Llandaff and Dinas Powis Electric Lighting Order 1908.
1909 c. cxix.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1909	The Cardiff Order 1909.
1909 c. clxi.	Cardiff Corporation Act 1909	The whole Act.
1913 c. xcix.	Barry Urban District Council Act 1913 ...	The whole Act, except the provisions referred to in Part II of this Schedule.
1914 c. xlv.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1914	The Cardiff Order 1914.
1915 c. xcii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1915	Section 2 of the Act and The Cardiff Order 1915.
1919 c. cxi.	Provisional Order (City of Cardiff Police and Fire Brigade Pension Funds) Confirmation Act 1919	The whole Act.

(1) Enactment	(2) Extent of repeal	SCH. 5 —cont.
Cardiff Corporation Act 1920	The whole Act except sections 65 to 67, 69, 70, 72, 76 to 81 and 83 to 88 and the provision referred to in Part IV of this Schedule.	1920 c. cxlii.
Cardiff Gas Light and Coke (Temporary Increase of Charges) Order 1920, Revocation Order 1921	The whole Order.	S.R.O. 1921/799
Cardiff Gas Act 1921	The whole Act, except the provisions referred to in Part II of this Schedule.	1921 c. xxxviii.
Ministry of Health Provisional Order Confirmation (Cardiff Extension) Act 1922	The whole Act.	1922 c. ix.
Ministry of Health Provisional Orders Confirmation (No. 9) Act 1923	The Cardiff Order 1923.	1923 c. lxiii.
Barry Gas Order 1924	The whole Order, except the provisions referred to in Part II of this Schedule.	S.R.O. 1924/1437.
Barry Electricity Special Order 1926	The whole Order.	
Cardiff (Local Act) Order 1926	The whole Order.	
Ministry of Health Provisional Orders Confirmation (No. 10) Act 1927	The Barry Order 1927.	1927 c. cxi.
Cardiff Corporation (Scale of Water Charges) Order 1927	The whole Order.	
Cardiff Corporation Tramways Order Confirmation Act 1927	The whole Act.	1927 c. xliv.
Ministry of Health Provisional Orders Confirmation (No. 4) Act 1928	The Cardiff Order 1928.	1928 c. xviii.
Ministry of Health Provisional Orders Confirmation (No. 3) Act 1929	The Cardiff Order 1929.	1929 c. i.
Cardiff Union (Institutional Property) Order 1930	The whole Order.	
Cardiff Corporation Act 1930	The whole Act, except sections 46 and 47 and the provision referred to in Part III of this Schedule.	1930 c. clxxiv.
Ministry of Health Provisional Orders Confirmation (Barry and Scarborough) Act 1930	The Barry Order 1930.	1930 c. 1.
Ministry of Health Provisional Orders Confirmation (Cardiff, Stoke-on-Trent and Worthing) Act 1930	The Cardiff Order 1930.	1930 c. clvi.
Barry Gas Order 1930	The whole Order.	S.R.O. 1930/96.
Barry Gas (Charges) Order 1930	The whole Order.	S.R.O. 1930/168.
Cardiff Corporation Act 1934	The whole Act, except the provision referred to in Part IV of this Schedule.	1934 c. xcv.
Cardiff Extension Act 1937	The whole Act.	1937 c. cxxx.
Cardiff Gas Order 1939	The whole Order.	S.R.O. 1939/250.
Cardiff Corporation (Trolley Vehicles) Order Confirmation Act 1940	The whole Act.	1940 c. xxxvi.
Cardiff Corporation Act 1941	The whole Act.	1941 c. xvi.

SCH. 5 —cont.	(1) Enactment	(2) Extent of repeal
1943 c. xvi.	Cardiff Corporation Act 1943	The whole Act, except the provisions referred to in Part II of this Schedule. The whole Order.
	Cardiff Corporation (Extension of Time) Order 1946	
1946 c. li.	Cardiff Corporation Act 1946	The whole Act.
	Cardiff Corporation (Extension of Time) Act 1948	The whole Act.
1948 c. xv.	Cardiff Extension Act 1950	The whole Act.
1950 c. xlvi.	Cardiff Water (Extension) (No. 1) Order 1951	The whole Order.
S.I. 1951/546.	Cardiff Water (Extension) (No. 2) Order 1951	The whole Order.
1952 c. li.	Glamorgan County Council Act 1952 ...	The whole Act.
1955 c. ix.	Cardiff Corporation Act 1955	The whole Act.
1956 c. xxxi.	Monmouthshire County Council Act 1956 ...	The whole Act, except the provisions referred to in Part IV of this Schedule. The whole Act, except the provisions referred to in Part IV of this Schedule.
1957 c. xxxi.	Barry Corporation Act 1957	The whole Act, except the provisions referred to in Part IV of this Schedule.
1959 c. xi.	Glamorgan County Council Act 1959 ...	The whole Act.
	Cardiff Corporation Water (Leckwith Reservoir) Order 1960	The whole Order.
S.I. 1960/582.	Cardiff Corporation Water (Amalgamation) Order 1960	The whole Order.
S.I. 1960/635.	Cardiff Corporation Water (Llandegfedd Treatment Works) Order 1960	The whole Order.
S.I. 1960/798.	Cardiff Corporation Act 1961	The whole Act, except the provisions referred to in Part III or Part IV of this Schedule. The whole Order.
1961 c. v.		
	Cardiff Corporation Water (Cefn Mably Reservoirs) Order 1961	The whole Order.
S.I. 1961/2204.	Statutory Orders (Special Procedure) (Substitution) Order 1962	In Schedule 1 to the Order, the reference to section 31 of the Cardiff Corporation Act 1934.
S.I. 1962/2791.		
	Cardiff Corporation Water (Llandegfedd Reservoir) Amendment Order 1963	The whole Order.
S.I. 1963/1679.	Cardiff Corporation Water Order 1964 ...	The whole Order, except the provisions referred to in Part II of this Schedule.
S.I. 1964/368.		
1964 c. xiv.	Barry Corporation Act 1964	The whole Act.
1966 c. xvi.	Barry Corporation Act 1966	The whole Act, except the provisions referred to in Part III or Part IV of this Schedule.
1969 c. xlvii.	Cardiff Corporation Act 1969	The whole Act, except the provisions referred to in Part II, Part III or Part IV of this Schedule. The whole Order.
	Cardiff Corporation Water (Barry Docks Waterworks) Order 1969	
S.I. 1969/612.		

(1) Enactment	(2) Extent of repeal	SCH. 5 —cont.
Cardiff Corporation (Water Charges) Order 1969	The whole Order.	S.I. 1969/624.
Cardiff Corporation Water Undertaking (Valuation) Order 1969	The whole Order.	S.I. 1969/1337.
Barry Corporation Act 1970	The whole Act, except the provisions referred to in Part III or Part IV of this Schedule.	1970 c. lxxvii.
Monmouthshire County Council Act 1970 ...	The whole Act, except the provisions referred to in Part IV of this Schedule.	1970 c. lxxvii.
Cardiff Corporation Water (Cardiff and Penarth Docks Waterworks) Order 1970	The whole Order.	S.I. 1970/52.
Cardiff Corporation Water Undertaking (Valuation) Order 1970	The whole Order.	S.I. 1970/1835.
Glamorgan County Council Act 1973 ...	The whole Act, except the provisions referred to in Part III or Part IV of this Schedule.	1973 c. i.

SCH. 5
—cont.

PART II

ENACTMENTS EXCLUDED FROM REPEAL

	(1) Enactment	(2) Extent of application
1887 c. xxxix.	Cardiff Gas Act 1887	Section 24 and Schedule 1.
1898 c. cxxviii.	Cardiff Corporation Act 1898	Section 6. Section 8. Part I of the First Schedule.
1906 c. xc.	Cardiff Gas Act 1906	Section 5 (2) and Schedule 2.
1913 c. xcix.	Barry Urban District Council Act 1913 ...	Section 39. Section 59. Section 60. Section 61. Section 62. Schedule 2.
1921 c. xxxviii.	Cardiff Gas Act 1921	Section 28 and Schedule 1.
S.R.O. 1924/ 1437.	Barry Gas Order 1924	Section 4 and the Schedule.
1943 c. xvi.	Cardiff Corporation Act 1943	Section 19. Subsections (1) and (3) of Section 20. Section 28. Section 30. Section 31. Section 32 (except the proviso). Section 33 (except the first proviso to subsection(6)). Section 34. Section 35. Section 36. Section 37. Section 38. Section 39. Section 40. Section 41. Section 42. Section 43. Section 44. Section 46. Section 48. Section 49. Section 50. Section 51. Section 52. Section 53. Section 54. Section 56.
1956 c. xlviii.	Barry Corporation (Barry Harbour) Act 1956	The whole Act.
S.I. 1964/368.	Cardiff Corporation Water Order 1964 ...	Section 3 and Schedule 1.
1969 c. xlvii.	Cardiff Corporation Act 1969	Section 15.

SCH. 5
—cont.

(1) Enactment	(2) Extent of application
	Part III. Section 77. Section 94. Section 95. Section 96. Section 97. Section 98. Section 107. Section 108. Section 109.

PART III

ENACTMENTS EXCLUDED FROM REPEAL UNDER THIS ACT,
BUT WITH ALTERED APPLICATION

(1) Enactment	(2) Provision	(3) Local authority	(4) Area	
Cardiff Corporation Act 1930	Section 151	The city council		1930 c. clxxiv.
Cardiff Corporation Act 1961	Section 32	The district councils	Each district.	1961 c. v.
Barry Corporation Act 1966	Section 83	The district councils	Each district.	1966 c. xvi.
Barry Corporation Act 1966	Section 58	The district councils	Each district.	1966 c. xvi.
Cardiff Corporation Act 1969	Section 74	The local authorities	The county.	1969 c. xlvii.
	Section 80	The local authorities	The county and each district.	
	Section 82	The local authorities		
Barry Corporation Act 1970	Section 18	The local authorities	The county and each district.	1970 c. lxvii.
Glamorgan County Council Act 1973	Section 5	The local authorities	The county and each district.	1973 c. i.
	Section 6	The local authorities	The county and each district.	
	Section 11	The local authorities	The county and each district.	
	Part III	The district councils	Each district.	
	Section 94	The county council	The county.	
	and Schedule 2			
	Sections 96 to 104	The county council	The county.	
	Section 148	The local authorities	The county and each district.	
	Section 173, subsections (1), (2) and (3)	The local authorities	The county and each district.	

SCH. 5
—cont.

PART IV

ENACTMENTS EXCLUDED FROM REPEAL UNDER THIS ACT
WITH UNALTERED APPLICATION

	(1) Enactment	(2) Extent of application
1871 c. clxi.	Cardiff Corporation Act 1871	Section 27.
1894 c. clxi.	Cardiff Corporation Act 1894	Section 33. Section 75.
1896 c. ccxlv.	Barry Urban District Council Act 1896 ...	Section 39.
1920 c. cxlii.	Cardiff Corporation Act 1920	Section 82.
1934 c. xciv.	Cardiff Corporation Act 1934	Section 55 (except sub- section (5)).
1956 c. xxxi.	Monmouthshire County Council Act 1956 ...	Section 104. Section 119. Section 162. Section 172. Section 178. Section 192.
1957 c. xxxi.	Barry Corporation Act 1957	Section 40. Section 56. Section 60. Section 66. Section 86, subsections (1) and (2).
1961 c. v.	Cardiff Corporation Act 1961	Section 28. Section 33. Section 53. Section 54. Section 55. Section 72. Section 75. Section 81. Section 88. Section 90. Section 91. Section 101.
1966 c. xvi.	Barry Corporation Act 1966	Section 9. Section 10. Section 18. Section 21. Section 35. Section 49. Section 55.
1969 c. xlvii.	Cardiff Corporation Act 1969	Section 61. Section 81. Section 83. Section 87. Section 88. Section 91. Section 93.
1970 c. lxvii.	Barry Corporation Act 1970	Section 5. Section 37.

(1) Enactment	(2) Extent of application	SCH. 5 —cont.
Monmouthshire County Council Act 1970 ...	Section 26. Section 37. Section 57. Section 59. Section 104. Section 105. Section 106.	1970 c. lxxvii.
Glamorgan County Council Act 1973 ...	Section 61. Section 64. Section 86. Section 87. Section 137. Section 138. Section 141. Section 150. Section 159. Section 160. Section 166. Section 173, subsections (1), (3) and (7).	1973 c. i.

SCHEDULE 6

Section 68.

SAVING PROVISIONS

1. Notwithstanding the repeals effected by this Act—

- (a) the byelaws made by the Cardiff County Borough Council under section 42 of the Cardiff Corporation Act 1961 shall be deemed to have been made under section 54 (Byelaws with regard to certain temporary structures) of this Act but shall have effect only in relation to the area of the former Cardiff County Borough and, if not repealed earlier, shall cease to have effect on 1st January 1980; 1961 c. v.
- (b) any street trading licence granted by the city council under Part X of the Cardiff Corporation Act 1961 shall be deemed to have been granted under Part VI (Regulation of street trading in Cardiff) of this Act.

2. Notwithstanding the repeals effected by this Act, any obligations under the enactments mentioned in Part I of Schedule 5 to this Act with respect to the maintenance, alteration or renewal of any work on, under or over tidal waters or tidal lands below the level of mean high-water springs (including obligations as to the abatement of tidal works abandoned or decayed or as to the survey or lighting of tidal works) shall continue as if this Act had not been passed.

3.—(1) Notwithstanding the repeal by this Act of enactments continued in force by the Water Act 1973 relating to functions exercisable by the water authority for the supply of water within their area— 1973 c. 37.

- (a) the water authority may continue and maintain all waterworks authorised by those enactments as if this Act had not been passed; and—

(i) for the purposes of section 3 of Schedule 3 to the Water Act 1945, the said waterworks shall be deemed to 1945 c. 42.

SCH. 6
—cont.

be authorised, and the lands on which those works are constructed shall be deemed to be specified, in an enactment which is for the time being in force; and

1963 c. 38.

(ii) for the purposes of section 36 of the Water Resources Act 1963, the said waterworks shall be deemed to be authorised by virtue of such an alternative statutory provision as is therein referred to;

(b) the water authority may take any water which may be taken or intercepted by any of the said waterworks under and in accordance with any licences granted under Part IV of the Water Resources Act 1963 and expressed by reference to any of the said enactments repealed by this Act.

1973 c. 37.

(2) Notwithstanding the repeal by this Act of enactments continued in force by the Water Act 1973 relating to any other functions exercisable by the water authority the water authority may continue and maintain all works authorised by those enactments as if this Act had not been passed.

4. Nothing in the foregoing provisions of this Schedule shall prejudice or affect any provision made, or which may be made, in any order under section 254 of the Act of 1972 as extended by section 34 of the Water Act 1973.

1969 c. xlvii.

5. The provisions of paragraphs (1) to (11) of section 98 (For protection of statutory undertakers) of the Cardiff Corporation Act 1969 shall apply as if for the purposes of those provisions the water authority were undertakers as therein defined and as if in paragraph (11) thereof references to any supply included reference to a supply of water.

6. The repeals effected by this Act shall not prejudice or affect any rights or powers of the railways board, nor remove any duty or obligation towards the railways board, conferred or imposed by any enactments so repealed and all such rights, powers, duties and obligations so far as subsisting and capable of having effect shall continue in full force and effect and notwithstanding such repeals the said rights and powers shall be exercisable by the railways board and the said duties and obligations shall be undertaken by any local authority, statutory undertaker or other body or person in the like manner as they were exercisable or undertaken immediately before the passing of this Act.

1889 c. 63.

7. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.