

**ELIZABETH II**



**1981 CHAPTER xxxiv**

An Act to re-enact with amendments certain local enactments in force within the county of Derbyshire; to confer further powers on the local authorities in the county and to make further provision for the local government thereof; and for purposes connected with the matters aforesaid. [22nd December 1981]

**WHEREAS—**

(1) By virtue of the Local Government Act 1972 the county of 1972 c. 70. Derbyshire was constituted as a local government area comprising the districts of Amber Valley, Bolsover, Chesterfield, Derby, Erewash, High Peak, North East Derbyshire, South Derbyshire and West Derbyshire of which the districts of Chesterfield, Erewash and High Peak have been granted borough status and that of Derby has been granted city status:

(2) By section 262 of the said Act of 1972 certain local statutory provisions in force within the county are to cease to have effect at the end of 1984 unless exempted, or the date postponed, by order of the Secretary of State:

(3) Many of these existing provisions are spent or obsolete or their continuation otherwise inappropriate, and it is expedient that others be re-enacted in more modern form:

(4) It is expedient that the existing provisions be repealed and replaced, so far as required, in one enactment, that certain further powers be conferred on the said local authorities, and that the other provisions of this Act be enacted:

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

(6) In relation to the Bill for this Act the requirements of section 239 of the said 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

Citation and commencement.

1.—(1) This Act may be cited as the Derbyshire Act 1981.

(2) This Act shall come into operation on the expiration of three months after the passing of this Act.

Interpretation.

2. In this Act, except where the context otherwise requires—

1936 c. 49.

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

1955 c. 16

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

(4 & 5 Eliz. 2).

“ the 1967 Act ” means the Road Traffic Regulation Act 1967;

1967 c. 76.

“ the 1971 Act ” means the Town and Country Planning Act 1971;

1971 c. 78.

“ the 1972 Act ” means the Local Government Act 1972;

1972 c. 70.

“ apparatus ”, in relation to British Telecommunications, means any telegraphic line as defined in the Telegraph Act 1878 belonging to or used by British Telecommunications, and any works constructed for the lodging therein of apparatus;

1878 c. 76.

“ the appointed day ” has the meaning given by section 3 (Appointed day) below;

“ the chief constable ” means the chief constable for the county and includes the deputy chief constable acting by virtue of section 6 (1) of the Police Act 1964;

1964 c. 48.

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

- “ the county ” means the county of Derbyshire;
- “ the county council ” means the council of the county;
- “ daily fine ” means a fine for each day or part of a day on which an offence is continued after conviction thereof;
- “ the Derby council ” means the council of the city of Derby;
- “ district ” means a district in the county;
- “ district council ” means the council of a district;
- “ the electricity board ”, in relation respectively to any property of—
- (a) the East Midlands Electricity Board;
  - (b) the Yorkshire Electricity Board; or
  - (c) the North Western Electricity Board;
- means that board;
- “ the fire authority ” means the fire authority for the county;
- “ functions ” includes powers and duties;
- “ 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;
- “ local authority ” means the county council or a district council;
- “ open space ” has the same meaning as in section 290 of the 1971 Act;
- “ operational land ” has the same meaning in relation to—
- (a) statutory undertakers (other than British Telecommunications and the Post Office), as in section 222 of the 1971 Act;
  - (b) British Telecommunications, as in paragraph 12 (1) of Schedule 3 to the British Telecommunications Act 1981; 1981 c. 38.
  - (c) the Post Office, as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969; 1969 c. 48.
- “ owner ” has the same meaning as in section 343 of the 1936 Act;
- “ the private street works code ” means the private street works code as defined by section 203 of the Highways Act 1980; 1980 c. 66.

PART I  
—cont.

“ proper officer ”, in relation to any purpose and any local authority or area, means an officer appointed for the purpose by that local authority or, as the case may be, for that area;

1981 c. 14.

“ public service vehicle ” has the same meaning as in section 1 of the Public Passenger Vehicles Act 1981;

“ statutory undertakers ” means the British Railways Board, the British Gas Corporation, the generating board, the electricity board, the water authority (in respect of any of the authority’s functions), British Telecommunications and the Post Office, or any of them, as the case may require;

1980 c. 66.

“ street ” has the same meaning as in section 331 of the Highways Act 1980;

“ street works ” means works executed under sections 207 to 220 of the Highways Act 1980;

“ traffic sign ” has the same meaning as in section 54 of the 1967 Act;

“ water authority ” means the North West Water Authority, the Severn-Trent Water Authority and the Yorkshire Water Authority, or any of them as the case may require.

Appointed  
day.

3.—(1) In this Act “ the appointed day ”, in relation to any provision, means such day (not earlier than three months after the passing of this Act) as may be fixed for the purposes of that provision by resolution of the county council, or, as the case may be, the district council.

(2) The local authority shall publish in a newspaper circulating in their area notice—

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

(b) of the general effect of the provision for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(3) 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 newspaper, such page or part bearing the date of its publication and containing the notice mentioned in subsection (2) above, shall be evidence of the publication of the notice, and of the date of publication.

PART II

HIGHWAYS AND ROAD TRAFFIC

4.—(1) Notwithstanding anything in the private street works code where it appears to the street works authority that by reason of additions made otherwise than by the giving up for the purpose by that authority of lands owned by them to an existing footpath, bridlepath or other right of way maintainable at the public expense (not being or comprising a carriageway) a new street has been formed, the street works authority may in respect of such street or any part thereof carry out street works under the provisions of the private street works code and apportion the expenses thereof on the premises fronting, adjoining or abutting on the street or such part thereof, as if no part of the street was so maintainable.

Application of private street works code to parts of public streets.

(2) Notwithstanding anything in the private street works code the street works authority may under the provisions of that code carry out street works throughout the width of a street notwithstanding that part of the width consists of a highway maintainable at the public expense, but save in a case falling within the provisions of subsection (1) above the street works authority shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so maintainable.

(3) For the purposes of any apportionment under subsection (2) above premises fronting, adjoining or abutting on a street shall be deemed to front, adjoin or abut the portion of the street which is not maintainable at the public expense.

(4) For the purposes of the private street works code, as applied by this section, a railway shall not be deemed to front a footpath, bridleway or other right of way or any additions thereto solely by reason of its being adjacent thereto.

(5) In this section "street works authority" means the county council.

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

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

PART II  
—cont.

Omnibus  
undertaking  
in Derby.  
1913 c. xcii.  
1927 c. xcii.  
1930 c. 43.

6. Notwithstanding the repeal by this Act of section 14 (Power to provide and run omnibuses) of the Derby Corporation Act 1913 and section 85 (Further powers as to omnibuses) of the Derby Corporation Act 1927, the Derby council shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

Central  
Omnibus  
Station, Derby.

7.—(1) The parking place in the city of Derby known as the Central Omnibus Station shall continue to be deemed to be a parking place provided by the Derby council in pursuance of section 28 of the 1967 Act which may be used by public service vehicles, and to be a station for such vehicles as if appointed by order made by the council under section 33 of that Act.

(2) The Derby council shall be deemed to have made an order under section 33 (1) (b) of the 1967 Act declaring that section 31 (5) of that Act (which prohibits persons employed in connection with vehicles within a parking place provided under section 28 or section 29 (6) of that Act from plying for hire or accepting passengers for hire) shall not apply to public service vehicles within the Central Omnibus Station.

Affixing of  
traffic signs  
to buildings.

8.—(1) The appropriate authority shall have power to affix to any building in, or having a frontage to, or constructed over, any road in the county in accordance with this section—

- (a) any traffic sign which they have power to place on or near any road in pursuance of section 55 (functions of highway authorities as to placing of traffic signs) or, as the case may be, section 56A (functions of certain traffic authorities in respect of traffic signs) of the 1967 Act; or
- (b) any apparatus required for illumination forming part of any such sign.

1961 c. 64.

(2) In their application in the county subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing of apparatus to buildings for street lighting) shall have effect, with the necessary modifications, as if the attachments therein specified included any such sign or apparatus and the street lighting authority therein referred to included the appropriate authority.

(3) The appropriate authorities for the purposes of this section are, in relation to a road in a district, the highway authority and the district council.

## PART III

## OPEN SPACES, ETC.

9. In this Part of this Act "the 1890 Act" means the Public Health Acts Amendment Act 1890. Interpretation  
of Part III.  
1890 c. 59.

10. Section 44 (1) of the 1890 Act (which enables a local authority to close a public park provided by them) shall have effect in relation to the Queen's Park, Chesterfield and the Rutland Recreation Ground, Ilkeston as if for the maximum number of 12 days for such closure in any one year there were substituted a maximum of 24 days. Closing of  
Queen's Park,  
Chesterfield  
and Rutland  
Recreation  
Ground.

11.—(1) The Arboretum, Bass' Recreation Ground and Little Chester Green Recreation Ground in the city of Derby shall for all purposes be deemed to be public walks and pleasure grounds appropriated, laid out and maintained by the Derby council for the purpose of being used as such by the council under the Public Health Act 1875, and the provisions of that Act shall apply to them accordingly. Arboretum and  
certain  
recreation  
grounds in  
Derby.  
1875 c. 55.

(2) Notwithstanding the provisions of section 44 of the 1890 Act as so applied to Bass' Recreation Ground the Derby council may close to the public an area thereof not exceeding 1.42 hectares for such days as they think fit, including Sundays, but not exceeding 54 days in any year, and may grant the use of that area in accordance with the provisions of that section but subject to the foregoing provisions of this subsection.

(3) In this section—

"the Arboretum" means the Derby Arboretum referred to in Part III of the Derby Corporation Act 1882 (now repealed), including any lands appropriated and added thereto; 1882 c. ccxiv.

"Bass' Recreation Ground" means the recreation ground in the city of Derby known as Bass' Recreation Ground referred to in section 32 of the said Act of 1882;

"Little Chester Green Recreation Ground" means the lands delineated on the plan referred to in section 17 of the said Act of 1882 and in that Act referred to as the Little Chester Recreation Ground.

12.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and Provision of  
parking places  
in parks, etc.

PART III  
—cont.

control a local authority may set apart an area (not exceeding the prescribed area) of the park, pleasure ground or open space for use for the parking of vehicles, and may provide parking places and facilities in connection therewith.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or space is subject.

(3) A local authority shall have power to make reasonable charges for the use of any parking place or facility provided by them under this section, and may make arrangements for any such facilities to be provided by some other person and for authorising that person to make reasonable charges.

(4) In this section “ the prescribed area ” means—

- (a) where the total area of the park, pleasure ground or open space does not exceed 4 hectares, one-eighth of that area;
- (b) where such area exceeds 4 hectares but does not exceed 6 hectares, one half hectare;
- (c) in any other case, one-twelfth of such area.

(5) The powers conferred by this section shall so far as is practicable be so exercised as not to obstruct or render less convenient the access to apparatus or operational land of British Telecommunications.

(6) A local authority shall consult the British Railways Board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated—

- (a) over; or
- (b) elsewhere within a distance of 15 metres (measured in any direction) from;

any railway of that board.

Power to  
charge for  
admission to  
certain parks

13.—(1) The West Derbyshire District Council may on any of the 9 consecutive days commencing on Good Friday and on any day between 1st May and 30th September (both inclusive) in any year charge such reasonable sums (not exceeding 25 pence for each person) as they think fit for admission to any of the Matlock Bath enclosed parks.

(2) Section 44 (1) of the 1890 Act shall have effect in relation to the Matlock Bath enclosed parks as if for the words “ not exceeding twelve days in any one year, nor six consecutive days on any one occasion ”, there were substituted the words “ not exceeding six days in any one year ”.

(3) In this section “ the Matlock Bath enclosed parks ” means the lands described in paragraphs (a), (b), (c) and (d) of Schedule 1 to this Act.



14.—(1) Subsection (2) of section 44 (provision and control of pleasure boats on lakes, etc.) of the 1890 Act shall have effect as if each of the lengths of the river Derwent described in Schedule 2 to this Act were a lake or a piece of water in a park or pleasure ground provided by a district council, and as if boats crossing any such length of the river were pleasure boats within the meaning of that subsection.

PART III  
—cont.

Pleasure  
boats on  
river Derwent.

(2) Nothing in subsection (1) above shall prejudice or affect the power of the Severn-Trent Water Authority to make byelaws under section 79 (3) of the Water Resources Act 1963 and any byelaws made by a district council under section 44 (2) of the 1890 Act shall be of no effect if and in so far as they are inconsistent with any such byelaws made by that authority and for the time being in force.

1963 c. 38.

(3) Except as regards the lands described in paragraph (d) of Schedule 2 to this Act the provisions of subsection (1) above shall have effect only for the purpose of removing any limitation imposed by law on the capacity of a district council and shall not authorise any act or omission on the part of a district council which, apart from the provisions of this section, would be actionable at the suit of any person on any ground other than such a limitation.

15.—(1) In this section—

Buxton  
Mineral  
Waters.

“the council” means the High Peak Borough Council;

“the undertaking” means the spa mineral water and mineral baths undertaking and property owned by the council at Buxton, which include—

(a) St. Ann’s Well and St. Ann’s Pump Room;

(b) the mineral water baths at Buxton, including those commonly known as the Natural Baths;

(c) the mineral water wells or springs situated in the said Natural Baths and at present supplying the water to the aforesaid Well, Pump Room and Baths;

and all apparatus, buildings and land connected with the foregoing or from time to time added to or substituted for any of the foregoing.

(2) The council may maintain, manage and operate the undertaking, including the supply of water therefrom, and may levy in respect thereof such charges as from time to time they deem proper for the use of any part of the undertaking and for the supply of water therefrom.

(3) In connection with the undertaking the council may prepare and bottle for sale any mineral waters derived from the

PART III  
—cont.

undertaking and may advertise such sale, and may provide and maintain such buildings, pumps, machinery, apparatus and appliances as they deem necessary in connection therewith.

(4) The council shall keep separate accounts in respect of the undertaking, and—

- (a) any surplus in the net revenue derived from the undertaking after setting aside (by credit to a reserve fund to meet deficiencies and extraordinary expenditure) such amounts as the council deem proper, shall from time to time be carried to the credit of the general rate fund; and
- (b) any deficiency in that net revenue shall, so far as it is not met from the reserve fund, be met from the general rate fund.

(5) The council may, on such terms as they think fit, agree with any other person for the discharge, on behalf of the council, of any of their functions under this section.

## PART IV

## PUBLIC HEALTH

Safety of  
stands.

16.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

- (a) comprising a work constructed in accordance with building regulations or a work of which plans, sections, specifications or written particulars must, in the opinion of the local authority, be deposited in accordance with those regulations; or
- (b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.

1961 c. 64.

(2) As from the appointed day in any district no person shall in the district make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

(3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of 20 or more persons shall—

- (a) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and

(b) submit for approval by the district council such particulars of the intended stand as the council may require.

PART IV  
—cont.

(4) On receipt of a notice under subsection (3) (a) above the district council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the district council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the district council may give to the person by whom the particulars, plan or section were submitted notice specifying—

(a) such modifications of any plan, section and particulars submitted to them as they may require; and

(b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the district council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or as the case may be, of four weeks, the district council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or by a requirement of the district council under this section may appeal to a magistrates' court which may dismiss or allow the appeal, or may vary any such requirement and may make directions for giving effect to its decisions.

(9) If any person—

(a) contravenes subsection (2) above; or

(b) contravenes such requirements as are mentioned in subsection (6) above;

PART IV  
—cont.

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(10) Where it appears to a district council that any stand has been erected or is in use in the district in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

- (a) to remedy the condition of the stand; or
- (b) to prevent the continued use of the stand until its condition has been remedied; or
- (c) to dismantle the stand;

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

Control of  
demolitions.  
1961 c. 64.

17.—(1) As from the appointed day in a district, section 29 of the Public Health Act 1961 (requirements on demolition of buildings) shall have effect as if—

- (a) for the words in subsection (3) preceding the proviso there were substituted the following:—

“No person shall, without the consent of the local authority, undertake a demolition to which subsection (1) of this section applies unless—

(a) a notice specifying the building and the works of demolition intended to be carried out has been given to the local authority, and

(b) the local authority have served on the person undertaking the demolition a notice under subsection (1) of this section or twenty-eight days have elapsed since the giving of notice under paragraph (a) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding £500.”;

- (b) after subsection (3) there were inserted the following subsection:—

“(3A) More than one notice may be served under subsection (1) of this section in respect of any demolition but a second or subsequent notice shall not

expressly or by implication contain a requirement incompatible with one contained in a previous notice.”;

PART IV  
—cont.

(c) at the end of subsection (5) (b) there were inserted the words “and to make good any damage to adjacent premises”;

(d) for subsection (5) (d) and (e) there were substituted—

“(d) to disconnect and seal at such points as the local authority may reasonably require any sewer, drain or water or gas pipe in or under the building to be demolished and to render any electric line or apparatus in or under the building electrically dead,

(e) to remove any such sewer, drain or water or gas pipe and seal any sewer, drain or water or gas pipe with which the sewer, drain or pipe to be removed is connected,”;

(e) at the end of subsection (5) there were added—

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

(h) to maintain watch on the site at all times during the course of the demolition,

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 in which the site is to be left on completion.

(5A) A notice served under subsection (1) of this section within twenty-eight days after the giving of notice under paragraph (a) of subsection (3) of this section may also require part of the demolition to be deferred, but not beyond the expiry of the period for serving notice specified in subsection (4) of this section.”;

(f) in subsection (6) after the word “under” there were inserted the words “paragraph (b), except so far as it relates to the weatherproofing of surfaces, or”;

(g) in subsection (7) after the word “from” there were inserted the letter “(a)” and at the end of the subsection there were added—

“or

(b) any obligations with respect to the disconnection,

PART IV  
—cont.

1972 c. 60.

removal or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act, 1972,

and nothing in this section shall be construed as authorising any person to cut, alter or otherwise interfere with any electric line or apparatus of any statutory undertakers authorised to carry on an electricity undertaking.”;

(h) after subsection (7) there were inserted the following subsection:—

“(7A) Where the local authority serve notice of a requirement for the disconnection or removal of any sewer or water or gas pipe belonging to, or maintained or used by statutory undertakers, or for the rendering of any electric line or apparatus electrically dead, they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers.”;

(i) in subsection (9) at the beginning there were inserted the words “ Subject to subsection (9A) of this section ” and after that subsection there were inserted the following subsection:—

“(9A) In relation to any requirement of a notice under subsection (1) of this section requiring deferment as provided in subsection (5A) of this section, section two hundred and ninety of the said Act shall have effect subject to such modifications as are necessary and to the insertion at the end of subsection (6) of the words ‘ but in any proceedings for an offence under this subsection 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 the offence ’.”;

and

(j) in subsection (10) (b), after the word “ weatherproofed ”, there were inserted the words “ or any damage to any adjacent premises to be made good ”, and at the end there were added the words “ or of making good that damage ”.

1961 c. 64.

(2) Section 29 of the Public Health Act 1961 (except subsection (12) thereof which is spent) is set out in Schedule 3 to this Act, as that section has effect in accordance with subsection (1) above.

Paving and  
draining of  
courts, yards  
and  
passages.

18.—(1) Where any court or yard is appurtenant to, or any passage gives access to, industrial premises in a district as well as to a house or houses the district council may exercise the powers

of section 56 (paving and draining of courts, yards and passages) of the 1936 Act in respect of any such industrial premises as if they were a house.

PART IV  
—cont.

(2) In this section “ industrial ” shall be construed in accordance with the Industry Act 1975.

1975 c. 68.

19.—(1) If, upon a complaint by a district council under this section, a magistrates’ court is satisfied that any smoke, gas, vapour or fumes from a chimney of a building in the district is or is likely to be injurious to health or a nuisance, the court may make an order requiring the owner of the chimney, within such time as may be specified in the order—

Power to  
order  
alteration of  
chimneys.

(a) to cause it to be raised to a height so specified; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.

(2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—

(a) in the case of a single private dwelling-house £300; and

(b) in any other case £500;

or, in any case, such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the 1971 Act for the alteration of any chimney in a scheduled monument or listed building, no complaint shall be made to a magistrates’ court under this section in respect of any chimney in such monument or building.

1979 c. 46.

(5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, etc. Works Regulation Act 1906 or to such class of premises as may be prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974.

1961 c. 34.

1906 c. 14.

1974 c. 37.

(6) In this section “ chimney of a building ” has the meaning given by section 34 of the Clean Air Act 1956.

1956 c. 52.

PART IV  
—cont.  
Registration  
of hawkers  
of food and  
their premises.

20.—(1) As from the appointed day in any district—

- (a) no person shall for private gain sell, offer or expose for sale in the district any food from a stall or container unless he is registered by the district council;
- (b) no premises in the district shall be used as storage accommodation for any food intended for sale for private gain from a stall or container unless the premises are registered by the district council.

(2) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) (a) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(b) Any such application shall be accompanied by such particulars as to the applicant or the premises, as the case may be, and otherwise, as the district council may reasonably require, including particulars as to any vehicle, container or stand to be used by the applicant.

(c) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises and shall issue to the applicant a certificate of registration.

(4) The district council shall keep a register of the persons and premises registered under this section.

(5) This section shall not apply to—

- (a) the sale or offer or exposure for sale of food by a person in an open shop or to the use by any person in connection with such a shop, of any premises as storage accommodation for food intended for sale;
- (b) the sale or offer or exposure for sale of food by a dairyman registered under regulations in force under Part II of the 1955 Act, or having effect by virtue of section 136 (2) of and Schedule 12 to that Act as if they had been made under the said Part II, or to any dairy so registered;
- (c) the sale or offer or exposure for sale of food by any person at any market owned by a district council or at any charter, prescriptive or statutory market not so owned for which such person has paid a toll, stallage or rent, or to the use of any premises in any such market as storage accommodation for food intended for sale by any such person at such market;
- (d) any premises registered under section 16 of the 1955 Act, or used as a theatre, cinematograph theatre, music hall



or concert hall or used as a canteen or refreshment room in or in connection with and for persons employed at a place of work, or to any person in respect of the sale or offer or exposure for sale of any food in any such premises;

- (e) the sale or offer or exposure for sale from land used for agriculture or horticulture of the produce of that land;
  - (f) the sale or offer or exposure for sale of food contained in containers of such materials and so closed as to exclude all risk of contamination.
- (6) In this section—
- “container” includes any basket, pail, tray, box or other receptacle of any kind, whether open or closed;
  - “food” has the same meaning as in section 135 of the 1955 Act;
  - “premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with the building;
  - “stall” includes any stand, mobile canteen, vehicle (whether movable or not) or barrow from which food is sold.

PART IV  
—cont.

## PART V

### PUBLIC ORDER

21.—(1) A local authority may by notice prohibit, either Grass verges, entirely or at such times or on such days as may be specified in the notice, any of the following things:—<sup>etc.</sup>

- (a) allowing horses or cattle to enter land to which this section applies;
- (b) driving or riding a vehicle on such land;
- (c) using any equipment provided on such land:

Provided that in the case of such prohibition as is mentioned in paragraph (c) above the local authority may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.

(2) The land to which this section applies is—

- (a) land vested in the local authority and laid out as a public garden or used for the purpose of public recreation, or a disused burial ground provided by the local authority and maintained as a public garden or for those purposes or as a disused burial ground, as the case may be;
- (b) other land vested in the local authority and mown or otherwise maintained in an ornamental condition;
- (c) land vested in a person other than the local authority and laid out, used, mown or maintained as aforesaid;

PART V  
—cont.

Provided that notice shall not be given in respect of land such as is mentioned in paragraph (c) above, except with the consent of the person concerned or his representatives.

(3) A prohibition under subsection (1) (b) or (c) above shall not extend to going on foot or on or in a vehicle or using any equipment—

- (a) in the course of building operations; or
- (b) by statutory undertakers in the exercise of their statutory powers or in the course of gaining access to operational land:

Provided that the exemption afforded by paragraph (a) above shall be conditional upon means being taken to the satisfaction of the local authority to minimise injury to the land and to protect persons on the land.

(4) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(5) Notice of a prohibition contained in subsection (1) (b) above if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 99 of the 1967 Act) shall be indicated by such traffic sign as shall be prescribed in regulations made by the Secretary of State under the powers contained in sections 54 and 55 of the 1967 Act or be specially authorised on his behalf.

(6) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) Where land to which a prohibition contained in subsection (1) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing horses and cattle, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

- (a) limit any right of way, public or private, over land;
- (b) restrict the exercise by any person of any statutory right to enter upon land;
- (c) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Highways Act 1980 (provision of margins for horses and livestock).

1980 c. 66.

Control of  
large  
assemblies in  
the open.

22.—(1) Any person intending to hold in a district an assembly to which this section applies and the occupier of any land intending to permit it to be used as the site of such an assembly, or, if it is land adjacent to the proposed site of such an assembly, for purposes of that assembly shall give to the district council not less than four months' notice of his intention to do so.

(2) Within one month of the receipt of any such notice or of information required under subsection (4) below (or in default of the receipt of such information within the period specified in that subsection) the district council may, after consultation with the chief constable and such statutory or other authorities as the council think fit, serve a counter-notice on the person who gave the notice or information or, as the case may be, the person required under subsection (4) below to give such information, requiring him to comply with such reasonable terms or conditions as they think fit with respect to water supply and securing sanitary conditions, public order and public safety and for the prevention of actionable nuisance:

PART V  
—cont.

Provided that no term or condition relating to public order shall be imposed without the consent of the chief constable.

(3) Every notice given under subsection (1) above shall state the purpose and proposed date of commencement and duration of the assembly, the limits of the site to be occupied and the maximum number of persons which the person giving the notice expects to attend the assembly, and the person giving the notice shall, not later than one month before the date of the intended assembly, deposit with the district council, in respect of any extra expense which may be incurred by any authority by reason of the assembly, such amount not exceeding £500 as the council may reasonably require.

(4) If the district council have reason to believe that any assembly to be held in their district will be an assembly to which this section applies but no notice has been given to them thereof under subsection (1) above, they may as soon as reasonably practicable after the intention to hold it has come to their knowledge serve on the person intending to hold the assembly and on the occupier of any land on which it appears the assembly is to be held a notice requiring that person to give to the council the information required by subsection (3) above (which information shall be supplied by the person on whom the notice is served within 7 days after the service of such notice) and to deposit with the council the amount required under that subsection.

(5) Where a site is intended to be used for an assembly to which this section applies and where, in the reasonable opinion of the council, that site is too small or, by reason of its situation or condition, unsuitable for the purpose of the proposed assembly or for the number expected to attend they may, without prejudice to any counter-notice under subsection (2) above, within one month after the receipt of a notice under subsection (1) above or of the information under subsection (4) above or, as the case may be, within one month after the expiry of the 7 days referred to in subsection (4) above, serve a counter-notice to that effect setting

PART V  
—cont.

out in the case of unsuitability the grounds on which it is in the opinion of the council unsuitable.

(6) Any person aggrieved by the service of a counter-notice under subsection (5) above or by any terms or conditions required by the district council under this section may within 14 days after the service of any counter-notice from the council appeal to the Crown Court and on such appeal the court may by order confirm, vary or set aside any such term, condition or requirement or may impose any term, condition or requirement which the council would have been entitled to impose by virtue of this section and may quash any such counter-notice under subsection (5) and the council shall give effect to such order accordingly, and such order shall be final.

(7) The following persons shall be guilty of an offence, that is to say:—

- (a) a person who holds an assembly to which this section applies without giving notice under subsection (1) above or information under subsection (4) above or after the service of a counter-notice under subsection (5) above;
- (b) the occupier of land who permits that land to be used as mentioned in subsection (1) above—
  - (i) without giving notice thereunder or information under subsection (4) above or after the service of a counter-notice under subsection (5) above; or
  - (ii) after having been informed by the district council that the deposit required under subsection (3) or (4) above has not been made;
- (c) a person who holds an assembly to which this section applies without making the deposit required under subsection (3) or (4) above;
- (d) any person concerned in the management of an assembly to which this section applies or the occupier of land permitting it to be used as mentioned in subsection (1) above, if he—
  - (i) contravenes any term, condition or requirement imposed under this section; or
  - (ii) knows that such a term, condition or requirement will be or is being contravened by some other person.

(8) (a) A person who commits an offence under this section shall be liable—

- (i) on summary conviction to a fine not exceeding the prescribed sum as defined in section 28 (7) of the Criminal Law Act 1977;

(ii) on conviction on indictment to a fine.

PART V  
—cont.

(b) The court before which a person is convicted of an offence under this section may, whether or not it imposes a fine, make an order requiring him to pay to the district council such amount in respect of extra expense incurred by any authority by reason of the holding of the assembly, or contravention of a term, condition or requirement imposed under this section, as the court may determine.

(c) The Powers of Criminal Courts Act 1973 shall have effect as if references therein to a compensation order included references to an order under paragraph (b) above. 1973 c. 62.

(9) The district council may pay to any authority the whole or such part or parts of any sums received by them under subsections (3), (4) and (8) above as they may think fit.

(10) An assembly to which this section applies is an assembly in the county in the open air, at which during any period exceeding four hours there are not less than 1,000 persons present and at which the principal purpose is the playing of music.

(11) (a) In this section “authority” means a local authority, water authority, or other body discharging functions in the county in pursuance of statutory powers.

(b) For the purposes of this section a person who holds an assembly includes any person who—

- (i) on his own behalf or by his agent gives notice to the district council under subsection (1) above or information under subsection (4) above; or
- (ii) permits land occupied by him to be used as the site of an assembly; or
- (iii) charges admission to the site of the assembly; or
- (iv) is entitled, as a person promoting the assembly, or as the agent, licensee or assignee of such a person, to the television, broadcasting, filming or recording rights of the assembly or of any performance given in the course of it; or
- (v) is entitled as aforesaid to payment for goods sold or services rendered to persons attending the assembly or for the granting of rights to other persons to sell goods or services to persons attending the assembly.

(12) Each district council shall formulate a model set of terms and conditions that may be imposed under this section upon a person seeking to hold an assembly in the district; but the fact

PART V  
—cont.

that a term or condition compliance with which is actually required is not in the model set or differs from any corresponding term or condition in that set shall not invalidate the term or condition, compliance with which is actually required.

(13) Each district council shall make available for inspection and for sale at a reasonable price any model set of terms and conditions formulated under subsection (12) above.

(14) This section shall not apply to an assembly held by an organisation to which there has been granted a certificate of exemption, but only so long as that certificate remains effective—

(a) for a movable dwelling or the site which it occupies being a certificate granted under section 269 (6) of the 1936 Act; or

(b) for a caravan site being a certificate granted under paragraph 12 of the First Schedule to the Caravan Sites and Control of Development Act 1960.

1960 c. 62.

## PART VI

## FIRE PRECAUTIONS

Access for  
fire brigade.

23.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless after consultation with the fire authority, they are satisfied that the plans show—

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension, will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of planning permission granted upon an application made under the 1971 Act unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 64 (2) and section 65 (2) to (5) (notice of rejection or passing of plans and enforcement of requirements) of the 1936 Act shall apply as if this section were a section of that Act.

(4) Any person aggrieved by the rejection of plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

PART VI  
—cont.

24.—(1) In its application to a district, section 60 of the 1936 Act (means of escape from fire in certain buildings) shall have effect as if—

Provision of  
means of  
escape from  
fire in  
certain  
buildings.

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

(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 let in whole or in part as a flat or as tenement dwellings; or

(b) is used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children’s home or similar institution; or

(c) is used as a restaurant, shop, store or warehouse and has on any upper floor sleeping accommodation for persons employed on the premises.”.

(2) (a) A district council may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) above, 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 £200.

(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 material 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;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made.

PART VI  
—cont.

(3) The said section 60 of the 1936 Act, as having effect in accordance with this section, and subsection (2) above 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.

25.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed; and references in this section to a cut-off switch are, in the case where a transformer is provided to raise the voltage to operate the apparatus, references to a cut-off switch on the low-voltage side of the transformer.

(2) As from the relevant day in the county—

- (a) no apparatus to which this section applies shall be installed on or in any premises in the county unless it is provided with a cut-off switch; and
- (b) the switch shall be so placed, and coloured or marked, as to satisfy such reasonable requirements as the fire authority may impose to secure that it shall be readily recognisable by and accessible to firemen.

(3) Not less than six weeks before work is begun to install apparatus to which this section applies on or in any premises, being work begun after the relevant day, the owner or occupier of the premises shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.

(4) Where notice has been given to the fire authority as required by subsection (3) above, the proposed position, colouring or marking of the switch shall be deemed to satisfy the requirements of the fire authority unless within 21 days from the date of the service of the notice, the fire authority have served on the owner or occupier a counter-notice stating that their requirements are not satisfied.

(5) Where apparatus to which this section applies has been installed before the relevant day, the owner or occupier of the premises where it is installed shall, not more than 21 days after the relevant day, give notice to the fire authority stating whether the apparatus is provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.



(6) Where apparatus to which this section applies has been installed before the relevant day the fire authority may serve on the owner or occupier of the premises where it is installed a notice—

- (a) in the case of apparatus provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring him, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed and coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority; or
- (b) in the case of apparatus not provided with a cut-off switch requiring him, within such period as may be specified in the notice, to provide a cut-off switch in such a position and so coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority.

(7) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers for a fireman's emergency switch as to position, colour and marking shall for the purposes of this section be deemed to satisfy the requirements of the fire authority.

(8) The provisions of section 290 of the 1936 Act shall apply to notices given by the fire authority under this section as they apply to the notices mentioned in subsection (1) of that section and as if—

- (a) reference therein to a local authority included reference to the fire authority; and
- (b) in subsection (6), for the words "five hundred pounds and to a further fine not exceeding forty shillings" there were substituted the words "two hundred pounds and to a further fine not exceeding twenty pounds".

(9) The foregoing provisions of this section shall not apply to apparatus installed or proposed to be installed on or in premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force but, where any apparatus to which this section applies is proposed to be installed on or in any such premises, the owner or occupier of the premises shall, before the apparatus is installed, give notice to the fire authority informing them of the position in which it is proposed to place the cut-off switch and how it is to be coloured or marked.

(10) The owner and the occupier of premises where apparatus to which this section applies is installed which does not comply with subsection (2) above shall each be guilty of an offence and

PART VI  
—cont.

liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(11) Where notice is not given as required by subsection (3), (5) or (9) above, the owner and the occupier of the premises shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) (a) In proceedings for an offence under this section where the owner and the occupier of the premises in question are both liable to be prosecuted, it shall be a defence for either of them to show that it would have been equitable for the prosecution to be brought only against the other.

(b) A person charged shall not be entitled to rely on the defence set out in paragraph (a) above unless within a period ending 7 clear days before the hearing he has served on the prosecutor notice in writing of his intention so to do.

(13) In this section “the relevant day” means the forty-second day after the appointed day.

Oil-burning  
equipment.

26.—(1) In this section—

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

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

“oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burners, the storage tanks and the apparatus, fittings, devices and catch-pits and any other equipment used for, or in connection with, the heating of the boiler, but does not include—

(a) any such equipment if the tank storage to supply oil to the boiler has a total capacity not exceeding 3,500 litres;

(b) any such equipment for generating electricity forming part of a generating station of the generating board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957;

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

and references to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(2) (a) The county council may make byelaws for securing that arrangements are made for preventing or reducing danger from fire arising in connection with oil-burning equipment installed or placed in any building, or on any land, in the county after the coming into operation of the byelaws.

(b) Without prejudice to the generality of paragraph (a) above byelaws made under this subsection may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided and maintained in connection with the installation or placing of oil-burning equipment and the mode of arrangement of any such works, apparatus, fittings and appliances.

(c) In relation to byelaws made under this subsection, section 236 (procedure for making and confirming byelaws) of the 1972 Act shall have effect as if in subsection (7), after "confirm" where it secondly occurs, there were inserted "or confirm with modifications".

(d) If the Secretary of State, on considering byelaws submitted under section 236 of the 1972 Act as having effect in accordance with paragraph (c) above, proposes to make a modification which appears to him to be substantial, he shall inform the county council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification, and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the county council and by other persons who have been informed of it.

(3) As from the appointed day in any district, being a day not earlier than the day on which byelaws made under subsection (2) above come into operation in the district, any person intending to install or place oil-burning equipment in any building or on any land in the district shall give to the district council not less than 14 days' notice of his intention to do so.

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

(b) If the district council do not, within 8 weeks after the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person who submitted the plans and specifications of their disapproval of the said plans and specifications stating the reasons for their disapproval, they shall be deemed to have approved them.

PART VI  
—cont.

(5) (a) If, on an application made by a person proposing to install or place oil-burning equipment in any building, or on any land, in their district for waiver of the specification for such equipment prescribed in the byelaws, the district council, after consultation with the fire authority, are satisfied that proper arrangements will be made for preventing or reducing danger from fire arising in connection with the equipment, they may dispense with, or relax, the requirements of the byelaws and approve the installation or the placing of the equipment notwithstanding that it does not comply with the specification for such equipment prescribed in the byelaws.

(b) If the district council do not, within 8 weeks after the making of an application under this subsection, or such longer period as the applicant may in writing allow, notify him of their approval of the application, they shall be deemed to have disapproved it.

(6) (a) Any person aggrieved by—

- (i) the withholding by the district council of their approval to the installation or placing of oil-burning equipment under subsection (4) above; or
- (ii) the disapproval by the district council of an application made under subsection (5) above;

may, within 21 days after the receipt of notification of the disapproval or, as the case may be, after the expiration of the period of 8 weeks specified in subsection (5) (b) above, appeal to the Secretary of State stating the grounds of his appeal; and the appellant shall at the same time serve on the district council and the county council a copy of that statement.

(b) Where an appeal is brought under this subsection the Secretary of State shall take into account any representations made by the appellant, the district council and the county council within 21 days after the date of the notice of appeal, and may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the district council given under subsection (4) (a) or, as the case may be, subsection (5) (a) above.

(7) Any person who installs oil-burning equipment in any building or on any land in a district without giving such notice as may be required under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(8) (a) Any person who contravenes any byelaw made under subsection (2) above shall be guilty of an offence and liable on

summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

PART VI  
—cont.

(b) In proceedings for an offence under this subsection it shall be a defence to show that the contravention occurred by reason of the installation or placing of equipment in accordance with approval given by the district council under subsection (4) or (5) above.

(9) Nothing in this section shall apply to the installation of oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force.

1968 c. 54.

27.—(1) The fire authority may prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of any substance to which this section applies and the danger from fire arising therefrom.

Prescription of signs to be used on certain buildings.

(2) The fire authority may, by notice, require the occupier of any part of a building used for the manufacture or storage of any such substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice prescribed under subsection (1) above.

(3) This section applies to any substance likely to involve special hazard to persons engaged in operations for the purposes of the extinction of fire and the protection of life and property in the case of fire.

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(5) (a) Nothing in this section shall authorise the fire authority to require the generating board or the electricity board to affix on any building or part of the building on operational land any sign, symbol, or notice without the consent of the board concerned, which consent shall not be unreasonably withheld.

(b) Any question whether a consent required by this section has been unreasonably withheld shall be determined by the Secretary of State.

28.—(1) This section applies to a parking place comprising or within a building which provides—

Parking places: safety requirements.

(a) parking space, for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or

PART VI  
—cont.

(b) parking space for more than 20 motor vehicles; not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.

## (2) Where—

- (a) plans of any proposed work are deposited with a district council in accordance with building regulations; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

1928 c. 32.

the district council shall reject the plans unless, after consultation with the fire authority, and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act, they are satisfied that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

- (a) construction of the vehicular approaches;
- (b) means of access for fire brigade appliances and personnel;
- (c) means of ingress and egress, including the provision of appropriate signs;
- (d) means of ventilation;
- (e) safety of electrical, mechanical and heating equipment;
- (f) provision of an emergency lighting system;
- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

(4) If the district council consent to the construction, extension or alteration of a building subject to compliance with conditions with respect to any of the matters specified in subsection (3) above, they may impose a requirement that the building shall not be used for the parking of vehicles until the conditions have been complied with.

(5) Section 64 (2) and section 65 (2) to (5) (notice of rejection or passing of plans and enforcement of requirements) of the 1936 Act shall apply as if this section were a section of that Act.

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—cont.

(6) Any person aggrieved by the action of the district council under subsection (2) or (4) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

(7) If any conditions, subject to compliance with which plans have been passed under subsection (2) above, are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit its use for the parking of vehicles until those conditions have been complied with.

(8) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
- (b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

they may, for the purpose of preventing or reducing danger from fire or other danger to life, by notice to the owner or occupier of the parking place require compliance with—

- (i) such conditions with respect to any of those matters as may be specified in the notice; and
- (ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(9) The provisions of Part XII of the 1936 Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (8) above as if—

- (a) references in those provisions to that Act included reference to that subsection;

PART VI  
—cont.

(b) for the reference in section 290 of that Act to the court there were substituted reference to the Secretary of State; and

(c) in section 290 (6) the words from “and without prejudice” to the end were omitted.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(11) Any person on whom notice is served under subsection (8) above in respect of a parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) For the purposes of section 287 (1) (a) of the 1936 Act as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as a district council to enforce.

1928 c. 32.

(13) (a) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.

(b) Subject to paragraph (a) above, where plans in respect of any building have been passed subject to compliance with conditions specified under this section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

## PART VII

## STORAGE OF FLAMMABLE MATERIAL

Interpretation  
of Part VII.

29.—(1) For the purposes of this Part—

(a) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;

(b) two or more stacks shall be treated as one stack if—

(i) the space between them does not allow free passage between them or is at any point less than one metre wide; or



(ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

PART VII  
—cont.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

- (a) it is unobstructed; and
- (b) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

30.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if— Stacks to which this Part applies.

- (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and
- (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

(2) The materials referred to in subsection (1) (a) above are—

- (a) paper or cardboard;
- (b) plastics;
- (c) rags;
- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (b) above are—

- (a) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—

- (i) 3 metres in height;
- (ii) 50 cubic metres in capacity;

- (b) for stacks of any materials, not being a stack specified in paragraph (c) or (d) below, if the conditions specified in subsection (4) below are fulfilled—

- (i) 5 metres in height;
- (ii) 450 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

- (c) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—

- (i) 5 metres in height;

PART VII  
—cont.

- (ii) 750 cubic metres in capacity;
  - (iii) 20 metres in any horizontal dimension;
  - (iv) 235 square metres in any horizontal section;
- (d) for stacks consisting wholly of wood, if the conditions specified in subsection (4) below are fulfilled—
- (i) 10 metres in height;
  - (ii) 1,370 cubic metres in capacity;
  - (iii) 20 metres in any horizontal dimension;
  - (iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (a) to (d) above are—

- (a) there is no other stack to which this Part applies within 4 metres;
- (b) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;
- (c) no street is within 5 metres;
- (d) none of the following is on the same premises and within 6 metres, namely:—
  - (i) a furnace or incinerator;
  - (ii) a building;
  - (iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;
  - (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

(5) A stack is not one to which this Part applies if—

- (a) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or
- (b) it forms the load or part of the load of a railway wagon, or of a mechanically propelled vehicle, or of a trailer drawn or to be drawn by such a vehicle, or is in a container to be carried on such a wagon, vehicle or trailer.

31.—(1) Subject to subsection (2) of section 35 (Transitional provisions for Part VII) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the fire authority or in breach of any condition subject to which such consent is given. PART VII  
—cont.  
Unlawful  
stacks.

(2) A person making application to the fire authority for a consent under this section shall supply such information relevant to the application (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted or to be conducted on the premises) as the fire authority may, within 28 days after the date on which the application is made, reasonably require.

(3) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the fire authority to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire fighting including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent to a stack, the fire authority are satisfied that, by reason of the materials of which it consists, it does not create fire risks, the fire authority shall give their consent unconditionally.

(4) Where an application has been made to the fire authority for their consent to a stack under this section and the fire authority have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the fire authority shall be deemed to have given their consent without conditions except any that have been accepted in the application.

(5) Where the fire authority have given a consent under this section to the stacking of materials on any premises—

(a) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

PART VII  
—cont.

(b) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

Part VII  
appeals.

32. A person aggrieved by the refusal of consent, or by any condition imposed on a consent, under section 31 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the fire authority a copy of that statement.

Powers of  
entry for  
Part VII.

33.—(1) In its application to this Part, section 287 of the 1936 Act shall have effect as if the references to “ a council ” and “ the council ” were references to the fire authority.

(2) The power to enter premises conferred upon duly authorised officers of the fire authority for the purposes of this Part by section 287 (1) (a) of the 1936 Act as applied by this Act shall include power to take samples for analysis from any stack on the premises.

Offences under  
Part VII.

34. Where a stack is on any premises in contravention of subsection (1) of section 31 (Unlawful stacks) of this Act the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Transitional  
provisions for  
Part VII.

35.—(1) Where application for a consent under section 31 (Unlawful stacks) of this Act to the stacking of any materials on any premises has been duly made before the appointed day fixed for the purposes of that section it shall be lawful to stack those materials on those premises in accordance with the consent applied for until the fire authority notify the applicant of their decision and, if the decision is adverse, during such further time as is provided by section 56 (Appeals generally) of this Act.

(2) Where under subsection (5) of section 31 (Unlawful stacks) of this Act the fire authority impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the fire authority or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(3) Where the owner of a stack or the occupier of premises has represented to the fire authority that the appointed day fixed for the purposes of section 31 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the fire authority may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

PART VII  
—cont.

(4) A person aggrieved by a decision under subsection (3) above may appeal to the Secretary of State, and section 32 (Part VII appeals) of this Act shall apply to such an appeal with the necessary modifications.

### PART VIII

#### MARKETS AND FAIRS

36.—(1) Belper Market is hereby vested in the council of Belper who may, for its regulation, make such byelaws as are specified in section 61 of the 1955 Act (which confers powers on certain local authorities to make byelaws about markets) and, accordingly, the council shall be deemed to be a local authority for the purposes and within the meaning of that section. Belper Market.

(2) The functions which were conferred on the former Belper Urban District Council by sections 5 to 27 of the Belper Urban District Council Act 1953 and which were transferred to the Amber Valley District Council by virtue of the 1972 Act shall cease to be exercisable by the latter council and shall not be exercisable by the council of Belper and, accordingly, those sections are hereby repealed. 1953 c. xv.

(3) In subsection (1) above “Belper Market” means all the real and personal property and rights, privileges and interests which, immediately before the passing of this Act were vested in the Amber Valley District Council and which were formerly vested in the Belper Urban District Council as successors in title to the Belper Market and Fair Company Limited and includes the land and premises referred to in subsection (4) below and the right to hold a weekly market and a yearly fair in Belper together with all rights or franchises relating to the holding of markets or fairs on public streets or elsewhere in Belper and the taking of tolls in connection therewith.

PART VIII  
—cont.  
1953 c. xv.

(4) The land referred to in subsection (3) above means the land described in the First Schedule to the Belper Urban District Council Act 1953 and that Schedule reads as follows:—

“(1) All that piece or parcel of land called ‘ the Market Place ’ situate in Belper in the county of Derby containing an area of 1 rood and 2 perches or thereabouts.

(2) All that piece or parcel of land or ground called ‘ the Coppice ’ situate near the Market Place in Belper aforesaid and being numbered 585 on the 1/2500 ordnance map Derbyshire sheet XL. 13 (1916 edition) on sheet XLV. 1 (1946 edition) and containing an area of an acre 1 rood and 38 perches or thereabouts.

(3) All that small piece of land situate to the west of and adjoining the Coppice upon which are erected water-closets and other buildings.

(4) Certain rights of way and drainage described in a deed of conveyance dated the 23rd day of September 1921 and made between Woolmer Rudolph Donati White (therein and hereinafter called ‘ the vendor ’) of the first part the vendor and John Henry Cox (therein and hereinafter called ‘ the trustees ’) of the second part and the company of the third part (namely):—

(a) a right of way in connection with the use and occupation of the said piece or parcel of land numbered (2) and the said small piece of land numbered (3) in common with the owner or owners and occupiers for the time being of the adjoining piece of land called Pinfold Close and the buildings thereon and the gardens adjoining thereto belonging at the date of the said conveyance to the vendor over and along a road coloured yellow on a plan drawn on the said conveyance made across the said piece of land called Pinfold Close to and from the said piece or parcel of land numbered (2) from and to Queen Street in Belper aforesaid; and

(b) a right to discharge water and soil from the water-closets existing at the date of the said conveyance situate on the said small piece of land numbered (3) through the pipe then existing and laid through land belonging to the vendor or any diversion thereof to be thereafter made by the vendor or the trustees. ”.

37.—(1) The council of Belper may for such rent or charge and on such terms and conditions as they may think fit let or grant the use of any part or parts of—

PART VIII  
—cont.

Use of  
Market Place  
or Coppice,  
Belper.

- (a) the Market Place and the Coppice in Belper (other than any part over which the public have rights of passage) for the purpose of any visiting circus or other amusement or for the vending of soft fruit or ice-cream or for any similar purposes;
- (b) the Coppice (other than as aforesaid) for the purpose of the location there of caravans or other vehicles for the residence of showmen who cater for amusements at fairs, and their families, assistants and employees, and for the location of properties for amusement purposes, or other apparatus of such showmen:

Provided that any such letting or grant shall not interfere in any way with the holding of any market or fair of the council or be inconsistent with the provisions of any lease granted by the council for market purposes.

(2) The council may use any part of the Market Place and the Coppice (other than a part over which the public have rights of passage) as parking places within the meaning of section 49A of the 1967 Act:

Provided that any such use shall not extend to any period of or interfere in any way with the holding of any market or fair of the council or be inconsistent with the provisions of any lease granted by the council for market purposes.

## PART IX

### STREET TRADING

38.—(1) In this Part—

Interpretation  
of Part IX.

- “container” includes anything other than a stall used for the display of any thing;
- “licensed traders’ street” means a street in which street trading is prohibited under this Part of this Act except under the authority of a street trader’s licence;
- “licensee” means the holder of a street trader’s licence;
- “prohibited street” means a street in which street trading is prohibited under this Part of this Act;
- “stall” includes a barrow or other vehicle;
- “street trading” means selling or offering or exposing for sale any thing (including any living thing) in a street;
- “street trader’s licence” means a licence under this Part of this Act.

PART IX  
—cont.

(2) References in this Part to application for, or grant of, a street trader's licence include references to application for, or grant of, the renewal of such a licence.

Street trading  
offences.

39. Subject to the provisions of section 51 (Exemptions) of this Act, a person who in the county—

- (a) engages in street trading in a prohibited street; or
- (b) without a street trader's licence, or contrary to the provisions of such a licence, engages in street trading in a licensed traders' street; or
- (c) on land within 6 metres of a prohibited street or a licensed traders' street, sells or offers or exposes for sale any thing; or
- (d) in support of, or in opposition to, an application for a street trader's licence, or in opposition to, or in support of, a proposal to revoke or modify such a licence, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular; or
- (e) engages in street trading and, being requested by any proper officer of the district council producing his authority, or by a police constable to give his name and address, fails to do so;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Designation  
of streets.

40.—(1) For the purpose of controlling street trading in a district the district council may, by resolution passed in accordance with this Part, designate any street in the district—

- (a) as a prohibited street, that is to say, a street in which street trading is unlawful; or
- (b) as a licensed traders' street, that is to say, a street in which street trading is unlawful except by a person holding a street trader's licence granted to him under this Part.

(2) A designation made under subsection (1) above may be varied or rescinded by resolution and the provisions of this Part shall apply to any such resolution as they apply to the resolution for the original designation.



41.—(1) Where a district council propose to pass a resolution under this section to designate any street in the district as a prohibited street or licensed traders' street they shall publish notice of their proposal containing a draft of the resolution—

PART IX  
—cont.

Publication of  
resolution.

- (a) by sending it to the highway authority and the chief constable;
- (b) by advertisement in a newspaper circulating in the district; and
- (c) by posting it in a conspicuous position at each end of every street referred to in the draft.

(2) The notice shall state that objections to the proposed resolution may be made in writing to the district council before such day, not earlier than 28 days after the council have complied with subsection (1) above, as may be specified in the notice.

(3) The district council shall, after taking into consideration objections made as provided in subsection (2) above—

- (a) pass a resolution in terms of the draft; or
- (b) pass a resolution in terms of the draft with modifications, but not so as to add any street to those referred to in the draft nor so as to designate as a prohibited street any street which in the draft was to be designated as a licensed traders' street; or
- (c) proceed no further on the draft resolution:

Provided that—

- (i) they shall not include in the resolution any street belonging to, or maintainable by, the British Railways Board without the consent of that board; and
- (ii) they shall not designate any street as a licensed traders' street without the consent of the highway authority.

(4) Where the district council have passed a resolution under subsection (3) above they shall publish notice of it in the manner required by subsection (1) above for notice of the draft.

(5) A notice published under subsection (4) above shall state the day, not less than 28 days after the district council have complied with that subsection, on which the designations made by the resolution are to take effect; and different days may be stated for different streets.

42.—(1) The applicant for a street trader's licence shall—

Application  
for licence.

- (a) state his name and address, the place or places in which, and the days on which and the times at which, he applies to trade and what he applies to sell;
- (b) describe the stall or container that he proposes to use in his trade;

PART IX  
—cont.

- (c) give the district council such other information as they may reasonably require; and
- (d) except on application for the grant of the renewal of a street trader's licence, supply two identical photographs of the applicant.

(2) (a) The applicant shall with his application pay such reasonable fee to cover the expense of the district council in dealing with such applications as the council may by resolution prescribe.

(b) The district council may dispense with, or reduce, a fee payable under this subsection.

Grant or  
refusal of  
licence.

43.—(1) On application being made for a street trader's licence, the district council may grant the licence, or refuse it, or grant it with modifications relating to the place, the days or times of trading, or the nature of the trade, or the use of a stall or container.

(2) The grounds upon which the district council may refuse the licence or grant it with modifications are that—

- (a) the applicant is unsuitable by reason of misconduct or incapacity;
- (b) there is not enough space for street trading as specified in the application without undue inconvenience to persons using the street;
- (c) in the case of renewal, the applicant has failed to avail himself, or to avail himself to a reasonable extent, of the rights conferred by the licence that he holds.

(3) Before exercising the powers conferred by subsection (1) above to refuse the licence or to grant it with modifications, the district council shall serve on the applicant not less than 14 days' notice of their proposal to exercise them and of their grounds for doing so; and if they propose to exercise those powers on the ground specified in subsection (2) (a) above, the notice shall include particulars of the misconduct or incapacity alleged.

(4) If the applicant, within 7 days of service on him of a notice under subsection (3) above, requires the district council to give him an opportunity to be heard in support of his application, the council shall, before exercising the power conferred by subsection (1) above to refuse the licence or to grant it with modifications, give him an opportunity to be heard by a committee or sub-committee of the district council.

(5) Unless, within 8 weeks after an application has been duly made under this section, the district council have served notice under subsection (3) above, they shall be deemed to have granted the licence.

(6) The district council shall notify the applicant of their decision on his application as soon as may be after the proceedings required by subsections (3) and (4) above have been concluded; and, without prejudice to section 46 (Appeals in respect of street traders' licences) of this Act, until such notification the applicant, in case of renewal, may continue to trade in accordance with his former licence, notwithstanding that it may have expired.

PART IX  
—cont.

(7) If the district council refuse the application or grant it with modifications, they shall in the notice under subsection (6) above state the grounds upon which they have done so.

**44.** A street trader's licence shall specify—

Contents of  
street trader's  
licence.

- (a) the name and address of the licensee;
- (b) the place on which the trading may take place;
- (c) what the licensee may sell and the days on which and the times at which he may trade;
- (d) the limitation, if any, of the size and number of any stalls or containers that he may use for trading and any other limitation of the design of such stalls or containers;
- (e) what obligations, if any, are imposed on the licensee to keep the place at which he trades and its vicinity free of litter and refuse;
- (f) the charges, if any, that are leviable under section 50 (Charge for street cleansing) of this Act; and
- (g) any other reasonable requirements of the council, including a requirement that the stalls or containers allowed by the licence shall display the licensee's name or the number of his licence or both.

**45.—**(1) Subject to subsection (2) below, a street trader's licence shall be for such period, not exceeding 12 months, specified in the licence as the district council may determine.

Duration,  
revocation  
and variation  
of licences.

(2) The district council may—

(a) revoke a licence during its currency on the ground that—

(i) the licensee has become unsuitable by reason of misconduct or incapacity; or

(ii) the licensee has failed to avail himself, or to avail himself to a reasonable extent, of his licence; or

(b) modify a licence during its currency, so that it is valid for a place, or for days or times, or for a trade of a nature, or for the use of a stall or container, other than that specified in the licence.

(3) Subsections (3), (4), (6) and (7) of section 43 (Grant or refusal of licence) of this Act shall apply to the exercise of powers

PART IX  
—cont.

conferred by subsection (2) above as they apply to the power to refuse an application for a street trader's licence or to grant it with modifications; and for that purpose shall have effect as if—

- (a) for references to the applicant and the refusal of his application or the grant of his application with modifications, there were substituted references to the licensee and the revocation of his licence or the modification of his licence;
- (b) for the references to subsection (1) of the said section 43 there were substituted reference to subsection (2) above;
- (c) for the reference to subsection (2) (a) of that section, there were substituted a reference to subsection (2) (a) (i) above;
- (d) in subsection (4) the words “in support of his application” were omitted; and
- (e) in subsection (6) the words “on his application” and the words from “and, without prejudice” to the end were omitted.

Appeals in respect of street traders' licences.

46. (a) A person who has applied for a street trader's licence and whose application has been refused or has been granted with modifications; or
- (b) a person whose street trader's licence has been revoked or has been modified;

may appeal to a magistrates' court; and on any such appeal the court may order directions for giving effect to its decision but shall not direct the granting of a licence with modifications, or the restoring of it with modifications, more onerous than the modifications appealed against.

Disqualification of young persons.

47. A street trader's licence granted by the district council to a person who has not attained the age of 17 shall be of no effect.

Employment of assistants. 1933 c. 12.

48. Subject to any byelaws relating to street trading made under the Children and Young Persons Act 1933, a licensee may employ, to assist him at the stall or container used for street trading, any assistant or any other licensee.

Consultation with traders, organisations, etc.

49. A district 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 who is not a member of any such organisation) an opportunity to make representations with regard to the nature of the limitations and obligations or other provisions of street traders' licences and to related matters.

Charge for street cleansing.

50. The district council may charge a licensee such sums to cover the expenses of the district council in collecting refuse,

street cleansing and providing other services for the administration of street trading under this Part, as the district council may by resolution prescribe; and such charges may—

PART IX  
—cont.

- (a) be incorporated in the fee payable under section 42 (2) of this Act; or
- (b) be recoverable from the licensee as a simple contract debt.

51.—(1) Nothing in this Part shall—

Exemptions.

- (a) prohibit a person from acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871; 1871 c. 96.
- (b) prohibit the doing of anything authorised by regulations made under section 5 (street collections) of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916; 1916 c. 31.
- (c) prohibit the doing of anything on land by the owner or occupier of the land or by any person with the consent of the owner or occupier;
- (d) prohibit the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (e) prohibit the selling, or the offering or exposing for sale, of any thing to persons on premises fronting on, or adjacent to, a street, whether the trading takes place on those premises or in that part of the street on which the premises front or to which they are adjacent;
- (f) prohibit the provision of facilities for recreation or refreshment under section 213 (2) of the 1971 Act;
- (g) in the case of a highway in respect of which a control order is in force under section 7 of the Local Government (Miscellaneous Provisions) Act 1976, regulate the sale of any thing as respects which the control order provides that the order is not to apply to it. 1976 c. 57.

(2) Nothing in this Part shall prohibit the sale, or the offering or exposure for sale, of newspapers or periodicals in a street if the following conditions are satisfied:—

- (a) that nothing except newspapers or periodicals or both is sold or offered or exposed for sale;
- (b) that no stall or container is used which—
  - (i) stands on any part of the carriageway of the street; or
  - (ii) exceeds two metres in its vertical, or one metre in any horizontal, dimension.

(3) Nothing in this Part shall prohibit the sale or offering or exposure for sale of any thing in a market or fair held in pursuance

PART IX  
—cont.

of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial.

Touting,  
hawking,  
photo-  
graphing, etc.

52.—(1) A district council may designate, in accordance with subsection (5) below, any of the following places, or any part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:—

- (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
- (b) a street or esplanade, parade, promenade or way to which the public commonly have access, whether or not as of right:

Provided that the council shall not designate—

- (i) for the purpose of subsection (2) (b) below any street designated under section 40 (Designation of streets) above, or any highway specified in a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976; or
- (ii) for the purpose of subsection (2) (c) (ii) below, any street.

1976 c. 57.

(2) Any person who, in a place designated under this section—

- (a) gives reasonable cause for annoyance to any person by touting for an hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage, public service vehicle or other conveyance or for a boat; or
- (b) without the consent of the district council or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale any thing; or
- (c) without the consent of the district council or in breach of any condition subject to which the council's consent is given—
  - (i) photographs any person by way of trade or business; or
  - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) The conditions of consent referred to in subsection (2) (b) and (c) above include conditions as to the times or period for which the consent is valid and the payment for the consent of such reasonable fee to cover the expense of the district council in dealing with applications for such consents as the council

may by resolution prescribe, and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

PART IX  
—cont.

(4) A person aggrieved by—

- (a) the withholding by the district council of consent referred to in subsection (2) (b) or (c) above;
- (b) the conditions subject to which the council give such consent; or
- (c) the revocation of such consent under subsection (3) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the council.

(5) (a) Before designating any place for any of the purposes of subsection (2) above the district council shall give notice of their proposal by advertisement in a newspaper circulating in the district, and by posting a copy of the notice in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(b) After taking into consideration any objections made in accordance with paragraph (a) above, the district council may by resolution designate as places to which this section applies for any of the purposes of subsection (2) above all or any, or any part, of the places specified in the notice given under that paragraph.

(6) A resolution under subsection (5) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (5) (a) above, being a day not less than 28 days after the day on which notice is given under this subsection.

(7) This section shall not prohibit—

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b) the selling or offering or exposing for sale of any thing to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;

PART IX  
—cont.

(c) 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;

and the district council shall not withhold their consent under subsection (2) (b) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the ground that their consent has already been given to a sufficient number of other persons.

(8) Before giving consent under this section to the hawking, selling or offering or exposing for sale of any thing in a highway, the district council shall consult the highway authority.

## PART X

## MISCELLANEOUS

Exemption of  
lands of  
West  
Derbyshire  
Council from  
exercise of  
mineral  
rights.  
1852 c. clxiii.

53.—(1) Notwithstanding anything contained in the Derbyshire Mining Customs and Mineral Courts Act 1852 (hereafter in this section called “the Act of 1852”) or anything by law, right, custom or usage to the contrary, but subject as hereinafter provided, it shall not be lawful for any person to exercise the right of searching for sinking or digging mines or veins of lead ore in or upon the surface of the lands situate within the limits of the King’s Field in the soke and wapentake of Wirksworth in the county which are described in Schedule 1 to this Act (being lands now the property or in the occupation of the West Derbyshire district council) nor in or upon the surface of any lands within the said limits not described in that Schedule which are for the time being the property of or in the occupation of the council:

Provided that except as regards the lands (c) and (e) described in that Schedule no person shall be precluded by this section from following his veins and searching for and getting lead ore in the lands described in that Schedule at a lower depth than 13.72 metres from the surface.

(2) There shall be reserved to all persons who may under or by virtue of the provisions of the said Act of 1852 be entitled to exercise the right of sinking or digging mines or veins of lead ore in, upon or under any lands within the limits of the King’s Field and who would but for this subsection be prevented by the provisions of this section from effectually draining their mines or veins into the river Derwent the right upon giving 14 days’ notice in writing to the council to enter on and to lay and construct at their own expense in all things under the lands (c) described in Schedule 1 to this Act and in the line and manner shown on a



plan signed in triplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for the Matlock Bath and Scarthin Nick Urban District Council Act 1910 was referred (one copy of which was deposited in the Parliament Office of the House of Lords, one copy in the Private Bill Office of the House of Commons and one copy with the council) and between the points marked "A" and "B" respectively on the said plan a drainage tunnel or sough for carrying water from any such mines under the said lands (c) to the said river and to use, repair and maintain the said drainage tunnel or sough:

PART X  
—cont.

1910 c. xxvi.

Provided that the rights by this subsection expressly reserved shall not extend to the construction of more than one such drainage tunnel or sough.

(3) There shall be reserved to all persons who may under or by virtue of the said Act of 1852 be entitled to exercise the said right of sinking or digging mines or veins of lead ore and who but for this section would be prevented by the provisions of this Act from effectually ventilating, draining or working their mines or veins without such airways, headways and water levels as are hereinafter mentioned being provided the right upon giving 14 days' notice in writing to the council to cut and make at their own expense in all things such and so many airways, headways or water levels under the lands (e) described in Schedule 1 to this Act as may be required to enable them to ventilate, drain and work their mines or veins:

Provided that no such airway, headway or water level shall be of greater width or height than 3 metres nor shall it be cut or made upon any of the said lands (e) or so as to disturb, weaken, injure or affect the surface of the said lands or in any way affect, impede or interfere with the use of the lands for the purpose of the gasworks or other buildings of the council at the time of the cutting or making of the airways, headways or water levels erected thereon.

(4) Nothing in this section shall take away or diminish the right of any person who may under or by virtue of the said Act of 1852 be entitled to exercise the right of sinking or digging mines or veins of lead ore in, upon or under any lands within the limits of the King's Field and who would but for this subsection be prevented by this section from effectually draining their mines or veins into the river Derwent to use, maintain and repair the drainage tunnel or sough existing under the lands (f) described in Schedule 1 to this Act.

(5) The exemption by this section of any lands situate within the limits of the King's Field not described in Schedule 1 to this

**PART X**  
—*cont.*

Act which may for the time being be the property of or in the occupation of the council from the exercise of the right of searching for sinking and digging mines or veins of lead ore shall not have effect unless and until the Chancellor of the Duchy of Lancaster shall have given in each case his consent to such exemption in writing under his hand which consent the said Chancellor is hereby empowered to give subject to such terms and conditions (if any) in all respects as he may deem fit to impose.

(6) Nothing in this section shall prejudice or affect the rights of any person or persons who were on 26th July 1910, registered in the books of the barmaster of the soke and wapentake of Wirksworth (hereinafter in this section referred to as “the barmaster”) as the owner or owners of any mine or vein in, upon or under any of the lands described in Part I of Schedule 1 to this Act or of any person or persons who were on 20th November 1926 registered in the said books as the owner or owners of any mine or vein in, upon or under any of the lands described in Part II of that Schedule and their respective successors in title (which persons are hereinafter in this section referred to as “the registered owners”):

Provided that the expression “the registered owners” shall not include any person or persons who might but for the provisions of the aforesaid Act of 1910 or this section acquire under or by virtue of the said Act of 1852 any right or interest in any such mine or vein belonging to a registered owner by gift from the barmaster on the ground that such mine or vein had been neglected or not wrought by the registered owner.

(7) Upon any breach or non-observance by any person of the provisions of this section there shall become due from such person to the council the sum of £20 and a further sum of £20 in respect of every day during which such breach or non-observance shall continue after such first sum shall have been adjudged due to the council which sums shall be recoverable by the council summarily as a civil debt.

(8) In this section and in Schedule 1 to this Act “the council” means the council of the district of West Derbyshire.

**Disputes  
about com-  
pensation.**

**54.—**(1) Any dispute arising on a claim for compensation under this Act, being a dispute for the determination of which no other provision is made by or under this or any other Act, shall be determined, if the parties so agree, by arbitration, or, in default of agreement, by a county court.

(2) A county court shall have jurisdiction to deal with any dispute which by virtue of subsection (1) above is to be determined

by such a court notwithstanding that, by reason of the amount of the claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

PART X  
—cont.

(3) Nothing in this section shall prejudice the operation of sections 75B and 75C (transfer into the High Court of proceedings commenced in a county court) of the County Courts Act 1959. 1959 c. 22.

55. For the purposes of section 61 of the General Rate Act 1967, the rates due from the person rated for any hereditament within the county shall be deemed to be in arrear if they are not paid within one month after lawful demand therefor has been made in writing. Recovery of rates from tenants and lodgers. 1967 c. 9.

56.—(1) Sections 300 to 302 of the 1936 Act shall apply in respect of appeals to a magistrates' court under this Act. Appeals generally.

(2) Where a 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 a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

then, until the time for appealing has expired or, if an appeal is lodged, until it 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 to take the action, nor shall the local authority themselves execute the work or take the action; and
- (ii) the person may continue to carry on the undertaking, trade or business, and to use the premises for that purpose.

57.—(1) On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose. Appeals to Secretary of State.

PART X  
—cont.

(2) The provisions referred to in subsection (1) above are the following:—

In section 26 (Oil-burning equipment), subsection (6);

In section 28 (Parking places: safety requirements), subsection (6);

Section 32 (Part VII appeals);

In section 35 (Transitional provisions for Part VII), subsection (3).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of any appeal under the said section 32 may give directions for the granting of a consent unconditionally or subject to such conditions as the county council would have been entitled to impose under section 31 (Unlawful stacks) of this Act.

(4) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment or order of the High Court).

(6) In this section “ decision ” includes direction, and references to the giving of a decision shall be construed accordingly.

1981 c. 54.

Rights in respect of carrying on business or use of premises.

58. Where under any provision of this Act the licence or consent of a local authority to the carrying on of a business or to the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who—

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

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

to continue to carry on that business or, as the case may be, 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 56 (Appeals generally) of this Act.

PART X  
—cont.

59. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority or a constable.

Restriction  
on right to  
prosecute.

60.—(1) Where an offence under this Act, or against any byelaw made under this Act, committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a 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 the offence.

Liability of  
directors, etc.

(2) Where the affairs of a body corporate are managed by its members subsection (1) above 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.

61. Any person who intentionally obstructs an officer of a local authority or of a parish council acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Obstruction  
of officers.

62.—(1) In proceedings for an offence under any provision of this Act mentioned in Schedule 4 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 the offence.

Defence of due  
diligence.

(2) If in any case the defence provided under subsection (1) above 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 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying, or assisting in the identification of, that other person.

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

Application  
of general  
provisions of  
1936 Act.

PART X  
—cont.

(2) Section 287 (powers of entry) of the 1936 Act shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

- Section 16 (Safety of stands);
- Section 19 (Power to order alteration of chimneys);
- Section 20 (Registration of hawkers of food and their premises);
- Section 25 (Firemen's switches for luminous tube signs);
- Section 26 (Oil-burning equipment);
- Section 28 (Parking places: safety requirements);
- Part VII (Storage of flammable material):

Provided that, before entry on any operational railway line of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than twenty-four hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of that board for the protection of their undertaking.

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

64.—(1) In the Health and Safety at Work etc. Act 1974, subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

- Section 17 (Control of demolitions);
- Section 19 (Power to order alteration of chimneys);
- Section 26 (Oil-burning equipment).

Repeals.

65.—(1) The enactments mentioned in Part I of Schedule 6 to this Act, in so far as they apply within the county, are hereby repealed to the extent specified in the third column of that Schedule and, for ease of reference, the enactments for the benefit of the British Railways Board excluded from repeal are those mentioned in Part II of that Schedule to the extent specified in the third column thereof.

(2) Where this Act repeals, and re-enacts, with or without modification, any enactment, then unless the contrary intention appears—

PART X  
—cont.

- (a) anything begun under that enactment may, subject to the provision re-enacted, be continued under that provision;
- (b) where a period of time is specified in, or has effect in relation to, that enactment and is current at the coming into operation of the provision re-enacted, that provision shall have effect as if it were in force when the period began to run.

## SCHEDULES

## SCHEDULE 1

LANDS SITUATE IN THE KING'S FIELD IN THE SOKE AND WAPENTAKE OF  
WIRKSWORTH IN THE COUNTY OF DERBYSHIRE BELONGING TO OR IN THE  
OCCUPATION OF THE WEST DERBYSHIRE COUNCIL

## PART I

*The Memorial Gardens*

(a) Land owned by the council at Matlock Bath (with public conveniences and storage premises thereon) comprising 3970.77 square metres or thereabouts, bounded on the north by North Parade, on the south by the river Derwent and on the east by the Midland Hotel, formerly known as the Promenade and now known as the Memorial Gardens, which land was acquired on 10th May 1906 from Mr. Henry Cooper.

*The Lovers Walks*

(b) Land leased by the council comprising 7.08 hectares bounded on the north and west by the river Derwent and known as the Lovers Walks, being land formerly leased to the Matlock Bath and Scarthin Nick Urban District Council and acquired by the West Derbyshire District Council on 22nd January 1937.

*Fishpond, Pavilion and Pump Room*

(c) Two adjoining pieces of land owned by the council at Matlock Bath comprising 0.85 hectares or thereabouts bounded on the east by the river Derwent and on the west by South Parade, formerly known as the Fishpond Land and the Ferry Ground and now the site of the Fishpond, the Pavilion, Pavilion Car Park and Pump Room, which land was acquired on 29th October 1907 from Mrs. M. K. Turner.

(d) Land leased by the council at Matlock Bath (including a former putting green adjacent to the Pump Room, a paddling pool and landing stage) comprising 0.12 hectares or thereabouts, bounded on the east by the river Derwent, on the west by South Parade, on the north by the Pavilion and on the east by Derwent Gardens, being land formerly known as the East Ferry Ground, which land was acquired on 15th July 1907 from Mr. John Alec Thomas.

(e) Land owned by the council in Matlock comprising 4494.18 square metres or thereabouts, bounded on the north, east and south by land belonging to or reputed to belong to Mrs. Mary Ellen Pursglove and on the west by property or reputed property of the British Railways Board on the north side of and near to the Matlock Bath railway station.

(f) A piece of land owned by the council at Matlock, forming part of the Artist Corner Open Space and comprising 2206.54 square metres, bounded on the north by Dale Road and on the south by the river Derwent, being land acquired on 1st July 1906 from Frederick Charles Arkwright.

(g) A piece of land owned by the council at Scarthin incorporating the Scarthin War Memorial and Promenade, comprising 829.44 square



metres and bounded on the north by Scarthin, on the east by the Bell Inn public house and on the south by Cromford Dam, which land was acquired on 12th November 1909 from Frederick Charles Arkwright.

SCH. 1  
—cont.

(h) Land owned by the council in Matlock Bath, situated in the Upper Wood, comprising 1254.19 square metres or thereabouts and bounded on all sides by land of George Henry Key.

(i) Land owned by the council near the Temple Walk in Matlock Bath, bounded on the north by Temple Walk and property of Emma Barber, on the south by property of Alfred and W. Glossop, on the east by Temple Quarry and on the west by property belonging to Emma Barber, comprising in all 250.84 square metres or thereabouts.

## PART II

### *High Tor Recreation Ground*

(j) Land owned by the council at Matlock comprising 13.05 hectares and known as the High Tor Recreation Ground, acquired on 15th November 1924 from Frederick Charles Arkwright.

### *Pic Tor Pleasure Grounds*

(k) Land owned by the council comprising 1.87 hectares or thereabouts, bounded on the north and west by the river Derwent and on the south by Pic Tor Lane, and known as the Pic Tor Pleasure Grounds, being land acquired on 26th November 1921 from Frederick Charles Arkwright.

### *Knowleston Place Pleasure Grounds*

(l) Land owned by the council in Matlock comprising 0.40 hectares or thereabouts, bounded on the north by Knowleston Place, on the south by St. Giles Churchyard, on the east by Stoney Way and on the west by Hall Leys Park and Pic Tor Pleasure Grounds, which land, known as Knowleston Place Pleasure Grounds, was acquired on 21st November 1899 from the executors of the late H. Ludlan.

### *Hall Leys Pleasure Grounds*

(m) Land owned by the council at Matlock comprising 4.25 hectares or thereabouts, bounded on the north by Causeway Lane, on the south by the river Derwent and the Bentley Brook, on the east by Knowleston Place and on the west by Crown Square, which land, known as the Hall Leys Pleasure Grounds, was acquired partly on 16th August 1898 and partly on 7th August 1908.

## SCHEDULE 2

Section 14.

### LENGTHS OF RIVER DERWENT REFERRED TO IN SECTION 14 OF THIS ACT

#### *Derby City*

(a) that length of the river Derwent between a point immediately downstream of the weir at Darley Abbey in the city of Derby at Ordnance Survey reference SK35353856 and a point further down-

SCH. 2  
—cont.

stream immediately above Derwent Bridge over which Derwent Street in the city of Derby passes at Ordnance Survey reference SK35463641.

*Amber Valley District*

(b) that length of the river Derwent between a point immediately downstream of the bridge known as "Half Penny Bridge" carrying the road from Ambergate to Alderwasley over the said river at Ordnance Survey reference SK34685148 and a point further downstream immediately above the weir at Belper River Gardens, Belper, at Ordnance Survey reference SK34544813.

*West Derbyshire District*

(c) that length of the river Derwent between a point at Ordnance Survey reference SK26096660 west of Chatsworth Road, Little Rowsley, Matlock and south-south-east of Bank Wood, Rowsley, where the northernmost boundary of the former Matlocks Urban District departed from the centre line of the said river and a point further downstream immediately below the Cawdor Railway Bridge where it crosses the said river at Ordnance Survey reference SK28936063 in the vicinity of Cawdor Quarry.

*West Derbyshire District*

(d) that length of the river Derwent between the point immediately downstream of the Cawdor Railway Bridge referred to in (c) immediately above and a point further downstream immediately above the weir across the said river to the north of Masson Mills and to the west of Hagg Wood at Cromford, Matlock, at Ordnance Survey reference SK29585749.

Section 17.

SCHEDULE 3

1961 c. 64.

SECTION 29 OF PUBLIC HEALTH ACT 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 17 OF THIS ACT

29.—(1) Subject to the provisions of this section, a local authority may serve a notice under this section on any person who undertakes the demolition of the whole or of part of a building.

(2) Subsection (1) of this section shall not apply to the demolition—

(a) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied, or

(b) of a building which has a cubic content (as ascertained by external measurement) of not more than one thousand seven hundred and fifty cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage, or

(c) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928) unless it is contiguous to another building which is not itself of a kind mentioned in this or the last foregoing paragraph.

1928 c 44.

(3) No person shall, without the consent of the local authority, undertake a demolition to which subsection (1) of this section applies unless—

SCH. 3  
—cont.

- (a) a notice specifying the building and the works of demolition intended to be carried out has been given to the local authority, and
- (b) the local authority have served on the person undertaking the demolition a notice under subsection (1) of this section or twenty-eight days have elapsed since the giving of notice under paragraph (a) of this subsection;

and a person contravening this subsection shall be liable to a fine not exceeding £500:

Provided that notice need not be given under this subsection of a demolition undertaken to comply with any requirement contained in—

- (a) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or
- (b) an injunction or other direction given in legal proceedings brought by the local authority,

except where compliance with the requirement is effected, at the election of the person complying with it, either by undertaking the demolition or by taking some other steps.

(3A) More than one notice may be served under subsection (1) of this section in respect of any demolition but a second or subsequent notice shall not expressly or by implication contain a requirement incompatible with one contained in a previous notice.

(4) The time within which a notice may be served under subsection (1) of this section shall be—

- (a) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and
- (b) in the case of a demolition undertaken to comply with a requirement contained in a demolition order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and 1957 c. 56.
- (c) in any other case, within six weeks from the beginning of the demolition.

(5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say—

- (a) to shore up adjacent buildings,

SCH. 3  
—cont.

- (b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition and to make good any damage to adjacent premises,
- (c) to remove material or rubbish resulting from the demolition and clearance of the site,
- (d) to disconnect and seal at such points as the local authority may reasonably require any sewer, drain or water or gas pipe in or under the building to be demolished and to render any electric line or apparatus in or under the building electrically dead,
- (e) to remove any such sewer, drain or water or gas pipe and seal any sewer, drain or water or gas pipe with which the sewer, drain or pipe to be removed is connected,
- (f) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (d) or paragraph (e) of this subsection,
- (g) to take such precautions as the local authority may after consultation with the fire authority reasonably require with regard to the burning on the site of materials or rubbish or of any structure,
- (h) to maintain watch on the site at all times during the course of the demolition,

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 in which the site is to be left on completion.

(5A) A notice served under subsection (1) of this section within twenty-eight days after the giving of notice under paragraph (a) of subsection (3) of this section may also require part of the demolition to be deferred, but not beyond the expiry of the period for serving notice specified in subsection (4) of this section.

(6) No one shall be required under paragraph (b), except so far as it relates to the weatherproofing of surfaces, or paragraph (d) or paragraph (e) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

(7) Nothing in subsection (5) of this section shall be construed as exempting any person from—

- (a) the obligation to obtain any consent required under section sixty-eight of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment, or

1936 c. 49.

1945 c. 42.

- (b) any obligations with respect to the disconnection, removal or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act, 1972,

SCH. 3  
—cont.  
1972 c. 60.

and nothing in this section shall be construed as authorising any person to cut, alter or otherwise interfere with any electric line or apparatus of any statutory undertakers authorised to carry on an electricity undertaking.

(7A) Where the local authority serve notice of a requirement for the disconnection or removal of any sewer or water or gas pipe belonging to, or maintained or used by statutory undertakers, or for the rendering of any electric line or apparatus electrically dead, they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers.

(8) Before a person complies with any requirement under paragraph (d) or paragraph (e) of subsection (5) of this section he shall give at least forty-eight hours notice to the local authority, and before he complies with paragraph (f) of that subsection, he shall give at least twenty-four hours notice to the local authority; and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.

(9) Subject to subsection (9A) of this section the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under subsection (1) of this section. 1936 c. 49.

(9A) In relation to any requirement of a notice under subsection (1) of this section requiring deferment as provided in subsection (5A) of this section, section two hundred and ninety of the said Act shall have effect subject to such modifications as are necessary and to the insertion at the end of subsection (6) of the words "but in any proceedings for an offence under this subsection 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 the offence".

(10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be—

- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up, and
- (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, or any damage to any adjacent premises to be made good, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces or of making good that damage.

SCH. 3  
—cont.

(11) Where the grounds on which an appeal under the said section two hundred and ninety is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such an order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne as between the appellant and any such other person.

Section 62.

#### SCHEDULE 4

##### PROVISIONS OF ACT REFERRED TO IN SECTION 62 (DEFENCE OF DUE DILIGENCE) OF THIS ACT

- Section 16 (Safety of stands);
- Section 20 (Registration of hawkers of food and their premises);
- Section 22 (Control of large assemblies in the open);
- Part VI (Fire precautions);
- Part VII (Storage of flammable material);
- Section 39 (Street trading offences);
- Section 52 (Touting, hawking, photographing, etc.).

Section 63.

#### SCHEDULE 5

##### SECTIONS OF 1936 ACT APPLIED

Section	Marginal note
283(1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
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.

## SCHEDULE 6

Section 65.

## REPEALS

## PART I

Chapter or number	Short title	Extent of repeal
6 Geo. 4 c. cxxxii. (1825)	An Act for better paving and otherwise improving the Borough of Derby.	The whole Act.
7 & 8 Vict. c. viii. (1844)	An Act for establishing a Market in the Town of Glossop in the County of Derby.	The whole Act.
34 & 35 Vict. c. i.	Local Government Supplemental Act 1871.	The scheduled Order relating to Derby.
36 & 37 Vict. c. lvi.	Buxton Local Board Act 1873.	The whole Act except sections 11, 12, 18 and 68.
36 & 37 Vict. c. lxxxii.	Local Government Board's Provisional Orders Confirmation Act 1873, No. 2.	The scheduled Order relating to the District of Buxton.
36 & 37 Vict. c. cxl.	Local Government Board's Provisional Orders Confirmation Act 1873 (No. 4).	The scheduled Order relating to the District of Buxton.
38 & 39 Vict. c. clxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1875.	The scheduled Order relating to the Borough of Derby.
40 & 41 Vict. c. cxviii.	Derby Corporation Act 1877.	The whole Act except sections 52 and 53.
42 & 43 Vict. c. lxxviii.	Local Government Board's Provisional Orders Confirmation (Aysgarth Union, &c.) Act 1879.	The scheduled Order relating to the Borough of Derby.
42 & 43 Vict. c. clviii.	Local Government Board's Provisional Order Confirmation (Artizans and Labourers Dwellings) Act 1879.	The whole Act.
42 & 43 Vict. c. ccxv.	Derby Improvement Act 1879.	The whole Act except sections 6 to 48, 102 to 104, 119 to 121, 163 and 164.
43 & 44 Vict. c. xxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1880.	The scheduled Order relating to the District of Buxton.
44 & 45 Vict. c. xv.	Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act 1881.	The scheduled Order relating to the Borough of Derby.
45 & 46 Vict. c. ccxiv.	Derby Corporation Act 1882.	The whole Act.
48 & 49 Vict. c. cxxix.	Education Department Provisional Orders Confirmation (Birmingham, &c.) Act 1885.	The scheduled Order relating to the School board for Derby, County of Derby.
49 & 50 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1886.	The scheduled Order relating to the Local Government District of Buxton.

SCH. 6  
—cont.

Chapter or number	Short title	Extent of repeal
53 & 54 Vict. c. liv.	Derby Corporation Act 1890.	The whole Act except sections 2 to 25.
54 & 55 Vict. c. lxvi.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1891.	The scheduled Order relating to the Borough of Derby.
55 & 56 Vict. c. cxliv.	Buxton Local Board Act 1892.	The whole Act.
58 & 59 Vict. c. lxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895.	The scheduled Order relating to the Borough of Derby.
59 & 60 Vict. c. cviii.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1896.	The scheduled Order relating to the Borough of Derby.
60 & 61 Vict. c. lxxviii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897.	The scheduled Order relating to the Urban District of Buxton.
62 & 63 Vict. c. cxcii.	Derby Corporation Tramways &c. Act 1899.	The whole Act.
62 & 63 Vict. c. cclxix.	Derwent Valley Water Act 1899.	The whole Act except sections 3, 4, 45 to 47, 49, 50, 52 to 55, 58 to 60, 62, 65 to 82, 94, 115, 118, 120 to 122, 125, 135 to 139, 144 to 146, 150 to 154 and 164 to 178.
1 Edw. 7. c. xli.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1901.	The scheduled Order relating to the Urban District of Buxton.
1 Edw. 7. c. lxxx.	Derwent Valley Water Act 1901.	The whole Act except sections 3, 4, 9 to 11, 14, 15, 19, 20, 22 to 25, 30 and 34.
1 Edw. 7. c. ccl.	Ilkeston and Heanor Water Act 1901.	Sections 65 to 67.
1 Edw. 7. c. cclxvii.	Derby Corporation Act 1901.	The whole Act except sections 70, 71, 97, 100, 105 to 110, 113, 126 to 130, 132 to 138, 193 and 194.
2 Edw. 7. c. cxxv.	Buxton Urban District Council Water Act 1902.	The whole Act except sections 6, 10, 11, 25 to 27, 29, 30, 40, 93 to 95, 99 and 104.
4 Edw. 7. c. cxcvi.	Derwent Valley Water Act 1904.	The whole Act except sections 3, 4, 6 to 14, 16 to 30, 33 to 35, 39, 40, 42, 43, 45, 48 and 49.
4 Edw. 7. c. ccxxiv.	Buxton Urban District Council Act 1904.	The whole Act.



Chapter or number	Short title	Extent of repeal
5 Edw. 7. c. lxxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905.	The scheduled Order relating to the Borough of Derby.
9 Edw. 7. c. lxiii.	Derwent Valley Water Act 1909.	The whole Act except sections 2 to 6, 12, 16, 20 and 22.
9 Edw. 7. c. cxviii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1909.	The scheduled Order relating to the Borough of Derby.
2 & 3 Geo. 5. c. xxxviii.	Derwent Valley Water Act 1912.	The whole Act except sections 2 and 3.
2 & 3 Geo. 5. c. cxxvii.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1912.	The scheduled Order relating to the Borough of Derby.
3 & 4 Geo. 5. c. xcii.	Derby Corporation Act 1913.	The whole Act except sections 12, 13, 19, 30 to 59, 93 and 101.
6 & 7 Geo. 5. c. xxvii.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1916.	The scheduled Order relating to the Urban District of Buxton.
6 & 7 Geo. 5. c. 1.	Municipal Corporations (Buxton Scheme Confirmation) Act 1916.	The whole Act.
10 & 11 Geo. 5. c. cxiii.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1920.	The scheduled Order relating to the Borough of Buxton.
10 & 11 Geo. 5. c. cxiv.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1920.	The scheduled Order relating to the Borough of Derby.
10 & 11 Geo. 5. c. cxxvi.	Ministry of Health Provisional Order Confirmation (Chesterfield Extension) Act 1920.	The scheduled Order relating to the Borough of Chesterfield except article xii (3) (d).
10 & 11 Geo. 5. c. clxv.	Derwent Valley Water Act 1920.	The whole Act except sections 3, 4, 11, 16 to 18, 20 to 22, 25 to 32, 34 to 38, 47, 48, 50 to 52, and the First and Second Schedules.
11 & 12 Geo. 5. c. xix.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1921.	The scheduled Order relating to the Borough of Glossop.
11 & 12 Geo. 5. c. lxx.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1921.	The scheduled Order relating to the Borough of Derby.
12 & 13 Geo. 5. c. xl.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1922.	The scheduled Order relating to the Borough of Derby.

SCH. 6  
—cont.

Chapter or number	Short title	Extent of repeal
13 & 14 Geo. 5. c. xcix.	Chesterfield Corporation Act 1923.	The whole Act except sections 10 to 33, 36, 46, 51, 52, 78 to 183, 281, 319, 394 and 402.
14 & 15 Geo. 5. c. lxxiii.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1924.	The scheduled Order relating to Derwent Valley Water Board.
17 & 18 Geo. 5. c. xvii.	Matlocks Urban District Council Act 1927.	The whole Act except sections 59 to 94, subsection (2) and the proviso to section 96, sections 105, 158, 180, 193 and 198.
17 & 18 Geo. 5. c. lxx.	Derwent Valley Water Act 1927.	The whole Act except sections 3, 4, 8, 13, 15 to 17, 20 and 23.
17 & 18 Geo. 5. c. lxxxii.	Buxton Corporation Act 1927.	The whole Act except sections 20 to 29 and 100.
17 & 18 Geo. 5. c. xcii.	Derby Corporation Act 1927.	The whole Act except sections 72, 74, 83, 88 and 91.
18 & 19 Geo. 5. c. lvii.	Ministry of Health Provisional Orders Confirmation (No. 10) Act 1928.	The scheduled Order relating to the Borough of Derby.
20 & 21 Geo. 5. c. xxiii.	Derby Corporation Act 1929.	The whole Act except sections 16, 17 and 26 to 29.
20 & 21 Geo. 5. c. lxvi.	Derby Corporation Act 1930.	The whole Act except sections 8, 13 to 16, 21, 43 to 45 and 47.
22 & 23 Geo. 5. c. xxvii.	Ministry of Health Provisional Orders Confirmation (Derby and Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board) Act 1932.	The scheduled Order relating to the Borough of Derby.
22 & 23 Geo. 5. c. lxxxvii.	Chesterfield and Bolsover Water Act 1932.	Sections 61, 108 and 109.
25 & 26 Geo. 5. c. cv.	Derwent Valley Water Act 1935.	The whole Act except sections 3 to 5, 7, 8, 10 to 15, 20 to 22 and the Schedule.
26 Geo. 5 & 1 Edw. 8. c. xlvi.	Derby Corporation (Trolley Vehicles) Order Confirmation Act 1936.	The whole Act.

Chapter or number	Short title	Extent of repeal
1 & 2 Geo. 6. c. lxii.	Derwent Valley Water Act 1938.	The whole Act except sections 2, 3, 6, 7, 10 to 12, 14, subsection (2) of section 17, 18, 24 and 25.
7 & 8 Geo. 6. c. xviii.	Derwent Valley Water Act 1944.	The whole Act except sections 3 to 7, 9, subsection (2) of section 11, sections 17 to 38, 51 to 55, 61, 62 and the Schedule.
7 & 8 Geo. 6. c. xix.	Chesterfield and Bolsover Water Act 1944.	Sections 6, 7, 9, 11 and 29.
9 & 10 Geo. 6. c. xlix.	Long Eaton Urban District Council Act 1946.	The whole Act except sections 5 to 32, 53, 71, 84, 86, 88, 90, 96, 114 and 127.
S.I. 1949/324.	Derwent Valley Water Order 1949.	The whole Order.
S.I. 1951/1738.	Chesterfield, Bolsover and Clowne Water Board Order 1951.	Subsection (1) of section 1 and section 8.
15 & 16 Geo. 6 & 1 Eliz. 2. c. xxii.	Derby Corporation (Trolley Vehicles) Order Confirmation Act 1952.	The whole Act.
1 & 2 Eliz. 2. c. xv.	Belper Urban District Council Act 1953.	The whole Act.
1 & 2 Eliz. 2. c. xl.	Cheshire County Council Act 1953.	The whole Act except sections 65 and 202.
S.I. 1953/1360.	Chesterfield, Bolsover and Clowne Water Board (Extension of time) Order 1953.	Subsection (1) of section 1 and section 2.
2 & 3 Eliz. 2. c. xlix.	Derbyshire County Council Act 1954.	The whole Act except sections 19, 20, 38, 39, subsections (3) to (6) of section 41, and sections 56, 73, 75, 80, 82, 99, 102, 128, 140, 141 and 172.
S.I. 1955/1174.	Derwent Valley Water Order 1955.	The whole Order except sections 1, 2, 4, subsection (1) of section 5 and the Schedule.
S.I. 1957/330.	Derwent Valley Water Order 1956.	The whole Order except sections 1, 2, 4 to 6, 11, 12 and the Schedule.
8 & 9 Eliz. 2. c. xi.	Derbyshire County Council Act 1960.	The whole Act.
8 & 9 Eliz. 2. c. xxxvii.	Derby Corporation Act 1960.	The whole Act.

SCH. 6  
—cont.

Chapter or number	Short title	Extent of repeal
S.I. 1961/281.	South Derbyshire Water Board Order 1961.	Sections 4 to 13, subsections (2) and (3) of section 14, section 15, subsections (1) to (3) of section 16, sections 20 to 23, subsections (1) and (3) of section 24, subsection (5) of section 25, sections 26, 28 to 43, 46, 47, Part II of the First Schedule and the Fourth to Sixth Schedules.
S.I. 1962/477.	South Derbyshire Water Board Order 1962.	The whole Order.
S.I. 1962/1031.	Chesterfield, Bolsover and Clowne Water Board (Extension of Time) Order 1962.	The whole Order.
S.I. 1963/660.	North Derbyshire Water Board Order 1962.	Sections 4 to 13, 15, 17 to 20, subsections (1), (3) and (4) of section 21, sections 22, 23, subsections (2) and (3) of section 26, sections 27 to 47, Part II of Schedule 1, Schedules 3, 5 and 6.
S.I. 1963/482.	South Derbyshire Water Board Order 1963.	The whole Order.
S.I. 1964/1678.	South Derbyshire Water Board Order 1964.	The whole Order.
S.I. 1965/1174.	Derwent Valley Water Order 1965.	The whole Order.
1967 c. xxiii.	Ministry of Housing and Local Government Provisional Orders Confirmation (Buxton, Stockport and York) Act 1967.	The scheduled Order relating to the Borough of Buxton.
1968 c. xxxvi.	Cheshire County Council Act 1968.	The whole Act except section 13.
1969 c. iii.	Derbyshire County Council Act 1969.	The whole Act.
1969 c. v.	Derby Corporation Act 1969.	The whole Act.
S.I. 1969/489.	North Derbyshire Water Board (Charges) Order 1969.	The whole Order.
S.I. 1970/2034.	South Derbyshire Water Board (Charges) Order 1970.	The whole Order.
S.I. 1971/2030.	South Derbyshire Water Board (Water Rates) Order 1971.	The whole Order.
1972 c. xxxi.	Derby Corporation Act 1972.	The whole Act except sections 14, 27, 52, 53, 60 and 61.

## PART II

SCH. 6  
—cont.ENACTMENTS FOR THE BENEFIT OF THE BRITISH RAILWAYS BOARD  
EXCLUDED FROM REPEAL

Chapter or number	Short title	Extent of exclusion
1 Edw. 7. c. cclxvii.	Derby Corporation Act 1901.	Sections 70 and 71.
3 & 4 Geo. 5. c. xcii.	Derby Corporation Act 1913.	Section 12.
13 & 14 Geo. 5. c. xcix.	Chesterfield Corporation Act 1923.	Section 402.
17 & 18 Geo. 5. c. xcii.	Derby Corporation Act 1927.	Section 83.
20 & 21 Geo. 5. c. xxiii.	Derby Corporation Act 1929.	Sections 16 and 17.
20 & 21 Geo. 5. c. lxvi.	Derby Corporation Act 1930.	Subsections (7), (10) and (11) of section 15 and section 45.
2 & 3 Eliz. 2. c. xlix.	Derbyshire County Council Act 1954.	Subsections (3) to (6) of section 41.

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# Derbyshire Act 1981

## CHAPTER xxxiv

### ARRANGEMENT OF SECTIONS

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Section

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2. Interpretation.
3. Appointed day.

#### PART II

##### HIGHWAYS AND ROAD TRAFFIC

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6. Omnibus undertaking in Derby.
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11. Arboretum and certain recreation grounds in Derby.
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13. Power to charge for admission to certain parks.
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15. Buxton Mineral Waters.

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19. Power to order alteration of chimneys.
20. Registration of hawkers of food and their premises.

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26. Oil-burning equipment.
27. Prescription of signs to be used on certain buildings.
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44. Contents of street trader's licence.
45. Duration, revocation and variation of licences.
46. Appeals in respect of street traders' licences.
47. Disqualification of young persons.
48. Employment of assistants.
49. Consultation with traders, organisations, etc.
50. Charge for street cleansing.
51. Exemptions.
52. Touting, hawking, photographing, etc.



PART X  
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## Section

53. Exemption of lands of West Derbyshire Council from exercise of mineral rights.
54. Disputes about compensation.
55. Recovery of rates from tenants and lodgers.
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57. Appeals to Secretary of State.
58. Rights in respect of carrying on business or use of premises.
59. Restriction on right to prosecute.
60. Liability of directors, etc.
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63. Application of general provisions of 1936 Act.
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65. Repeals.

## SCHEDULES:

- Schedule 1—Lands situate in the King's Field in the Soke and Wapentake of Wirksworth in the county of Derbyshire belonging to or in the occupation of the West Derbyshire Council.
- Schedule 2—Lengths of river Derwent referred to in section 14 of this Act.
- Schedule 3—Section 29 of Public Health Act 1961 as having effect in accordance with section 17 of this Act.
- Schedule 4—Provisions of Act referred to in section 62 (Defence of due diligence) of this Act.
- Schedule 5—Sections of 1936 Act applied.
- Schedule 6—Repeals.