

**ELIZABETH II**



**1987 CHAPTER iv**

An Act to re-enact with amendments certain local enactments in force within the city of Plymouth; to confer further powers with regard to the regulation of hackney carriages, public health and order, the Cottonian Collection and for the maintenance of piers; and for other purposes. [2nd March 1987]

**WHEREAS—**

(1) The city of Plymouth (hereinafter referred to as “the city”) is under the management and local government of the Plymouth City Council (hereinafter referred to as “the Council”):

(2) By virtue of the Local Government Act 1972 (hereinafter 1972 c. 70. referred to as “the Act of 1972”) the city was constituted on 1st April 1974 and comprises the former county borough of Plymouth and Plymouth Breakwater (Fort and Lighthouse):

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

(4) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984; but the Non-Metropolitan and Welsh Counties (Local Statutory Provisions) Order 1986 has subsequently provided that such local statutory provisions shall cease to have effect at the end of 1987:

S.I.1986/2106.

(5) It is expedient that certain of the said local statutory provisions should be re-enacted with amendments:

(6) It is expedient to confer further powers on the Council and that the other provisions contained in this Act should be enacted:

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

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

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

## PART I PRELIMINARY

- Citation.           **1.** This Act may be cited as the Plymouth City Council Act 1987.
- Commence-           **2.** This Act shall come into operation on the expiry of a ment.           period of 3 months beginning with the date on which it is passed.
- Interpretation.   **3.—(1)** In this Act unless the context otherwise requires—  
1936 c. 49.           “the Act of 1936” means the Public Health Act 1936;  
1961 c. 64.           “the Act of 1961” means the Public Health Act 1961;  
                          “appointed day” has the meaning given to it by section 4 (Appointed day) of this Act;  
                          “the city” means the city of Plymouth;  
                          “the Council” means the Plymouth City Council;  
                          “contravention” includes a failure to comply and  
                          “contravene” shall be construed accordingly;  
                          “daily fine” means a fine for each day on which an offence is continued after conviction thereof;  
                          “owner” has the meaning given to it by section 343 of the Act of 1936.

(2) Any reference in this Act to a proper officer shall in relation to any purpose be construed as a reference to an officer appointed by the Council for that purpose.

PART I  
—cont.

(3) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

4.—(1) In this Act “the appointed day”, in relation to any provision, means such day (not earlier than 3 months from the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the Council.

Appointed  
day.

(2) The Council shall publish in a newspaper circulating in the city 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, or any newspaper being a page, or part of a page, 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

### GENERAL POWERS

5.—(1) As from the appointed day, in every dwelling in the city which is let for human habitation and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage in that dwelling.

Artificial  
lighting in  
habitable  
rooms, etc.

(2) If adequate means of lighting are not so provided and maintained the Council may serve on the owner a notice requiring him within such time, not being less than 21 days, as may be specified in the notice to execute such works as may be necessary to comply with subsection (1) above and as respects any such works which require interference with, or connection into, any electric line, electricity main or fittings belonging to the electricity supplier to make arrangements in that behalf with that supplier.

PART II  
—cont.

(3) The provisions of section 290 of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of work shall apply in relation to a notice given under subsection (2) above as they apply in relation to the notices mentioned in subsection (1) of that section and as if—

(a) the following paragraph were inserted at the end of subsection (3):—

“(g) that, having regard to the period during which the dwelling is likely to continue to be used for human habitation, it is unreasonable to require the execution of the works”; and

(b) in subsection (6) the words from “and” where it secondly occurs to the end of the subsection were omitted; and

(c) references therein to a local authority were references to the Council.

(4) In this section—

“adequate means of lighting” in relation to a room, stairway or passage means adequate means of lighting the same by electricity and includes the provision in the room, stairway or passage of adequate electricity lines connected with an electricity main but does not include—

- (a) the supply of electricity; or
- (b) the provision of lamps;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

“habitable room” includes a room used or intended to be used as a living room, sleeping room, bathroom, kitchen or for a sanitary convenience, and includes any cellar or room comprised in a dwelling and used as a fuel store.

(5) This section shall not apply to a dwelling—

(a) in an area declared by the Council to be a clearance area; or

(b) as respects which the proper officer has made an official report under section 606 of the Housing Act 1985 either that it is unfit for human habitation or that it is in an area which should be dealt with as a clearance area, and the report is under consideration; or

(c) as respects which notice has been served under section 189 (1) (which empowers a local authority to enforce repairs to unfit housing) or 190 (1) (which empowers a local authority to require the repair of habitable housing in disrepair) of the said Act of 1985 on the

person having control of the dwelling and the works required pursuant to the notice have not been executed; or

PART II  
—cont.

- (d) as respects which notice has been served under section 264 (which empowers a local authority to accept undertakings as to the reconstruction of unfit housing) of the said Act of 1985 and works required to render the dwelling fit for human habitation have not been carried out to the satisfaction of the Council.

(6) Nothing in any notice served under subsection (2) above shall be construed as authorising any person to interfere with, or connect into, any electric line, electricity main or fittings belonging to the electricity supplier.

(7) Not later than the seventh day after that on which the Council serve notice under subsection (2) above they shall send a copy of the notice to the electricity supplier.

(8) In this section "electricity supplier" means the South Western Electricity Board or any supplier of electricity to the relevant premises who is authorised under the Energy Act 1983. 1983 c. 25.

6. The Council may make byelaws for the purpose of securing—

Medicated,  
sauna and  
other baths.

- (1) the cleanliness of premises at which medicated, sauna and other baths are provided by any person other than the Council for the use by members of the public or of any club, organisation or body and of the towels, materials and equipment used therein; and
- (2) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

7.—(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—

Safety of  
stands.

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

(2) No person shall in the city 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 Council under the following provisions of this section.

PART II  
—cont.

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

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

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

(4) On receipt of a notice under subsection (3) (a) above the 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 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 5 weeks after the submission of particulars under subsection (3) (b) above, or 4 weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the 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 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 5 weeks or, as the case may be, the said period of 4 weeks, the 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 a requirement of the Council under this section may appeal to a magistrates' court, which may dismiss or allow the appeal, or may vary any requirement of the Council, 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;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Where it appears to the Council that any stand to which this section applies has been erected or is in use in the city 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.

(11) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.

(12) In this section “fire authority” means the authority discharging in the city the functions of fire authority under the Fire Services Act 1947.

1947 c. 41.

8.—(1) The Council may make byelaws for all or any of the following purposes:—

- (a) securing the good and orderly conduct of persons resorting to any leisure centre;
- (b) regulating the movement and parking of vehicles at any leisure centre;
- (c) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road.

Byelaws as to leisure centres.

(2) Byelaws made under subsection (1) (a) above may provide for the removal from the leisure centre of any person infringing any such byelaw by any proper officer.

(3) In this section “leisure centre” means any place owned or managed by the Council (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Local Government (Miscellaneous Provisions) Act 1976 are provided.

1976 c. 57.

PART II  
—cont.

## PART II

—cont.

Power to let  
recreation  
grounds.

9. In its application in the city section 52 of the Act of 1961 shall have effect as if subsection (3) (b) thereof were omitted.

Provision of  
means of  
escape from  
fire in certain  
buildings.  
1984 c. 55.

10.—(1) In its application to the city section 72 of the Building Act 1984 (means of escape from fire in certain buildings) shall have effect as if—

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

(b) in subsection (6)—

(i) for the words “two storeys” there were substituted “one storey”;

(ii) for the words “twenty feet” there were substituted “4.5 metres”;

(iii) in paragraph (a) for the words “let in flats or” there were substituted “used in whole or in part as a flat or as”.

(2) (a) The Council may by notice require the person having control of a building to which the said section 72, 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 level 3 on the standard scale.

(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.

1971 c. 40.

(3) The said section 72 as having effect in accordance with this section, shall not apply to any premises to which section 9A of the Fire Precautions Act 1971 (which imposes a duty to provide certain premises with a means of escape from fire) applies.

Touting,  
photo-  
graphing,  
etc.

11.—(1) The Council may designate in the city, in accordance with subsection (5) below, any of the following places, or any part of such places, in the city as places to which



this section applies for any of the purposes of subsection (2) below—

PART II  
—cont.

- (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, precinct or esplanade, parade, promenade, seashore or way to which the public commonly have access, whether or not as of right:

Provided that the Council shall not designate for the purpose of subsection (2) (b) (ii) below any street.

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

- (a) importunes 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 or other conveyance, not being a public service vehicle, or for a ship or boat; or
- (b) without the consent of the 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 level 3 on the standard scale.

(3) The conditions of consent referred to in subsection (2) (b) above include conditions as to the times or period for which the consent is valid, the display of a certificate of the consent and the payment for the consent of such reasonable fee to cover the expense of the 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.

(4) A person aggrieved by—

- (a) the withholding by the Council of consent referred to in subsection (2) (b) 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.

PART II  
—cont.

(5) (a) Before designating any place for any of the purposes of subsection (2) above, the Council shall give notice of their proposal by advertisement in a newspaper circulating in the city, 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 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 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;
- (b) the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (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.

Hairdressers  
and  
barbers.

12.—(1) A person shall not in the city carry on the business of a hairdresser or barber unless he is registered by the Council under this section and except as provided under subsection (2) below he shall not carry on that business on premises occupied by him unless the premises are so registered.

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.

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

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART II  
—cont.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the Council under section 77 of the Act of 1961 displayed in the premises and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £10.

(6) Subject to subsection (7) below, a proper officer may enter any premises in the city if he has reason to suspect that an offence under this section is being committed there.

(7) The power conferred by subsection (6) above may be exercised by a proper officer only if he has been granted a warrant by a justice of the peace.

(8) A justice may grant a warrant under subsection (7) above only if he is satisfied—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry under this section.

(9) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(10) A warrant shall continue in force—

- (a) for 7 days; or
- (b) until the power conferred by this section has been exercised in accordance with the warrant, whichever period is the shorter.

(11) Where a proper officer exercises the power conferred by subsection (6) above he shall produce his authority if required to do so by the occupier of the premises.

13.—(1) The Council may grant a gratuity of any sum (not exceeding one year's pay) to any of their whole-time employees to whom this section applies who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such employee who may die in their service.

Power to grant  
gratuities in  
certain cases.

PART II  
—cont.

(2) This section applies to any employee employed by the Council before or at the commencement of this Act to or in respect of whom no gratuity would be payable pursuant to any other enactment in the circumstances referred to in subsection (1) above.

(3) A gratuity under this section shall not be paid out of any superannuation fund.

Restriction on  
use of  
armorial  
bearings.

**14.—**(1) If any person uses in connection with any trade, business, calling or profession the armorial bearings of the Council, or an emblem or device closely resembling those armorial bearings in such a manner as to be calculated to lead to the belief that he is entitled to use those bearings, he may at the suit of the Council be restrained by injunction from continuing to use them.

(2) If any person without the consent of the Council uses in connection with any trade, business, calling or profession any part of the armorial bearings of the Council, or any emblem or device closely resembling any such part, in a manner calculated to lead to the belief that he displays the part, emblem or device with the approval of the Council, he may at the suit of the Council be restrained by injunction from continuing to use that part, emblem or device.

1938 c. 22. (3) Nothing in this section shall affect any right of the proprietor to the continued use of any trade mark (as defined in section 68 of the Trade Marks Act 1938) in existence at the commencement of this Act.

Bus stopping  
place signs.

**15.—**(1) The Council may attach to any lamp post, pole or similar structure erected on or in the highway, on or near to the route of any omnibus of the Council or of any company in which the Council have a controlling interest, signs indicating the position of the stopping places for the Council's omnibuses or those of the said company.

1984 c. 27. (2) The powers of giving directions under section 65 of the Road Traffic Regulation Act 1984 shall apply with respect to any sign placed or to be placed by the Council under this section as though it were caused to be placed by a highway authority under the said section 65.

Vessels to be  
licensed.

**16.—**(1) In this section "the specified limits" means the area bounded on the seaward by an imaginary line drawn from Penlee Point proceeding in an easterly direction to Shagstone and on the landward by the level of high water and the approaches thereto from the rivers Tiddy, Lynher, Tamar, Tavy and Plym including bays, creeks, pools, inlets and rivers

as far as the tide flows save that the above limits shall not include any dock which is otherwise tidally enclosed.

PART II  
—cont.

(2) The Council may grant upon such terms and conditions as they may determine licences for vessels of any kind or description—

(a) to be let for hire within the city; or

(b) to be used for carrying passengers to or from any stations or places within the specified limits or to or from the ships or vessels of Her Majesty or other ships or vessels lying within the specified limits.

(3) The Council may grant upon such terms and conditions as they may determine licences to the person in charge of the navigation of vessels licensed under subsection (2) (b) above.

(4) The Council may demand and recover reasonable fees for licences granted under this section for the purpose of recovering their expenses in dealing with applications for, and granting or refusing, licences.

(5) Any person aggrieved by any conditions attached to such a licence, or by a refusal to grant a licence or by the suspension or revocation of a licence, may appeal to a magistrates' court.

(6) Any such licence may be granted for such period as the Council may determine and may be suspended or revoked by the Council whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public:

Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

(7) No person shall in the course of a trade or business let for hire to the public within the city any vessel not so licensed.

(8) No person shall without reasonable excuse permit a vessel to be used in the course of a trade or business for the purposes specified in paragraph (b) of subsection (2) above unless—

(a) the vessel is so licensed and the licence is not suspended; and

(b) the person in charge of the vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with.

(9) A licence under this section shall not be required—

(a) for any vessel duly licensed by or under any regulations of the Secretary of State or for a person in charge of or navigating such a vessel; or

PART II  
—cont.

(b) in respect of the use—

(i) for a continuous period of over 24 hours of any vessel having overnight sleeping accommodation;

(ii) of any vessel for the purpose of instruction or training in seamanship and in the use of that vessel, being instruction or training given by an establishment recognised by a competent authority;

(iii) of any vessel with the consent of the harbour authority (within the meaning of the Harbours Act 1964) in any harbour owned or managed by them.

1964 c. 40.

(10) For the purposes of subsection (9) (b) (ii) above, the Royal Yachting Association is a competent authority.

(11) No person shall without reasonable excuse carry or permit to be carried in any vessel licensed under subsection (2) (b) above a greater number of passengers for hire than shall be specified in the licence applying to such vessel.

(12) Every owner of any such vessel shall before permitting the same to be used for any of the purposes specified in subsection (2) (b) above paint or cause to be painted in letters and figures not less than 2.5 centimetres in height and 2 centimetres in breadth on a conspicuous part of the vessel his own name and also the number of persons which it is licensed to carry in this form "Licensed to carry                      persons".

(13) Every holder of a licence under this section shall produce or cause to be produced such licence when demanded by a proper officer and deliver the same to be read and examined by him.

(14) The Council may limit the number of vessels licensed by them under this section to such number as they may prescribe.

(15) Any person who contravenes any of the provisions of this section or any conditions imposed under it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale:

Provided that a person shall not be guilty of an offence under this subsection by reason of a failure to comply with such conditions as are mentioned in licences granted under subsection (3) above if it is shown that there is a reasonable excuse for the failure.

Licensing of  
sailboards, etc.

17.—(1) The Council may grant upon such terms and conditions as they determine licences to a person who lets for hire within the city any sailboard or other craft designed to convey persons only in a manner other than in a hull.

(2) The Council may demand and recover reasonable fees for licences granted under this section for the purpose of recovering their expenses in dealing with applications for, and granting or refusing, licences.

PART II  
—cont.

(3) Any person aggrieved by any conditions attached to such a licence, or by a refusal to grant a licence, or by the suspension or revocation of a licence, may appeal to a magistrates' court.

(4) Any such licence may be granted for such period as the Council may determine and may be suspended or revoked by the Council whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public.

(5) The Council may limit the number of sailboards and other craft designed to convey passengers only in a manner other than in a hull in respect of which they grant licences under this section.

(6) No person shall in the course of a trade or business let for hire to the public within the city any sailboard or other craft designed to convey persons only in a manner other than in a hull unless he is licensed under subsection (1) above.

(7) Any person who contravenes subsection (6) above or any of the conditions attached to a licence issued under subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) A licence under this section shall not be required in respect of the use of any sailboard or other craft designed to convey persons only in a manner other than in a hull—

(a) for the purpose of instruction or training in seamanship and in the use of that craft, being instruction or training given by an establishment recognised by a competent authority;

(b) with the consent of the harbour authority (within the meaning of the Harbours Act 1964) in any harbour owned or managed by them. 1964 c. 40.

(9) For the purposes of subsection (8) (a) above, the Royal Yachting Association is a competent authority.

**18.—**(1) The Council may in respect of the specified limits as defined in section 16 (Vessels to be licensed) of this Act make byelaws for all or any of the following purposes:—

Byelaws for  
regulating  
vessels.

(a) for regulating the manner in which the number of each vessel corresponding with the number of its licence issued under section 16 (Vessels to be licensed) of this Act shall be displayed in and upon such vessel;

PART II  
—cont.

- (b) for regulating and ordering the vessels let to hire;
- (c) for fixing the number of passengers and the quantity of luggage to be carried by such vessels;
- (d) for fixing the manner in which such number is to be shown in or on such vessels;
- (e) for regulating the number of boatmen to be employed in each vessel;
- (f) for regulating the manner in which such vessels are to be furnished, cleansed, kept in order and repaired;
- (g) for fixing the station place for all vessels and boatmen to wait and ply for hire;
- (h) for regulating the distances over which and duration of voyages for which the boatmen so plying shall be obliged to take passengers in the specified limit;
- (i) for fixing the fares or rates of passengers and luggage as well for time as distance and also a waiting-time fare to be paid for vessels;
- (j) for securing the publication of such fares or rates;
- (k) for determining places for the erection of notices and warnings to indicate the state of the weather;
- (l) for imposing conditions under which and the limits within which vessels shall ply during stormy weather;
- (m) for securing the safe custody and re-delivery of any property accidentally left in any vessel;
- (n) for fixing the charges to be made in respect thereof with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time.

(2) Byelaws made under subsection (1) (c), (e), (f) and (l) above may provide that persons contravening such a byelaw shall be liable on summary conviction to a maximum fine of any amount not exceeding level 3 on the standard scale.

Byelaws for  
hackney  
carriage and  
private hire  
vehicle  
premises.

**19.—**(1) This section applies in the city to premises to which the public have access and which are used as a place for booking the use of vehicles in connection with a hackney carriage business or a private car hire business.

(2) The Council may make byelaws in respect of such premises for the purpose of securing—

- (a) the comfort of persons therein awaiting conveyance by hackney carriage or private hire vehicles as the case may be; and
- (b) the cleanliness of such premises.



(3) In this section reference to a private car hire business shall not include the business of letting for hire a vehicle which is intended to be driven by the hirer.

PART II  
—cont.

20.—(1) The Plymouth City Council Act 1975 shall have effect as if—

Hackney carriage and private hire vehicles.  
1975 c. xx.

(a) in section 4 (Licensing of hackney carriages) of that Act there were inserted the following subsection:—

“(3) Any person who without reasonable excuse contravenes a condition attached to a licence issued to him shall be guilty of an offence.

(4) Any person aggrieved by any condition attached to such a licence, other than the conditions attached to licences at 1st October 1986, may appeal to a magistrates’ court.”;

(b) in section 5 (Licensing of private hire vehicles) of that Act there were inserted the following subsection:—

“(8) Any person who without reasonable excuse contravenes a condition attached to a licence granted under this section shall be guilty of an offence.”;

(c) after section 5 (Licensing of private hire vehicles) of that Act there were inserted the following section:—

5A. In respect of the inspection of a vehicle for the purpose of determining whether a licence should be granted therefor the Council may make such reasonable charges as they determine, payable on application for a licence—

(a) to be granted for a hackney carriage under the Act of 1847; and

(b) to be granted for a private hire vehicle under section 5 (Licensing of private hire vehicles) of this Act.”;

(d) after section 9 (Licensing of drivers of private hire vehicles) of that Act there were inserted the following section:—

9A. The Council may make such reasonable charge as they determine for the application (whether successful or not) for a licence for a driver under—

(a) section 46 (which requires hackney carriage drivers to have licences) of the Act of 1847; and

(b) section 9 (Licensing of drivers of private hire vehicles) of this Act.”;

“Fees on application for vehicle licences.

“Fees on application for driver’s licences.

PART II  
—cont.

(e) in section 26 (Fitness of hackney carriages and private hire vehicles) of that Act there were inserted after the word “proprietor” the words “or driver”; and

(f) paragraph (a) of section 28 (1) ceased to have effect.

1847 c. 89.

(2) Section 39 of the Town Police Clauses Act 1847 and so much of section 46 of that Act as provides for a fee shall cease to have effect in the city.

Repair, etc., of  
vehicles on  
highways.

21.—(1) As from the appointed day subject to the provisions of this section, a person who carries out any of the works to which this section applies to a motor vehicle or a trailer on any highway in the city shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The works to which this section applies are—

(a) for the repair, maintenance, servicing, improvement or dismantling of, or of any part of or accessory to, a motor vehicle or trailer; or

(b) works for the installation, replacement or renewal of any such part or accessory.

(3) A person shall not be convicted of an offence under this section with respect to a motor vehicle or a trailer if he proves to the satisfaction of the court that the works —

(a) arose from an accident or breakdown in circumstances where repairs on the spot or elsewhere on the highway were necessary; and

(b) were carried out either within 72 hours of the occurrence of such accident or breakdown or, with the permission of a police constable in uniform or of the highway authority for the highway in question, at some later time.

(4) A person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that the works were either—

(a) carried out to a motor vehicle or trailer kept by him so as to give no reasonable cause for annoyance to persons within the vicinity; or

(b) carried out within 50 metres of a dwelling-house owned by him or used as his principal residence to a motor vehicle kept by him otherwise than for trade, hire or reward.

(5) In this section—

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads or if not so intended or adapted is intended for use in the competitive racing of motor vehicles; and

“trailer” means a vehicle drawn by a motor vehicle.

PART II  
—cont.

### PART III

#### COTTONIAN COLLECTION

22. In this Part “Cottonian Collection” means the collection transferred to the Council by section 155 (Transfer of Cottonian Museum to Corporation) of the Plymouth Corporation Act 1915.

Interpretation of Part.  
1915 c. lxix.

23.—(1) The Cottonian Collection shall—

(a) continue vested in the Council; and

(b) be maintained intact and be kept and exhibited separate from any other exhibits which the Council may own under the Public Libraries and Museums Act 1964 in a single room or suite of rooms.

Cottonian Collection.

1964 c. 75.

(2) The Council shall employ on the establishment of the museum service a person trained in the discipline of the fine arts and who is competent to deal with the curatorial aspects of the Cottonian Collection.

(3) The Council—

(a) shall exhibit the collection for the education and enjoyment of the public; and

(b) may make such reasonable charge as the Council may determine for the viewing by the public of the Cottonian Collection provided that such viewing shall be permitted free of charge on one day per week between 10.00 a.m. and 4.00 p.m.

24. Any sums received under subsection (3) (b) of section 23 (Cottonian Collection) of this Act shall not form part of the general rate fund of the Council and shall be applied only to the maintenance of the Cottonian Collection.

Application of viewing money.

25.—(1) The Council shall manage the Cottonian Collection through the museums sub-committee of their Leisure Services Committee, or of such other committee as the Council may by resolution appoint.

Cottonian Representatives.

PART III  
—cont.

(2) When matters concerning the Cottonian Collection are to be discussed by the said sub-committee the Cottonian Representatives shall have a right to be present as full co-opted members of that committee with power to speak and vote on matters concerning the Cottonian Collection:

Provided that no proceedings of that committee shall be invalidated by reason of a vacancy within the Cottonian Representatives.

(3) The Cottonian Representatives shall comprise—

(a) 3 persons appointed by the descendants for the time being of William Cotton deceased being the grandfather of William Cotton deceased who was the donor of the collection by an indenture dated 6th April 1852; and

(b) 3 persons elected by the members for the time being of the Plymouth Proprietary Library.

(4) Any Cottonian Representative may—

(a) resign his office by giving notice in writing to the Council;

(b) be removed from office on grounds of being mentally or physically incapable of performing his duties by the persons entitled to fill the vacancy caused by his removal.

(5) If the Plymouth Proprietary Library ceases to exist any persons who at the time of cessation are Cottonian Representatives elected under subsection (3) (b) above shall continue in office, but subject thereto the Cottonian Representatives thereafter shall consist of the 3 persons appointed under subsection (3) (a) above.

(6) An appointment shall be treated as properly made pursuant to subsection (3) (a) above if it is made by persons appearing to the Council to be descendants of the said William Cotton and when any such appointment is made the Council shall not be bound to inquire if there are descendants of the said William Cotton other than those making the appointment; nor shall any such appointment be questioned on the grounds that at the material time there were other such descendants.

(7) If at any time it proves impracticable to fill within 3 months a vacancy occurring within the Cottonian Representatives appointed pursuant to subsection (3) (a) above, the remaining representatives may nominate a representative to fill a vacancy.

(8) Without prejudice to subsection (7) above if there appears to the Council at any time that there are no further

remaining descendants of the said William Cotton and at that time the Plymouth Proprietary Library has ceased to exist any Cottonian Representative remaining in office at that time, shall so remain, but upon the death, removal or resignation of the last survivor of the Cottonian Representatives the provisions of this section other than those of subsection (1) above shall cease to have effect.

PART III  
—cont.

#### PART IV

##### PIERS

26.—(1) In this Part—

“the Act of 1847” means the Harbours, Docks, and Piers Clauses Act 1847;

Interpretation  
of Part.  
1847 c. 27.

“level of high water” means the level of mean high-water springs;

“the piers” means—

Saltash Passage, slipways and embankments;  
Pottery Quay and Tamar Canal Wharves;  
North Corner Quay and Landing Stage;  
Mutton Cove, Harbour and Jetty;  
Richmond Walk, slipway, steps, embankment,  
boat park;  
Stonehouse Steps;  
West Hoe Harbour and Pier;  
Pebbleside Pier;  
West Pier, Commercial Wharf, Phoenix Wharf,  
Baltic Wharf (Elphinstone) and Fishers Nose;  
Hooe Quay;  
Oreston Slipway and Embankment;

shown marked red on the piers plan, and “pier” means any one of them;

“piers plan” means the plan showing the piers marked “Pier Plan” and prepared in triplicate, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office, House of Commons and one in the office of the Chief Executive and Town Clerk of the city;

“tidal work” means so much of the piers or any work authorised by Part III of the Devonport Corporation (General Powers) Act 1902 or by any enactment repealed by this Act which is on, under or over tidal waters or tidal lands below the level of high water;

1902 c. ccxxiv.

“Trinity House” means the master, wardens and assistants of the guild, fraternity or brotherhood of the most

PART IV  
—cont.

glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the Corporation of Trinity House of Deptford Strond.

(2) References to the limits of any pier are to be construed as references to the limits specified in section 29 (Limits) of this Act.

Maintenance,  
etc., of piers.

27.—(1) The piers shall continue vested in the Council.

(2) Subject to the provisions of this Part the Council may maintain, improve, alter, replace or reconstruct the piers as they think fit.

Incorporation  
of Act of  
1847.

28.—(1) The Act of 1847 except sections 6 to 27, 29 to 32, 34 to 50, 66 to 68, 79 and 80, 84 to 90 and 94 to 96 so far as applicable to the purpose and not inconsistent with the provisions of this Act is incorporated with this Part.

(2) In the construction of the Act of 1847, as incorporated with this Part—

- (a) the expression “special Act” shall be construed to mean this Part;
- (b) the expression “harbour dock or pier” shall mean any pier and any subsidiary works connected therewith and the water area within the limits of the pier;
- (c) the prescribed limits shall be the limits as defined and subject as provided in section 29 (Limits) of this Act;
- (d) the expression “the undertakers” shall in sections 51 to 65 and 83 of the Act of 1847 mean the Council.

Limits.

29. In relation to any pier the limits within which the Council shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and an area below the level of high water within a distance of 100 metres from any part of the pier:

Provided that the limits shall not extend to any area of jurisdiction exercised by either the Sutton Harbour Improvement Company or the Cattewater Harbour Commissioners.

Subsidiary  
works.

30. Subject to the provisions of this Part the Council may in connection with any pier, construct and maintain, whether temporarily or permanently, all such piles, caissons, cofferdams, passageways, jetties, landing places, landing stages, wharves, waiting rooms, sheds, toll-houses, gates, shelters, moorings, lights, buoys and other structures and other works and conveniences as may be requisite or expedient for the

purpose of or in connection with the maintenance, improvement, alteration, replacement or reconstruction and use of the pier.

PART IV  
—cont.

31.—(1) Subject to the provisions of section 44 (Saving for Duchy of Cornwall) of this Act the Council may within the limits of any pier deepen, dredge, scour, excavate, alter and improve any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

Power to dredge.

(2) All sand, mud and materials dredged up under the powers contained in subsection (1) above shall be the property of the Council who may sell or otherwise dispose of, remove or deposit the same within the limits of any pier:

Provided that no sand, mud or other materials shall be laid down or deposited in any places below the level of high water except in such a position and subject to such conditions and restrictions as may be approved by the Secretary of State.

(3) All moneys arising from any sale or other disposition of sand, mud and other materials under this section after payment of the expenses connected therewith shall be deemed to form part of the piers revenue.

32.—(1) The Council may make byelaws for all or any of the following purposes, that is to say:—

Byelaws as to piers.

- (a) for the management and regulation of the piers or any of them and for the regulation of persons using the same for pleasure or business;
- (b) for the prevention of nuisance and annoyance by smoke or noise caused by steam or other vessels within the limits of any pier, or the machinery and appliances thereof;
- (c) for the prevention of refuse of any kind being thrown or suffered to fall into the sea within the limits of any pier;
- (d) for prescribing the particular portion of any pier at which vessels and boats may lie for embarking or disembarking passengers and their luggage;
- (e) for regulating the mooring of boats and vessels to any pier; and
- (f) for preventing the turning of screws otherwise than in the normal course of navigation by motor vessels moored to any pier.

(2) Byelaws made under subsection (1) above may provide that persons contravening such a byelaw shall be liable on

PART IV  
—cont.

summary conviction to a maximum fine of any amount not exceeding level 3 on the standard scale.

(3) The Secretary of State may confirm the byelaws with such modifications as he thinks fit:

Provided that where the Secretary of State intends to make a modification which appears to him to be substantial he shall inform the Council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Council and to other persons who have been informed of it.

Restriction  
on use of  
piers.

33. Nothing in this Part shall entitle any person to ship or unship at any pier any animals, minerals, goods or merchandise, or to ship or unship there anything which in the judgment of the Council might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers.

Vessels not to  
anchor within  
limits of piers.

34. Any person who, without either reasonable excuse or the consent of the Council or the pier master knowingly causes a vessel to be anchored within the limits of any pier shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Directions of  
pier master.

35. Section 52 of the Act of 1847, in its application to the Council and the pier master—

- (1) shall extend to empower the pier master to give directions prohibiting the mooring of vessels within any particular part or parts of the limits of any pier;
- (2) shall not be construed to require the pier master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section for all or any of the purposes thereof the pier master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

Orders of pier  
master need  
not be in  
writing.

36. Section 53 of the Act of 1847, in its application to the Council and the pier master, shall not be construed to require the pier master to serve a notice in writing of his directions upon the master of a vessel and such directions may be given orally or otherwise communicated by the pier master.



37. Officers of the Department of Transport in the execution of their duty shall have at all times free ingress, passage and egress, to, or along and from any pier without payment.

PART IV  
—cont.

Exemption of Department of Transport from dues.

38. All persons going to or returning from any lifeboat or using any apparatus for saving life, being either persons belonging to the crew of the lifeboat or to the coastguard or persons for the time being actually employed in saving life or in using the lifeboat or the apparatus for saving life, and all persons brought ashore from any vessel in distress, shall have at all times free ingress, passage and egress, to, or along and from any pier without payment.

Exemption of lifeboat crew from dues.

39. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works comprised in the piers undertaking and not breaking bulk while making use thereof be exempt from rates leviable under this Part.

Exemption of certain fishing vessels.

40. The Council may confer, vary or extinguish exemptions from, and compound with any person with respect to the payment of, any charges authorised to be taken under this Part provided that no preference be in any case given to any person over any other person using any pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Part.

Power to enter into compositions.

41. The officers of the coastguard and all other persons for the time being actually employed in connection with any lifeboat or other apparatus for saving life may, either permanently or temporarily, without payment, attach or cause to be attached, to any part of any pier, spars and other apparatus for saving life, and may also either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.

Life-saving apparatus may be attached to piers.

42. The Council shall within the limits of the piers be a local lighthouse authority for the purpose of the Merchant Shipping Act 1894.

Local lighthouse authority. 1894 c. 60.

43. The piers shall be deemed to be for all purposes within the city and the petty sessional division of Plymouth.

Piers to be within city.

PART IV  
—cont.  
Saving for  
Duchy of  
Cornwall.

44.—(1) Subject to the provisions of this Part (and without prejudice to the general law concerning the applicability of statutes to the Duchy of Cornwall), nothing in this Part shall prejudice, diminish, alter, detract from or take away any of the rights, powers, privileges or authority attaching to the possessions of, or exercisable by, the possessor for the time being of the Duchy of Cornwall in relation to land belonging to the said Duchy and nothing in this Part shall apply to the said possessions or possessor by virtue of an interest in land belonging to the said Duchy without the consent specified in subsection (2) below.

1863 c. 49.

(2) A consent given under subsection (1) above shall be in writing of two or more of such of the regular officers of the Duchy of Cornwall or of such other persons as may be authorised under section 39 of the Duchy of Cornwall Management Act 1863 or, as the case may be, the consent of the Duke of Cornwall testified in writing under the seal of the said Duchy.

(3) A consent given under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered appropriate.

(4) Subsection (1) above shall not apply to anything done or permitted or omitted to be done on land belonging to the said Duchy otherwise than by or under the authority of the said possessor.

Provision  
against danger  
to navigation.

45.—(1) In case of injury to, or destruction or decay of, a tidal work, or any part thereof, the Council shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall direct.

(2) If the Council fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Local survey.

46. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Council.

Permanent  
lights on tidal  
works.

47.—(1) The Council shall at the outer extremity of any tidal work comprised in any pier exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall direct.

(2) If the Council fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

PART IV  
—cont.

**48.**—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Council at their own expense either to repair and restore the work, or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State may think proper.

Abatement of works abandoned or decayed.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere, or to cause reasonable apprehension that it may interfere, with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date on which a notice under this section is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice, and any expenditure incurred by him in so doing shall be recoverable from the Council.

**49.**—(1) The owner of a quay, or any part thereof, which adjoins the waters of Sutton Pool in the city shall erect and maintain posts and rails or chains along the edge of the quay.

Certain quays to be fenced.

(2) If any part of a quay is in the opinion of the Council insufficiently fenced contrary to the terms of subsection (1) above the Council may by notice require the owner to remedy its condition to the satisfaction of the proper officer within a reasonable time specified in the notice.

(3) The provisions of section 290 of the Act 1936 shall apply to notices given by the Council under this section as they apply to notices mentioned in subsection (1) of that section and as if references therein to a local authority were references to the Council.

(4) A notice under this section shall have annexed to it a copy of this section.

**50.** In the exercise of the powers contained in this Part the Council shall not interfere with, damage or injuriously affect any apparatus belonging to or maintained by British Gas plc.

For protection of British Gas plc.

PART IV  
—cont.  
For protection  
of South  
Western  
Electricity  
Board.

51. In exercising the powers of section 27 (Maintenance, etc., of piers) and section 30 (Subsidiary works) of this Act the Council shall not damage or injuriously affect any apparatus of the South Western Electricity Board nor, without the consent of the said Board, interfere with any such apparatus or the access thereto.

PART V  
GENERAL

Local  
inquiries.

1972 c. 70.

52. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Local Government Act 1972 shall apply to any such inquiry.

Appeals to  
magistrates'  
court.

53. Sections 300 and 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

Restriction  
on right to  
prosecute.

54. 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, the Council or a constable.

Liability of  
directors,  
etc.

55.—(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.

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

Penalty for  
obstruction.

56. Any person who intentionally obstructs any officer of the 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 level 3 on the standard scale.

Defence  
of due  
diligence.

57.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (5) below, 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.

(2) If in any case the defence provided by 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 the 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 identifying or assisting in the identification of that person as was then in his possession.

PART V  
—cont.

(3) Notwithstanding anything in section 127 (1) of the Magistrates' Courts Act 1980, in any case where a court accepts a defence put forward under this section which involves an allegation that the commission of the offence was due to the act or default of another person, a magistrates' court may try an information which is laid against that person for an offence under the section specified in subsection (5) below arising from the same set of circumstances if the information was laid at any time within 6 months of the final determination of the case of the first defendant. 1980 c. 43.

(4) Where an information against any person is tried in accordance with subsection (3) above the information shall not be tried by any of the same justices as tried the earlier information arising from the commission of the same offence.

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

- section 7 (Safety of stands);
- section 10 (Provision of means of escape from fire in certain buildings);
- section 11 (Touting, photographing, etc.);
- section 16 (8) (Vessels to be licensed).

**58.**—(1) Subsection (1) of section 80 (repeal or modification of certain provisions by regulations) of the Health and Safety at Work etc. Act 1974 shall apply to any provision of this Act and to any regulation and byelaw made under it as it applies to any provision to which it applies. Saving for Health and Safety at Work etc. Act 1974 and Building Act 1984. 1974 c. 37.

(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 28 (Incorporation of Act of 1847) in so far as it incorporates section 83 of the Harbours, Docks, and Piers Clauses Act 1847; 1847 c. 27.
- section 32 (Byelaws as to piers).

(3) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Building Act 1984 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that sub-paragraph applies to any enactment mentioned therein. 1984 c. 55.

- PART V**  
*—cont.*
- Application of  
general  
provisions of  
Act of  
1936.
- 59.**—(1) The sections of the Act of 1936 mentioned in Schedule 1 to this Act shall have effect as if references therein to that Act included references to this Act.
- (2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following sections of this Act:—
- section 5 (Artificial lighting in habitable rooms, etc.);
  - section 7 (Safety of stands).
- Repeals.
- 60.** The enactments specified in column (2) of Parts I and II of Schedule 2 to this Act being enactments which are obsolete or spent or no longer of practical utility and the enactments specified in column (2) of Part III of the said Schedule being enactments consequentially repealed are hereby repealed to the extent specified in that Schedule.
- Saving provisions.
- 61.** The saving provisions contained in Schedule 3 to this Act shall have effect.

SCHEDULES

SCHEDULE 1

Section 59.

SECTIONS OF ACT OF 1936 APPLIED

| Section | Marginal note   |
|---------|---|
| 275     | Power of local authority to execute certain work on behalf of owners or occupiers.                              |
| 276     | Power of local authority to sell certain materials.   |
| 283 (1) | Notices to be in writing; forms of notices &c.  |
| 285     | Service of notices, &c.   |
| 289     | Power to require occupier to permit works to be done.   |
| 291     | Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments. |
| 297     | Continuing offences and penalties.  |
| 304     | Judges and justices not to be disqualified by liability to rates.   |
| 328     | Powers of Act to be cumulative.   |
| 341     | Power to apply provisions of Act to Crown property.   |

SCHEDULE 2

Section 60.

ENACTMENTS REPEALED

PART I

OBSOLETE OR SPENT LOCAL ACTS

| Chapter<br>(1)              | Title or short title<br>(2)  | Extent of repeal<br>(3) |
|-----------------------------|--|-------------------------|
| 51 Geo. 3 c. cii.<br>(1811) | An Act for improving the Town of Plymouth, in the County of Devon.   | The whole Act.          |
| 4 Geo. 4 c. x.<br>(1823)    | An Act for erecting a Bridge over the Water of Lary, from Pomphlet Point, to or near to Great Prince Rock, in the County of Devon. | The whole Act.          |

SCH. 2  
—cont.

| Chapter<br>(1)                | Title or short title<br>(2)  | Extent of repeal<br>(3)                      |
|-------------------------------|--|--|
| 5 Geo. 4 c. xxii.<br>(1824)   | An Act for better paving, lighting, cleansing, watching, and improving the Town and Borough of Plymouth in the County of Devon; and for regulating the Police thereof; and for removing and preventing Nuisances and Annoyances therein. | The whole Act except section 85.             |
| 5 Geo. 4 c. cxiii.<br>(1824)  | An Act for altering and amending an Act of the last session of Parliament for erecting a bridge over the water of Lary in the county of Devon.   | The whole Act.                               |
| 33 & 34 Vict.<br>c. clxix.    | Plymouth Stonehouse and Devonport Tramways Act 1870.   | The whole Act.                               |
| 45 & 46 Vict.<br>c. clix.     | Plymouth Devonport and District Tramways Act 1882.   | The whole Act.                               |
| 50 Vict. c. lii.              | Plymouth and Devonport (Extension) Tramways Act 1886.  | The whole Act except sections 10 and 11.     |
| 60 & 61 Vict. c. l.           | Plymouth Corporation Act 1897.   | The whole Act.                               |
| 61 & 62 Vict.<br>c. cxxxix.   | Plymouth Corporation Act 1898.   | The whole Act except section 84 (5) and (6). |
| 61 & 62 Vict.<br>c. ccxxxii.  | Devonport and District Tramways Act 1898.  | The whole Act except sections 36 and 37.     |
| 63 & 64 Vict.<br>c. cclxiii.  | Devonport Corporation Act 1900.  | The whole Act except section 9.              |
| 63 & 64 Vict.<br>c. cclxxvii. | Plymouth Stonehouse and Devonport Tramways Act 1900.   | The whole Act except section 34.             |
| 2 Edw. 7 c. ccxxiv.           | Devonport Corporation (General Powers) Act 1902.   | The whole Act except sections 9 and 10.      |
| 7 Edw. 7 c. lxxix.            | Devonport Corporation Act 1907.  | The whole Act except sections 17 and 18.     |



| Chapter<br>(1)                | Title or short title<br>(2)                        | Extent of repeal<br>(3)   |
|-------------------------------|--|---|
| 5 & 6 Geo. 5 c. lxxix.        | Plymouth Corporation Act 1915.                     | The whole Act except Parts II to IV and sections 3 (8), 87, 105, 113 to 116, 117 (other than the proviso to section 117 (2)), 118 to 121, 124 to 127, 129, 130, 132, 138 to 140, 143, 182, 183, 229, 236 to 238, 241, 255, 260 and 263. |
| 13 & 14 Geo. 5<br>c. lxxviii. | Plymouth Corporation Act 1923.                     | The whole Act except Parts II to IV and sections 3, 25, 64, 66, 94, 96, 100, 156 (4), (5) and (6), 159 and 160.   |
| 18 & 19 Geo. 5<br>c. xlv.     | Plympton St. Mary Rural District Council Act 1928. | The whole Act except Parts II and IV and section 78 so far as it relates to the city.   |
| 23 & 24 Geo. 5<br>c. lxxviii. | Plympton St. Mary Rural District Council Act 1933. | The whole Act except Parts III to V and section 125 so far as it relates to the city.   |
| 1 & 2 Geo. 6 c. xli.          | Plymouth Extension Act 1938.                       | The whole Act.  |
| 9 & 10 Geo. 6<br>c. xiv.      | Plympton St. Mary Rural District Council Act 1945. | The whole Act except Parts III and IV so far as it relates to the city.   |
| 14 Geo. 6 c. xlvi.            | Plymouth Extension Act 1950.                       | The whole Act.  |
| 1971 c. xxi.                  | Plymouth Corporation Act 1971.                     | The whole Act.  |
| 1975 c. xx.                   | Plymouth City Council Act 1975.                    | Section 28 (1) (a).   |

SCH. 2  
—cont.

SCH 2.  
—cont.

## PART II

## OBSOLETE OR SPENT CONFIRMATION ACTS AND ORDERS

| Chapter and<br>S. R. & O. number<br>(1) | Title or short title<br>(2)   | Extent of repeal<br>(3)   |
|---|---|---|
| 24 & 25 Vict.<br>c. 128.                | Local Government Supplemental Act 1861 (No. 2).   | The Order relating to Plymouth.   |
| 26 & 27 Vict. c. 64.                    | Local Government Supplemental Act 1863 (No. 2).   | The Order relating to Plymouth.   |
| 28 & 29 Vict. c. 108.                   | Local Government Supplemental Act 1865 (No. 5).   | The Order relating to Plymouth.   |
| 40 & 41 Vict.<br>c. CCXXX.              | Local Government Board's Provisional Orders Confirmation (Hyde, &c.) Act 1877.                  | The Order relating to Plymouth.   |
| 43 & 44 Vict. c. lix.                   | Local Government Board's Provisional Orders Confirmation (Amersham Union, &c.) Act 1880.        | The Order relating to Plymouth.   |
| 49 & 50 Vict.<br>c. xviii.              | Local Government Board's Provisional Orders Confirmation (No. 2) Act 1886.                      | Section 2 so far as it relates to the Borough of Plymouth.<br><br>The Order relating to Plymouth. |
| 56 & 57 Vict. c. cxi.                   | Local Government Board's Provisional Order Confirmation (Housing of Working Classes) Act 1893.  | The Plymouth Order 1893.  |
| 56 & 57 Vict.<br>c. cxciii.             | Tramways Orders Confirmation Act 1893.  | The Plymouth Corporation Tramways Order 1893 except article 8.                                    |
| 59 & 60 Vict.<br>c. CCXXXVII.           | Local Government Board's Provisional Order Confirmation (No. 15) Act 1896.                      | The Plymouth (Extension) Order 1896.  |
| 61 & 62 Vict.<br>c. xcix.               | Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1898. | The Devonport (Housing of Working Classes) Order 1898.  |
| 61 & 62 Vict.<br>c. ccxi.               | Local Government Board's Provisional Order Confirmation (No. 10) Act 1898.                      | The Devonport (Extension) Order 1898.   |

| Chapter and<br>S. R. & O. number<br>(1) | Title or short title<br>(2)  | Extent of repeal<br>(3)  | SCH. 2<br>—cont. |
|---|--|--|------------------|
| 62 & 63 Vict.<br>c. cli.                | Tramways Orders Confirmation (No. 1) Act 1899.   | The Devonport Corporation Tramway Order 1899 except article 8.   |                  |
| 63 & 64 Vict. c. lix.                   | Education Board Provisional Orders Confirmation (Brighton and Preston United District &c.) Act 1900. | Sections 2 and 3 so far as they relate to the School Board for the Borough of Plymouth and the Order relating to that Board. |                  |
| 63 & 64 Vict.<br>c. cci.                | Tramways Orders Confirmation (No. 4) Act 1900.   | The Plymouth Corporation Tramways Order 1900.  |                  |
| 4 Edw. 7 c. clxxx.                      | Tramways Orders Confirmation (No. 1) Act 1904.   | The Plymouth Corporation Tramways Order 1904.  |                  |
| —                                       | Devonport Light Railway Order 1905.  | The whole Order.   |                  |
| 4 & 5 Geo. 5<br>c. clxxxiii.            | Local Government Board's Provisional Order Confirmation (No. 18) Act 1914.                           | The Borough of Plymouth Order 1914.  |                  |
| S.R.&O. 1922/537.                       | Plymouth Corporation Light Railway Order 1922.   | The whole Order.   |                  |
| 14 & 15 Geo. 5<br>c. xiv.               | Ministry of Health Provisional Orders Confirmation (No. 2) Act 1924.                                 | The Plymouth (Poor Law) Order 1924.  |                  |
| 17 & 18 Geo. 5<br>c. xli.               | Pier and Harbour Orders Confirmation (No. 1) Act 1927.   | The Plymouth Piers Order 1927 except articles 10 and 13.   |                  |
| 1 & 2 Geo. 6 c. lxx.                    | Pier and Harbour Order (Plymouth) Confirmation Act 1938.   | The whole Act.   |                  |

SCH. 2  
—cont.PART III  
CONSEQUENTIAL REPEALS

| Chapter<br>(1)                | Title or short title<br>(2)  | Extent of repeal<br>(3)   |
|-------------------------------|--|---|
| 5 Geo. 4 c. xxii.<br>(1824)   | An Act for better paving, lighting, cleansing, watching, and improving the Town and Borough of Plymouth in the County of Devon; and for regulating the Police thereof; and for removing and preventing Nuisances and Annoyances therein. | Section 85.   |
| 5 & 6 Geo. 5 c. lxxix.        | Plymouth Corporation Act 1915.   | Sections 8, 105, 124 to 127, 129, 130, 132, 138 to 140, 143, 182, 183, 229, 241, 255 and 263. |
| 13 & 14 Geo. 5<br>c. lxxviii. | Plymouth Corporation Act 1923.   | Sections 64, 66, 94, 96, 100, 156 (4), (5) and (6), 159 and 160.                              |
| 17 & 18 Geo. 5<br>c. xli.     | Pier and Harbour Orders Confirmation (No. 1) Act 1927.   | In the Plymouth Piers Order 1927, articles 10 and 13.   |

Section 61.

## SCHEDULE 3

## SAVING PROVISIONS

1.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of such repeal, any provision of this Act relating to the same matter shall have effect as if that period began to run under that provision.

2. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment which is repealed by this Act and any enactment in this Act relating to the same matter, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

3. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

SCH. 3  
—cont.

4. Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from repeal, the repeal shall not affect the interpretation of the excepted provision.

5. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.





# Plymouth City Council Act 1987

## CHAPTER iv

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

1. Citation.
2. Commencement.
3. Interpretation.
4. Appointed day.

#### PART II

##### GENERAL POWERS

5. Artificial lighting in habitable rooms, etc.
6. Medicated, sauna and other baths.
7. Safety of stands.
8. Byelaws as to leisure centres.
9. Power to let recreation grounds.
10. Provision of means of escape from fire in certain buildings.

## Section

11. Touting, photographing, etc.
12. Hairdressers and barbers.
13. Power to grant gratuities in certain cases.
14. Restriction on use of armorial bearings.
15. Bus stopping place signs.
16. Vessels to be licensed.
17. Licensing of sailboards, etc.
18. Byelaws for regulating vessels.
19. Byelaws for hackney carriage and private hire vehicle premises.
20. Hackney carriage and private hire vehicles.
21. Repair, etc., of vehicles on highways.

## PART III

## COTTONIAN COLLECTION

22. Interpretation of Part.
23. Cottonian Collection.
24. Application of viewing money.
25. Cottonian Representatives.

## PART IV

## PIERS

26. Interpretation of Part.
27. Maintenance, etc., of piers.
28. Incorporation of Act of 1847.
29. Limits.
30. Subsidiary works.
31. Power to dredge.
32. Byelaws as to piers.
33. Restriction on use of piers.
34. Vessels not to anchor within limits of piers.
35. Directions of pier master.
36. Orders of pier master need not be in writing.
37. Exemption of Department of Transport from dues.
38. Exemption of lifeboat crew from dues.
39. Exemption of certain fishing vessels.
40. Power to enter into compositions.
41. Life-saving apparatus may be attached to piers.
42. Local lighthouse authority.
43. Piers to be within city.
44. Saving for Duchy of Cornwall.
45. Provision against danger to navigation.
46. Local survey.



Section

- 47. Permanent lights on tidal works.
- 48. Abatement of works abandoned or decayed.
- 49. Certain quays to be fenced.
- 50. For protection of British Gas plc.
- 51. For protection of South Western Electricity Board.

PART V

GENERAL

- 52. Local inquiries.
- 53. Appeals to magistrates' court.
- 54. Restriction on right to prosecute.
- 55. Liability of directors, etc.
- 56. Penalty for obstruction.
- 57. Defence of due diligence.
- 58. Saving for Health and Safety at Work etc. Act 1974 and Building Act 1984.
- 59. Application of general provisions of Act of 1936.
- 60. Repeals.
- 61. Saving provisions.

SCHEDULES:

Schedule 1—Sections of Act of 1936 applied.

Schedule 2—Enactments repealed—

Part I—Obsolete or spent local Acts.

Part II—Obsolete or spent Confirmation Acts and Orders.

Part III—Consequential repeals.

Schedule 3—Saving provisions.