



## CHAPTER xl

An Act to confer further powers on the Cheshire County Council and local authorities in the administrative county of the county palatine of Chester in relation to lands and highways and the local government improvement health and finances of the county to enact provisions with respect to hairdressers' and barbers' premises and public entertainments to make further provision for the superannuation of employees and for other purposes. [31st July 1953.]

### WHEREAS—

(1) It is expedient that further and better provision should be made with reference to lands and highways and for the local government improvement health and finances of the administrative county of the county palatine of Chester and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") and of the local authorities within that administrative county should be enlarged and extended as by this Act provided:

(2) It is expedient to confer further powers on the Council and local authorities with reference to hairdressers' and barbers' premises and places used for certain classes of public entertainment:

(3) It is expedient to make further provision for the superannuation of officers and servants of the Council and local authorities and of persons who contribute to the superannuation funds of the Council and local authorities and to amend the enactments relating thereto:

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

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

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

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

## PART I

### PRELIMINARY

Short title.      1. This Act may be cited as the Cheshire County Council Act 1953.

Division of  
Act into  
Parts.

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

Part     I.—Preliminary.

Part     II.—Land.

Part     III.—Highways and streets.

Part     IV.—Parks and pleasure grounds etc.

Part     V.—Movable dwellings camping grounds and houseboats.

Part     VI.—Public entertainments order and safety.

Part     VII.—Public health.

Part     VIII.—Weights and measures.

Part     IX.—Superannuation pensions etc.

Part     X.—Finance.

Part     XI.—Lectures cultural activities records etc.

Part     XII.—Miscellaneous.

Part     XIII.—Protective provisions.

Part     XIV.—General.

Incorporation  
of Lands  
Clauses Acts.

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act :

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.



4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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

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

“ Act of 1947 ” means the Town and Country Planning Act 1947 ;

“ Act of 1950 ” means the Public Utilities Street Works Act 1950 ;

“ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;

“ Birkenhead Corporation ” “ Stockport Corporation ” “ Wallasey Corporation ” and “ Warrington Corporation ” mean the mayor aldermen and burgesses of the county boroughs of Birkenhead Stockport Wallasey and Warrington respectively ;

“ burial authority ” has the same meaning as in section 11 of the Burial Act 1900 ;

“ claimed road ” means a county road in respect of which a local authority have claimed or may hereafter claim under section 32 of the Local Government Act 1929 or under that section as modified by section 57 (Time for claiming county roads) of this Act to exercise and are exercising the functions of maintenance and repair ;

“ commission ” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

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

“ Council ” means the county council of the county ;

“ county ” means the administrative county of the county palatine of Chester ;

“ county fund ” means the county fund of the Council ;

PART I  
—cont.

- “ county road ” has the same meaning as in Part III of the Local Government Act 1929 ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof ;
- “ district ” means a borough or an urban or rural district in the county ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;
- “ financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March next following ;
- “ food ” has the meaning assigned thereto by section 100 of the Food and Drugs Act 1938 ;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district ;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport or with his consent the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;
- (b) in the case of a county road other than a claimed road and in the case of any other road for the time being maintained by the Council the Council ; and
- (c) in the case of any other highway repairable by the inhabitants at large the local authority for the district in which the highway is situate ;
- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 and by this Act ;
- “ Liverpool Corporation ” and “ Manchester Corporation ” mean the lord mayor aldermen and citizens of the cities of Liverpool and Manchester respectively ;
- “ local authority ” means the council of a district ;
- “ Minister ” means the Minister of Housing and Local Government ;
- “ parish council ” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish ;
- “ rural district ” means a rural district in the county ;
- “ rural district council ” means the council of a rural district ;



“standing joint committee” means the Standing Joint Committee of the Cheshire Quarter Sessions and the Council appointed under section 30 of the Local Government Act 1888 ;

“statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;

“statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by the council of any county or county district or by any authority being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery ;

“statutory undertakers” means any company body or person authorised by any Act of Parliament or order having the force of an Act to supply electricity gas or water and “statutory water undertakers” shall be construed accordingly ;

“street” and “road” have the meanings assigned to the word “street” in the Act of 1936 ;

“trolley vehicle” has the same meaning as in section 121 of the Road Traffic Act 1930 ;

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

“urban district council” means the council of an urban district ;

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

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

(4) For the purposes of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

PART I  
—cont.The  
appointed day.

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

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

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

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

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

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

(4) Either—

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

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

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

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

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

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

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 256 (Appeals) of this Act.

Application  
of certain  
provisions in  
urban districts.

6.—(1) Except as provided in subsections (2) and (3) of this section the sections of this Act of which the numbers and marginal notes are set out in the First Schedule to this Act (in this section referred to as “the scheduled sections”) shall come into operation in urban districts on the first day of April nineteen hundred and fifty-four.



(2) In the case of the scheduled sections to which section 5 (The appointed day) of this Act applies those sections shall come into operation on such later date as may be fixed under the said section 5.

(3) If at any time before the first day of January nineteen hundred and fifty-four a poll is demanded for the purpose of determining whether any of the scheduled sections shall not come into operation in any urban district and if the result of such a poll taken in any district is against any of the scheduled sections coming into operation in that district those scheduled sections shall not come into operation therein except as provided in subsection (7) of this section.

(4) Any such poll may be demanded by the urban district council or by a requisition in writing signed by not less than one hundred persons registered in accordance with the provisions of the Representation of the People Acts as local government electors in the district and delivered to the mayor or to the chairman of the urban district council as the case may be.

(5) If a poll is demanded in any district in pursuance of this section the mayor or the chairman of the council (as the case may be) shall proceed by poll to take the opinion of the electors upon the question upon which the poll is demanded unless the demand is withdrawn not later than the third day before the day fixed for the poll.

(6) The provisions contained in paragraphs 12 to 19 of the Ninth Schedule to the Act of 1933 and the regulations made and the forms prescribed under those provisions shall apply to the taking of a poll under this section as if polls under this section were polls of local government electors in connection with the promotion of bills by urban district councils:

Provided that the failure to comply with any requirements so made applicable shall not invalidate the poll if the said requirements have been substantially complied with and the failure has not affected the result of the proceedings thereunder.

(7) If the result of any poll taken under this section is against any of the scheduled sections coming into operation in any urban district the urban district council may at any time after the expiration of three years from the date on which the last poll was taken determine that the question shall again be submitted to the local government electors and in that case a poll shall again be taken in accordance with the provisions of this section.

(8) If the result of any poll taken under subsection (7) of this section is in favour of the coming into operation of any of the

PART I  
—cont.

sections referred to therein any such sections shall (notwithstanding anything therein providing for any such section to have effect as from the appointed day fixed for the district in which the poll was taken) come into operation on the expiration of a period of three months after the declaration of the result of the poll.

(9) If in pursuance of this section a poll is taken in any district the clerk shall immediately after the result has been declared give notice of such result to the Secretary of State the Minister the Minister of Transport the Minister of Food and the Council.

(10) A certificate purporting to be signed by the clerk stating—

- (a) the result of a poll demanded under this section in respect of his district ;
- (b) that no such poll has been demanded ; or
- (c) that no such poll has been demanded except in reference to the sections mentioned in the certificate ;

shall be evidence of the statement contained therein.

(11) In this section the expression “ clerk ” means the town clerk of a borough or the clerk of an urban district council.

Certain provisions of Act not to operate in rural districts until adopted or applied.

7. The sections of this Act of which the numbers and marginal notes are set out in the Second and Third Schedules to this Act shall not apply to a rural district or to any part thereof or be exercisable by a rural district council unless and until in the case of the sections set out in the said Second Schedule they have adopted those sections in accordance with section 8 (Adoption by rural district councils of certain provisions of Act) of this Act or in the case of the sections set out in the said Third Schedule the sections have been applied to their districts pursuant to section 9 (Application of certain provisions of Act to rural districts) of this Act.

Adoption by rural district councils of certain provisions of Act.

8.—(1) A rural district council may adopt in respect of their district or a part thereof all or any of the sections of this Act of which the numbers and marginal notes are set out in Part I of the Second Schedule to this Act.

(2) The adoption by a rural district council of all or any of the said sections of this Act shall be by a resolution of that council passed in accordance with the provisions contained in Part II of the said Second Schedule and upon a resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the district of that council or to the part thereof to which the said resolution relates.



9.—(1) On the application of a rural district council the Secretary of State in respect of the sections of this Act referred to in Part I of the Third Schedule to this Act and the Minister in respect of the sections of this Act referred to in Part II of that schedule may by order to be published in the London Gazette or in such other manner as the Secretary of State or the Minister (as the case may be) may direct apply to the district of that council or to any part thereof any of the said sections and upon such order coming into force the sections of this Act to which it relates shall apply to the district or to such part thereof from such date as may be specified in that behalf in the order.

PART I  
—cont.

Application of certain provisions of Act to rural districts.

(2) Before any application is made to the Secretary of State or the Minister for an order under this section notice of the intended application specifying the sections of this Act in respect of which an order is desired shall be published by the rural district council intending to apply for the order once at least in each of two successive weeks in one or more newspapers circulating in their district.

## PART II

### LAND

10.—(1) Section 158 of the Act of 1933 shall in relation to the acquisition by the Council of land in the county be read and have effect as if the words “with the consent of and subject to any conditions imposed by the appropriate Minister” and subsection (3) of the said section were omitted therefrom.

Amendment of section 158 of Act of 1933 in relation to Council.

(2) Any land in the county acquired by the Council under the said section 158 after the passing of this Act shall be deemed for the purposes of this Part of this Act to be land acquired under this section of this Act.

11.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

Power to reinstate owners or occupiers of property.

(2) Any such agreement may provide for the exchange of land and for that purpose the Council may pay or receive money for equality of exchange.

12.—(1) The Council may—

(a) retain and hold and use for such time as they think fit any land in the county or interest in land in the county acquired by them under this Act;

(b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit

Retention and disposal of land.

PART II  
—cont.

(whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form) ;

- (c) appropriate any such land (other than land acquired under section 10 (Amendment of section 158 of Act of 1933 in relation to Council) of this Act) for any purpose for which they are authorised to acquire land ;
- (d) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest ;
- (e) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition ;
- (f) on any such exchange pay or receive money for equality of exchange :

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

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

Powers of  
leasing.

13.—(1) With respect to any land acquired under this Act the Council may if they think fit—

- (a) accept a surrender of any lease of the land granted by them or their predecessors in title and grant either to the lessee or tenant under the surrendered lease or to any other person a new lease of all or any of the land leased by the surrendered lease ;
- (b) grant reversionary leases of all or any of the said land ;
- (c) enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease ;
- (d) in any such lease or agreement give to the lessee or tenant or intended lessee or tenant on such terms and conditions as the Council think fit an option to purchase the fee simple in reversion or other the reversionary interest of the Council in all or any of the land leased or agreed to be leased.

(2) In this section the expression “ lease ” includes a letting.



14. Where the Council in pursuance of the provisions of section 12 (Retention and disposal of land) of this Act lawfully retain hold use or permit the use of any land for the time being belonging to them they may where the land is used or intended to be used for agricultural purposes erect and maintain buildings and provide equipment for such purposes :

PART II  
—cont.

Provision of buildings and equipment on land.

Provided that nothing in this section shall apply to land acquired by the Council under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

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

Undertakings and agreements binding successive owners.

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

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

shall be binding not only upon the Council and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council a copy thereof.

16. The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

Compensation may be in land.

17.—(1) For the purpose of any enactment empowering the acquisition by the Council of land by agreement for a purpose for which they are for the time being or could under any enactment be authorised to acquire the land compulsorily the Lands Clauses Acts (except the provisions relating to access to the special Act and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845) shall so far as concerns any such acquisition be deemed to be incorporated with such enactment and in construing those Acts for the purposes of this section such enactment shall be deemed to be the special Act and the Council shall be deemed to be promoters of the undertaking.

Application of Lands Clauses Acts to purchases by agreement.

PART II  
—cont.

(2) The powers exercisable under this section shall be in addition to the powers exercisable under any other enactment.

Development  
of land.

**18.**—(1) The Council may (with the consent of the Minister) lay out and develop any land in the county for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses (other than public warehouses) and other buildings and construct sewer drain pave channel and kerb streets.

(2) The Council may use or dispose of the building or other materials of any houses or structures on any land acquired or appropriated by them which they deem it necessary or desirable to pull down.

(3) Nothing in this section shall apply to land acquired by the Council under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

Proceeds of  
disposal of  
surplus land.

**19.**—(1) Any capital money received by the Council on the resale or exchange of or by leasing any land acquired under this Act may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land.

(2) Any capital money so received and not so applied shall (subject to the provisions of section 184 (Capital fund) and section 186 (Consolidated loans fund) of this Act) be applied in or towards the extinguishing of any loan raised by the Council under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Council otherwise directs and subject in that event to such conditions as he may impose be in addition to and not in substitution for such method of extinguishing the loan as may have been adopted by the Council under any enactment.

(4) Any capital money received by the Council on the resale or exchange of or by leasing any land acquired under any enactment other than this Act shall be applied in the same manner as capital money received under that enactment is applicable or in such other manner as may be approved by the Minister.

Application of  
certain  
provisions of  
Part II to local  
authorities.

**20.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

- (a) “local authority” for “Council”;
- (b) “district” for “county”; and
- (c) “general rate fund” for “county fund”.



(2) The provisions hereinbefore referred to are the following:—

PART II  
—cont.

Section 11 (Power to reinstate owners or occupiers of property);

Section 12 (Retention and disposal of land);

Section 13 (Powers of leasing);

Section 14 (Provision of buildings and equipment on land);

Section 15 (Undertakings and agreements binding successive owners);

Section 16 (Compensation may be in land);

Section 17 (Application of Lands Clauses Acts to purchases by agreement);

Section 18 (Development of land);

Section 19 (Proceeds of disposal of surplus land).

(3) In its application to a local authority section 12 (Retention and disposal of land) of this Act shall have effect as if for the words "section 10 (Amendment of section 158 of Act of 1933 in relation to Council)" in paragraph (c) of subsection (1) thereof there were substituted the words "section 21 (Extension of power to acquire land by agreement)".

(4) In its application to a local authority section 19 (Proceeds of disposal of surplus land) of this Act shall have effect as if for the words "section 184 (Capital fund) and section 186 (Consolidated loans fund)" in subsection (2) thereof there were substituted the words "section 195 (Capital funds of local authorities) and section 197 (Consolidated loans funds of local authorities)".

**21.**—(1) A local authority may by agreement acquire (whether by purchase lease or exchange) and hold any land in the county which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of their district notwithstanding that the land may not be immediately required.

Extension of  
power to  
acquire land by  
agreement.

(2) Any land acquired under this section may be appropriated by the local authority subject to and in accordance with the provisions of section 163 of the Act of 1933 as if it were not required for the purposes for which it was acquired.

(3) Pending such appropriation as aforesaid all expenses incurred by the local authority under this section shall be payable out of the general rate fund.

PART II  
—cont.Compulsory  
acquisition of  
land for  
markets.

22.—(1) A local authority to whom this section applies may by means of an order made by the local authority and submitted to the Minister and confirmed by him be authorised to purchase land compulsorily for the purposes of their markets.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) This section applies to the following local authorities:—

- Macclesfield Borough Council ;
- Nantwich Urban District Council ;
- Northwich Urban District Council ;
- Runcorn Urban District Council ;
- Sandbach Urban District Council.

## PART III

## HIGHWAYS AND STREETS

Interpretation  
of Part III.

23. In this Part of this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

- “classified road” has the same meaning as in the Local Government Act 1929 ;
- “private street” means a street within the meaning of the Private Street Works Act 1892 or a street to which section 150 of the Public Health Act 1875 applies or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947 ;
- “private streets authority” means the Council and any local authority entitled to exercise the powers of the Private Street Works Act 1892 or of section 150 of the Public Health Act 1875 ;
- “private street works” means works executed under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 or in relation to land which is deemed to be a private street as aforesaid works executed under either of those Acts as applied by subsection (3) of the said section 48 or by this Act ;
- “public service vehicle” has the same meaning as in the Road Traffic Acts 1930 to 1947 ;
- “street byelaws” means any byelaws for the time being in force in any district with respect to the level width and construction of new streets ;



“ structure ” means a wall fence hoarding or similar erection but for the purpose of this definition the expression “ wall ” does not include a wall forming part of a permanent building ;

“ transfer ” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “ transfers ” shall be construed accordingly.

#### *New streets*

24.—(1) Where a plan and sections of a new street have been deposited with a local authority in pursuance of street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

Prohibition of  
building until  
street defined.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the local authority may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street ; and

(b) in the case of a contravention of subsection (2) remove the building or structure ;

and in either case recover the expenses of so doing from that person.

25.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws :

Prohibition of  
building until  
street formed  
and sewered.

Provided that where the plan shows that the street will exceed one hundred yards in length the local authority shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

PART III  
—cont.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the local authority may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

(4) The execution of any works under the provisions of this section shall not relieve any person from any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or the New Streets Act 1951 or any local Act relating to private street works for the time being in force in the district of the local authority.

Termination of  
new streets.

**26.**—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may remove the structure and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.



27.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing the proper laying out or development of any estate through which the street is to run by notice require that such provision shall be made—

Adjustment of boundaries of estates in connection with streets.

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith; and

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate;

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

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

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the local authority and the persons interested in the respective estates be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the local authority but no such award shall provide for the payment of money by any other person without his consent.

(6) Any award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land or the removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

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

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts (if any) as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the land exchanged

PART III  
—cont.

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

(10) For the purposes of this section a local authority may themselves purchase any land by agreement and—

- (a) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit ; or
- (b) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange ; or
- (c) may appropriate any such land for any purpose approved by the Minister ;

and until any such sale lease exchange or appropriation may occupy manage or let the land or any part thereof in such manner as they think reasonable :

Provided that a local authority shall not without the consent of the Minister sell or lease any such land at a price or rent or for a consideration of a value less than the current market value of the land but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(11) In this section the expression “ estate ” includes any parcel of land.

*Improvement of streets*

Trees grass  
verges and  
gardens.

28.—(1) Subject to the provisions of this section the Council or a local authority with the consent of the highway authority shall have power—

- (a) to plant trees or shrubs in any street or in tubs placed for the purpose in a street ;
- (b) to lay out grass verges or gardens in a street ;
- (c) to erect and maintain guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs grass verges or gardens ;
- (d) to cut down any such tree or shrub to remove any such tub and to abolish any such grass verge or garden or enlarge or diminish the area thereof.

(2) The Council or a local authority with the consent of the highway authority may by notice prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon—

- (a) any grass verge which is maintained in an ornamental condition or mown and which has been laid out or is deemed to have been laid out under this section ; or



(b) any garden which has been so laid out or deemed to have been laid out ; or

(c) any grass margin caused to be laid out by the Minister of Transport under section 1 of the Roads Improvement Act 1925 which is maintained in an ornamental condition or mown.

(3) Any such notice as is referred to in the last foregoing subsection shall be conspicuously posted on or in proximity to the grass verge garden or margin to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(4) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in a highway authority or upon land so vested which forms part of a street:

Provided that when carrying out in any street or any part thereof any private street works the authority carrying out such works may exercise any power conferred by this section in the street or that part thereof with the consent of the owners of the majority in number and rateable value of the hereditaments abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

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

(6) Section 1 of the Roads Improvement Act 1925 shall cease to apply to roads maintainable by the Council or a local authority and anything done by the Council or a local authority under that section with respect to such roads before the passing of this Act shall be deemed to have been done under this section.

(7) Where a local authority incur expenses under this section in connection with a claimed road the expenses shall not be treated as part of the cost towards which the Council are required to make an annual payment except where and so far as the Council consent to their being so treated.

(8) Nothing in this section shall affect the duty of a highway authority to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

29.—(1) Subject to the provisions of this section the highway authority may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the county maintained by the highway authority for the adjustment of the boundary of the street. Adjustment of boundaries of streets.

PART III  
—cont.

(2) For the purposes of this section the highway authority—

(a) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange ; and

(b) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

(3) As from the date of any such exchange as aforesaid all public rights over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the district in which such land is situate.

(5) During the said period of one month any four ratepayers may appeal to a court of summary jurisdiction against the proposal to enter into the agreement.

(6) Where the street is a claimed road the highway authority shall serve a copy of the notice referred to in subsection (4) of this section on the Council and the Council shall have the same right of appeal as any four ratepayers have under the last foregoing subsection.

(7) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the highway authority in any case in which the consent of any such department would have been required if this Act had not been passed.

(8) In this section the expression “ ratepayer ” means a person who is liable to any rate in respect of property in the district entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

Breaking up  
and temporary  
stoppage of  
streets.

30. For the purpose of—

(a) making any new street for the purpose of which premises have been purchased under section 154 of the Public Health Act 1875 ; or

(b) providing a parking place for vehicles under section 68 of the Public Health Act 1925 ;

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



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

- (i) as respects any trunk road without the consent of the Minister of Transport; or
- (ii) as respects any county road (not being a claimed road) without the consent of the Council; or
- (iii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or
- (iv) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport undertakers; or
- (v) so as to obstruct or interfere with the access to any mains pipes cables or other apparatus of statutory undertakers.

**31.**—(1) The Council and any parish council or person with the consent of the highway authority and subject to such conditions as the highway authority may impose may in proper and convenient situations within the county in any road or roadside waste thereof provide and erect and maintain seats for the use of the public. Public seats  
in roads.

(2) The Council may contribute towards the expenses incurred by any parish council in exercising the powers of this section.

**32.**—(1) In any street in the county or on land belonging to them and abutting on any such street the Council or the local authority may subject to the provisions of this section erect and maintain at stopping places on the routes of public service vehicles or trolley vehicles— Shelters etc.  
for passengers  
on public  
service  
vehicles.

(a) shelters and other accommodation for persons intending to travel by such vehicles; and

(b) barriers for the regulation of queues of such persons:

Provided that the powers of this section for the erection of barriers shall not be exercisable in any district in which byelaws under section 75 of the Public Health Act 1925 are for the time being in force.

(2) The Council or the local authority shall not exercise the powers of this section—

(a) without the consent of the highway authority in any street or on land abutting on any street; or

(b) without the consent of the undertakers concerned—

PART III  
—cont.

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street ; or

(ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers ; or

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers ; or

(c) without the consent of the owner of the land or premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any land or premises abutting on such street.

(3) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the Council or the local authority (as the case may be) shall remove any shelter or other accommodation or barriers either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(4) Any question arising as to whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any shelter or other accommodation or barriers has been unreasonably required shall—

(a) in the case of a consent of the Minister of Transport be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers ;

(b) in the case of any other consent be referred to and determined by the Minister of Transport.

(5) The Council or a local authority may enter into and carry into effect agreements with any person authorised to run public service vehicles or trolley vehicles within the county in relation to the erection maintenance and use of any such shelter or other accommodation or barriers and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(6) In this section “ transport undertakers ” means any railway dock canal inland navigation or passenger road transport undertakers.



**33.**—(1) Subject to the provisions of this section a local authority may affix to any building in their district such lamps brackets pipes electric lines and apparatus (hereafter in this section referred to as “attachments”) as may be required for the purposes of street lighting.

PART III  
—cont.

Attachment of  
street lamps  
brackets etc.

(2) A local authority shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the local authority any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the appropriate authority thinks fit or disallow the attachments.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the local authority notice requiring them to remove the attachments and subject to the provisions of this subsection the local authority shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the local authority any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the appropriate authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the appropriate authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the local authority at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the local authority compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(6) In this section the following expressions have the meanings hereby respectively assigned to them:—

“appropriate authority” means a court of summary jurisdiction except that in relation to a building mentioned

PART III  
—cont.

in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

1	2
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.	The Minister of Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the Act of 1947; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest; or (iv) is owned by statutory water undertakers	The Minister.
Building owned by a highway authority or railway canal dock or inland navigation undertakers.	The Minister of Transport.
Building owned by electricity or gas undertakers ...	The Minister of Fuel and Power.

“ building ” includes a structure and a bridge or aqueduct over a street ;

“ owner ” means—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building ;

(b) in relation to a building forming part of such an aerodrome as aforesaid the person having control of the aerodrome ;

(c) in relation to any other building the person who is receiving the rack-rent or who would receive the rack-rent if the building were let at a rack-rent ;

and the expression “ owned ” shall be construed accordingly.

(7) The provisions of this section may be exercised by any parish council or other body which has adopted the Lighting and Watching Act 1833 and the provisions of this section shall accordingly have effect with any necessary modifications.

Illumination of street names etc.

34.—(1) Subject to the provisions of this section a local authority may illuminate any inscription which has been set up of the name of any street within their district:



Provided that a local authority shall not continue any illumination under this section which in the opinion of the commission hinders or is likely to hinder the interpretation of any railway signal or navigation light or renders or is likely to render more hazardous the use of any railway dock canal or inland navigation.

(2) A local authority shall not affix lamps brackets pipes electric lines or other apparatus (hereafter in this section referred to as "attachments") to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the local authority any consent required under this subsection is unreasonably withheld they may apply to a court of summary jurisdiction who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the court thinks fit or disallow the attachments.

(3) Any electrical apparatus provided in pursuance of the powers of this section shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

#### *Protection and repair of streets*

35. Where any tree or structure or any part thereof falls on or across any highway repairable by them so that obstruction is caused or is likely to be caused to persons or vehicles using such highway the highway authority may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situate from the occupier thereof.

Removal of trees etc. from highways.

36.—(1) Where the owner or occupier of any premises in the county which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the highway authority may by notice to the owner or occupier (as the case may be) either—

Crossings over footways.

(a) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice; or

(b) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified; or

PART III  
—cont.

- (c) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified:

Provided that this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Act of 1947.

(2) Any person aggrieved by a requirement of or a condition imposed by the highway authority under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) If the highway authority make any requirement under paragraph (a) or paragraph (b) of subsection (1) of this section they may also require that such works as may be necessary to secure compliance with that requirement shall be executed by the highway authority and not by any other person and the highway authority may recover the expenses of executing the works from the owner or occupier.

(4) If the highway authority impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 if in force in a district shall cease to be in force therein and if not in force in a district shall not be declared to be in force therein and the following provisions of this subsection shall have effect in lieu thereof as respects streets in any district which are repairable by the inhabitants at large:—

- (a) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the highway authority giving particulars of the work proposed;
- (b) The highway authority may approve the work proposed either with or without modifications or propose alternative work or reject the application;
- (c) The highway authority shall give the applicant notice of their decision under the last foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;



- (d) The applicant may deposit with the highway authority the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work ;
- (e) As soon as practicable after such a deposit has been made the highway authority shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the highway authority by or to the applicant as the case may require.

37.—(1) No person shall except with the consent of the local authority erect or bring forward beyond the building line on land abutting on a street in a district any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street. Application of building line to walls etc.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding five pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction demolition alteration repair or maintenance of any building or works :

Provided that if any such temporary structure is not removed when the construction demolition alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

(4) Where any person is convicted of an offence under any of the foregoing provisions of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

- (a) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues ; and
- (b) the local authority after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing :

Provided that he shall not be liable to a penalty for any day after that on which the local authority have given him notice of their intention to remove the structure.

PART III  
—cont.

(5) Where after the expiration of five years from the date of the passing of this Act or in the case of rural districts of the adoption of this section under section 8 (Adoption by rural district councils of certain provisions of Act) of this Act there is on any site in a district a structure which existed on that site at that date and which could not have been erected there after that date without contravening the provisions of subsection (1) of this section—

- (a) the local authority may by notice stating the effect of paragraphs (b) and (c) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with the said provisions ;
- (b) if the owner or occupier complies with the said notice the local authority shall on demand repay to him the reasonable expenses incurred by him in so doing ;
- (c) if the owner or occupier fails to comply with the said notice the local authority at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the expression “ building line ” in relation to any land means—

- (a) any building line prescribed by the local authority in respect of the land under the provisions of any enactment ; or
- (b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the local authority under subsection (2) of section 140 of the Housing Act 1936 ; or
- (c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the local authority) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

(7) The provisions of this section shall not apply to—

- (a) any wall erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purposes of their railway dock canal or inland navigation undertaking ; or
- (b) any structure which is erected on land belonging to any statutory undertakers so long as that land is used primarily for the purposes of works for the supply of electricity or water the manufacture or storage of gas or the storage of water.



38.—(1) In this section the expression “ retaining wall ” means a wall which—

PART III  
—cont.

(a) serves or is intended to serve as a support for earth or other material on one side only ; and

Retaining  
walls.

(b) does not form part of a permanent building ;

and this section applies to any length of a retaining wall being a length—

(i) any cross-section whereof is wholly or partly within twelve feet of a street in a district ; and

(ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans sections and specifications approved by the local authority and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a penalty not exceeding five pounds.

(3) Any person aggrieved by the refusal of the local authority to approve any plans sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a court of summary jurisdiction.

(4) If any length of a retaining wall to which this section applies—

(a) is in such disrepair as to be liable to endanger persons using the street ; or

(b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid ;

the local authority may by notice to the owner or occupier require him to execute such work as may be necessary to prevent it being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to a retaining wall erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway dock canal or inland navigation undertaking.

(6) The provisions of this section shall not apply to a retaining wall erected by the highway authority.

PART III  
—cont.

Hoads to be  
set up during  
building  
operations.

**39.**—(1) Every person intending to build or take down any building or to alter or repair the outward part of any building in or abutting on any road in the county being a road repairable by the inhabitants at large shall if required by the highway authority—

- (a) before beginning the same cause close-boarded hoards or fences to be put up to the satisfaction of the highway authority in order to separate the building from the road ;
- (b) make a convenient covered platform and handrail to serve as a footway for passengers outside such hoard or fence ;
- (c) maintain such hoard or fence with such platform and handrail as aforesaid in good condition to the satisfaction of the highway authority during such time as they may require and cause the same to be sufficiently lighted during the night ; and
- (d) remove such hoard or fence with such platform and handrail as aforesaid when required by the highway authority.

(2) Any person aggrieved by a requirement of the highway authority under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 80 of the Towns Improvement Clauses Act 1847 and of section 34 of the Public Health Acts Amendment Act 1890 shall not apply to any building operations in the county.

(5) In the application of this section to a trunk road the powers thereof may be exercised with the consent of the Minister of Transport by the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road.

Maintenance  
of forecourts  
to which public  
have access.

**40.**—(1) Where the forecourt of any premises abutting upon a street in an urban district is unfenced and is habitually used or is open to use by the public as part of the footway of such street the urban district council may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same.



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

Provided that—

- (a) for the purposes of paragraph (c) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the urban district council of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;
- (b) the urban district council may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

41.—(1) If a local authority by resolution determine that any stall or other erection on the forecourt of any premises in their district is by reason of its character injurious to the amenities of the street on which the forecourt abuts the local authority may by notice require the owner or occupier of such forecourt either to make such alterations in the stall or erection as may be necessary to prevent it from being injurious to the amenities of the street or if he so elects to remove it.

Forecourts  
injurious to  
amenities of  
street.

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

(3) In this section the expression “erection” does not include an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply.

42.—(1) No part of any awning over the footway of a street in a district being a highway repairable by the inhabitants at large shall be less than eight feet above the surface of the footway or shall project over any part of the footway which is less than two feet from the outer edge of the footway or shall be placed in such a position that it obscures any traffic sign or traffic lights from the view of drivers of vehicles on the highway.

Awnings over  
footways.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

PART III  
—cont.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the local authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

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

(5) So much of section 28 of the Town Police Clauses Act 1847 as relates to the placing of any blind shade covering or awning over or along any footway if applied to a district shall cease to apply thereto and if not applied to a district shall not be applied thereto.

(6) In this section the expression "awning" includes a blind shade or other covering.

Restriction on  
buildings under  
footways.

**43.**—(1) After the passing of this Act or in the case of rural districts the adoption of this section under section 8 (Adoption by rural district councils of certain provisions of Act) of this Act no part of any building (including the foundations) shall except with the consent of the local authority and (where the local authority is not the highway authority) the highway authority be constructed so as to extend under the footway of any street in the county at a less depth than six feet below the surface of such footway.

(2) Any person aggrieved by the withholding of a consent under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(4) Where any person is convicted of an offence under subsection (1) of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove or alter the part of the building so that it no longer contravenes the provisions of this section and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding forty shillings for each day on which the failure continues; and

(b) the local authority or the highway authority (as the case may be) after giving him notice of their intention so to do may remove the part of the building concerned and recover from him the expenses incurred by them in so doing:



Provided that he shall not be liable to a penalty for any day after that on which the local authority or the highway authority (as the case may be) have given him notice of their intention to remove the part of the building.

(5) Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by any statutory undertakers or railway canal or inland navigation undertakers in the exercise of their statutory powers.

44.—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the county may with the consent of the highway authority provide means for the admission of light or air to the premises through the pavement. Pavement lights and ventilators.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) The giving of consent by the highway authority shall not relieve the owner or occupier of the premises from any liability to any person to which he would have been subject if this section had not been enacted.

(4) Anything done before the passing of this Act which would have been lawfully done under this section if done after the passing thereof is hereby ratified.

45.—(1) Any person with the consent of the highway authority and subject to such conditions as they may impose may in proper and convenient situations in any road or roadside waste forming part of a highway in the county provide stands for milk churns and containers: Milk stands in highways.

Provided that the consent of the highway authority shall not be given to the provision of any such stand in any road or roadside waste in such a situation as to obstruct an existing access to any land or premises abutting on such road.

(2) Any person who without the consent of the highway authority provides stands for milk churns and containers in any such road or roadside waste shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the highway authority may themselves remove the said stands in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

PART III  
—cont.Mixing of  
mortar etc.  
in streets.

46.—(1) No person shall mix mortar cement plaster or any like substance in any street in the county repairable by the inhabitants at large except upon such board or in such receptacle as will protect the street from such mortar cement plaster or substance :

Provided that this section shall not apply to the mixing in any street of mortar cement plaster or like substance for the purposes of making up repairing reinstating altering or improving such street.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding forty shillings.

*Private streets*Urgent repairs  
of private  
streets.

47.—(1) In any street in the county not being a highway repairable by the inhabitants at large the private streets authority may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the county fund or the general rate fund as the case may be :

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed fifteen pounds for each one hundred yards of the length of the street.

(2) The exercise by a private streets authority of their powers under this section shall not prejudice their powers or the powers of the highway authority under any statutory provision for the time being in force relating to private street works or private street improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

Maintenance  
of footways  
etc.

48.—(1) The owner of every house fronting adjoining or abutting on a highway in the county which is not repairable by the inhabitants at large shall maintain the footway on the frontage of such house and the approach to such house across any verge in accordance with the reasonable requirements of the private streets authority.

(2) Any person aggrieved by a requirement of the private streets authority under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) Any person who contravenes the provisions of this section after the expiration of a period of twenty-eight days (or such longer period as may be allowed by the private streets authority) from the receipt of notice from the private streets authority shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.



## 49. If—

PART III  
—cont.

(a) any owner of land fronting adjoining or abutting on a private street in the county transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and

Evasion by owners of private street works expenses.

(b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land ; and

(c) the private streets authority are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and

(d) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works ;

then the expenses so apportioned or so much thereof as has not been recovered by the private streets authority may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

50.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway in the county so repairable and the use of such street involves passage across or interference with any part of such highway the highway authority may by notice require that a carriage-crossing shall be constructed of such materials and in such manner as they may prescribe at the expense of the person by whom such street has been or is being laid out or constructed.

Carriage-crossings at ends of private streets.

(2) Any person aggrieved by a requirement of the highway authority under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) If the highway authority make any requirement under subsection (1) of this section they shall also require that such works as may be necessary to secure compliance with that requirement shall be executed by the highway authority and not by any other person and the highway authority may recover the expenses of executing the works from the person by whom the street has been or is being laid out or constructed.

(4) Nothing in this section shall impose on the person by whom such street has been or is being laid out or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the surveyor of the highway authority made before the passing of

PART III  
—cont.

this Act certified that such street had before the first day of July nineteen hundred and fifty-two been completed in accordance with plans and specifications approved and required by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at that date been taken over by the highway authority.

Guard rails in  
private streets.

**51.**—(1) So much of section 149 of the Public Health Act 1875 as relates to fences and posts for the safety of foot-passengers in streets repairable by the inhabitants at large shall extend to streets in any urban district which are not so repairable.

(2) The urban district council shall not without the consent of the undertakers concerned exercise the powers of this section—

(a) in any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers ; or

(b) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers :

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) In this section the expression “transport undertakers” means any railway dock canal inland navigation or passenger road transport undertakers.

Application of  
Act of 1892 to  
parts of public  
streets.

**52.**—(1) Where in any district the Private Street Works Act 1892 is applicable and it appears to the private streets authority that a new street has been formed by reason of additions made to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) otherwise than by the giving up for the purpose by such private streets authority of lands owned by them the private streets authority may notwithstanding anything in the said Act of 1892 carry out private street works under the provisions of the said Act of 1892 in respect of such street or any part of such street and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so repairable.

(2) Notwithstanding anything in the said Act of 1892 the private streets authority may in any district where that Act is applicable carry out private street works under the provisions of that Act throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions



of subsection (1) of this section the private streets 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 repairable.

PART III  
—cont.

(3) For the purposes of any apportionment under subsection (2) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.

**53.** The power of a private streets authority under section 15 of the Private Street Works Act 1892 to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under that Act in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the private streets authority under this section in respect of such premises.

Extension of  
power to  
contribute to  
expenses of  
private street  
works.

#### Miscellaneous

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

Decorations  
in streets.

(2) If any person wilfully removes or damages any flag-pole pylon socket or slot erected or provided under the powers of this section he shall be liable to a penalty not exceeding five pounds.

(3) A local authority shall not exercise the powers of this section in any street in respect of which they are not a highway authority without the consent of the highway authority which consent may be given subject to such terms and conditions as the highway authority think fit to attach.

(4) Subsections (1) and (3) of this section shall be deemed to have come into operation on the first day of January nineteen hundred and fifty-three.

**55.**—(1) Subject to the provisions of this section a court of summary jurisdiction—

Stopping up  
and diversion  
of highways.

(a) if satisfied on the application of the highway authority that a highway within the county is unnecessary may by order authorise the stopping up thereof; and

PART III  
—cont.

(b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An application or order under this section—

(a) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway ;

(b) may be made with respect to any part of a highway ;

(c) may be made with respect to two or more highways or parts of highways which are connected with each other ;

and in relation to any application or order in respect of a part of a highway or two or more highways or parts of highways any reference in the subsequent provisions of this section to a highway shall be construed as a reference to that part or those highways or parts of highways as the case may be.

(3) No application or order shall be made under this section with respect to a trunk road or to a public path within the meaning of Part IV of the National Parks and Access to the Countryside Act 1949.

(4) No order shall be made under this section unless the court is satisfied that notice of the intention to apply for the order specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing the effect of the order)—

(a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority the statutory undertakers in whose area or limits of supply the highway so proposed to be stopped up or diverted is situate and on the local authority and parish council concerned and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport ; and

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as may be reasonably sufficient for notifying persons using the highway of the application ;

and that a similar notice (except that there may be substituted for the plan a statement of the place where the plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the area in which the highway to which the application relates is situate.



(5) No order under this section authorising the diversion of a highway—

- (a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court;
- (b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace of the county.

(6) On the hearing of the application the highway authority the local planning authority and the local authority and parish council concerned and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard.

(7) An appeal against a decision of a court of summary jurisdiction under this section may be brought to quarter sessions by any person (including any authority or council) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 with respect to appeals to quarter sessions—

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;
- (b) where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a rehearing.

(8) Where by reason of the diversion of a highway under this section any person is relieved from liability to repair the highway he shall be liable to pay to the highway authority such sum as may be agreed between him and the highway authority or in default of agreement as may be determined by arbitration to represent the value to him of the relief and any such sum shall be payable either—

- (a) as a lump sum; or
- (b) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

PART III  
—cont.

(9) Every order made under this section—

(a) shall have annexed thereto a plan signed by the chairman of the court ; and

(b) shall be transmitted by the clerk of the court to the clerk of the peace of the county together with any written consents produced to the court under subsection (5) of this section ;

and the said clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (5) of this section among the records of quarter sessions.

(10) Every order made under this section shall be binding on all persons whatsoever.

(11) The exercise by the highway authority of their powers under this section shall not prejudice their powers under any statutory provision relating to the stopping up and diversion of highways.

**56.** Where the boundary between the county and any other administrative county or county borough or the boundary between any districts in the county divides any road longitudinally the councils or authorities who but for this enactment would be responsible for the maintenance and repair of the portions of the road on each side of the boundary shall in lieu of maintaining and repairing the portion for which they are so responsible maintain and repair respectively such part or parts of the road throughout its entire width as shall be agreed upon or as failing agreement shall on the application of either party be determined in any case relating to any length of road wholly within the county for which the Council are not one of the responsible authorities by the Council and in any other case by the Minister of Transport.

**57.**—(1) In the cases mentioned in paragraph (b) and paragraph (d) of subsection (2) of section 32 of the Local Government Act 1929 there shall notwithstanding anything in those paragraphs be no limit of time within which the council of an urban district having a population exceeding twenty thousand may claim to exercise the functions of maintenance and repair of a county road within their district.

(2) This section shall apply to a claim whether or not it could have been made before the passing of this Act and whether or not the time for making it would but for this section have expired before the passing of this Act.



## PART IV

## PARKS AND PLEASURE GROUNDS ETC.

**58.** When any part of a park or pleasure ground provided by or under the management and control of the local authority is set apart by them under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the local authority may permit the exclusive use by any club or other body of persons of—

- (a) any portion of the part set apart as aforesaid ; and
- (b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section ;

subject to such charges and conditions as the local authority think fit :

Provided that nothing in this section shall empower the local authority to permit at one and the same time the exclusive use of—

- (i) more than one-third of the area of any park or pleasure ground ; or
- (ii) more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control.

**59.**—(1) For the purpose of providing a parking place with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control :

Parking places  
in parks etc.

Provided that—

- (a) the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less ;
- (b) the powers of this section shall not except with the consent of the mayor aldermen and burgesses of the county borough of Wallasey be exercised in relation to the park adjoining the north entrance to Frankby Cemetery at the junction of roads B 5139 and B 5140 in the urban district of Hoylake.

(2) In this section the expression “ open space ” has the same meaning as in the Open Spaces Act 1906 but does not include a consecrated burial ground in which interments have taken place.

PART IV  
—cont.As to closing  
of parks etc.

60. Section 44 of the Public Health Acts Amendment Act 1890 shall in its application to any district have effect as if—

(a) the urban authority had been empowered to close to the public any park or pleasure ground on six consecutive days (excluding Sunday) on any one occasion and in computing any period of six days Saturday and Monday shall be deemed to be consecutive days ;

(b) in the proviso to subsection (1) of that section the words “ or public holiday ” had been omitted and there were substituted the words “ and on any public holiday on which the urban authority think fit to close to the public any such park or pleasure ground not more than one-quarter of the total area of all the parks or pleasure grounds provided by them shall be so closed at one and the same time ”.

Boating pools.

61.—(1) A local authority may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool.

(2) The local authority may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any boating pool under this section and references in the following provisions of this section to a boating pool so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such building or boating pool is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The local authority may either—

(a) themselves manage any boating pool provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit ; or

(b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The local authority may either themselves provide and let for hire or may license any person to let for hire any pleasure boats on a boating pool provided under this section and may make byelaws for regulating the numbering and naming of such boats the number of persons to be carried therein the boathouses and mooring places for the same and for fixing rates of hire and the qualifications of boatmen and for securing the good and orderly conduct of persons using any boat.

(5) In this section the expression “ open space ” has the same meaning as in the Open Spaces Act 1906 but does not include a consecrated burial ground in which interments have taken place.



62.—(1) A local authority to whom this section applies may provide a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land within the county whether situated within or without their district.

PART IV  
—cont.

Golf courses.

(2) The local authority may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any golf course under this section and references in the following provisions of this section to a golf course so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The local authority may either—

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

(4) The local authority may—

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

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

(6) This section applies to the following local authorities:—

- Bebington Borough Council;
- Ellesmere Port Urban District Council;
- Hoylake Urban District Council;
- Runcorn Urban District Council.

PART IV  
—cont.  
Transmission  
of  
entertainments.

**63.**—(1) A local authority may provide erect maintain and use such apparatus and equipment as they may consider necessary for the purpose of transmitting any concert or entertainment or any part thereof from a building or park belonging to the local authority at which such concert or entertainment is provided or held to any other building or park at which concerts or entertainments may be provided by the local authority and for that purpose may erect and maintain posts and wires in any street:

Provided that nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the local authority or any other body or person from any obligation to obtain any licence under the Wireless Telegraphy Acts 1904 to 1926 or the Wireless Telegraphy Act 1949 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with—

- (a) any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line ; or
- (b) the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways.

(2) Without prejudice to the provisions of the Act of 1950 the local authority shall not under the powers of this section without the consent of the transport undertakers concerned execute any works—

- (i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street except where the portion of the street over or under any such bridge or approach is a highway repairable by the inhabitants at large ; or
- (ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers :

Provided that any consent required under this subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) In this section the expression “transport undertakers” means any railway dock canal inland navigation or statutory passenger road transport undertakers.



## PART V

## MOVABLE DWELLINGS CAMPING GROUNDS AND HOUSEBOATS

64. In this Part of this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“movable dwelling” includes—

(a) any tent ;

(b) any structure capable of being moved from place to place ; and

(c) any van cart carriage truck tramcar railway-carriage motor car caravan trailer omnibus or other vehicle ;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for agricultural or other like purposes or in connection with building operations ;

(ii) any tent structure or vehicle temporarily used for the service of the council of any county county borough or county district or other public authority ;

(iii) any canal boat or any other boat ;

(iv) any shelter provided for the treatment of tuberculosis or used in connection with an open-air school ;

(v) any vehicle used by the commission in connection with the maintenance and repair of their undertaking ; or

(vi) any van or similar vehicle belonging to any statutory undertakers and any trailer drawn by such van if and so long as the van and trailer are used by those undertakers for the purposes of their undertaking ;

“camping ground” means any area of land on which movable dwellings are situated or which is provided for the placing of movable dwellings ;

“occupier” in relation to a movable dwelling includes an owner.

65.—(1) Where it appears to a local authority—

(a) that the amenities of any part of their district are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in their district ; or

Court may prohibit movable dwellings in certain areas.

PART V  
—cont.

- (b) that annoyance is caused to the residents in or visitors to any part of their district by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any movable dwelling or movable dwellings in their district ;

the local authority may make complaint to a court of summary jurisdiction and the court may by order—

- (i) require the removal by the occupier or occupiers thereof of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates within such period as may be prescribed by the order ; and
- (ii) prohibit the placing of any movable dwelling on or limit the number or define the class of movable dwellings to be at any one time placed or situate within the whole or some part of an area to be specified in the order.

(2) Any person aggrieved by any order made by a court of summary jurisdiction under subsection (1) of this section may appeal to the next practicable court of quarter sessions holden in or for the county.

(3) As soon as practicable after the making of an order under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings the terms of the order shall be published by the local authority or local authorities of the district or districts within which the area specified in the order is situate in one or more local newspapers circulating in their district or districts and by placards posted in conspicuous positions in or near to that area and such placards shall be left so posted so long as the order is in force.

(4) An order made by a court of summary jurisdiction under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings shall take effect as from the expiration of fourteen days from the first publication of the terms of the order in the local newspaper under subsection (3) of this section and the area specified in such order shall not extend beyond the distance of two hundred yards from the movable dwelling or all of the movable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any movable dwelling not being a movable dwelling to which the complaint related.

(5) (a) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling



within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (a) Where a court of summary jurisdiction has made an order under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings an application for the rescission of the order may be made to the court—

- (i) at any time by the local authority on whose complaint the order was made ; or
- (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the local authority not less than fourteen days' notice of his intended application ;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local authority or local authorities of the district or districts within which the area to which the order related is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (3) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or

PART V  
—cont.

more movable dwellings with respect to which the local authority have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

Further provisions as to movable dwellings.

**66.**—(1) A movable dwelling upon land abutting upon a street in a district shall be deemed to be a house or building within the meaning of those words where they occur in the Public Health (Buildings in Streets) Act 1888.

(2) It shall not be lawful without the written consent of the local authority to place any movable dwelling upon any square court alley or passage to which the public have access.

(3) If any person contravenes the provisions of subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Byelaws as to camping grounds.

**67.**—(1) A local authority may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

(a) for preventing the amenities of their district being prejudicially affected by the state or condition of any such camping grounds ;

(b) for securing the good and orderly conduct of persons frequenting any such camping grounds and of the occupiers of the movable dwellings situate thereon ;

(c) for preventing annoyance to the residents in or visitors to their district by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping grounds.

(2) (a) A copy of any byelaws made by a local authority under this section shall be appended to any licence granted by them under section 269 of the Act of 1936 in respect of any camping ground to which such byelaws relate.

(b) A local authority in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.

Savings from certain provisions of Part V.

**68.** The following sections of this Part of this Act :—

Section 65 (Court may prohibit movable dwellings in certain areas) ; and

Section 67 (Byelaws as to camping grounds) ;

shall not apply to—

(a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society ;



- (b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such association in pursuance of their charter ;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake responsibility for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;
- (d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;
- (e) any movable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake responsibility for the good conduct of their members when in camp and for the proper use by their members of movable dwellings ; or
- (f) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business :

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;

PART V  
—cont.

- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce the good conduct of their members and the proper use by their members of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ;
- (v) if any society association or organisation referred to in the said paragraphs (a) and (b) are using any camping ground provided by a local authority or if any person being a member of any such society association or organisation or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association or organisation or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act relating to that camping ground.

Fire appliances  
at camping  
grounds.

69.—(1) The Council may make byelaws for securing the provision of first-aid fire appliances and of means of summoning fire brigades and for the taking of other safety measures by the owner of any camping ground which is provided and habitually used for the placing of movable dwellings :

Provided that nothing in any byelaws made under this section shall apply to any camping ground—

- (a) during such temporary period as the camping ground is being used for the purpose of any entertainment specified in subsection (3) of section 84 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act ; or
- (b) on which no movable dwellings are situated other than those belonging to the proprietor of a travelling circus roundabout amusement fair stall or store (not being pedlars hawkers or costermongers) and regularly used by them in the course of travelling for the purpose of their business ; or
- (c) provided by or belonging to the Boy Scouts Association or the Girl Guides Association or any other camping ground while such camping ground is being exclusively used for camping by members of an organisation established by either of such associations in pursuance of their charter.



(2) Different byelaws may be made under this section for different types of movable dwellings and for camping grounds used for different purposes or of different capacities.

PART V  
—cont.

**70.**—(1) As from the appointed day in any district no houseboat shall be kept or used for the purpose of human habitation on any canal or navigable river in the district unless the houseboat is registered by the local authority. Registration of houseboats in districts.

(2) On receiving an application for the registration of any houseboat and on payment of the sum not exceeding one pound prescribed in the byelaws made by the local authority under section 71 (Byelaws with regard to houseboats) of this Act the local authority shall register the houseboat and shall deliver to the owner of the houseboat a certificate of registration.

(3) A number shall be assigned to any houseboat registered under this section by any local authority and such number and all other particulars relating to the houseboat which may be required by the said byelaws shall be recorded in a book kept by the local authority for the purpose.

(4) A certificate of registration granted under this section shall unless previously revoked be in force for such period not less than one year as may be prescribed in the said byelaws:

Provided that on receiving application for renewal of a certificate of registration and on payment of the sum not exceeding one pound prescribed in the said byelaws the local authority may renew any certificate of registration from time to time for such further period as may be prescribed in the said byelaws.

**71.** A local authority may make byelaws with regard to the use of houseboats on any canal or navigable river in their district for all or any of the following purposes:— Byelaws with regard to houseboats.

- (a) the registration of such houseboats the form of application for a certificate of registration the particulars to be supplied to the local authority on such application being made and the fee payable in respect of such application;
- (b) the regulation of such houseboats;
- (c) the prevention of the passing into any such canal or navigable river from any such houseboat of any sewage or any other offensive or injurious matter whether solid or fluid;
- (d) requiring the provision of such sanitary appliances as the local authority may consider necessary for the purpose of preventing pollution of any such canal or navigable river.

PART V  
—cont.

Extension of provisions of section 268 of Act of 1936 to houseboats.

**72.** The provisions of subsection (2) and of subsection (5) (except paragraph (b) thereof) of section 268 of the Act of 1936 shall extend and apply to any houseboat which is used for human habitation on any canal or navigable river in a district as if a houseboat was a tent van shed or similar structure.

Saving for canal boats etc.

**73.** For the purpose of the three last foregoing sections of this Act the expression "houseboat" shall not include—

- (a) a canal boat registered under Part X of the Act of 1936 or any enactment repealed by that Act providing for the registration and regulation of canal boats used as dwellings ;
- (b) any ship registered under the Merchant Shipping Act 1894 ; or
- (c) any boat or vessel bona fide used for navigation.

Savings for British Transport Commission and Manchester Ship Canal Company.

**74.**—(1) Nothing in the four last foregoing sections or any byelaws made thereunder shall authorise any local authority otherwise than by agreement with the commission or the Manchester Ship Canal Company (as the case may be) to regulate the places at which houseboats may or may not be moored or kept on any canal of the commission or of the said company or on any navigable river for which the commission or the said company are the navigation authority.

(2) Before submitting to the Minister for confirmation any byelaws made under section 71 (Byelaws with regard to houseboats) of this Act so as to apply to any such canal or river the local authority shall send a copy of the proposed byelaws to the commission or the Manchester Ship Canal Company (as the case may be) who shall be entitled to make representations to the Minister in regard thereto.

## PART VI

## PUBLIC ENTERTAINMENTS ORDER AND SAFETY

Music and dancing licences.

**75.**—(1) In this section the expression "entertainment" means public dancing singing music or other public entertainment of the like kind but does not include a travelling fair or circus.

(2) As from the appointed day in any district a place shall not be kept or used for the purposes of any entertainment without a licence from the local authority under this section.



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

(4) A licence granted under this section shall unless previously revoked be in force for one year or for such shorter period as may be specified in the licence as the local authority on the grant of the licence shall determine:

Provided that the local authority may if they think fit grant an occasional licence for the use of any place for the purposes of any entertainment on such one or more particular occasions only as may be specified in the licence.

(5) The local authority may transfer any licence granted under this section to such person as they think fit.

(6) An applicant for the grant or renewal or transfer of a licence under this section shall give not less than twenty-eight days' notice of his intention to make such application to the local authority and except in the case of an application for the grant of an occasional licence or for the renewal of any licence to the chief officer of police of the district and the applicant shall also furnish such particulars and give such other notices as the local authority may prescribe by regulation.

(7) A person when making application under this section shall pay to the local authority such fee as the local authority may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period not less than one year	1	0	0
(b) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period less than one year five shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same place shall not exceed ... ..	1	0	0
(c) in respect of an application for the grant or renewal of an occasional licence ... ..		5	0
(d) in respect of an application for the transfer of a licence ... ..		5	0

and the fees paid on any application for the grant renewal or transfer of any licence may be retained by the local authority whether or not a licence is granted renewed or transferred:

PART VI  
—cont.

Provided that fees shall not be payable by any applicant for the grant renewal or transfer of any licence for the purposes of entertainment which in the opinion of the local authority has been organised or arranged for a charitable or similar object.

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

- (a) with the written permission of the local authority ; or
- (b) on any special occasion when a special order of exemption shall have been granted under section 57 of the Licensing (Consolidation) Act 1910 in respect of that place ;

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

(9) On and after the appointed day in any district Part IV of the Public Health Acts Amendment Act 1890 shall cease to be in force in the district where that Part was in force immediately before the appointed day and thereafter shall not be adopted by the local authority of that district or be declared to be in force therein.

(10) Nothing in this section shall affect the validity of any licence granted in respect of any place within any district under the said Part IV of the Public Health Acts Amendment Act 1890 and any such licence shall have effect as if it had been duly granted under this Act and shall subject to the provisions of this Act continue in force until the expiration of the period for which it was granted.

(11) Nothing in this section shall prejudice or affect the provisions of section 7 of the Cinematograph Act 1952 in its application to premises in which cinematograph exhibitions are given and for the purposes of this section the provisions of the said section 7 shall with any necessary modifications extend and apply to premises licensed under the Theatres Act 1843 in which are given public performances of stage plays within the meaning of that Act.

(12) A local authority shall on passing a resolution under section 5 (The appointed day) of this Act fixing the day on which this section shall come into operation in their district give notice thereof to the Secretary of State.

**76.**—(1) In this section the expressions “boxing entertainment” and “wrestling entertainment” mean any public contest exhibition or display of boxing or wrestling (as the case may be)

Boxing and  
wrestling  
licences.



but do not include boxing or wrestling entertainments which are provided—

PART VI  
—cont.

- (a) by travelling showmen at pleasure fairs ;
- (b) in any place or premises licensed under the last foregoing section for public dancing singing music or any other similar entertainment or under the Theatres Act 1843 provided that such licence continues to be in operation so long as such boxing or wrestling entertainment is in progress ;
- (c) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit ; or
- (d) by any university university college college of a university training college establishment of further education or school.

(2) As from the appointed day in any district premises shall not be used for the purposes of a boxing or wrestling entertainment without a licence from the local authority under this section.

(3) The local authority may grant licences under this section to such persons as they think fit to use premises specified in the licence for the purposes of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as they may prescribe by the licence and may renew such licences.

(4) A licence granted under this section shall unless previously revoked be in force for one year or for such shorter period as may be specified in the licence as the local authority on the grant of the licence shall determine :

Provided that the local authority may if they think fit grant an occasional licence for the use of any premises for the purposes of a boxing or wrestling entertainment on such one or more particular occasions only as may be specified in the licence.

(5) The local authority may transfer any licence granted under this section to such person as they think fit.

(6) An applicant for the grant or renewal or transfer of a licence under this section shall give not less than twenty-eight days' notice of his intention to make such application to the local authority and except in the case of an application for the grant of an occasional licence or for the renewal of any licence to the chief officer of police of the district and the applicant shall also furnish such particulars and give such other notices as the local authority may prescribe by regulation.

PART VI  
—cont.

(7) A person when making application under this section shall pay to the local authority such fee as the local authority may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period not less than one year ... ..	2	0	0
(b) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period less than one year ten shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed ...	2	10	0
(c) in respect of an application for the grant or renewal of an occasional licence ... ..		10	0
(d) in respect of an application for the transfer of a licence ... ..			5 0

and the fees paid on any application for the grant renewal or transfer of any licence may be retained by the local authority whether or not a licence is granted renewed or transferred.

(8) Any premises used for the purposes of a boxing or wrestling entertainment although licensed under this section shall not be opened for that purpose except on the days and between the hours stated in the licence.

## Penalties.

77. Any person who—

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

shall be liable—

- (i) in respect of an offence under paragraph (a) or (b) of this section to a penalty not exceeding fifty pounds ; and



(ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds ;

PART VI  
—cont.

and in either case to a daily penalty not exceeding five pounds.

**78.** Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence for the time being in force under this Part of this Act the local authority may cancel the licence. Cancellation of licences.

**79.** Except in the case of an occasional licence under this Part of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every place or premises licensed under this Part of this Act an inscription so as to be easily legible in the following terms :— Notice to be affixed.

“ Licensed in pursuance of Act of Parliament for ”

with the addition of words showing the purposes for which the same are licensed.

**80.**—(1) A police officer or any person appointed for the purpose by the local authority may at all reasonable times enter any place or premises licensed under this Part of this Act in which there is reason to believe that an entertainment to which the foregoing provisions of this Part of this Act apply is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted are complied with. Powers of entry and inspection.

(2) A police officer or any person appointed for the purpose by the local authority may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under this Part of this Act is being committed.

(3) Every person who refuses to permit any such officer or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

**81.** If the holder of a licence granted renewed or transferred under this Part of this Act be convicted of any contravention of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the local authority. Power to revoke licences.

PART VI  
—cont.Initial appeals  
under  
Part VI.

**82.** Any person aggrieved by the refusal of the local authority to grant renew or transfer a licence under this Part of this Act or by the revocation by the local authority of a licence or by any terms conditions or restrictions attached to such licence may appeal to a court of summary jurisdiction.

Devolution of  
certain  
entertainment  
licences in case  
of death of  
licensee.

**83.** Upon the death of the holder of a licence granted in respect of a place or premises in the county under this Part of this Act the Cinematograph Act 1909 or the Theatres Act 1843 the person carrying on at the place or premises the functions in respect of which the licence was granted or acting or purporting to act as the actual and responsible manager of the place or premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

Byelaws as to  
pleasure fairs  
and roller-  
skating rinks.

**84.**—(1) A local authority may make byelaws—

- (a) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public ;
- (b) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink ;
- (c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

(2) In this section the following expressions have the meanings hereby respectively assigned to them :—

“ pleasure fair ” means any place—

(i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies ; and

(ii) for admission to which or for the use of the contrivances in which a charge is made ;

“ roller-skating rink ” means any place which is for the time being used wholly or mainly for roller-skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following :—

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;
- (c) merry-go-rounds roundabouts swings switchback railways ;
- (d) coconut shies hoop-las shooting galleries ;



- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.
- (4) Nothing in this section or the byelaws made thereunder shall apply to—
- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place ; or
- (c) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (d) any entertainment the profits whereof are devoted to a religious or charitable purpose ; or
- (e) any entertainment in any permanent premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.
- (5) A local authority shall—
- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the local authority in writing by any of the said bodies and a statement showing the effect if any given to any such representation.
- (6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

**85.**—(1) For the purpose of securing public order or public safety or preventing congestion of traffic a local authority may in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street in their district will be thronged or obstructed cause barriers to be erected in any street in the district and kept in position for so long as may be necessary for that purpose:

Barriers in  
streets.

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

- (a) as respects any trunk road without the consent of the Minister of Transport ; or

PART VI  
—cont.

- (b) as respects any county road (not being a claimed road) without the consent of the Council ; or
- (c) as respects any street belonging to or repairable by any railway dock canal inland navigation or passenger road transport undertakers and forming the approach to any station dock wharf or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of those undertakers without the consent of those undertakers ; or
- (d) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) The consent of any undertakers under proviso (c) to the foregoing subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) For the purpose of erecting barriers in a street under this section the local authority may provide slots or sockets in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

Notice of  
street  
processions.

**86.**—(1) No procession shall pass through the streets of a district unless written notice stating the route by which and the time at which it will so pass has been delivered to the clerk to the local authority and the chief officer of police of the district at least thirty-six hours (exclusive of Sundays) before the time so stated.

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

(3) In this section the expression "procession" means any public or ceremonial procession of persons or vehicles and includes any circus procession or procession of wild animals:

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

Safety of  
stands.

**87.**—(1) As from the appointed day fixed for any district no person shall commence to erect in that district a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the



local authority of his intention so to do accompanied by a plan and section of the stand and such further particulars as the local authority may reasonably require and the local authority have approved the erection of the stand under this section.

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

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

as may be specified in the notice being modifications and requirements which appear to the local authority to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

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

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

(5) Any person aggrieved by a requirement or other decision of the local authority under this section may appeal to a court of summary jurisdiction.

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time ; or
- (b) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the local authority under the said subsection (1) or if notice

PART VI  
—cont.

has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice ; or

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

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

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings :

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

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

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

(9) In this section the expression " stand " includes a structure but does not include a building or extension of a building to which building byelaws are applicable.

Sale of food  
and articles on  
verges etc.

**88.**—(1) No person (other than a person selling offering or exposing for sale or depositing for sale any food goods provisions articles or things at any market or fair for which he has paid a toll stallage or rent) shall in the county—

(a) sell or offer or expose for sale ; or

(b) deposit for sale ;

on the verge of or on any lay-by in any trunk road or a road classified by the Minister of Transport under the Ministry of Transport Act 1919 in Class I or Class II or on any roadside waste adjacent thereto any food goods provisions articles or things in such a manner that any danger or obstruction is caused or is likely to be caused to persons or vehicles using such road or the footpath adjacent to such verge or roadside waste by—

(i) such sale or offer or exposure for sale or deposit for sale ;  
or

(ii) a person buying or examining such food goods provisions articles or things ; or



(iii) a vehicle which had been used by such last-mentioned person.

PART VI  
—cont.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

**89.**—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises in the county the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container. Derelict petrol tanks.

(2) Any officer of the Council or of a local authority duly authorised by them may on producing a copy of his authority purporting to be signed by the clerk to the Council or the clerk of the local authority (as the case may be) require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such container and permit him to ascertain whether steps have been taken to comply with the provisions of this section:

Provided that this subsection shall not apply to any premises within an area in which the commission or the Manchester Ship Canal Company are the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(3) Any person who after due warning contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Proceedings in respect of an offence created by or under this section shall not without the written consent of the Attorney-General be taken by any person other than the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(5) In this section the expression "petroleum spirit" has the same meaning as in the Petroleum (Consolidation) Act 1928.

**90.**—(1) The Council a local authority or a parish council may erect and maintain such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions existing in the vicinity of such posts and signs with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land. As to warning posts and signs.

PART VI  
—cont.

(2) The Council may contribute towards the expenses incurred by a local authority or parish council in exercising the powers of this section.

(3) Nothing in this section shall derogate from any order or regulations made by the Minister of Transport in respect of traffic signs or any general or special directions given by him in pursuance of section 48 of the Road Traffic Act 1930.

Flood  
precautions  
and provision  
of life-saving  
apparatus.

**91.**—(1) For the purpose of preventing or reducing loss of life and property and alleviating distress caused by the flooding of lands and buildings by the overflowing of the river Bollin the river Mersey or the river Weaver or any of their tributaries a local authority may provide boat-houses garages drying rooms store rooms hostels and other premises and may employ such number of persons as they may think fit.

(2) For the purposes mentioned in subsection (1) of this section and for the purpose of saving life on any river lake or water in their district to which the public have access a local authority may provide equip and maintain boats vehicles and other appliances and may employ such number of persons as they may think fit:

Provided that nothing in this subsection shall authorise a local authority to manufacture motor vehicles.

(3) A local authority may utilise any premises and appliances provided under subsection (1) or subsection (2) of this section for the rescue reception care and temporary accommodation of persons or property affected or likely to be affected by the flooding of lands or buildings in any portion of their district which lies near any river and may if they think fit make and recover charges for the use of such appliances and premises.

(4) The Council may contribute towards the cost of the provision equipping and maintenance of appliances and premises provided by a local authority under this section or by any body or person and the services of persons employed in connection therewith.

(5) Nothing in this section shall authorise a local authority without the consent of the Manchester Ship Canal Company (which consent shall not be unreasonably withheld) to provide maintain or use boats or boat-houses upon any part of the undertaking of the Manchester Ship Canal Company or to provide equip or maintain any garages rooms hostels or other appliances or premises on land belonging to that company and any question whether such consent is or is not unreasonably withheld shall be determined by arbitration.



## PART VII

## PUBLIC HEALTH

**92.** In this Part of this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“ clerk ” means the town clerk of a borough or the clerk of an urban district council or of a rural district council ;

“ medical officer ” “ surveyor ” and “ sanitary inspector ” mean respectively the medical officer of health the surveyor and any sanitary inspector of a district ;

“ notifiable disease ” means—

(a) any notifiable disease as defined by section 343 of the Act of 1936 ; and

(b) any infectious disease to which section 144 of that Act for the time being applies in a district by virtue of regulations made under section 143 thereof ;

“ tenement house ” means a house which is let in lodgings or is occupied by members of more than one family.

*Sewers drains and sanitary conveniences*

**93.**—(1) Where a local authority—

(a) resolve to construct a sewer in a street or part of a street in their district being a street or part which is repairable by the inhabitants at large and has not been previously sewered ; and

(b) include in the resolution a declaration that the construction of the sewer will in their opinion increase the value of premises fronting adjoining or abutting on the street or that part thereof ;

then the provisions of the Fourth Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority of the expenses incurred in constructing the sewer :

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the local authority in a local newspaper circulating in their district and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

Recovery of expenses of sewerage public highway.

PART VII  
—cont.

(3) Either—

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

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

Recovery of expenses of sewerage prospective street.

**94.** Where in a district land in which a length of sewer has been constructed at the expense of the local authority after the coming into operation of this section becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Fourth Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority of the expenses incurred in constructing the length of sewer :

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

Prevention of evasion of liabilities under last two foregoing sections.

**95.**—(1) If on a complaint by a local authority to a court of summary jurisdiction it is proved to the satisfaction of the court—

- (a) that by reason of any transfer of land any part of any premises in their district (hereafter in this section referred to as “the severed part”)—
  - (i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one foregoing section of this Act applies ; or
  - (ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last foregoing section of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

- (b) that the transfer was intended for the purpose of evading liability under the Fourth Schedule to this Act imposed by the last but one foregoing or the last foregoing section (as the case may be) ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.



(2) Any such order may direct—

(a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

(b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;

(c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders made under any provision of subsection (2) of this section may be made on separate complaints made by the local authority at different times.

(5) In this section the expression “transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise.

96. Section 24 of the Act of 1936 shall have effect in its application to a district as if the following were substituted for the proviso to subsection (1) of that section :—

Recovery of  
cost of  
maintaining  
public sewers.

“Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice.”

PART VII  
—cont.

Separate  
sewers for foul  
water and  
surface water.

**97.** For the purpose of facilitating the disposal of sewage the powers of a local authority under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in their district to provide separate sewers for foul water drainage and surface water drainage respectively.

Delegation of  
power to  
examine and  
test drains etc.

**98.**—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall if a local authority by resolution so determine have effect in a district for such period as may be specified in the resolution either as respects the whole of the district or as respects such part or parts thereof as may be so specified.

(2) Where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing—

- (a) that a sanitary convenience drain private sewer or cess-pool is in such a condition as to be prejudicial to health or a nuisance ; or
- (b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water ;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cess-pool is found to be in proper condition the local authority shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

Summary  
power to  
remedy  
stopped-up  
drains etc.

**99.**—(1) If it appears to the medical officer or the sanitary inspector that on any premises in a district a drain private sewer water-closet or soil-pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with the local authority may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the expenses of so doing from the person on whom the notice was served :

Provided that where the said expenses do not exceed two pounds the local authority may if they think fit remit the payment thereof.



(3) In any proceedings under this section the court may inquire—

PART VII  
—cont.

(a) whether any requirement contained in a notice served under this section or any work done by the local authority was reasonable ; and

(b) whether the expenses incurred by the local authority in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case :

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

**100.**—(1) If any drain or private sewer in a district—

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the local authority ; and

(b) can in the opinion of the local authority be sufficiently repaired at a cost not exceeding fifty pounds ;

Power to  
repair drains  
and private  
sewers.

the local authority may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine :

Provided that where the said expenses do not exceed two pounds the local authority may if they think fit remit the payment thereof.

(2) In any proceedings under this section the court may inquire—

(a) whether the drain or sewer in question required repair and whether the work done by the local authority was reasonable ; and

(b) whether any apportionment made by the surveyor was fair ;

and the court may make such an order concerning the expenses or their apportionment as appears to the court to be just :

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

PART VII  
—cont.

(3) In this section the expression "person concerned" in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

Abandoned  
drains to be  
cut off.

**101.**—(1) Where after the coming into operation of this section in a district any person shall—

- (a) reconstruct any drain which communicates with any sewer or other drain ; or
- (b) lay such drain in a new position ; or
- (c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain ;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and effectually sealed.

(2) Any person who knowingly contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Penalty for  
damage to  
surface water  
drains etc.

**102.**—(1) Any person who otherwise than in the exercise of any statutory power knowingly stops up damages injures or removes any surface water drain or land drain in a district by means of which water is conveyed from land which does not belong to that person shall unless—

- (a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the local authority ; or
- (b) he shows to the satisfaction of a court of summary jurisdiction that no material detriment is caused to such land by stopping up damaging injuring or removing such drain ;

be liable (without prejudice to any liabilities to third parties to which he may be subject at common law) to a penalty not exceeding five pounds.

(2) The local authority may in addition to or in lieu of instituting proceedings under subsection (1) of this section give notice to such person if he is the owner or occupier of the land on which the drain stopped up damaged injured or removed is or was situate requiring him to restore the drain to its former condition.

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



**103.** A local authority may on the application in writing of the owner or occupier of any premises in their district undertake the cleansing of any drains water-closets sinks or gullies or connected with the premises and may make such charge (if any) for so doing as they think fit.

PART VII  
—cont.

Power to  
cleanse drains  
etc.

**104.**—(1) If a water-closet drain or soil-pipe in a district is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Penalty for  
improper  
construction  
or repair of  
water-closet  
etc.

(2) A person charged with an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

- (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence ; and
- (b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil-pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

- (a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

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

Sanitary  
conveniences  
for persons  
employed on  
construction  
work.

- (a) to provide in connection therewith sufficient and satisfactory accommodation in the way of sanitary conveniences for the accommodation of the workpeople employed thereon ; and

PART VII  
—cont.

(b) where persons of both sexes are employed in or in connection with the operations or works to provide separate accommodation as aforesaid for persons of each sex; if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works to which section 107 or section 108 of the Factories Act 1937 applies.

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

Closet  
accommodation for  
separate  
dwellings.

**106.** For the purposes of section 44 of the Act of 1936 any part of a building in a district being a part occupied as a dwelling shall be treated as a separate building and where two or more parts of such a building are occupied as dwellings by separate families each such part shall be treated as a separate building:

Provided that where any part or parts of a building occupied as aforesaid has or have been let for occupation without the consent in writing of the owner of the building the person so letting that part or those parts shall be deemed to be the owner thereof for the purposes of the said section 44.

Sanitary  
conveniences  
used in  
common.

**107.**—(1) Where two or more sanitary conveniences are provided for or in connection with two or more separate houses in a borough in the county and are used in common by the occupiers of the houses the owner of the houses—

(a) shall so far as is reasonably practicable allot the conveniences to the occupiers of particular houses so as to ensure that they are allocated proportionately (as nearly as may be) amongst the houses; and

(b) shall cause to be affixed to and maintained on the door or walls of each convenience a notice identifying the house the occupiers of which are entitled to use it.

(2) If any person fails to comply with the provisions of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Provision of  
sanitary  
conveniences  
at places of  
amusement.

**108.**—(1) A local authority may by notice require the owner or occupier of any premises or place in their district used for any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission to provide to the reasonable satisfaction of the local authority and thereafter to the like satisfaction maintain in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.



(2) The provisions of section 290 of the Act of 1936 (except subsection (6) thereof) shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period not being less than twenty-eight days after the date of the service of the notice as may be specified therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) On the coming into operation of this section in a district section 89 of the Act of 1936 in its application to the district shall have effect as if for the words "refreshment-house or place of public entertainment" in subsection (1) of that section there were substituted the words "or refreshment-house".

**109.**—(1) A local authority may at the request of the occupier of any premises connected with a sewer or drain on which the local authority propose to carry out any work of maintenance improvement or repair which necessitates the disconnection of the water-closets or other sanitary conveniences provided for or in connection with the premises supply on loan temporary sanitary conveniences in substitution for any water-closets or other sanitary conveniences so disconnected. Loan of temporary sanitary conveniences.

(2) Temporary sanitary conveniences loaned by the local authority under subsection (1) of this section shall be supplied free of charge where the disconnection of the premises is necessitated by a defect in a public sewer vested in and maintainable by the local authority (not being a length of sewer to which subsection (3) of this section applies).

(3) Where the disconnection of the premises is necessitated by a defect in any length of a public sewer to which section 24 of the Act of 1936 applies or by a defect in any cesspool private sewer or drain in respect of which the local authority are authorised to serve a notice under section 39 of the Act of 1936 the reasonable costs of supplying removing and cleansing any temporary sanitary conveniences provided by the local authority for the premises under subsection (1) of this section shall be recoverable from the same person or persons and in the like manner as they would be recoverable if they were expenses incurred under the said section 24 or (as the case may be) the said section 39:

Provided that no costs incurred by the local authority under subsection (1) of this section shall be recoverable under this subsection in any case in which the temporary sanitary conveniences are provided for a period not exceeding seven days or if they are provided for more than seven days in respect of the first seven days.

PART VII  
—cont.Means of  
access to  
buildings.*Buildings and structures*

**110.**—(1) Where the plans of any new building intended or adapted for use as a house have in accordance with building byelaws been deposited with a local authority they may by notice prohibit either the erection of the building or the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(a) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936 ; or

(b) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun ;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the local authority to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

Precautions  
against fire in  
certain  
buildings.

**111.**—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with a local authority and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as the local authority may after consultation with the fire authority consider necessary to enable effective action to be taken by the fire authority in case of fire at such building the local authority shall reject the plans.

(2) If the local authority reject the plans under this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify this section as that under the authority of which the plans have been so rejected.



**112.**—(1) If it appears to a local authority that for the purpose of preventing fire to any building in their district to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

PART VII  
—cont.

Preventing fire  
in public or  
other  
buildings.

- (a) the apparatus or fittings for lighting or heating the building require alteration ; or
- (b) the arrangement of the chairs and seating requires alteration ; or
- (c) any floor requires strengthening in order to prevent overloading ; or
- (d) any of the materials from which any fireplaces flues chimney vents or other like parts of such building are constructed require alteration ;

the local authority may after consultation with the fire authority by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary :

Provided that—

- (i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 is for the time being in force ;
- (ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

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

**113.**—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect on the coming into operation of this section in a district and the following provisions of this section shall have effect in lieu thereof.

Ruinous and  
dilapidated  
buildings and  
neglected sites.

(2) Where a building or part of a building in a district is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the local authority may by notice require the owner thereof within a reasonable time specified in the notice—

- (a) to execute such works of repair or restoration ; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary for remedying the cause of complaint.

PART VII  
—cont.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in a district is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the local authority may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

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

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the local authority under this section.

(6) In this section the expression "building" includes any structure.

Recovery of  
expenses of  
watching etc.  
dangerous and  
dilapidated  
buildings.

**114.**—(1) Where it appears to a local authority that any building in their district or any part of such building is in such a condition as to be dangerous to persons in such building or in any adjoining premises or using any street upon which such building abuts the local authority may until either—

- (a) any order made by a court of summary jurisdiction under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed ; or
- (b) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875 ;

employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing from the owner of the building :

Provided that the local authority shall forthwith give to the owner of any building notice that they propose to employ and pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

(2) In this section the expression "building" includes any structure.



**115.**—(1) As from the appointed day fixed for any district no person shall commence to demolish or take down any building or part thereof without first giving notice to the local authority of his intention so to do and the local authority may require such person to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

PART VII  
—cont.  
Demolition  
of buildings.

(a) the shoring up of adjacent buildings ; and

(b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site ;

to the satisfaction of the local authority within a reasonable time to be prescribed by the local authority :

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Where notice is given to the local authority under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the local authority shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the person giving the notice may agree in writing to allow they give notice to him that they have decided to the contrary.

(3) If any term or condition imposed under this section is not complied with within the time therein prescribed the local authority may themselves enter upon the building and the site thereof and carry out the work.

(4) All expenses incurred by the local authority under subsection (3) of this section may be recovered by the local authority from the person who has given notice under subsection (1) of this section.

(5) Any expenses or any part of the expenses incurred in pursuance of this section in the shoring up of a building not entitled to support from the building to be demolished or taken down may be recovered by the person who has given notice under subsection (1) of this section or the local authority (as the case may be) from the owner of the building to be shored up.

(6) This section shall not apply to—

(a) any poultry-house greenhouse coal-shed or cycle-shed or other similar structure ; or

(b) any building belonging to any statutory undertakers or the commission and held by them for the purposes of their undertaking :

Provided that the exemption conferred by paragraph (b) of this subsection shall not extend to houses or to buildings last

PART VII  
—cont.

used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

(7) This section shall not apply to any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—

(a) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground ;  
or

(b) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(8) In this section the expression “factory” has the same meaning as in the Factories Act 1937 and the expression “building” includes a factory chimney shaft.

(9) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds.

(10) Any person aggrieved by the terms or conditions imposed by the local authority under this section may appeal to a court of summary jurisdiction.

Dealing with  
drains and  
sewers before  
demolition  
of premises.

**116.**—(1) As from the appointed day fixed for any district the local authority may if it is reasonable so to do having regard to all the circumstances of the case by counter-notice served within six weeks from the receipt of a notice under the last foregoing section require the person giving such notice either—

(a) to seal any sewer or drain on in or under the site of the building to which the notice relates ; or

(b) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected ;

and to make good and restore to the satisfaction of the local authority the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (a) or (b) of this subsection.

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



117.—(1) Where after the coming into operation of this section in a district—

PART VII  
—cont.

- (a) any person erects or raises a building in that district (in this section referred to as “the taller building”) to a greater height than an adjoining building; and
- (b) any chimneys or flues of the adjoining building are in the party wall or in an external wall of the adjoining building;

New building overreaching adjoining chimneys.

the local authority may by notice—

- (i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher; and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on the first-mentioned person:

Provided that if the said owner or occupier so elects he may himself carry out such work as may be necessary to comply with the notice in lieu of the person on whom the notice is served under sub-paragraph (i) of this subsection and recover the expenses of so doing from such person.

(2) Any person aggrieved by a requirement of the local authority under this section may appeal to a court of summary jurisdiction.

(3) If—

- (a) any person on whom a notice is served under sub-paragraph (i) of subsection (1) of this section fails to comply with the notice (except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building or the carrying out of such work as may be necessary to comply with the notice or has elected to carry out such work himself); or
- (b) any person on whom a notice is served under sub-paragraph (ii) of subsection (1) of this section fails to comply with the notice or having elected to carry out himself such work as may be necessary to comply with a notice served on the first-mentioned person fails to do so;

he shall be liable to a penalty not exceeding twenty pounds and in any such case the local authority may themselves carry out

PART VII  
—cont.

such work as may be necessary to comply with the notice and recover the expenses of so doing from the person on whom the notice was served under sub-paragraph (i) of subsection (1) of this section.

Height of new  
chimneys.

**118.**—(1) Where plans for the extension or erection of a building used or intended to be used for manufacturing or other similar purposes are in accordance with building byelaws deposited with a local authority and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the local authority shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

- (a) the purpose of the chimney ;
- (b) the position and description of buildings near thereto ;
- (c) the levels of the neighbouring ground ; and
- (d) any other matters requiring consideration in the circumstances.

(2) If the local authority reject the plans under this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify this section as that under the authority of which the plans have been so rejected.

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

Power to order  
alteration of  
domestic  
chimneys.

**119.**—(1) If a court of summary jurisdiction is satisfied upon a complaint by a local authority that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in their district is prejudicial to the health of any of the inhabitants of the district or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

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

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

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.



**120.**—(1) No person shall in or in connection with any house shop or office in a district construct without the consent of the local authority any cellar or room the floor level of which is lower than the ordinary level of the subsoil water on under or adjacent to the site of the house shop or office.

Cellars and rooms below subsoil water level.

(2) Any consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein and any such conditions shall be binding on successive owners of the house shop or office.

(3) Any person aggrieved by the refusal of the local authority to give their consent under this section or by any conditions attached to such consent may appeal to a court of summary jurisdiction.

(4) If any person constructs a cellar or room in contravention of subsection (1) of this section or any conditions attached to any consent under this section—

(a) he shall be liable to a penalty not exceeding twenty pounds; and

(b) the local authority may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the local authority may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

(5) If any person uses a cellar or room in contravention of any such conditions he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(6) The provisions of the last two foregoing subsections shall have effect subject to the provisions of the Land Charges Act 1925 as to the avoidance for want of registration as a local land charge of any prohibition or restriction imposed by virtue of any such conditions.

(7) Nothing in this section shall apply to the construction of any cellar or room in connection with any shop or office which forms part of a railway station or in connection with any premises in respect of which there is a justices' licence for the sale of intoxicating liquor.

**121.**—(1) Where plans of a house are in accordance with building byelaws deposited with a local authority the local authority may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath.

Provision of bathrooms.

PART VII  
—cont.

(2) If the local authority reject the plans under this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify this section as that under the authority of which the plans have been so rejected.

Food storage  
accommo-  
dation.

**122.**—(1) Every house erected in a district after the coming into operation therein of this section shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the district not so provided shall if reasonably practicable be so provided within one month from the service by the local authority on the owner thereof of a notice requiring it to be so provided.

(2) Any person aggrieved by a requirement imposed by a notice under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The owner of any house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

- (a) the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling;
- (b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and
- (c) a house the erection whereof was commenced before the coming into operation of this section shall not be deemed to have been erected after the coming into operation of this section:

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

Separate  
approach for  
separate  
tenements.

**123.**—(1) The powers of a local authority under section 6 of the Housing Act 1936 shall include power to make byelaws for requiring in the case of tenement houses a separate approach to each room or tenement separately occupied without passing through any other room or tenement.



(2) No byelaw made in pursuance of the powers conferred by this section shall impose any requirement on the owner of a house which without his express consent is let in lodgings or for occupation by more than one family.

**124.** Where in any urban district any court or yard is appurtenant to or any passage gives access to commercial or industrial premises as well as to a house or houses the urban district council may exercise the powers of section 56 of the Act of 1936 relating to the paving and drainage of yards and passages in respect of any such commercial or industrial premises as though they were a house. Paving of yards and passages.

**125.**—(1) A house in a district which is occupied or is of a type suitable for occupation by persons of the working classes shall be deemed for the purposes of section 9 of the Housing Act 1936 to be not in all respects fit for human habitation— Extension of powers under section 9 of Housing Act 1936.

- (a) if it is not kept repaired and painted sufficiently to prevent the dilapidation thereof and to secure reasonable amenities for the occupiers thereof ; or
- (b) if the interior surface of the walls thereof is not papered or painted with oil-bound water paint or distempered with washable distemper sufficiently as aforesaid.

(2) On an appeal to the county court under section 15 of the said Act by a person aggrieved by a notice requiring the execution of works to remedy the defects referred to in subsection (1) of this section the court shall take into consideration—

- (a) in the case where the person aggrieved is a lessee or agent for a lessee the length of the unexpired period of the lease ;
- (b) the period for which the house is likely to continue occupied ;
- (c) the expenditure incurred on the house during the preceding three years by the person having control of the house or the owner thereof ;
- (d) in the case of any house the rent of which is subject to control in pursuance of the Rent and Mortgage Interest (Restrictions) Acts 1920 to 1939 the financial return accruing to the owner in respect of his ownership of the house ; and
- (e) whether the condition of the house is or is not due to the wilful default or neglect of the occupier.

(3) In this section the expressions “ house ” “ owner ” and “ person having the control of the house ” have the same meanings as in the Housing Act 1936.

PART VII  
—cont.  
As to defective  
premises.

**126.**—(1) Where a local authority are satisfied that—

- (a) any house in their district or the roof of any building in their district is in such a state as to be prejudicial to health or a nuisance (in this section referred to as a “defective state”); and
- (b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or roof (hereafter in this section referred to as “the premises”) the procedure prescribed by sections 93 to 95 of the Act of 1936;

the local authority may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve upon the person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the local authority intend to remedy the defective state of the premises themselves and specifying the defects which they intend to remedy.

(2) Not later than the end of the seventh day after the local authority have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the local authority stating that he intends to remedy the defective state of the premises and if such person having duly served such counter-notice commences within such time thereafter as the local authority consider reasonable to execute such works and take such steps as the local authority may consider necessary to remedy such defective state and so long as he progresses reasonably to the satisfaction of the local authority with the execution of such works and the taking of such steps the local authority shall not take action under subsection (3) of this section in respect of such premises.

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the local authority may execute such works and take such steps as may be necessary to remedy the defective state of the premises to which such notice relates and subject to the provisions of subsection (4) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) (a) In proceedings to recover expenses under subsection (3) of this section it shall be a defence to prove that—

- (i) the alleged defective state did not exist at the time of the service of the notice; or
- (ii) the need to abate the defective state was not so urgent as to justify the local authority themselves executing



such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936 ; or

- (iii) the person upon whom the notice was served having duly served a counter-notice under subsection (2) of this section commenced within a reasonable time and progressed reasonably with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the premises.

(b) A person against whom proceedings are taken under subsection (3) of this section shall upon information duly laid by him and on giving to the local authority not less than three clear days' notice of his intention be entitled to have any person to whose act default or sufferance he alleges that the defective state of the premises was due brought before the court in the proceedings and if the original defendant proves that the defective state of the premises arose or continued by the act default or sufferance of that other person the court shall have power—

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

(5) The local authority may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing contained in this section or done or executed thereunder shall prejudice or affect the powers of the local authority under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in such premises.

(6) The powers and functions of the local authority under this section may be exercised by the medical officer or the sanitary inspector.

**127.**—(1) A local authority may make byelaws—

- (a) for securing the proper lighting and ventilation of any building in their district erected before the date on which the byelaws come into operation and used for the time being for stabling horses ;
- (b) for preventing insanitary conditions in or about or arising out of any building in their district so used whether erected before or after the said date.

Lighting  
ventilation and  
sanitation of  
stables.

PART VII  
—cont.

(2) For the purposes of any byelaws made under this section a building the erection of which was commenced before the date on which the byelaws came into operation shall be deemed to have been erected before the said date.

*Verminous premises or articles*

Power to  
require  
vacation of  
premises  
during  
fumigation.

**128.**—(1) If a local authority serve notice under subsection (3) of section 83 of the Act of 1936 on the owner and occupier of any premises in their district requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

- (a) the notice to the occupier may also require that the premises shall as from such date as may be specified in the notice be vacated until the local authority give the occupier further notice that the premises can safely be re-occupied ; and
- (b) the local authority may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required to vacate any premises under this section for any period unless shelter or other accommodation has been provided for him by the local authority free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

(3) Any person aggrieved by a requirement of the local authority under this section may appeal to a court of summary jurisdiction.

(4) If any person fails to comply with a notice requiring the vacation of any premises under this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

(5) The local authority may pay to any person vacating premises in pursuance of a notice under this section such reasonable allowance as they think fit towards his expenses in removing from and returning to the premises.

(6) The Rent and Mortgage Interest (Restrictions) Acts 1920 to 1939 shall not be deemed to cease to apply to any house or premises by reason only of the fact that the house or premises has or have been vacated in compliance with a notice served under this section.



**129.**—(1) No dealer shall in a district—

- (a) prepare for sale ;
- (b) sell or offer or expose for sale ; or
- (c) deposit for sale or preparation for sale ;

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

(2) If on any premises in a district any household article which is verminous is—

- (a) being prepared or offered by a dealer for sale ; or
- (b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale ;

the medical officer or the sanitary inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the local authority may recover from the dealer the expenses incurred by the medical officer or the sanitary inspector in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding twenty pounds.

(4) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

(5) In this section the following expressions have the meanings hereby respectively assigned to them :—

“dealer” means a person who trades or deals in any household article;

“household article” means an article of furniture bedding or clothing or any similar article ;

“preparation for sale” does not include disinfestation.

#### *Nuisances*

**130.**—(1) A stationary internal combustion engine shall not be used in a district unless an effectual silencer is provided and used on the exhaust of the engine.

Silencers for  
internal  
combustion  
engines.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the local authority may give him notice that the engine is being or has been so used and if after the lapse of such time from the service of the notice as may be reasonably

PART VII  
—cont.

sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(3) An authorised officer of the local authority shall on producing if so required some duly authenticated document showing his authority have the right—

(a) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section ; and

(b) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require the silencer to be taken off ;

and any expenses incurred under this subsection by any such officer may be recovered by the local authority from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof :

Provided that this subsection shall not apply to any premises belonging to railway undertakers and used by them for the purpose of their railway undertaking.

Noise  
nuisance.

**131.**—(1) Any excessive or unreasonable or unnecessary noise which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936 :

Provided that—

(a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances ;

(b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise.

(2) Nothing in this section shall apply to a noise occasioned by the exercise by railway or canal undertakers of statutory powers conferred in relation to their railway or canal undertaking or to a noise occasioned in or by the operation of vessels on the Manchester Ship Canal or of any docks forming part of the undertaking of the Manchester Ship Canal Company or in or by the carrying out of any works of repair or construction in connection with such undertaking.



(3) Nothing in this section shall affect the powers of the Council or the council of a borough in the county to make byelaws under section 249 of the Act of 1933.

PART VII  
—cont.

**132.**—(1) As from the appointed day fixed for any district no person shall instal in any premises in that district any furnace for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke or dust. Smoke and dust from industrial furnaces.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if—

- (a) that person after conviction of the contravention ; or
- (b) any other person after notice of the conviction has been served on him by the local authority ;

uses that furnace he shall unless it has been altered so that it is so far as practicable capable of being operated as aforesaid be liable to a penalty not exceeding five pounds for each day on which he so uses the furnace.

(3) If a person before installing in any premises a furnace to which this section applies submits to the local authority a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the local authority may within six weeks from the receipt of the plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

- (a) if the notice states that they are so satisfied ; or
- (b) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

no proceedings shall be taken against that person under this section in respect of the installation of the furnace in accordance with the plan specification and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated continuously without emitting smoke or dust the local authority shall consult in the case of smoke the Minister of Fuel and Power and in the case of dust the Minister.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated as aforesaid—

- (a) a court in any proceedings under this section ; and

PART VII  
—cont.

(b) the local authority on considering a plan and specification and other information received under subsection (3) of this section ;

shall have regard to cost and to local conditions and circumstances.

Discharge of  
steam and  
waste gas.

**133.**—(1) No person shall cause or permit to be discharged in a district so as to be prejudicial to health or a nuisance—

(a) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof ; or

(b) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected ; or

(c) any spent or ejected steam arising or produced in the course of any trade or business.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall apply to steam gas or water discharged from a vessel or from a railway locomotive or from any plant appliance or equipment used by the Manchester Ship Canal Company for the purpose of carrying on their undertaking.

*Disposal of refuse*

Tipping of  
spoil and  
refuse.

**134.**—(1) A local authority may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

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

(a) contain provisions for imposing on persons offending against the byelaws penalties not exceeding fifty pounds for each offence and in the case of a continuing offence a daily penalty not exceeding ten pounds ;

(b) provide that any spoil or refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

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

(a) by railway canal or inland navigation undertakers for the purpose of constructing widening improving altering or maintaining any railway canal inland navigation dock or wharf works ; or

(b) by the Cheshire River Board the Dee and Clwyd River Board or the Mersey River Board for the purpose of land drainage or flood alleviation.



**135.**—(1) A local authority may (if they think fit) resolve that on and after a date to be specified in their resolution the cost of providing maintaining and renewing dustbins in their district for the deposit or collection of refuse from dwelling-houses shall be paid out of the general rate fund as part of the expenses of the general rate.

PART VII  
—cont.

Cost of provision maintenance and renewal of dustbins.

(2) While any such resolution as aforesaid is in force in any district section 75 of the Act of 1936 shall cease to apply in that district.

**136.**—(1) A parish council may in their parish provide and place and maintain on any road or roadside waste adjacent thereto or on any open space park or recreation ground belonging to or maintained by the Council a local authority or the parish council and on any other land to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles:

Provision of bins for litter.

Provided that the powers of this section shall not be exercised—

- (a) as respects a road without the consent of the highway authority;
- (b) as respects an open space park or recreation ground without the consent of the Council or local authority to whom the open space park or recreation ground belongs or by whom it is maintained;
- (c) as respects other land to which the public have access without the consent of the owner thereof.

(2) The Council may contribute towards the expenses incurred by a parish council in exercising the powers of this section.

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

#### *Infectious diseases*

**137.**—(1) On the application of the medical officer the occupier of any building which is used for human habitation in a district and in which there is or has been any person suffering from a notifiable disease shall furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information to be furnished by occupier in case of notifiable disease.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a penalty not exceeding forty shillings.

PART VII  
—cont.

(3) In this section the expression “ occupier ” includes—

- (i) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been ; and
- (ii) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person.

(4) In this section references to a notifiable disease include references to food poisoning.

Restriction on  
attendance at  
public places  
etc.

**138.** Section 148 of the Act of 1936 shall have effect in its application to a district as if the following paragraph were substituted for paragraph (b) of that section :—

“ (b) having the care of a person—

- (i) whom he knows to be suffering from a notifiable disease ; or
- (ii) whom he cannot permit to attend school without contravening section 150 of this Act ;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid ; or ”.

Exclusion of  
children from  
places of  
entertainment  
or assembly.

**139.**—(1) With a view to preventing the spread of a notifiable disease a local authority on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in a district for a time specified in the notice.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by a local authority with a copy of a notice published under the foregoing subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a penalty not exceeding five pounds :

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression “ prescribed age ” in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.



**140.** If with a view to preventing the spread of—

- (a) a notifiable disease ; or
- (b) a milkborne disease as defined in section 37 of the Food and Drugs Act 1938 ; or
- (c) food poisoning ;

PART VII  
—cont.

Compensation  
for stopping  
employment to  
prevent spread  
of disease.

the medical officer requests in writing any person to discontinue his employment a local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

**141.**—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

Entry into  
premises in  
case of  
notifiable  
disease.

(a) that in any premises in a district there is a person who is or has been suffering from a notifiable disease; and

(b) that admission to the premises or examination of that person 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 ;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon :

Provided that no such warrant shall authorise the medical officer—

- (i) to enter any premises except between the hours of seven in the morning and ten in the evening ; or
- (ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

**142.**—(1) If the medical officer certifies—

(a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state ; and

(b) that he is occupied in a district in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household ; and

Prohibition of  
tuberculous  
persons from  
handling food.

PART VII  
—cont.

(c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons ;

the medical officer or any other person authorised in that behalf by the local authority may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a court of summary jurisdiction may on the application of the local authority order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the local authority.

(4) If any person fails to comply with any such order he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

*Food*

## Inedible fat.

**143.** If any person takes or causes to be taken any fat unfit for food into any premises in a district in which any food of which fat is an ingredient is manufactured or prepared for sale he shall be liable to a penalty not exceeding ten pounds or in the case of a second or subsequent offence to a penalty not exceeding fifty pounds :

Provided that in any proceedings under this section it shall be a defence to prove that the fat was not taken into the premises for the purpose of being used and has not been used as an ingredient in the manufacture or preparation of food.

## Registration of hawkers of food and their premises.

**144.—**(1) As from the appointed day fixed for any district the following provisions shall have effect in that district :—

(a) No person shall sell or offer or expose for sale any food from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless he is registered by the local authority ;

(b) No premises shall be used as storage accommodation for food intended for sale from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless the premises are registered by the local authority :



Provided that nothing in this subsection shall apply—

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—cont.

- (i) to the sale or offer or exposure for sale of food by a person keeping open shop for the sale of food or by a person employed and in the course of his employment by such a person or to the use by a person so keeping open shop or by a person employed and in the course of his employment by such a person of any premises as storage accommodation for food intended for sale by him or his employer as the case may be ;
  - (ii) to the sale or offer or exposure for sale of food by a dairyman registered under regulations for the time being in force under Part I of the Food and Drugs (Milk Dairies and Artificial Cream) Act 1950 or having effect by virtue of subsection (2) of section 36 of that Act as if they had been made under the said Part I or by a person employed and in the course of his employment by such a dairyman or to the use by any person as storage accommodation for food of a dairy so registered ;
  - (iii) to the use by any person as storage accommodation for food of premises registered under section 14 of the Food and Drugs Act 1938 ;
  - (iv) to the sale or offer or exposure for sale of food by any person on premises owned or occupied by him or his employer or to the use by any person of any premises owned or occupied by him or his employer as storage accommodation for food intended for sale by him or his employer on those or any other such premises ;
  - (v) to the sale or offer or exposure for sale of food by any person or to the use of any premises as storage accommodation for food intended for sale if the profits of the sale are devoted to a religious or charitable purpose ;
  - (vi) to the sale or offer or exposure for sale of food by any person at any market owned by a local authority or at any charter or statutory market not so owned for which such person or his employer 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.
- (2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) 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 occupier or intending occupier thereof.

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—cont.

(4) If it appears to the local authority—

- (a) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or
- (b) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of subsection (1) of section 13 of the Food and Drugs Act 1938 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the local authority shall serve on that person or on the person applying for the registration of the premises or in the case of premises which are registered the occupier of the premises a notice—

- (i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is proposed that a committee of the local authority shall take the matter into consideration ; and
- (ii) informing him that he may attend before the said committee with any witnesses whom he desires to call at the place and time mentioned to show cause why the local authority should not for reasons specified in the notice refuse to register him or the premises or revoke his or their registration as the case may be.

(5) If a person on whom a notice is served under the last foregoing subsection fails to show cause to the satisfaction of the said committee the local authority may refuse to register him or the premises or revoke his or their registration as the case may be and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(6) Any person aggrieved by a decision of the local authority under the last foregoing subsection may appeal to a court of summary jurisdiction.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

(8) In this section the expression “ food ” does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination.



**145.**—(1) As from the appointed day fixed for any district the following provisions shall have effect in that district with respect to the slaughter therein of any horses cattle sheep goats or pigs which owing to emaciation or disease are slaughtered otherwise than for sale for human consumption within the meaning of the Public Health (Meat) Regulations.

PART VII  
—cont.  
Slaughter of animals otherwise than for human consumption..

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

- (a) He shall not less than twenty-four hours before slaughtering the animal or causing it to be slaughtered give notice to an authorised officer of the intention to slaughter it unless by reason of accidental injury illness or exposure to infection it is necessary to slaughter it before the expiration of twenty-four hours from the giving of such notice or before such notice is given ;
- (b) Where it is necessary by reason aforesaid to slaughter the animal before the expiration of the said twenty-four hours he shall retain the carcase intact until the expiration of twenty-four hours from the time of slaughter or until its disposal is approved by an authorised officer whichever first occurs ;
- (c) Where it is necessary by reason aforesaid to slaughter the animal before such notice is given he shall give notice of the slaughter to an authorised officer as soon as practicable thereafter and shall retain the carcase intact until the expiration of twenty-four hours from the time when notice is given under this paragraph or until its disposal is approved by an authorised officer whichever first occurs ;
- (d) He shall take all reasonable precautions in the handling and disposal of the carcase to prevent the spread of disease ;
- (e) He shall on the application of an authorised officer made within two weeks from the date of the slaughter of the animal furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposition of the carcase or any part thereof.

(3) Nothing in paragraphs (b) (c) and (d) of subsection (2) of this section shall prevent a veterinary surgeon or veterinary practitioner at any time after the slaughter of an animal from—

- (a) sending with the consent of the owner the whole carcase or any specimens taken therefrom to a laboratory for examination ; or

PART VII  
—cont.

- (b) retaining in his possession any such specimens with such consent:

Provided that a veterinary surgeon or veterinary practitioner taking action in pursuance of this subsection shall—

- (i) before the expiration of twenty-four hours notify an authorised officer of the action taken; and  
(ii) be under the same duty to comply with paragraph (e) of subsection (2) of this section as the owner of the animal slaughtered.

(4) Notwithstanding anything in paragraphs (b) and (c) of subsection (2) of this section contained it shall be competent to the owner or other person responsible for the slaughter of any animal in a knacker's yard within the meaning of subsection (1) of section 100 of the Food and Drugs Act 1938 or the slaughter of any animal whereof the carcass is immediately thereafter removed to such a knacker's yard to remove or cause to be removed from the carcass at any time after slaughter such parts or organs as in the opinion of such owner or other person it is necessary to remove in order to prevent or minimise the risk of nuisance or of deterioration of the said carcass and in any such case the expression "intact" in the said paragraphs (b) and (c) shall be construed accordingly:

Provided that—

- (a) all such parts or organs shall be retained for the same period as that for which the entire carcass may be required to be retained upon the premises in which removal thereof from the carcass is effected and in such manner as to identify the same with such carcass; and  
(b) nothing in this subsection shall relieve the owner or other person responsible for the slaughter of an animal from the obligations imposed by subsection (2) of this section to give any notice.
- (5) If any person—  
(a) fails to comply with any of the provisions of subsection (2) of this section; or  
(b) furnishes in response to an application under paragraph (e) of that subsection information which he knows to be false;

he shall be liable to a penalty not exceeding ten pounds.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or Part IV of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder or having effect by virtue of subsection (2) of section 89 of the first-mentioned Act.



(7) In this section the following expressions have the meanings hereby respectively assigned to them:—

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—cont.

“ authorised officer ” means any officer who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act ;

“ Public Health (Meat) Regulations ” means regulations for the time being in force under section 8 of the Food and Drugs Act 1938 or having effect by virtue of subsection (3) of section 101 of that Act as if they had been made under the said section 8.

**146.**—(1) A local authority may acquire and convert utilise treat or otherwise make merchantable any condemned meat and by-products not required by persons whose business is that of manufacturing working up processing producing selling or offering for sale by-products which may at any time be in any slaughter-house or abattoir in their district. Acquisition of certain residuals etc. and disposal thereof.

(2) Any condemned meat or by-product acquired or made merchantable under the powers of this section may be sold or otherwise disposed of by the local authority.

(3) In this section the expression “ by-products ” means any material produced from any part of an animal after slaughter whether in its natural state or after treatment.

**147.**—(1) A local authority may make byelaws—

Byelaws as to sale etc. of animal feeding meat and registration of premises.

(a) for regulating the construction and equipment of any premises at or from which animal feeding meat is—

(i) prepared for sale ;

(ii) sold or offered or exposed for sale ; or

(iii) deposited for the purpose of sale or preparation for sale ;

(b) for regulating the cleanliness and sanitary conditions of such premises and the provision of suitable storage therein for animal feeding meat ;

(c) for requiring the keeping of accurate records of—

(i) the description quantities and weights of all animal feeding meat delivered at or sold otherwise than by retail at or from any premises at which the sale or offer or exposure for sale of animal feeding meat is carried on ;

(ii) the dates at which such deliveries and sales take place ; and

(iii) the names and addresses of the persons from whom the articles so delivered are obtained and the persons to whom such sales are made ;

PART VII  
—cont.

- (d) for prohibiting the sale or offer or exposure for sale of animal feeding meat unless such meat has been sterilised in such manner as may be prescribed by the byelaws ;
- (e) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is supplied to a zoological garden or to a menagerie for consumption by carnivorous animals and which has been examined and passed as fit for animal food by an authorised officer.

(2) (a) As from the appointed day fixed for any district and subject to the provisions of this subsection no premises shall be used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat unless such premises are registered under this section for that purpose by the local authority and a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a penalty not exceeding ten pounds and in the case of a subsequent offence to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such a penalty and such imprisonment.

(b) Subject to the following provisions of this subsection the local authority shall on the application of the occupier of or of a person proposing to occupy any premises register those premises for the purposes of this subsection.

(c) If it appears to the local authority that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under subsection (1) of this section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the local authority shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to take the matter into consideration and informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the local authority should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.



(d) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the local authority they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

(e) A person aggrieved by the decision of the local authority under this subsection either to refuse to register any premises or to cancel the registration of any premises may appeal to a court of summary jurisdiction.

(f) The provisions of sections 87 88 89 and 90 of the Food and Drugs Act 1938 shall apply in relation to any appeal to a court of summary jurisdiction and any order determination or other decision of a court of summary jurisdiction and any appeal and any decision of the local authority under this subsection in the same way as they apply in relation to the corresponding proceedings under that Act.

(g) Upon any change in the occupation of premises registered under this subsection the incoming occupier shall if he intends to use them for the purpose for which they are registered forthwith give notice of the change to the local authority who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so he shall be liable to a penalty not exceeding five pounds.

(3) An authorised officer of the local authority on production if so required of his authorisation shall have power at all reasonable times to enter and inspect premises registered under this section for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaws made thereunder and inspecting any records required by any such byelaws to be kept and also any other premises which there is reasonable cause to believe are being used for the sale or offer or exposure or preparation for sale of animal feeding meat.

(4) Nothing in any byelaw made under paragraph (a) or (b) of subsection (1) of this section and nothing in subsection (2) of this section shall extend or apply to any premises which are used for the sale or offer or exposure for sale of animal feeding meat—

- (i) contained in tins or other containers effectually sealed and bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only ;

PART VII  
—cont.

(ii) in the form of dog biscuits or other articles of a similar nature ;

and are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(5) Nothing in this section shall apply to any premises used as a knacker's yard or slaughter-house.

(6) In this section the following expressions have the meanings hereby respectively assigned to them:—

“ animal feeding meat ” means any flesh of cattle horses asses mules swine sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance ;

“ authorised officer ” means any officer who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act ;

“ flesh ” includes any part of an animal ;

“ knacker's yard ” and “ slaughter-house ” have the same respective meanings as in subsection (1) of section 100 of the Food and Drugs Act 1938.

*Miscellaneous*

Hairdressers  
and barbers.

**148.**—(1) As from the appointed day fixed for any district no premises in that district shall be used for carrying on the business of a hairdresser or barber unless those premises and the person carrying on the business are registered by the local authority of that district.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the local authority with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the local authority in a book kept for the purpose and on so registering any person the local authority shall issue to him a certificate of registration.

(3) The local authority may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.



(4) If any person uses any premises for carrying on the business of a hairdresser or barber in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

- (a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds; and
- (b) in the case of a contravention of a byelaw to a penalty not exceeding five pounds;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

- (a) he shall within seven days deliver up to the local authority his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings; and
- (b) he shall not again be registered by the local authority under this section except in pursuance of a further order of a court of summary jurisdiction made on his application.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

**149.** The proviso to subsection (3) of section 138 of the Act of 1936 (which empowers local authorities to require any occupied house to be provided with sufficient water supply) shall in its application to a district have effect as if in that proviso the word “forty” was substituted for the word “twenty”. As to water supply to occupied houses.

**150.**—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work a local authority may within their district reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work. For preventing obstruction to streams by culverts etc.

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—cont.

(2) A local authority and any other local authority or person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

(a) restrict the exercise by the local authority of their powers in relation to culverts channels or other works ;  
or

(b) impose upon the local authority any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the local authority to execute any works in through or under or so as to affect any lands or works belonging to the commission or the Manchester Ship Canal Company and used by them for the purposes of their railways canals or inland navigations without the consent of the commission or the said company (as the case may be) but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Cleansing of  
rivers and  
streams.

**151.**—(1) If any river or stream or any part thereof within a district is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the local authority may by notice require the owner or occupier of any lands in the county abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof or to carry out such other works as may be reasonably required so as to allow the proper flow of water in such river or stream.

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

(3) Nothing in this section shall authorise the local authority to execute or require the commission or the Manchester Ship Canal Company to execute any works in through or under or so as to affect any lands or works belonging to the commission or the said company and used by them for the purposes of their railways canals or inland navigations without the consent of the commission or the said company (as the case may be) but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.



**152.**—(1) Any authorised officer of a local authority shall on production if so required of his authorisation have a right to enter any lands in the county at all reasonable hours for the purpose of—

Entry for purposes of last two foregoing sections.

- (a) inspecting any river or stream or any culvert channel or other work ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action or execute any work under the last two foregoing sections ;
- (c) taking any action or executing any work authorised or required by the last two foregoing sections to be taken or executed by the local authority :

Provided that entry to any lands shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) The provisions of this section shall not authorise any officer of the local authority to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

**153.** A local authority may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water but excluding baths for use for therapeutic purposes) and they may demand and take reasonable charges for the use thereof. Medicated and other baths.

## PART VIII

### WEIGHTS AND MEASURES

#### *Sale of fuel*

**154.** In this Part of this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them :— Definitions for Part VIII.

“ the Act of 1889 ” means the Weights and Measures Act 1889 ;

“ coke ” includes any solid fuel derived from coal or of which coal or coke is a constituent ;

“ vehicle ” has the meaning assigned to it by section 35 of the Act of 1889.

PART VIII  
—cont.Application  
and adoption  
of certain  
provisions of  
Part VIII.

155.—(1) The provisions of this Part of this Act hereinafter mentioned shall apply in that part of the county (hereafter in this Part of this Act referred to as “the weights and measures area”) in which the Council are the local authority for the purposes of the Weights and Measures Act 1878.

(2) The council of any borough in the county being a local authority for the purposes of the Weights and Measures Act 1878 may adopt any of the provisions of this Part of this Act hereinafter mentioned and upon such adoption those provisions shall accordingly have effect with any necessary modifications including the substitution of—

- (a) “corporation” for “Council”; and
- (b) “borough of the corporation” for “weights and measures area”;

and the provisions of section 5 of the Public Health Act 1925 shall apply *mutatis mutandis* with respect to such adoption.

(3) The provisions hereinbefore mentioned are the following:—

- Section 156 (Application of Act of 1889);
- Section 157 (Byelaws relating to wood fuel etc.);
- Section 158 (Penalty on fraudulent sale of coke etc.);
- Section 159 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);
- Section 160 (Amendment of section 27 of Act of 1889);
- Section 161 (As to sale of coal etc. otherwise than in sacks from a vehicle);
- Section 162 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight);
- Section 164 (Drivers of vehicles to take them to weighing-machines on request);
- Section 165 (Offences by weighing-machine keepers and others);
- Section 166 (Penalties on persons committing frauds);
- Section 167 (Further offences in relation to weighing-machines);
- Section 170 (Personal weighing-machines).

(4) In this section the expression “corporation” means the council of any borough in the county by which any provisions of this Part of this Act are adopted.



156.—(1) Section 4 of the Act of 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under any of the sections of the Act of 1889 referred to in subsection (2) of this section as extended to coke wood fuel or peat fuel and under any of the following sections of this Act:—

Section 159 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);

Section 161 (As to sale of coal etc. otherwise than in sacks from a vehicle);

Section 162 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight).

(2) In their application to the weights and measures area sections 20 to 22 and 24 to 29 of the Act of 1889 shall extend to coke and (except section 28) to wood fuel and peat fuel subject to and in accordance with the following provisions:—

(a) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweight shall include references to any quantity of coke wood fuel or peat fuel exceeding two hundredweight;

(b) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference to coke in any quantity not exceeding two hundredweight and to wood fuel or peat fuel in any quantity of fourteen pounds or over but not exceeding two hundredweight;

(c) Any other reference to coal in the said sections 20 to 22 and 24 to 29 shall include a reference to coke and (except in section 28) to any quantity of wood fuel or peat fuel of fourteen pounds or over;

(d) In relation to coke wood fuel and peat fuel such of the said sections as are hereinafter mentioned shall be construed as if the words “in the weights and measures area” were inserted—

(i) in subsection (1) of section 20 after the word “sold” where it first occurs;

(ii) in subsection (1) of section 21 after the word “delivered” where it first occurs;

(iii) in subsection (1) of section 22 after the word “conveyed”;

(iv) in section 24 after the word “delivers”;

(v) in subsection (1) of section 25 after the word “place” where it first occurs;

PART VIII  
—cont.

(vi) in subsection (1) of section 27 after the word “used”;

(vii) in subsection (1) of section 29 after the word “place” where it first occurs and after the word “stop”.

Byelaws  
relating to  
wood fuel etc.**157.** The Council may make byelaws—

- (a) regulating for the purposes of this Part of this Act and the Act of 1889 the sale of wood fuel and peat fuel in quantities of fourteen pounds or over but not exceeding two hundredweight;
- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Council to be carried with any vehicle in which wood fuel or peat fuel is carried for sale or delivery to a purchaser; and
- (c) prescribing the distance beyond which wood fuel or peat fuel is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of section 27 of the Act of 1889 as applied by this Act.

Penalty on  
fraudulent  
sale of coke  
etc.

**158.** If in the weights and measures area any coke wood fuel or peat fuel or any part thereof is being or has been sold delivered offered for sale exposed for sale or carried on a vehicle for sale and any person wilfully makes any false statement as to the weight thereof or wilfully increases the weight of any such coke wood fuel or peat fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coke wood fuel or peat fuel is or may be defrauded not being a false statement or an act (as the case may be) to which section 166 (Penalties on persons committing frauds) of this Act applies he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on any subsequent occasion to a penalty not exceeding ten pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding two months.

Requirements  
as to vehicles  
carrying coal  
etc. for sale or  
delivery on  
sale.

**159.**—(1) Every vehicle carrying coal coke wood fuel or peat fuel for sale or for delivery on sale in the weights and measures area shall have the seller's name and place of business clearly marked and visible on such vehicle in letters not less than one inch in height:

Provided that vehicles belonging to or used by the National Coal Board North Western Gas Board or the West Midlands Gas Board shall sufficiently comply with the provisions of this section if the words “National Coal Board” “North Western Gas



Board" or "West Midlands Gas Board" (as the case may be) are clearly marked on such vehicles and visible from the near side thereof.

PART VIII  
—cont.

(2) The seller of any coal coke wood fuel or peat fuel carried on a vehicle in contravention of this section shall be liable to a penalty not exceeding five pounds.

**160.** Proviso (a) to section 27 of the Act of 1889 in its application to the weights and measures area shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Amendment of  
section 27 of  
Act of 1889.

**161.**—(1) Any person selling or intending to sell or exposing for sale in the weights and measures area coal coke wood fuel or peat fuel from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Council and stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal coke wood fuel or peat fuel on such vehicle and shall before leaving the place at which the coal coke wood fuel or peat fuel was loaded be furnished with a ticket or note stating the gross tare and net weight of such load and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Council on demand and shall deliver such ticket to the purchaser or his servant before any part of the coal coke wood fuel or peat fuel is unloaded.

As to sale of  
coal etc.  
otherwise than  
in sacks from  
a vehicle.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds.

**162.**—(1) Where in the weights and measures area—

(a) any quantity of coal coke wood fuel or peat fuel exceeding two hundredweight is carried by means of any one vehicle on any one journey for delivery to more than one purchaser; or

(b) any person sells or intends to sell or exposes or offers for sale coal coke wood fuel or peat fuel from or on any vehicle in quantities exceeding two hundredweight;

and such coal coke wood fuel or peat fuel is carried on such vehicle in sacks the net weight of coal coke wood fuel or peat fuel in any one sack shall be equal to one of the following weights:—

two hundredweight;

one hundredweight;

one-half of a hundredweight;

one-quarter of a hundredweight;

and each sack shall be legibly marked so as to show the net weight of coal coke wood fuel or peat fuel carried in such sack.

As to sale in  
sacks of coal  
etc. in  
quantities  
exceeding two  
hundred-  
weight.

PART VIII  
—cont.

(2) In addition to the matters which in accordance with section 21 of and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal coke wood fuel or peat fuel in each of such sacks and the said section 21 in its application to the weights and measures area shall be read and have effect accordingly.

(3) If default is made in complying with any of the requirements of subsection (1) of this section the seller of the coal coke wood fuel or peat fuel and the person responsible for loading the coal coke wood fuel or peat fuel on such vehicle shall severally be liable to a penalty not exceeding five pounds and if the net weight of coal coke wood fuel or peat fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in the said section 21 of the Act of 1889 the said persons and the person in charge of such vehicle shall severally be liable to the like penalty.

Notice of  
Part VIII.

**163.**—(1) The foregoing provisions of this Part of this Act shall come into operation in the weights and measures area on the first day of January nineteen hundred and fifty-four.

(2) (a) The Council shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this Part of this Act by advertisement in two or more newspapers circulating in the weights and measures area and otherwise in such manner as the Council think fit.

(b) No evidence shall be required in any proceedings that the provisions of this subsection have been complied with.

*Weighing-machines*Drivers of  
vehicles to take  
them to  
weighing-  
machines on  
request.

**164.**—(1) The driver of any vehicle in the weights and measures area loaded with any goods (other than coal coke wood fuel or peat fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Council or other officer appointed for the purpose by the Council take such vehicle with or without the loading thereof to be weighed by the nearest suitable and available weighing-machine stamped by an inspector of weights and measures.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would be otherwise necessary to pass than one mile the owner of such vehicle



shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

PART VIII  
—cont.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to such weighing-machine as hereinbefore is directed shall be liable to a penalty not exceeding ten pounds and the driver of any such vehicle who shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle loaded with such goods to be sold as aforesaid and consigned for delivery within the weights and measures area.

(6) In this section the expression "driver" includes the owner driver or person in charge of any vehicle.

**165.** Any person keeping or who purports to act on behalf of a keeper of a weighing-machine for the purpose of ascertaining the weight of any vehicle or the loading thereof who shall—

Offences by  
weighing-  
machine  
keepers and  
others.

- (a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning until five o'clock in the afternoon on weekdays other than Saturdays and from eight o'clock in the morning until twelve noon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed ;
- (b) not fairly weigh any such vehicle with or without loading ;
- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading ;
- (d) give to any person a false ticket or account of the weight of such vehicle or the loading thereof ;
- (e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its

PART VIII  
—cont.

loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein ;

- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;
- (g) fail to make immediately after the weight of any vehicle with or without loading has been ascertained a true record of the weight thereof and retain such record for a period of six months ; or
- (h) issue particulars of any vehicle with or without loading which he has not personally ascertained ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding six months :

Provided that paragraphs (a) and (b) of this section shall not impose an obligation to weigh any vehicle or loading upon any railway canal gas or inland navigation undertakers or upon any person or body so far as the said paragraphs relate to a weighing-machine not ordinarily available for the public or upon the keeper of any such weighing-machine.

Penalties on  
persons  
committing  
frauds.

**166.**—(1) Any person who in regard to the weighing of any vehicle at any weighing-machine in the weights and measures area—

- (a) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof ;
- (b) shall alter any ticket denoting the weight of any such vehicle or of the loading of the same ;
- (c) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly give a false statement to a weighing-machine keeper respecting the weight of any such vehicle or the loading thereof ;
- (d) after the weighing of such vehicle with the loading of the same shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket ;
- (e) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or



shall change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof ;

(f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be weighed without the loading at the same machine ; or

(g) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding six months.

(2) Section 23 of the Act of 1889 shall cease to apply to the weights and measures area.

**167.**—(1) Any person who in the weights and measures area knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing-machine to denote the weight of a different vehicle or loading shall be liable to a penalty not exceeding ten pounds and in respect of any such subsequent offence to a penalty not exceeding fifty pounds.

Further offences in relation to weighing-machines.

(2) Any person in charge of a vehicle who in regard to the weighing of such vehicle at any weighing-machine in the weights and measures area refuses after being requested so to do by any person keeping or who acts as a keeper of the weighing-machine to give his name and address or who wilfully gives an incorrect name or address shall be liable to a penalty not exceeding ten pounds.

**168.**—(1) The Council or any local authority may erect and maintain on any open space or public place on or adjoining any highway in the county or their district (as the case may be) such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

Power to erect weighbridges.

(2) The Council or the local authority may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing-machine.

PART VIII  
—cont.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing-machines erected by the Council or any local authority under the provisions of this section.

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station wharf or depot of any railway canal or inland navigation undertakers.

(5) The Council or the local authority shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

Local  
authority may  
provide  
weighing-  
machines.

**169.** A local authority may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof.

Personal  
weighing-  
machines.

**170.**—(1) In this section the expression “personal weighing-machine” means any weighing-machine which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

- (a) for the use of which a charge is made or is proposed to be made ; or
- (b) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Council may make byelaws—

- (a) generally with respect to the examination on verification and to the inspection of personal weighing-machines and the distinguishing marks to be affixed to personal weighing-machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled ;
- (b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing-machines ;
- (c) for fixing the limits of error to be allowed on verification and inspection of any personal weighing-machine ;
- (d) for fixing the fees to be paid to the Council for the examination and marking of personal weighing-machines submitted for verification or for the examination of such personal weighing-machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person having in his



possession or being in charge of any personal weighing-machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) On and after the expiration of the said period a personal weighing-machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Council and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and on or after the expiration of the said period the owner or the person having in his possession or in charge of any personal weighing-machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited :

Provided that the provisions of this subsection shall not apply to a personal weighing-machine owned by a travelling showman and used or exposed for use by him at a pleasure fair if at any time within the three months preceding such use or exposure for use such weighing-machine has been examined and approved and marked by any inspector of weights and measures appointed under the Weights and Measures Acts 1878 to 1936 or has been duly stamped by an inspector of weights and measures in pursuance of the said Acts and the said mark or stamp has not been cancelled.

(5) If any person forges counterfeits or (not being an inspector of weights and measures of the Council) removes any such stamp or distinguishing mark as is referred to in the last foregoing subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing-machine on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (a) Any inspector of weights and measures of the Council may at all reasonable times examine inspect and test any personal weighing-machine and may seize and detain any personal weighing-machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing-machine which he is authorised to examine and inspect.

PART VIII  
—cont.

(b) Any person who neglects or refuses to produce for such examination inspection and testing any such personal weighing-machine in his possession or custody or on his premises or refuses to permit any such inspector of weights and measures to examine inspect or test the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(7) For the purpose of this section a personal weighing-machine shall not be deemed to be stamped or marked with a distinguishing mark by reason of its bearing a cancelled stamp or distinguishing mark.

(8) A personal weighing-machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used or exposed for use under this section.

(9) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Council shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating in the weights and measures area.

(b) No evidence shall be required in any proceedings that the provisions of this subsection as to public notice have been complied with.

## PART IX

## SUPERANNUATION PENSIONS ETC.

Interpretation  
of Part IX.

**171.**—(1) In this Part of this Act the several words and expressions to which meanings are assigned in the Act of 1937 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

“ Act of 1937 ” means the Local Government Superannuation Act 1937 ;

“ regulations ” means the National Health Service (Superannuation) Regulations 1950 as amended by the National Health Service (Superannuation) (Amendment) (No. 1) Regulations 1952 ;



“corporation” in reference to any borough means the mayor aldermen and citizens or burgesses (as the case may be) of that borough ;

PART IX  
—cont.

“superannuation fund” means the superannuation fund of the Council except that in reference to justices’ clerks appointed by or persons employed by the Magistrates Courts Committee who are remunerated by the Crewe Corporation or the Macclesfield Corporation it means the superannuation fund of the Crewe Corporation or of the Macclesfield Corporation as the case may be.

172.—(1) The provisions of this section and of the next succeeding section which provisions are in this Part of this Act referred to as “the extended provisions” shall come into operation on the first day of April one thousand nine hundred and fifty-four and shall apply to every employee of the Council the standing joint committee or the Cheshire Police Authority and to any justices’ clerk or assistant to a justices’ clerk who by virtue of section 22 of the Justices of the Peace Act 1949 is or becomes or is deemed to be or become a contributory employee of the Magistrates Courts Committee and to any person who by virtue of an order under section 1 of the Probation Officers (Superannuation) Act 1947 is or becomes a contributor to the superannuation fund except—

Extension and  
modification of  
Act of 1937.

(a) any employee of the Council who by virtue of Part III (Officers of local health authorities) or Part IV (Officers of local education authorities) of the regulations may become entitled to superannuation benefits under the Act of 1937 as modified by the regulations or would have become so entitled had he not exercised the option under the regulations or under any regulations thereby revoked to retain former superannuation benefits ;

(b) any person who—

(i) at the date of the passing of this Act is ; or

(ii) after the date of the passing of this Act becomes ;

a contributory employee in relation to the superannuation fund maintained by the Council and who within six months after the date of the passing of this Act or within six months after the date on which he first becomes a contributory employee in relation to the fund after the date of the passing of this Act (as the case may be) gives notice in writing that he desires that the extended provisions shall not apply to him :

PART IX  
—cont.

Provided that such notice shall be effective if at any time (whether with or without a disqualifying break of service) he is a contributory employee in relation to the superannuation fund maintained by the Council.

(2) The Act of 1937 shall extend and apply in relation to any person to whom the extended provisions apply as if in consideration of the contributions required thereby there were substituted for any title accruing in respect of service reckonable under the Act of 1937 to a superannuation allowance a title to such benefits as are conferred by regulations 7 to 9 inclusive and regulation 12 of the regulations and there were conferred by the Act of 1937 in addition to or in substitution for any similar benefits to which such person might become entitled thereunder in respect of service reckonable under the Act of 1937 the benefits conferred by regulations 10 11 and 13 of the regulations and the Act of 1937 shall have effect accordingly with any necessary modifications:

Provided that—

(a) the said regulation 7 shall have effect as if the following words were substituted for paragraph (a):—

“ (a) an annual pension if either—

(i) he has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body; or

(ii) he has attained the age of sixty years and completed forty years' service; or

(iii) he has attained the age of sixty-five years and completed ten years' service; and ”;

and as if all the words in paragraph (b) after the word “ satisfies ” were omitted and the words “ paragraph (a) of this regulation ” inserted in lieu thereof;

(b) in the application of any regulation in Part I of the regulations for the purposes of this subsection references to pensionable age shall be construed as a reference to the age of compulsory retirement references in regulations 6 (1) (a) and 19 (1) to such an age as is thereafter mentioned shall be construed as references to the age of compulsory retirement and references to forty-five years or forty-five-eightieths respectively shall be construed as references to forty years and forty-eightieths respectively ;

(c) the amount of any retiring allowance to which any person to whom the extended provisions apply may become entitled shall be increased as nearly as may be in accordance with the provisions of regulation 29 (3) of the regulations.



(3) The Act of 1937 in its application to any person to whom the extended provisions apply shall be further modified to provide that the Council the standing joint committee the Cheshire Police Authority the Magistrates Courts Committee or the Cheshire Probation Committee may on any annual pension lump sum retiring allowance or death gratuity becoming payable to or in respect of such person in their employment or deemed to be in their employment resolve that in respect of every year of non-contributing service there shall be substituted for the fraction of his average remuneration a larger fraction thereof but not larger than the fraction applicable under the regulations in respect of every year of contributing service:

Provided that subject to the provisions of the next following section any extra charge resulting from any resolution under this subsection shall be repaid to the superannuation fund from the fund or funds out of which were paid the salary wages or emoluments of the person to whom such resolution relates.

(4) The Act of 1937 in its application to any such person as aforesaid shall be further modified to confer a right on him by making payments similar to those provided for by the Third Schedule to the regulations to reckon any period of non-contributing service as a period of contributing service and shall have effect as if the provisions of the said Third Schedule were incorporated therein with the modification that the reference therein to the calculation of interest at the rate of two and one-half per centum with yearly rests shall be construed as a reference to the calculation of interest at the rate of three per centum per annum with half-yearly rests and with any other necessary modifications.

**173.**—(1) In every case in which under the Act of 1937 or the regulations or the last foregoing section of this Act a discretion is exercisable in relation to a person to whom the extended provisions apply but who is not an employee of the Council and the effect of exercising such discretion in favour of that person would be to increase the amount from time to time payable out of the superannuation fund to or in respect of him the following provisions shall have effect:—

Application to  
persons not  
employed by  
Council.

(a) As regards any employee of the standing joint committee or the Cheshire Police Authority the discretionary powers shall be exercisable by that committee or authority;

(b) As regards any justices' clerk or assistant to a justices' clerk the discretionary powers shall be exercisable by the Magistrates Courts Committee but a copy of every determination of such committee in reference thereto shall be sent forthwith to the Council the Macclesfield

PART IX  
—cont.

Corporation or the Crewe Corporation (as the case may be) who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final ;

- (c) As regards persons to whom an order under section 1 of the Probation Officers (Superannuation) Act 1947 applies the discretionary powers shall be exercisable by the Cheshire Probation Committee but a copy of every determination of that committee in reference thereto shall be sent forthwith to the Council the Chester Corporation the Stockport Corporation the Crewe Corporation and the Macclesfield Corporation and any of the said authorities if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final.

(2) Any extra charge resulting from the exercise of the said discretionary powers shall be repaid to the superannuation fund from the fund or funds out of which were paid the salary wages or emoluments of the employee in respect of whom such extra charge arises.

Power to grant  
gratuities in  
certain cases.

**174.**—(1) Subsection (2) of section 11 of the Act of 1937 (which authorises the grant of a gratuity in certain cases to a contributory employee who is permanently incapacitated by an injury sustained in the discharge of his duty) shall apply in respect of a contributory employee who has not attained the age of compulsory retirement applicable in his case and who ceases to be employed in consequence of his being permanently incapacitated by disease acquired by him in consequence of his duty and without his own default and specifically attributable to the nature of his duty.

(2) Subject to the provisions of this section the Council (if they think fit) may grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any of their employees who dies in their service or of any former employee who dies within twelve months after he shall have ceased to be in their employment :

Provided that a resolution to make a grant under this subsection shall not be passed more than one year after the date on which the notification of the death of the employee is received by the Council.

(3) Where a grant made under section 11 of the Act of 1937 or under subsection (1) of this section is payable by means of periodical payments and at the date of the death of the recipient the full amount of the grant which he would have received if he



had lived long enough has not been paid to him the Council may make a grant under subsection (2) of this section of an amount not exceeding the difference between the amount which has been paid and the amount he would have received if he had lived and for this purpose such subsection shall be construed as if the words "within twelve months" were omitted therefrom. Save as aforesaid where a grant is made under section 11 of the Act of 1937 or under subsection (1) of this section no grant shall be made under subsection (2) of this section.

(4) The amount of a gratuity granted under subsection (2) of this section shall not exceed in the aggregate an amount equal to twice the annual rate of the remuneration applicable to the employee on the day immediately preceding the date he ceased to carry out his duties:

Provided that—

- (a) if a pension is granted to the widow of the deceased employee in pursuance of section 9 of the Act of 1937 or of any other enactment or regulation made thereunder; or
- (b) if the widow or dependant of the deceased employee is entitled in consequence of his death to compensation under the Workmen's Compensation Acts 1925 to 1943 or to death benefit under the National Insurance (Industrial Injuries) Act 1946;

the amount of the gratuity shall not in the aggregate exceed an amount equal to the remuneration of the employment if the employee was a contributory employee or half of that amount if he was not a contributory employee.

(5) Every gratuity granted under this section shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

(6) As regards employees of the standing joint committee or of the Cheshire Police Authority the powers of this section shall be exercisable by the standing joint committee or the Cheshire Police Authority (as the case may be) and the provisions of this section shall have effect accordingly.

(7) As regards justices' clerks or persons employed by the Magistrates Courts Committee to assist a justices' clerk in the performance of his duties the powers of this section shall be exercisable by the Magistrates Courts Committee and the provisions of this section shall have effect accordingly but a copy of every determination of such committee in reference thereto shall be sent forthwith to the Council the Macclesfield Corporation or the Crewe Corporation (as the case may be) who

**PART IX**  
—cont.

if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final.

(8) As regards any person who by virtue of an order made under section 1 of the Probation Officers (Superannuation) Act 1947 is a contributor to the superannuation fund the powers of this section shall be exercisable by the Cheshire Probation Committee and the provisions of this section shall have effect accordingly but a copy of every determination of that committee in reference thereto shall be sent forthwith to the Council the Chester Corporation the Stockport Corporation the Crewe Corporation and the Macclesfield Corporation and any of the said authorities if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final.

(9) No grant shall be made under this section to an employee or to the widow or dependant of an employee to whom the regulations or the foregoing provisions of this Part of this Act apply or to whom they applied immediately before his death.

Payment of  
pension etc.  
of person of  
unsound mind.

**175.**—(1) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Council may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is in the opinion of the Council through mental infirmity incapable of managing his affairs the Council may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Council to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Council shall give to the court of protection notice in writing



of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Council intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Council shall at the same time give notice to that person in a form approved by the court of protection :

PART IX  
—cont.

Provided that the Council may with the approval of the court of protection exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the court of protection gives to the Council notice in writing that they object to the exercise by the Council of the said power in relation to any person the said power shall as from the date of the receipt by the Council of the notice cease to be exercisable by the Council in relation to that person unless and until the court of protection withdraws the notice.

(6) The Council shall be discharged from all liability in respect of any payment or application of money effected by them in the exercise of the said power.

**176.**—(1) The Council may on the retirement from service of any contributory employee possessing professional or other peculiar qualifications not ordinarily to be acquired in such service and of special value therein by a specific resolution direct that such number of years (not exceeding ten) as the Council shall by such resolution specify be added to the actual number of years of contributing or non-contributing service of such employee for the purpose of calculating his superannuation allowance. Increase of allowance in special cases.

(2) Any addition to a superannuation allowance resulting from any such resolution shall be repaid to the superannuation fund from the fund or funds out of which were paid the salary wages or emoluments of the employee to whom such resolution relates.

**177.** Notwithstanding anything in the Local Government Superannuation Acts 1937 and 1939 the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1944 1947 and 1952 or any other superannuation pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person. As to proof of continued existence of pensioners.

PART IX  
—cont.

As to  
payments due  
to deceased  
persons.

178.—(1) On the death of any person to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due from the Council or from the superannuation or any other fund maintained by the Council on account of salary wages expenses superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the deceased person or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the Council may think reasonable then at the expiration of that time the Council may pay the sum to the person or persons entitled to the residuary estate of the deceased person in accordance with the provisions of paragraphs (i) to (vi) (inclusive) of subsection (1) of section 46 of the Administration of Estates Act 1925 (as amended by the Intestates' Estates Act 1952) and section 9 of the Legitimacy Act 1926:

Provided that—

- (a) the Council may (notwithstanding the receipt of a notice under proviso (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased person or so much thereof as the Council consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;
- (b) if the Council receive notice in writing of any claim against the estate of the deceased person at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of paragraph (vi) of subsection (1) of section 46 of the Administration of Estates Act 1925 (as amended by the Intestates' Estates Act 1952) are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased person unless and until such claim has been satisfied disproved or withdrawn.

(2) The Council before paying or distributing any moneys under this section otherwise than under proviso (a) of subsection (1) thereof to or among any person or persons other than the legal personal representative of the deceased person shall require—

- (a) a statutory declaration or (when payment is made to the Crown or to the Duchy of Lancaster or to the Duchy of Cornwall) a statement by the person or one of the persons to whom the Council may pay or propose to pay such sum or any part thereof to the effect that the



total estate of the deceased person (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds ; or

PART IX  
—cont.

- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect that no death duties are payable in respect of such moneys or that any duties so payable have been paid.

**179.**—(1) A local authority may exercise the powers contained in the provisions of this Act hereinafter mentioned so far as applicable to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of “ a local authority ” for “ the Council ”.

Application of certain sections of Part IX to local authorities.

(2) The provisions hereinbefore referred to are the following:—

- Section 172 (Extension and modification of Act of 1937) ;
- Section 174 (Power to grant gratuities in certain cases) ;
- Section 175 (Payment of pension etc. of person of unsound mind) ;
- Section 176 (Increase of allowance in special cases) ;
- Section 177 (As to proof of continued existence of pensioners) ;
- Section 178 (As to payments due to deceased persons).

**180.**—(1) Every employing authority other than a local authority whose employees are contributors to the superannuation fund may exercise the powers contained in the provisions hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of “ the employing authority ” for “ the Council ”.

Application of certain sections of Part IX to other authorities.

(2) The provisions hereinbefore referred to are the following:—

- Section 172 (Extension and modification of Act of 1937) ;
- Section 174 (Power to grant gratuities in certain cases) ;
- Section 176 (Increase of allowance in special cases).

**181.**—(1) In the event of the passing during the present session of Parliament of any general Act relating to local government superannuation and containing provisions conferring upon the Minister power to make regulations with regard to the benefits to be provided for employees of local authorities in Great Britain the provisions of this Act hereinafter mentioned shall cease to have effect on the coming into force of such regulations.

Provision as to general Act relating to local government superannuation.

PART IX  
—cont.

(2) The provisions hereinbefore referred to are the following:—

- Section 172 (Extension and modification of Act of 1937);  
 Section 173 (Application to persons not employed by Council);  
 Section 174 (Power to grant gratuities in certain cases);  
 Section 176 (Increase of allowance in special cases);  
 Section 178 (As to payments due to deceased persons);  
 Section 179 (Application of certain sections of Part IX to local authorities) in so far as it applies to the said sections 172 174 176 and 178; and  
 Section 180 (Application of certain sections of Part IX to other authorities).

## PART X

## FINANCE

*Financial provisions relating to the Council*

Power to  
Council to  
borrow.

**182.**—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow —

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

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed under this section for the repayment of any money borrowed under paragraph (b) of subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Power to  
Council to  
advance  
money to local  
authorities.

**183.**—(1) The Council may in pursuance of an agreement with any local authority lend to them any money which the local authority are for the time being authorised to borrow under any statutory borrowing power and any money so lent shall be repaid to the Council by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.



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

(3) The Council may borrow such sums as may be required for the purpose of lending money to local authorities under this section and the provisions of Part IX of the Act of 1933 shall extend to money borrowed by the Council under this section as if it were borrowed under the said Part IX:

Provided that the consent of the sanctioning authority shall not be required.

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

**184.**—(1) The Council may establish a fund to be called “ the Capital fund. capital fund ” to which they may pay—

- (a) any sums derived from the sale of any property of the Council ;
- (b) any capital moneys not derived from the sale of property and not required by law to be applied to any other purpose ;
- (c) the balance or any part of the balance of the county fund (not required by law to be applied to or carried forward for any other purpose) on the thirty-first day of March in any year ; and
- (d) such other sums from the county fund as the Council may by resolution direct (not being moneys required by law to be applied to any other purpose) :

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (c) and (d) of this subsection shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of three times the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 ;
- (ii) payments into the capital fund shall not be made whenever the said fund amounts to six hundred thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Council may apply the moneys in the capital fund to an amount not exceeding in any one transaction the sum of fifty thousand pounds or such greater sum as may be allowed

PART X  
—cont.

by the Minister in any case in defraying any expenditure to which capital is properly applicable or in providing money for repayment of loans (but not in making the annual payment required to be made thereto).

(3) (a) Pending the application of the capital fund to the purposes authorised in the last foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph and any income arising from the application of the fund to the purposes authorised shall be carried to the county fund as receipts for general county purposes.

(4) All moneys derived from the sale of land which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Council think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Council.

Renewal and  
repairs fund.

**185.**—(1) The Council may establish a fund to be called “the renewal and repairs fund” for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining replacing and renewing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply the moneys in the fund in defraying such expenditure.

(2) The Council may from time to time pay into the renewal and repairs fund such sums as they think fit from the county fund (including a sum equal to the interest earned on the renewal and repairs fund and any income arising from the application of that fund to the purposes authorised) but the maximum amount standing to the credit of the renewal and repairs fund shall not except with the approval of the Minister at any time exceed two hundred and fifty thousand pounds.

(3) (a) Pending the application of the moneys in the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in the manner provided by the foregoing paragraph and any income arising from the application of the fund to the purposes authorised shall be carried to the county fund as receipts for general county purposes.



**186.**—(1) Notwithstanding anything contained in any other enactment the Council may establish a fund to be called “the consolidated loans fund” to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

PART X  
—cont.

Consolidated  
loans fund.

- (a) all moneys borrowed by the Council by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power ;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are paid to the capital fund established by the Council under section 184 (Capital fund) of this Act or are applied by the Council with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

And except as aforesaid there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council ;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council ; and
- (c) in lending money to any local authority in accordance with section 183 (Power to Council to advance money to local authorities) of this Act :

And the moneys of the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans funds and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges

PART X  
—cont.

and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of those sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance superannuation or other similar fund (in this subsection respectively referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and
- (b) There shall be paid out of the consolidated loans fund to the county fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings and in the accounts of the county fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) (a) The powers conferred by this section shall not be exercised by the Council except in accordance with a scheme made by the Council and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(b) Any scheme approved by the Minister under this section may be altered extended or revoked by a scheme made and approved in like manner as the original scheme.

General  
insurance fund.

**187.**—(1) The Council may establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good such losses damages costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the Council (in this section referred to as "the specified risks").



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

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

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

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

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Council shall provide the yearly payments aforesaid by contributions from the revenue moneys of the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in respect of the specified risks all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund.

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

PART X  
—cont.

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

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

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

(8) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Council.

General  
insurance fund  
of Cheshire  
Police  
Authority.

**188.**—(1) The provisions of section 187 (General insurance fund) of this Act shall extend and apply to the Cheshire Police Authority as if—

- (a) the Cheshire Police Authority were therein referred to in lieu of the Council ;
- (b) the Cheshire Police Fund were therein referred to in lieu of the county fund.

(2) The Cheshire Police Authority and the Council may by agreement jointly exercise the powers of this section and of the said section 187.

Power to issue  
bonds.

**189.**—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as "bonds") in accordance with the provisions of this Act.



(2) Where the Council raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

- Section 209 (Notice of trusts);
- Section 210 (Receipts on behalf of joint holders and infants);
- Section 211 (Appointment of receiver);
- Section 212 (Repayment of moneys borrowed on mortgage);
- Section 213 (Sinking fund);
- Section 214 (Adjustments of sinking fund).

(3) The provisions set out in the Fifth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

**190.** With the consent of the Minister the provisions of section 189 (Power to issue bonds) of this Act shall extend and apply to the Cheshire Police Authority as if the Cheshire Police Authority were therein referred to in lieu of the Council.

Power to  
Cheshire Police  
Authority to  
issue bonds.

**191.** The Council may make reasonable payments for or in connection with—

Expenses of  
public  
entertainment.

- (a) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the county and persons representative of or connected with local government services and the supply of information to any such persons;
- (b) refreshments for representatives of the Council local authorities or other bodies or for other persons attending conferences or meetings convened by the Council;
- (c) visits by way of official courtesy by or on behalf of the Council; and
- (d) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council.

PART X  
—cont.

Modification  
of mortgages  
by  
endorsement  
under hand.

**192.** Notwithstanding anything contained in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Council and the person for the time being entitled to any mortgage granted by the Council to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Council on the principal moneys so secured and for the time being not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the clerk of the Council or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

Power to  
charge in  
respect of  
establishment  
charges.

**193.** Whenever under any enactment (other than the Act of 1936) the Council on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Council may include in and recover as part of such cost such additional sum as they think fit not exceeding five per centum of the cost of the works in respect of their establishment charges.

*Financial provisions relating to local authorities*

Power to local  
authorities to  
borrow.

**194.**—(1) A local authority shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow such sums as may be necessary for any of the purposes of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

Capital funds  
of local  
authorities.

**195.**—(1) The provisions of section 184 (Capital fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ;
- (c) the equivalent of twice the product of a penny rate were therein referred to in lieu of the equivalent of three times the product of a penny rate ;



- (d) a sum representing one-tenth of the aggregate of the rateable value of all hereditaments included in the valuation list in force in the district at the commencement of the financial year in which the capital fund is established or such greater sum as may from time to time be approved by the Minister were therein referred to in lieu of the sum of six hundred thousand pounds and for the purposes of this paragraph any part of a thousand pounds shall be deemed to be a thousand pounds ; and
- (e) three thousand pounds were therein referred to in lieu of fifty thousand pounds :

Provided that any sum derived from the sale of any corporate land of the council of a borough as defined by section 305 of the Act of 1933 and paid into the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

(2) The said section 184 in its application to a local authority shall be read and have effect as if—

- (a) the words “ (other than sums derived from the sale of any property forming part of any undertaking from which revenue is derived) ” were inserted after the word “ Council ” where that word appears in paragraph (a) of subsection (1) of that section ; and
- (b) the words “ (other than expenditure in connection with any undertaking from which revenue is derived) ” were inserted after the word “ applicable ” where that word appears in subsection (2) of that section.

**196.** The provisions of section 185 (Renewal and repairs fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ; and
- (c) such sum as the Minister may prescribe were therein referred to in lieu of the sum of two hundred and fifty thousand pounds :

Provided that the provisions of the said section 185 shall not extend and apply to any expenditure of the local authority in connection with any buildings works plant appliances or things for the purposes of any undertaking of the local authority in respect of which they are authorised to provide a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

PART X  
—cont.

Consolidated  
loans funds  
of local  
authorities.

**197.** With the consent of the Minister the provisions of section 186 (Consolidated loans fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ; and
- (c) paragraph (c) of subsection (2) were omitted from that subsection.

Power to  
Hoylake  
Urban District  
Council to  
establish sea  
defence reserve  
fund.

**198.**—(1) The Hoylake Urban District Council (in this section referred to as “the district council”) may establish a fund to be called “the sea defence reserve fund” to which they may apply from the general rate fund any sum not exceeding in any financial year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 and section 58 of the Rating and Valuation Act 1925 and the maximum amount standing to the credit of such fund shall from time to time be determined by the district council.

(2) (a) Pending the application of the moneys in the sea defence reserve fund to the purposes authorised by subsection (3) of this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the sea defence reserve fund in the manner provided by the foregoing paragraph and any income arising from the application of the fund to the purposes authorised shall be carried to the general rate fund and (subject to the limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the sea defence reserve fund.

(3) The sea defence reserve fund shall be applicable to the construction of works as a defence against the sea and to make good any damage and to meet any extraordinary claim or demand arising from accident to any of such works and so that if at any time the fund be reduced it may thereafter be again restored to the maximum sum determined by the district council and so from time to time as often as such reduction happens.

(4) Resort may be had to the sea defence reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the maximum sum determined by the district council.



**199.**—(1) With the consent of the Minister the provisions of section 187 (General insurance fund) of this Act shall extend and apply to a local authority as if—

PART X  
—cont.

(a) the local authority were therein referred to in lieu of the Council ;

General  
insurance  
funds of local  
authorities.

(b) the general rate fund were therein referred to in lieu of the county fund :

Provided that the Minister when giving his consent to a local authority to establish an insurance fund or at any time thereafter may determine the sum which for the purposes of the said section in its application to such local authority shall be “the prescribed amount”.

(2) Two or more local authorities having power to exercise the provisions of the said section may with the consent of the Minister exercise that power jointly in accordance with a scheme made by such local authorities and approved by the Minister who may prescribe such modifications as appear to him desirable when giving his consent.

(3) Any moneys standing to the credit of any existing insurance fund of a local authority shall be carried to the credit of the insurance fund of such local authority authorised by this section.

**200.** With the consent of the Minister the provisions of section 189 (Power to issue bonds) of this Act shall extend and apply to a local authority as if—

Power to local  
authorities to  
issue bonds.

(a) the local authority were therein referred to in lieu of the Council ; and

(b) the financial officer were referred to in lieu of the treasurer in paragraph 4 of the Fifth Schedule to this Act.

**201.**—(1) The provisions of section 191 (Expenses of public entertainment) of this Act shall extend and apply to a local authority as if the words “local authority” and “district” were therein referred to respectively in lieu of “Council” and “county”.

Expenses of  
public  
entertainment  
of local  
authorities.

(2) A local authority which is the council of a borough may pay reasonable expenses in connection with the presentation of the freedom of the borough to persons whom the local authority may resolve to admit as honorary freemen.

**202.**—(1) A local authority may advance money to the purchaser or lessee of any land acquired from or leased by the local authority for the purpose of enabling or assisting him to

Loans for  
erection etc.  
of buildings.

PART X  
—cont.

build on such land or to extend or improve any existing building thereon:

Provided that any advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the local authority will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the local authority by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the local authority may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
  - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the local authority and to produce to the local authority when required the receipts for the premiums paid in respect of the insurance; or



(ii) (if the local authority elect themselves to insure the said building against fire) to repay to the local authority the amounts of any premiums paid by them from time to time in that behalf;

(h) require the borrower to keep the said building in good repair.

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

(4) The Council may in agreement with a local authority advance money to the purchaser or lessee of any land acquired from or leased by the local authority for the purpose mentioned in subsection (1) of this section and the provisions of this section shall with any necessary modifications have effect accordingly as if in the proviso to subsection (1) and in subsections (2) and (3) of this section "Council" were substituted for "local authority".

(5) In this section the expression "lessee" includes a person to whom the local authority have agreed to grant a lease and the expression "lease" shall be construed accordingly.

**203.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of a local authority. Service of demand notes.

**204.—**(1) If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general or water rate or water charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the local authority and to detain them until the complaint is determined upon the return of the summons. Recovery of rate etc. from persons removing.

(2) In this section "water charge" includes a meter rent.

**205.—**(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the local authority so much of any payment in respect Recovery of rates from certain owners.

PART X  
—cont.

of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the local authority from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

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

(2) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the local authority.

(3) In this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

As to recovery of rates from tenants and lodgers.

**206.** For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within a district shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Charges for special readings of water meters.

**207.** A local authority supplying water may levy and recover such charges as they think fit for taking at the request and for the convenience of any consumer supplied by them at a time other than that of the periodical meter readings the reading of any water meter fixed in any premises:

Provided that such charges shall not exceed for each reading the sum of—

(a) one shilling in the case of premises in the district of the local authority; and

(b) two shillings in the case of premises outside such district.

As to recovery summarily of sums due for fittings.

**208.** If a local authority commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the local authority in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not in the aggregate exceed twenty pounds.

Application of certain provisions of Part X to local authorities.

**209.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and shall have effect with any necessary modifications including the substitution of the expression "local authority" for "Council".



(2) The provisions hereinbefore referred to are the following:—

PART X  
—cont.

Section 192 (Modification of mortgages by endorsement under hand);

Section 193 (Power to charge in respect of establishment charges).

## PART XI

### LECTURES CULTURAL ACTIVITIES RECORDS ETC.

**210.** A local authority may on a conspicuous external part of any house building or place in their district cause to be put up with the consent of the owner of such house building or place commemorative plaques indicating events of public interest in connection with such house building or place or the site thereof and may thereafter with the like consent maintain any such plaque or any plaque put up by any other person or body.

Com-  
memorative  
plaques.

**211.**—(1) It shall be lawful for the Council—

Provision of  
lectures etc.

(a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures; and

(b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

(i) the sum to be expended by the Council in any one financial year on the provision of lectures; and

(ii) the sum to be expended by the Council in any one financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 in addition to any moneys received by the Council under the provisions of this section.

(2) The Council or a local authority may use or allow to be used or let any part of any public library provided by them and not at the time required for the purpose of a library for public and other meetings and for lectures exhibitions and performances for or in connection with the advancement of art education drama science music or literature.

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

PART XI  
—cont.

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

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

Power to  
publish  
bulletins etc.

**212.** In connection with their powers under section 211 (Provision of lectures etc.) of this Act and under the Public Libraries Acts 1892 to 1919 the Council may publish and sell or dispose of bulletins journals periodicals and leaflets and documents of historical or literary interest having a local connection.

Contributions  
to cultural  
bodies.

**213.**—(1) A local authority may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service to the inhabitants of their district by means of cultural activities carried on either wholly or partly within the district contribute such sum or sums as they may from time to time determine in the circumstances of the case to be reasonable towards the funds or towards the expenses of such body.

(2) Nothing in this section shall affect or derogate from the provisions of any other enactment (including an enactment in this Act) enabling the local authority to provide or contribute towards the provision of music or any entertainment:

Provided that the amount of any sum or sums contributed by the local authority under this section for the purpose of or in connection with the provision of any entertainment when added to the net amount of any expenditure incurred by the local authority under section 132 (Provision of entertainments) of the Local Government Act 1948 shall not in any one year exceed the net amount of the expenditure which the local authority may incur in any year under the said section 132.

(3) In this section the following expressions have the meanings hereby respectively assigned to them:—

“ body ” includes an association institution society or similar organisation and a company howsoever constituted ;

“ cultural activities ” includes the provision of public entertainment having cultural value.

Subscriptions  
to scientific  
bodies and  
other expenses.

**214.** A local authority may pay reasonable subscriptions (whether annually or otherwise) to the funds of any scientific or other society or body (not carrying on business for profit) which is or the members of which are engaged in investigations or the



keeping of records of use or value to the local authority and any reasonable expenses of the attendance of any members or officers of the local authority at or of persons nominated by the local authority to attend conferences or meetings of such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Provided that the payments to be made by the local authority under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

**215.**—(1) The Council may acquire by agreement any picture or sculpture and may erect and maintain or contribute towards the provision erection and maintenance of any picture or sculpture in any place provided by or vested in the Council under section 125 of the Act of 1933 and may from time to time enter into and carry into effect a contract for the production of a picture or sculpture and for the purchase thereof by the Council when completed. Acquisition of pictures etc.

(2) For the purpose of providing for the accommodation exhibition and preservation of pictures or sculptures or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of this section or of any gift loan or discovery the Council may adapt furnish and maintain any premises given to and for the time being vested in the Council for the purposes of this section.

(3) The Council may let any building vested in them as aforesaid on such terms and conditions as to payment or otherwise as they think fit and may make charges for admission to any such building which may for the time being be under their management and control.

**216.**—(1) The Council may preserve arrange index classify and publish such records deeds and other documents of the county and of the Council or such extracts from them or reference to their contents as the Council may consider to be of public interest. Preservation and publication of records.

(2) A local authority may publish such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 or such extracts from them or reference to their contents as they may consider to be of public interest.

## PART XII

## MISCELLANEOUS

School  
agreements.

**217.**—(1) Any agreement entered into by or on behalf of the Council with the parent or guardian of a pupil or intended pupil at any secondary school may make provision for the payment by such parent or guardian to the Council of any sum not exceeding ten pounds in the event of the pupil ceasing without the consent of the Council to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Council shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case.

(2) In this section the expression “secondary school” includes—

- (a) a secondary school as defined by section 114 of the Education Act 1944 ;
- (b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of the Act is provided ; and
- (c) an independent grammar school as defined by the said section 114 in which secondary education as defined by section 8 of the said Act is provided.

Prohibition of  
solicitation of  
school children  
to sell or  
exchange  
articles etc.  
at schools.

**218.**—(1) While any child is entering or leaving any school provided or maintained by the Council as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

- (a) to sell to such person any article or thing ; or
- (b) to exchange with such person any article or thing for any other article or thing.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression “child” has the same meaning as in section 114 of the Education Act 1944.

Delegation of  
powers to  
sub-  
committees.

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



(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the Council.

PART XII  
—cont.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint sub-committees under any other enactment.

**220.**—(1) In any proceedings under any enactment—

Evidence of  
appointments  
authority etc.

(a) a document purporting to be certified by the clerk of the Council as a copy of a resolution order or report passed or made by the Council or by any committee thereof on a specified date shall be evidence that that resolution order or report was duly passed or made by the Council or that committee on the said date ;

(b) a document purporting to be so certified as a copy of a minute duly drawn up entered and signed in accordance with paragraph 3 of Part V of the Third Schedule to the Act of 1933 or section 222 (As to minutes of Council meetings etc.) of this Act of the proceedings of a meeting of the Council or of any committee thereof on a specified date shall be evidence to the same extent as the original minute ;

(c) a document purporting to be so certified as a copy of the appointment of or of any authority given to an officer of the Council or of any committee thereof on a specified date shall be evidence that that appointment or authority was duly made or given by the Council or that committee on the said date.

(2) Section 286 of the Act of 1936 shall cease to apply to the Council.

(3) In this section the following expressions have the meanings hereby respectively assigned to them:—

“ officer ” includes a servant solicitor or agent ;

“ committee ” includes the standing joint committee and any sub-committee of any committee.

**221.** A resolution of the Council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

Authorisation  
of appearance  
of Council's  
officers in  
legal  
proceedings.

**222.** Notwithstanding anything contained in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the Council or of any committee thereof may be recorded on loose leaves consecutively numbered

As to minutes  
of Council  
meetings etc.

PART XII  
—cont.

the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the Council or committee (as the case may be) by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof and for the purposes of sub-paragraph (2) of the said paragraph 3 shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

Additional powers to require information.

**223.** The Council may exercise the powers of section 277 of the Act of 1936 for the purpose of performing their functions under the Destructive Insects Act 1877 as if such functions were functions under the Act of 1936.

Power to use ladders etc. for entry or inspection.

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

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

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

he shall be liable to a penalty not exceeding five pounds.

Entry on land for certain purposes.

**225.**—(1) Whenever it becomes necessary for the Council or any of their officers servants contractors or workmen to enter examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such land or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them the Council may after written notice to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Council to enter examine and lay open the said lands for the purposes aforesaid or any of them.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the Council or any of their officers servants contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open



the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing :

PART XII  
—cont.

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Council shall at their own expense make good and restore to their former condition any lands laid open by them or their officers servants contractors or workmen and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered all damages or loss sustained by him in consequence of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be assessed by a court of summary jurisdiction and the amount so assessed shall be recoverable in such court.

(4) The Council shall not exercise the powers of this section in respect of any lands belonging to the commission and used for the purpose of their undertaking except with the consent of the commission which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

**226.**—(1) Where in any district any tree is in such a condition that it endangers or is likely to endanger the life or property including any building or other structure of any person or of persons generally not being the owner or occupier of the premises on which such tree is growing or situated a local authority may serve notice on such owner or occupier requiring him within twenty-one days to remove cut or fell the tree or execute such other works as the local authority consider necessary to obviate the danger.

Power to  
require  
removal etc.  
of dangerous  
trees.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included "timber".

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

**227.**—(1) A parish council may erect and maintain direction posts of such size and type as may be approved by the Council in or adjacent to public footpaths (not being footpaths at the side of a highway repairable by the inhabitants at large) and

As to direction  
posts relating  
to rights of way.

PART XII  
—cont.

bridle-paths with the consent of the owner of the land in which it is proposed to erect the same and of any person having the control or management of such land.

(2) The Council may contribute towards the expenses incurred by any parish council in exercising the powers of this section.

Damage to  
apparatus in  
a street or  
public place.

**228.**—(1) Any compensation recoverable by the Council or a local authority for damage caused by negligence to any lamp or lamp-post belonging to the Council or a local authority or any apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

(2) Any person who shall wilfully remove or otherwise interfere with any bin or any other apparatus or equipment provided by the Council or a local authority in a street or public place shall in addition to any liability to make compensation for damage caused thereby be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "bin" includes a dustbin refuse bin street orderly bin and other receptacle for the temporary deposit or collection of dust ashes or rubbish and a street sand bin.

False  
statements to  
obtain rent  
rebate etc.

**229.** If any person for the purpose of obtaining for himself or any other person a rebate in the rent of any house belonging to a local authority or a reduction in the amount of any payment due to the Council under the Education Acts 1944 to 1948 or the Children Act 1948 or any regulations made under those Acts or for the purpose of obtaining any advance from a local authority or the Council by way of mortgage under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing Acts 1936 to 1952—

(a) knowingly makes to the local authority or the Council or any of their employees a false statement or false representation relating to his or that other person's ability to pay the rent or make the payment or relating to the application for the advance ; or

(b) produces or furnishes or knowingly allows to be produced or furnished to the local authority or the Council or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.



**230.** The provisions of the Town Police Clauses Act 1847 shall extend to empower a local authority to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the local authority in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

PART XII  
—cont.

Provisions as to motor vehicles let for hire.

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire when used in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a trolley vehicle or a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the local authority to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

**231.**—(1) As from the appointed day fixed for any district the local authority may collect and carry to any public wash-house provided by them clothes and other articles intended to be washed there and may carry from any such wash-house and deliver clothes and other articles which have been washed there.

Collection and delivery of washing.

(2) The local authority shall make such charges for the service provided by them under this section as will taking one year with another produce a revenue sufficient to meet the expenses of providing it.

(3) Nothing in this section shall relieve the local authority from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

**232.**—(1) The powers of any burial authority in the county in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and keep in order any grave or tombstone and remove the kerbs surrounding a grave therein subject to the following provisions:—

Extension of power to maintain burial grounds.

(a) Before exercising the powers of this section the burial authority shall give notice of their intention so to do—

PART XII  
—cont.

(i) by publishing the notice once in each of two successive weeks in a local newspaper circulating in their area with an interval between each publication of not less than six clear days ; and

(ii) by displaying the notice in a conspicuous position in the burial ground ;

(b) Any such notice shall—

(i) contain a description of the works intended to be executed ; and

(ii) specify the date on which it is intended that those works will be commenced which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid ; and

(iii) state the effect of paragraph (c) of this subsection ;

(c) If notice of objection to the execution of any such works and of the ground thereof is given to the burial authority before the date so specified and is not withdrawn before the expiration of fourteen days from that date the works to which the objection relates shall not be executed without the consent of the Minister ;

(d) All kerbs removed by the burial authority under the powers of this section shall remain the property of the owner of the grave space from which they have been removed and if such owner does not claim them within a period of three months after the first publication of the advertisement referred to in this section the burial authority may put the kerbs to such use as they may deem appropriate or they may destroy them ;

(e) Where any kerbs constitute a memorial the burial authority may if requested so to do by any known next-of-kin at their own expense in substitution therefor erect a memorial stone of a value not exceeding twenty-five pounds ;

(f) The burial authority shall cause to be made a record of any kerb surrounding a grave space removed under the powers of this section showing the particulars respecting each kerb so removed as a separate entry and a copy of such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.



(2) The powers conferred by this section with respect to the levelling of any grave or the removal of any kerb surrounding a grave shall not be exercisable in a closed churchyard unless the sanction of a licence or faculty from the consistory court of the diocese in which the churchyard is situate is first obtained and where in the case of any such churchyard such licence or faculty has been obtained the requirements of paragraphs (a) (b) and (c) of subsection (1) of this section shall not apply.

(3) In this section the following expressions have the meanings hereby respectively assigned to them:—

“burial ground” includes a cemetery;

“grave” includes a grave space niche or urn;

“tombstone” includes a monument or other memorial of a deceased person;

“put and keep in order” includes levelling.

**233.**—(1) Any burial authority in the county may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a cemetery provided by the burial authority and the following provisions shall apply in relation to any such agreement:—

Agreements to maintain graves and tombstones.

(a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;

(b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;

(c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the burial authority may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment;

(d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the burial authority relating to the cemetery.

PART XII  
—cont.

(2) Any agreement made by a burial authority before the passing of this Act in consideration of the maintenance of a grave or tombstone is hereby ratified.

(3) In this section the following expressions have the meanings hereby respectively assigned to them:—

“ cemetery ” includes a burial ground and a crematorium ;

“ grave ” includes a grave space niche or urn ;

“ tombstone ” includes a monument or other memorial of a deceased person.

Depths of  
graves.

**234.**—(1) After the coming into operation of this section in any district a person shall not cause the body of any person to be buried in the district in a grave not being a vault in such a manner that any part of the coffin containing the body shall be at a depth less than three feet below the level of the surface of the ground adjoining the grave.

(2) Any person having the preparation or the immediate charge of the preparation of a grave to receive a coffin who permits the coffin to be buried in such a manner as to contravene the provisions of this section and any person having the control of a burial ground who knowingly permits any coffin to be buried in a grave therein in a manner contrary to the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) This section shall not come into operation in a district unless and until it has been adopted by the local authority by a resolution passed by them in accordance with the provisions of Part II of the Second Schedule to this Act as amended by subsection (4) of this section.

(4) For the purposes of this section Part II of the said Second Schedule shall be read and have effect as if—

(a) for the words “ rural district council ” and “ rural council ” therein there were substituted the words “ local authority ” ;

(b) the words “ and to the Secretary of State and to the Minister of Food ” were omitted therefrom ; and

(c) at the end of paragraph 3 thereof there were inserted the following “ Provided that where a burial ground or cemetery has been provided in the district by a burial authority other than the local authority the local authority shall not later than the day on which the advertisement that a resolution of adoption has been



passed is first published give notice thereof to the burial authority and if within fourteen days of the receipt of such notice the burial authority makes representations to the Minister that section 234 (Depths of graves) of this Act should not apply to a burial ground or cemetery provided by them or should only apply subject to modifications as to the minimum depth specified in that section that section shall only apply to the burial ground or cemetery of the burial authority if the Minister shall by order so direct."

(5) In any order made by the Minister under Part II of the said Second Schedule as amended by subsection (4) of this section he may prescribe that in relation to any burial ground or cemetery of a burial authority the minimum depth specified in subsection (1) of this section shall be a depth less than three feet below the level of the surface of the ground adjoining a grave.

(6) In this section the following expressions have the meanings hereby respectively assigned to them:—

"grave" means a burial place formed in the ground by excavation and without any internal wall or brickwork or stonework or any other artificial lining; and

"vault" includes an underground burial place of any description except a grave.

**235.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and shall have effect with any necessary modifications including the substitution of the expression "local authority" for "Council".

Application of certain provisions of Part XII to local authorities.

(2) The provisions hereinbefore referred to are the following:—

Section 219 (Delegation of powers to sub-committees);

Section 220 (Evidence of appointments authority etc.);

Section 221 (Authorisation of appearance of Council's officers in legal proceedings);

Section 222 (As to minutes of Council meetings etc.);

Section 224 (Powers to use ladders etc. for entry or inspection).

**236.**—(1) Section 225 (Entry on land for certain purposes) of this Act shall apply to each of the local authorities hereinafter mentioned as if such local authority were therein referred to in lieu of the Council.

Application of section 225 to certain local authorities.

PART XII  
—cont.

(2) The local authorities hereinbefore referred to are—

Crewe Borough Council ;  
 Alsager Urban District Council ;  
 Knutsford Urban District Council ;  
 Lymm Urban District Council ;  
 Middlewich Urban District Council ;  
 Northwich Urban District Council ;  
 Runcorn Urban District Council ;  
 Sandbach Urban District Council ;  
 Winsford Urban District Council ;  
 Bucklow Rural District Council ;  
 Congleton Rural District Council ;  
 Macclesfield Rural District Council ;  
 Nantwich Rural District Council ;  
 Northwich Rural District Council ;  
 Runcorn Rural District Council.

## PART XIII

## PROTECTIVE PROVISIONS

Crown rights.

**237.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council or any local authority to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

For  
protection of  
Postmaster-  
General.

**238.**—(1) Where pursuant to section 29 (Adjustment of boundaries of streets) of this Act the highway authority enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceased to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8)



of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(2) As between the highway authority and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the highway authority thereunder.

(3) Where any highway or part of a highway is stopped up in pursuance of an order made under section 55 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the highway authority and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the highway authority of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the highway authority in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the highway authority the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the owner of the soil in or over which it is situate and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

PART XIII  
—cont.

(4) As soon as the whole or any part of any highway has been stopped up the highway authority shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (3) of this section shall commence to run from the date on which such notice is sent.

(5) In this section the expressions "alter" "alteration" and "telegraphic line" have the same meanings as in the Telegraph Act 1878.

For  
protection of  
certain  
statutory  
undertakers.

**239.** For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the appropriate authority and the undertakers concerned apply and have effect:—

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

"apparatus" means—

(a) in relation to the Merseyside and North Wales Electricity Board the Midlands Electricity Board and the North Western Electricity Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by any of such boards ;

(b) in relation to the North Western Gas Board and the West Midlands Gas Board mains pipes or other apparatus belonging to or maintained by either of such boards ; and

(c) in relation to such of the undertakers as are statutory water undertakers mains pipes or other apparatus belonging to or maintained by any of such undertakers ;

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

"appropriate authority" means the Council the highway authority the private streets authority or the local authority as the case may be ;

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

"position" includes depth ;

"undertakers" means the Merseyside and North Wales Electricity Board the Midlands Electricity Board the North Western Electricity Board the North Western Gas Board the West Midlands Gas



Board the Ashton-under-Lyne Stalybridge and Dukinfield Waterworks Joint Committee the Chester Waterworks Company the Mid and South East Cheshire Water Board the Runcorn District Water Board the Staffordshire Potteries Water Board the West Cheshire Water Board the Wrexham and East Denbighshire Water Company and in respect of their water undertakings the Birkenhead Corporation the Liverpool Corporation the Manchester Corporation the Stockport Corporation the Wallasey Corporation the Warrington Corporation and a local authority or any of them as the case may be:

- (2) For the purposes of section 24 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (3) Nothing in section 25 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including an electricity sub-station feeder pillar a pressure governor or meter-house) on land abutting on any new street before such new street is constructed or sewered in accordance with street by-laws:
- (4) Notwithstanding anything contained in section 27 (Adjustment of boundaries of estates in connection with streets) of this Act the undertakers shall not under the provisions of that section be required to exchange any operational land within the meaning of the Act of 1947 except with their consent which shall not be unreasonably withheld:
- (5) Nothing in section 28 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge garden or space:

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

- (6) Nothing in the following sections of this Act shall relieve the appropriate authority from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the appropriate

PART XIII  
—cont.

authority shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 28 (Trees grass verges and gardens);

Section 51 (Guard rails in private streets);

Section 54 (Decorations in streets);

Section 63 (Transmission of entertainments);

Section 85 (Barriers in streets);

Section 168 (Power to erect weighbridges):

- (7) (a) Whenever the appropriate authority in the exercise of the powers of section 29 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land there being in such first-mentioned land any apparatus the appropriate authority shall give notice to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances:

Provided that if the undertakers do not and are not required to alter the position of such apparatus they shall notwithstanding any agreement entered into under the said section 29 continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street;

- (b) The undertakers shall within twenty-eight days after the receipt of any such notice from the appropriate authority pursuant to sub-paragraph (a) of this paragraph give to the appropriate authority notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the appropriate authority) under the provisions of that sub-paragraph and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:
- (8) Notwithstanding the stopping up temporarily of any street under the powers of section 30 (Breaking up and temporary stoppage of streets) of this Act the undertakers their officers engineers and workmen shall be at liberty at all times to execute and do all such works



and things in upon or under any such street as may be necessary for inspecting repairing maintaining renewing or removing any such apparatus :

- (9) If any structure erected by the appropriate authority under the powers of section 32 (Shelters etc. for passengers on public service vehicles) of this Act is situate over any apparatus laid or placed before the erection of the structure and the undertakers at any time after such erection give to the appropriate authority notice of their desire to obtain access to such apparatus the appropriate authority shall either temporarily remove the structure or so much thereof as may be required to be so removed in order to afford such access or (if the appropriate authority determine not to remove the structure or part thereof) bear any additional expenses due to the existence of the structure which may reasonably be incurred by the undertakers in obtaining such access :
- (10) Before the appropriate authority give any consent pursuant to section 43 (Restriction on buildings under footways) or section 44 (Pavement lights and ventilators) of this Act they shall give at least twenty-eight days' notice to the undertakers concerned of their intention to do so and any such consent shall contain such conditions as may be required within that period to secure that the owner or occupier of premises to whom consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus :
- (11) Whenever by virtue of the provisions of section 55 (Stopping up and diversion of highways) of this Act any highway or any part of a highway comprising land in which any apparatus is situate is stopped up or diverted the undertakers shall notwithstanding such stopping up or diversion continue to have the same powers and rights in or in respect of any apparatus remaining in the land comprised in the highway or part of a highway so stopped up or diverted as if the same had remained a highway or may and if reasonably so required by the appropriate authority shall—
- (i) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other position as the undertakers may reasonably determine ; or
  - (ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus :

PART XIII  
—cont.

(12) The appropriate authority shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with—

(a) the alteration of the position of any apparatus under paragraph (7) of this section ; or

(b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (11) of this section ;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph :

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the appropriate authority under sub-paragraphs (a) or (b) of this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 239 (For protection of certain statutory undertakers) of the Cheshire County Council Act 1953 " :

(13) Before entering in exercise of the powers of section 130 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the undertakers in connection with the manufacture pumping or generation or storage or supply of gas water or electricity (as the case may be) an authorised officer of the appropriate authority shall give reasonable notice of his intended entry and in the exercise of such powers in relation to such premises shall observe any precautions reasonably required by the undertakers in the interests of safety and for preventing interference with the supply of gas water or electricity :

(14) Nothing in the following sections of this Act:—

Section 100 (Power to repair drains and private sewers) ;

Section 150 (For preventing obstruction to streams by culverts etc.) ;

Section 151 (Cleansing of rivers and streams) ;

Section 152 (Entry for purposes of last two foregoing sections) ;



shall authorise the appropriate authority to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of the undertakers without the consent of the undertakers but such consent shall not be unreasonably withheld:

- (15) No byelaw under section 134 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping of spoil or refuse by the undertakers on any lands used by them in connection with the manufacture of gas:
- (16) The powers of section 225 (Entry on land for certain purposes) of this Act shall not be exercised in respect of any operational lands within the meaning of the Act of 1947 of the undertakers without the consent of the undertakers but such consent shall not be unreasonably withheld:
- (17) (a) Any difference which may arise between the appropriate authority and the undertakers under this section shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

**240.** The following sections of this Act:—

- Section 70 (Registration of houseboats in districts);  
Section 71 (Byelaws with regard to houseboats);  
Section 72 (Extension of provisions of section 268 of Act of 1936 to houseboats);

For  
protection of  
Chester  
Corporation.

shall not apply to any houseboat kept or used for the purpose of human habitation on so much of the river Dee as extends from the boundary between the county and the county borough of Chester to the iron bridge at Aldford in the county.

**241.**—(1) In this section—

- “the Act of 1938” means the Crewe Corporation Act 1938;  
“the Act of 1949” means the Crewe Corporation Act 1949;  
“the borough” means the borough of Crewe;  
“the corporation” means the mayor aldermen and burgesses of the borough.

Provisions  
applicable to  
borough of  
Crewe.

PART XIII  
—cont.

(2) The following sections of this Act shall not apply within the borough:—

- Section 27 (Adjustment of boundaries of estates in connection with streets);
- Section 36 (Crossings over footways);
- Section 42 (Awnings over footways);
- Section 44 (Pavement lights and ventilators);
- Section 55 (Stopping up and diversion of highways);
- Section 66 (Further provisions as to movable dwellings);
- Section 85 (Barriers in streets);
- Section 99 (Summary power to remedy stopped-up drains etc.);
- Section 103 (Power to cleanse drains etc.);
- Section 108 (Provision of sanitary conveniences at places of amusement);
- Section 116 (Dealing with drains and sewers before demolition of premises);
- Section 122 (Food storage accommodation);
- Section 125 (Extension of powers under section 9 of Housing Act 1936);
- Section 130 (Silencers for internal combustion engines);
- Section 133 (Discharge of steam and waste gas);
- Section 145 (Slaughter of animals otherwise than for human consumption);
- Section 230 (Provisions as to motor vehicles let for hire).

(3) The following sections of this Act shall not apply to the corporation:—

- Section 18 (Development of land);
- Section 21 (Extension of power to acquire land by agreement);
- Section 32 (Shelters etc. for passengers on public service vehicles);
- Section 134 (Tipping of spoil and refuse);
- Section 195 (Capital funds of local authorities);
- Section 199 (General insurance funds of local authorities);
- Section 200 (Power to local authorities to issue bonds);
- Section 224 (Power to use ladders etc. for entry or inspection).



(4) The following sections of the under-mentioned Acts are hereby repealed:—

PART XIII  
—cont.

The Act of 1938—

- Section 82 (As to new streets);
- Section 139 (Notices of processions to be given);
- Section 142 (Recovery of rate etc. from persons removing);
- Section 147 (In executing works for owner Corporation liable for negligence only):

The Act of 1949—

- Section 29 (Urgent repairs of private streets);
- Section 34 (Power to provide tubs for trees etc.);
- Section 35 (Mixing of mortar in streets);
- Section 84 (Recovery of rates from certain owners);
- Section 87 (As to proof of continued existence of pensioners);
- Section 88 (As to extensions of time for repayment of and alteration of rates of interest on mortgages of Corporation);
- Section 93 (Byelaws as to pleasure fairs);
- Section 99 (Service of demand notes);
- Section 106 (In executing works for owner Corporation liable for negligence only);
- Section 107 (Undertakings to bind successive owners):

Provided that any byelaws made by the corporation under the said section 93 of the Act of 1949 shall be deemed to have been made under section 84 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act and shall continue in operation until revoked or altered.

(5) As from the date on which any section of this Act which is specified in the first column of the following table comes into operation in the borough the enactment specified in the second column of the said table opposite thereto shall be repealed:—

Section 94 (Recovery of expenses of sewerage prospective street).	Section 42 (Apportionment to frontagers of expenses of construction of sewer before land becomes a street) and section 43 (Limitation of sum apportioned to frontagers) of and the schedule to the Act of 1949.
Section 97 (Separate sewers for foul water and surface water).	Section 44 (Separate sewers for sewage and surface water) of the Act of 1949.
Section 98 (Delegation of power to examine and test drains etc.).	Section 46 (Further power to examine and test drains etc. believed to be defective) of the Act of 1949.

PART XIII  
—cont.

- Section 104 (Penalty for improper construction or repair of water-closet etc.).
- Section 105 (Sanitary conveniences for persons employed on construction work).
- Section 106 (Closet accommodation for separate dwellings).
- Section 107 (Sanitary conveniences used in common).
- Section 115 (Demolition of buildings).
- Section 119 (Power to order alteration of domestic chimneys).
- Section 121 (Provision of bathrooms).
- Section 124 (Paving of yards and passages).
- Section 126 (As to defective premises).
- Section 128 (Power to require vacation of premises during fumigation).
- Section 129 (Prohibition of sale of verminous articles).
- Section 131 (Noise nuisance) ...
- Section 132 (Smoke and dust from industrial furnaces).
- Section 137 (Information to be furnished by occupier in case of notifiable disease).
- Section 139 (Exclusion of children from places of entertainment or assembly).
- Section 142 (Prohibition of tuberculous persons from handling food).
- Section 143 (Inedible fat) ...
- Section 144 (Registration of hawkers of food and their premises).
- Section 147 (Byelaws as to sale etc. of animal feeding meat and registration of premises).
- Section 148 (Hairdressers and barbers).
- Section 231 (Collection and delivery of washing).
- Section 45 (Improper construction or repair of water-closet or drain) of the Act of 1949.
- Section 94 (Sanitary conveniences for workmen engaged on buildings) of the Act of 1938.
- Section 98 (Closet accommodation in houses occupied by more than one family) of the Act of 1938.
- Section 59 (Sanitary conveniences used in common) of the Act of 1949.
- Section 37 (Demolition of buildings) of the Act of 1949.
- Section 52 (Power to order alteration of chimneys) of the Act of 1949.
- Section 39 (Provision of bathrooms) of the Act of 1949.
- Section 31 (Paving of yards and passages) of the Act of 1949.
- Section 36 (As to defective roofs) of the Act of 1949.
- Section 54 (Power to require persons to vacate premises during fumigation) of the Act of 1949.
- Section 55 (Prohibition on sale of verminous articles) of the Act of 1949.
- Section 143 (Noise nuisance) of the Act of 1938.
- Section 50 (Prevention of smoke from industrial furnaces) of the Act of 1949.
- Section 104 (Information to be furnished in case of notifiable disease) of the Act of 1938.
- Section 102 (Power to close schools and exclude children from entertainments) of the Act of 1938.
- Section 114 (Power to prohibit persons in advanced state of tuberculosis from selling etc. food) of the Act of 1938.
- Section 67 (Restriction on taking inedible fats into premises where food is prepared) of the Act of 1949.
- Section 66 (Registration of hawkers of food and their premises) of the Act of 1949.
- Section 69 (Byelaws as to meat for feeding animals) of the Act of 1949.
- Section 61 (Registration of hairdressers and barbers and their premises) of the Act of 1949.
- Section 98 (Collection and delivery of washing) of the Act of 1949.



Provided that—

PART XIII  
—cont.

(a) any byelaws made by the corporation under the said sections 61 or 69 of the Act of 1949 shall be deemed to have been made respectively under section 148 (Hairdressers and barbers) and section 147 (Byelaws as to sale etc. of animal feeding meat and registration of premises) of this Act when the last-mentioned sections come into operation in the borough and shall continue in operation until revoked or altered ;

(b) any person or premises registered by the corporation under the said section 61 of the Act of 1949 shall for all purposes be deemed to have been registered with them under section 148 (Hairdressers and barbers) of this Act when the last-mentioned section comes into operation in the borough ;

(c) any person or premises registered by the corporation under the said section 66 of the Act of 1949 shall for all purposes be deemed to have been registered with them under section 144 (Registration of hawkers of food and their premises) of this Act when the last-mentioned section comes into operation in the borough.

(6) If in pursuance of section 155 (Application and adoption of certain provisions of Part VIII) of this Act the council of the borough adopt any of the sections of this Act which are specified in the first column of the following table the enactment specified in the second column of the said table opposite thereto shall be repealed on the day on which such first-mentioned section comes into operation in the borough :—

Section 156 (Application of Act of 1889).	Section 117 (Application to sale of coke of Weights and Measures Act 1889) of the Act of 1938 and section 73 (Application of Weights and Measures Act 1889 to sale of wood fuel) of the Act of 1949.
Section 157 (Byelaws relating to wood fuel etc.).	Section 74 (Byelaws relating to wood fuel) of the Act of 1949.
Section 158 (Penalty on fraudulent sale of coke etc.).	Section 118 (Penalty on fraudulent sale) of the Act of 1938 and section 75 (Penalty on fraudulent sale) of the Act of 1949.
Section 160 (Amendment of section 27 of Act of 1889).	Section 76 (Amendment of section 27 of Weights and Measures Act 1889 in its application to borough) of the Act of 1949.
Section 165 (Offences by weighing-machine keepers and others).	Section 72 (Offences by weighing-machine operators and others) of the Act of 1949.
Section 170 (Personal weighing-machines).	Section 120 (As to personal weighing-machines) of the Act of 1938.

PART XIII  
—cont.

Provided that any byelaws made by the corporation under the said section 74 of the Act of 1949 shall be deemed to be made under section 157 (Byelaws relating to wood fuel etc.) of this Act when the last-mentioned section comes into operation in the borough and shall continue in operation until revoked or altered.

(7) As from the date on which the corporation establish any fund under either of the sections of this Act which are specified in the first column of the following table the enactment (hereinafter referred to as "the Crewe section") specified in the second column of the said table opposite thereto shall be repealed and any moneys standing to the credit of the fund established under the Crewe section shall be carried to and form part of the fund established by the corporation under the corresponding first-mentioned section:—

<i>Sections of this Act</i>		<i>Crewe sections</i>	
196	(Renewal and repairs funds of local authorities).	80	(Renewal and repairs fund) of the Act of 1949.
197	(Consolidated loans funds of local authorities).	127	(Consolidated loans fund) of the Act of 1938.

Provisions applicable to borough of Hyde.

242.—(1) In this section—

"the Act of 1903" means the Hyde Corporation Act 1903;

"the borough" means the borough of Hyde;

"the corporation" means the mayor aldermen and burgesses of the borough.

(2) The following sections of the Act of 1903 are hereby repealed:—

Section 22 (Crossings for horses or vehicles over footways);

Section 46 (In executing works for owner corporation not liable for damages save in case of negligence).

(3) As from the date on which any section of this Act which is specified in the first column of the following table comes into operation in the borough the section of the Act of 1903 specified in the second column of the said table opposite thereto shall be repealed:—

<i>Sections of this Act</i>		<i>Sections of the Act of 1903</i>	
104	(Penalty for improper construction or repair of water-closet etc.).	71	(Improper construction or repair of water-closet or drain).
117	(New building overreaching adjoining chimneys).	26	(Erection of buildings of greater height than adjoining buildings).
118	(Height of new chimneys) ...	25	(Height of chimneys).
133	(Discharge of steam and waste gas).	74	(Ejection of steam etc. not to be an annoyance to the public).



(4) As from the date on which byelaws with respect to the construction and laying out of new streets in the borough come into operation section 21 (No buildings allowed until street defined) of the Act of 1903 shall be repealed.

(5) If in pursuance of section 230 (Provisions as to motor vehicles let for hire) of this Act the corporation make byelaws under the Town Police Clauses Act 1847 section 129 (As to public vehicles taken at railway stations) of the Act of 1903 shall be repealed from the date of confirmation of such byelaws:

Provided that nothing in this subsection shall affect the validity of any licence in respect of any motor vehicle or driver thereof granted by the corporation under the said Act of 1847 in pursuance of the said section 129 of the Act of 1903 and any such licence shall have effect as if it had been duly granted under the said Act of 1847 in pursuance of the said section 230 of this Act and shall subject to the provisions of the said Act of 1847 continue in force until the expiration of the period for which it was granted.

(6) Section 58 (Power to let parks etc. for games) of this Act shall in its application to the corporation have effect as if after the words "section 76 of the Public Health Acts Amendment Act 1907" there were inserted the words "or subsection (1) of section 116 (Setting apart and closing of recreation grounds for games) of the Hyde Corporation Act 1903" and as if for the words "that section" there were substituted the words "the said section 76 or section 111 (Corporation may erect reading refreshments rooms etc.) of the Hyde Corporation Act 1903".

**243.**—(1) In this section—

"the Act of 1923" means the Macclesfield Corporation Act 1923;

"the Act of 1939" means the Macclesfield Corporation Act 1939;

"the borough" means the borough of Macclesfield;

"the corporation" means the mayor aldermen and burgesses of the borough.

Provisions  
applicable to  
borough of  
Macclesfield.

(2) The following sections of this Act shall not apply within the borough:—

Section 27 (Adjustment of boundaries of estates in connection with streets);

Section 36 (Crossings over footways);

Section 37 (Application of building line to walls etc.);

Section 41 (Forecourts injurious to amenities of street);

Section 47 (Urgent repairs of private streets);

Section 55 (Stopping up and diversion of highways);

Section 58 (Power to let parks etc. for games);

Section 85 (Barriers in streets).

PART XIII  
—cont.

(3) Section 20 (Application of certain provisions of Part II to local authorities) of this Act in its application to the corporation shall be read and have effect as if in subsection (2) the words “section 18 (Development of land)” were omitted therefrom.

(4) The following sections of the under-mentioned Acts are hereby repealed:—

## The Act of 1923—

Section 87 (Powers on inspection);

Section 173 (In executing works for owner corporation liable for negligence only):

## The Act of 1939—

Section 34 (As to recovery summarily of sums due for fittings);

Section 35 (Charges for special readings of meters);

Section 84 (As to pavement lights);

Section 86 (Window blinds etc.);

Section 89 (Planting of trees in private streets);

Section 95 (As to erection of retaining walls);

Section 97 (No building allowed until street defined);

Section 98 (No building to be erected until street formed);

Section 108 (Notice of processions to be given).

(5) As from the date on which any section of this Act which is specified in the first column of the following table comes into operation in the borough the enactment specified in the second column of the said table opposite thereto shall be repealed:—

Section 100 (Power to repair drains and private sewers).	Section 94 (As to repair of private drains) of the Act of 1923.
Section 105 (Sanitary conveniences for persons employed on construction work).	Section 102 (Sanitary conveniences for workmen) of the Act of 1939.
Section 119 (Power to order alteration of domestic chimneys).	Section 99 (Power to order alteration of chimneys) of the Act of 1939.
Section 122 (Food storage accommodation).	Section 88 (Larders to be provided) of the Act of 1923.
Section 131 (Noise nuisance) ...	Section 120 (Noise nuisance) of the Act of 1939.
Section 144 (Registration of hawkers of food and their premises).	Section 103 (Registration of hawkers of meat fish fruit and vegetables and premises) of the Act of 1939.

Provided that any person or premises registered by the corporation under the said section 103 of the Act of 1939 shall for all purposes be deemed to have been registered with them under



section 144 (Registration of hawkers of food and their premises) of this Act when the last-mentioned section comes into operation in the borough.

PART XIII  
—cont.

(6) Section 116 (Capital reserve fund) of the Act of 1939 is hereby repealed and any fund formed under that section shall be deemed to have been established under section 195 (Capital funds of local authorities) of this Act.

(7) As from the date on which the corporation establish any fund under either of the sections of this Act which are specified in the first column of the following table the enactment (hereinafter referred to as "the Macclesfield section") specified in the second column of the said table opposite thereto shall be repealed and any moneys standing to the credit of the fund established under the Macclesfield section shall be carried to and form part of the fund established by the corporation under the corresponding first-mentioned section:—

<i>Sections of this Act</i>	<i>Macclesfield sections</i>
196 (Renewal and repairs funds of local authorities).	117 (Renewal and repairs fund) of the Act of 1939.
197 (Consolidated loans funds of local authorities).	149 (Consolidated loans fund) of the Act of 1923.

(8) If in pursuance of section 230 (Provisions as to motor vehicles let for hire) of this Act the corporation make byelaws under the Town Police Clauses Act 1847 section 107 (As to public vehicles taken at railway stations) of the Act of 1923 shall be repealed from the date of confirmation of such byelaws:

Provided that nothing in this subsection shall affect the validity of any licence in respect of any motor vehicle or the driver thereof granted by the corporation under the said Act of 1847 in pursuance of the said section 107 of the Act of 1923 and any such licence shall have effect as if it had been duly granted under the said Act of 1847 in pursuance of the said section 230 of this Act and shall subject to the provisions of the said Act of 1847 continue in force until the expiration of the period for which it was granted.

**244.** If section 144 (Registration of hawkers of food and their premises) of this Act shall come into operation in the borough of Stalybridge nothing in subsection (1) of that section shall apply to the sale or offer or exposure for sale of food by any person licensed under section 107 (Licensing of hawkers etc.) of the Stalybridge Extension and Improvement Act 1881.

Provisions applicable to borough of Stalybridge.

**245.** The following sections of the Ellesmere Port and Whitby Urban District Council Act 1914 are hereby repealed:—

Section 97 (Council not liable for damages save in case of negligence);

Section 102 (Evidence of appointments and authority).

Provisions applicable to urban district of Ellesmere Port.

PART XIII  
—cont.Provisions  
applicable to  
urban district  
of Hoylake.

246.—(1) In this section—

“ the Act of 1897 ” means the Hoylake and West Kirby Im-  
provement Act 1897 ;“ the Act of 1925 ” means the Hoylake and West Kirby  
Urban District Council Act 1925 ;“ the Act of 1935 ” means the Hoylake Urban District  
Council Act 1935 ;“ the Hoylake Council ” means the urban district council  
of Hoylake ;

“ the district ” means the urban district of Hoylake.

(2) The following sections of this Act shall not apply within  
the district :—Section 27 (Adjustment of boundaries of estates in con-  
nection with streets) ;

Section 29 (Adjustment of boundaries of streets) ;

Section 36 (Crossings over footways) ;

Section 37 (Application of building line to walls etc.) ;

Section 41 (Forecourts injurious to amenities of street) ;

Section 44 (Pavement lights and ventilators) ;

Section 66 (Further provisions as to movable dwellings) ;

Section 67 (Byelaws as to camping grounds) ;

Section 99 (Summary power to remedy stopped-up drains  
etc.) ;

Section 130 (Silencers for internal combustion engines) ;

Section 131 (Noise nuisance).

(3) Section 18 (Development of land) of this Act in its applica-  
tion to the Hoylake Council shall be read and have effect as if  
the following subsection were added thereto :—“ (4) Nothing in this section shall apply to the land set  
forth in paragraph (1) of section 5 (Vesting of lands in  
Council and in lord of the manor) of the Hoylake Urban  
District Council Act 1935.”(4) The following sections of the under-mentioned Acts are  
hereby repealed :—

The Act of 1897—

Section 33 (No building until line of street defined) ;

Section 37 (Undertakings to bind successive  
owners) ;

The Act of 1925—

Section 120 (In executing works for owner Council  
liable for negligence only) ;



## The Act of 1935—

PART XIII  
—cont.

- Section 9 (Power to develop lands etc.) ;  
 Section 35 (Power to provide tubs for trees etc.) ;  
 Section 38 (As to barriers in streets) ;  
 Section 41 (Erection of retaining walls) ;  
 Section 45 (Restriction on erection of temporary stands etc.) ;  
 Section 145 (Recovery of rate from persons removing) ;  
 Section 147 (In executing works for owner Council liable for negligence only).

(5) As from the date on which any section of this Act which is specified in the first column of the following table comes into operation in the district the section of the Act of 1935 specified in the second column of the said table opposite thereto shall be repealed :—

<i>Sections of this Act</i>		<i>Sections of the Act of 1935</i>	
104	(Penalty for improper construction or repair of water-closet etc.).	54	(Improper construction or repair of water-closet or drain).
106	(Closet accommodation for separate dwellings).	53	(Closet accommodation in houses occupied by more than one family).
142	(Prohibition of tuberculous persons from handling food).	64	(Power to prohibit persons in advanced state of tuberculosis from selling etc. food).

(6) As from the date on which the Hoylake Council establish any fund under any of the sections of this Act which are specified in the first column of the following table the section of the Act of 1935 (hereinafter referred to as "the Hoylake section") specified in the second column of the said table opposite thereto shall be repealed and any moneys standing to the credit of the fund established under the Hoylake section shall be carried to and form part of the fund established by the Hoylake Council under the corresponding first-mentioned section :—

<i>Sections of this Act</i>		<i>Hoylake sections</i>	
196	(Renewal and repairs funds of local authorities).	130	(Renewal and repairs fund).
197	(Consolidated loans funds of local authorities).	126	(Consolidated loans fund).
199	(General insurance funds of local authorities).	129	(Insurance fund).

247. The following sections of the Lymm Urban District Council Act 1913 are hereby repealed :—

- Section 94 (In executing works for owner Council not liable for damages save in case of negligence) ;  
 Section 102 (Evidence of appointments and authority).

Provisions applicable to urban district of Lymm.

PART XIII  
—cont.Provisions  
applicable to  
urban district  
of Nantwich.

248.—(1) In this section—

“ the Act of 1903 ” means the Nantwich Urban District  
Council Act 1903 ;

“ the district ” means the urban district of Nantwich.

(2) Section 97 (Separate sewers for foul water and surface  
water) of this Act shall not apply within the district.(3) The following sections of the Act of 1903 are hereby  
repealed :—Section 48 (No building allowed until street be formed  
etc.) ;Section 99 (Penalty on guardian permitting infected  
child to attend school) ;

Section 150 (Evidence of appointments authority etc.).

(4) As from the date on which any section of this Act which is  
specified in the first column of the following table comes into  
operation in the district the section of the Act of 1903 specified  
in the second column of the said table opposite thereto shall be  
repealed :—

<i>Sections of this Act</i>		<i>Sections of the Act of 1903</i>	
104	(Penalty for improper construction or repair of water-closet etc.).	81	(Improper construction or repair of water-closet or drain).
118	(Height of new chimneys) ...	57	(Height of chimneys).
133	(Discharge of steam and waste gas).		
140	(Compensation for stopping employment to prevent spread of disease).	107	(Compensation to persons ceasing employment).

(5) If in pursuance of section 230 (Provisions as to motor  
vehicles let for hire) of this Act the Nantwich Urban District  
Council make byelaws under the Town Police Clauses Act 1847  
section 128 (As to public vehicles taken at railway stations) of  
the Act of 1903 shall be repealed from the date of confirmation  
of such byelaws :Provided that nothing in this subsection shall affect the  
validity of any licence in respect of any motor vehicle or the  
driver thereof granted by the Nantwich Urban District Council  
under the said Act of 1847 in pursuance of the said section 128  
of the Act of 1903 and any such licence shall have effect as if it  
had been duly granted under the said Act of 1847 in pursuance  
of the said section 230 of this Act and shall subject to the pro-  
visions of the said Act of 1847 continue in force until the expira-  
tion of the period for which it was granted.



**249.**—(1) The provisions of this Act hereinafter mentioned shall not extend or apply to or in relation to any street or road or part of a street or road belonging to or to be laid out by the Manchester Ship Canal Company (not being a street or road to which the public have a right of access or a street or road laid out for dwelling-houses) or to land abutting on or the roadside waste of any such first-mentioned street or road.

PART XIII  
—cont.

For  
protection of  
Manchester  
Ship Canal  
Company.

(2) The provisions hereinbefore referred to are the following:—

- Section 24 (Prohibition of building until street defined);
- Section 25 (Prohibition of building until street formed and sewered);
- Section 26 (Termination of new streets);
- Section 28 (Trees grass verges and gardens);
- Section 30 (Breaking up and temporary stoppage of streets);
- Section 31 (Public seats in roads);
- Section 32 (Shelters etc. for passengers on public service vehicles);
- Section 34 (Illumination of street names etc.);
- Section 45 (Milk stands in highways);
- Section 47 (Urgent repairs of private streets);
- Section 51 (Guard rails in private streets);
- Section 54 (Decorations in streets).

**250.** The powers conferred upon the local authority by section 150 (For preventing obstruction to streams by culverts etc.) and section 151 (Cleansing of rivers and streams) of this Act shall not be exercised in respect of any culvert or stream for the time being forming part of the main river of the Cheshire River Board the Dee and Clwyd River Board or the Mersey River Board or forming part of any watercourse over which any internal drainage board has jurisdiction or in respect of any part of any tributary brook channel culvert or watercourse flowing directly or indirectly into any such main river or watercourse without the consent in writing of the river board or drainage board concerned which consent may be given subject to such reasonable terms and conditions as the river board or (as the case may be) the drainage board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not reasonably withheld or whether such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

Saving for  
river boards.

## PART XIV

## GENERAL

Protection of Council and their officers from personal liability.

**251.** No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of carrying out any powers or duties of the Council under this Act subject any member or officer of the Council or other person as aforesaid personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund:

Provided that nothing in this section shall exempt any member or officer of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which such member authorised or joined in authorising.

In executing works Council liable for negligence only.

**252.**—(1) Where under any enactment the Council or any of their officers execute any work or do any act or thing in default or at the request of any person required by the Council to execute such work or do such act or thing the Council shall not as between themselves and such person in the absence of negligence on the part of the Council or of any such officer or of any contractor employed by them or him be liable to pay any damages for or in respect of or consequent upon the executing of the work or the doing of the act or thing and any damages paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such person and shall be recoverable accordingly.

(2) In this section the expression "damages" includes penalties costs and charges.

Breach of conditions of consent.

**253.** Where in pursuance of this Act the Council or a local authority give their approval or consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required approval or consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

Restriction on right to prosecute.

**254.** Proceedings in respect of an offence created by or under this Act (except section 89 (Derelict petrol tanks) Part VIII (Weights and measures) and section 230 (Provisions as to motor



vehicles let for hire) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council or the local authority as the case may be.

PART XIV  
—cont.

**255.** As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

Confirming  
authority for  
byelaws.

Section 61	(Boating pools) ... ..	Secretary of State.
Section 62	(Golf courses) ... ..	Secretary of State.
Section 69	(Fire appliances at camping grounds) ...	Secretary of State.
Section 84	(Byelaws as to pleasure fairs and roller-skating rinks).	Secretary of State.
Section 147	(Byelaws as to sale etc. of animal feeding meat and registration of premises).	Minister of Food.
Section 157	(Byelaws relating to wood fuel etc.) ...	Board of Trade.
Section 170	(Personal weighing-machines) ... ..	Board of Trade.

**256.**—(1) Unless otherwise expressly provided section 300 of the Act of 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

Appeals.

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

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

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

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Council or highway authority or local authority themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

PART XIV  
—cont.Inquiries by  
Ministers.

**257.** The Minister the Minister of Transport the Minister of Fuel and Power the Minister of Civil Aviation or the Minister of Food may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Application of  
provisions of  
Act of 1936.

**258.**—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto and as if the expressions “local authority” and “council” included the Council and any local authority:—

- Section 271 (Interpretation of “provide”);
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices etc.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices etc.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
- Section 293 (Recovery of expenses etc.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint etc.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925):



Provided that—

PART XIV  
—cont.

(a) the said sections 277 287 288 289 291 294 295 and 329 shall only apply to the provisions contained in Part III (Highways and streets) Part IV (Parks and pleasure grounds etc.) Part V (Movable dwellings camping grounds and houseboats) Part VI (Public entertainments order and safety) Part VII (Public health) and Part XII (Miscellaneous) of this Act ;

(b) the said section 293 shall not apply to the sections of this Act hereinafter referred to namely:—

Section 153 (Medicated and other baths) ;

Section 168 (Power to erect weighbridges) ;

Section 169 (Local authority may provide weighing-machines ; and

Section 231 (Collection and delivery of washing).

(2) Section 284 of the Act of 1936 shall extend and apply in relation to any enactment for the time being in force in the county or in any district as if that section were enacted in that enactment and in terms made applicable thereto.

**259.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be subject to the provisions of the Arbitration Act 1950 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the Minister : Application of Arbitration Act.

Provided that if the said question or dispute arises in connection with the provisions of section 150 (For preventing obstruction to streams by culverts etc.) section 151 (Cleansing of rivers and streams) or section 152 (Entry for purposes of last two foregoing sections) of this Act the arbitrator shall in such case be appointed by the Minister of Agriculture and Fisheries.

**260.**—(1) No power conferred upon the Council or a local authority by the provisions of this Act hereinafter mentioned shall be exercised in such a manner— Saving for trusts etc.

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

PART XIV  
—cont.

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

(2) The provisions hereinbefore referred to are the following:—

Section 14 (Provision of buildings and equipment on land);

Section 18 (Development of land);

Section 58 (Power to let parks etc. for games);

Section 59 (Parking places in parks etc.);

Section 60 (As to closing of parks etc.);

Section 61 (Boating pools);

Section 211 (Provision of lectures etc.).

Application of certain provisions of Part XIV to local authorities.

**261.**—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

(a) “local authority” for “Council”; and

(b) “general rate fund” for “county fund”.

(2) The provisions hereinbefore referred to are the following:—

Section 251 (Protection of Council and their officers from personal liability);

Section 252 (In executing works Council liable for negligence only);

Section 256 (Appeals).

Saving for powers of Treasury.

**262.** It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for town and country planning.

**263.** This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

**264.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.



## SCHEDULES

## FIRST SCHEDULE

SECTIONS OF THIS ACT IN RESPECT OF WHICH A POLL MAY BE  
DEMANDED BEFORE POWERS OPERATIVE IN AN URBAN DISTRICT

Part	Section and marginal note
	<i>Sewers drains and sanitary conveniences</i>
Part VII (Public health)	Section 93 (Recovery of expenses of sewerage public highway).
	Section 94 (Recovery of expenses of sewerage prospective street).
	Section 95 (Prevention of evasion of liabilities under last two foregoing sections).
	Section 96 (Recovery of cost of maintaining public sewers).
	Section 97 (Separate sewers for foul water and surface water).
	Section 99 (Summary power to remedy stopped-up drains etc.).
	Section 100 (Power to repair drains and private sewers).
	Section 101 (Abandoned drains to be cut off).
	Section 102 (Penalty for damage to surface water drains etc.).
	Section 104 (Penalty for improper construction or repair of water-closet etc.).
	Section 105 (Sanitary conveniences for persons employed on construction work).
	Section 106 (Closet accommodation for separate dwellings).
	Section 107 (Sanitary conveniences used in common).
	Section 108 (Provision of sanitary conveniences at places of amusement).
	<i>Buildings and structures</i>
	Section 113 (Ruinous and dilapidated buildings and neglected sites).
	Section 114 (Recovery of expenses of watching etc. dangerous and dilapidated buildings).
	Section 115 (Demolition of buildings).
	Section 116 (Dealing with drains and sewers before demolition of premises).
	Section 117 (New building over-reaching adjoining chimneys).
	Section 118 (Height of new chimneys).
	Section 119 (Power to order alteration of domestic chimneys).

1ST SCH.  
—cont.

Part	Section and marginal note
Part VII (Public health) (cont.)	Section 120 (Cellars and rooms below subsoil water level).
	Section 121 (Provision of bathrooms).
	Section 122 (Food storage accommodation).
	Section 123 (Separate approach for separate tenements).
	Section 124 (Paving of yards and passages).
	Section 125 (Extension of powers under section 9 of Housing Act 1936).
	Section 126 (As to defective premises).
	Section 127 (Lighting ventilation and sanitation of stables).
	<i>Verminous premises or articles</i>
	Section 128 (Power to require vacation of premises during fumigation).
	Section 129 (Prohibition of sale of verminous articles).
	<i>Nuisances</i>
	Section 130 (Silencers for internal combustion engines).
	Section 131 (Noise nuisance).
	Section 132 (Smoke and dust from industrial furnaces).
	Section 133 (Discharge of steam and waste gas).
	<i>Disposal of refuse</i>
	Section 134 (Tipping of spoil and refuse).
	Section 135 (Cost of provision maintenance and renewal of dustbins).
	<i>Infectious diseases</i>
	Section 137 (Information to be furnished by occupier in case of notifiable disease).
	Section 138 (Restriction on attendance at public places etc.).
	Section 139 (Exclusion of children from places of entertainment or assembly).
	Section 140 (Compensation for stopping employment to prevent spread of disease).
	Section 141 (Entry into premises in case of notifiable disease).
	Section 142 (Prohibition of tuberculous persons from handling food).
	<i>Food</i>
	Section 143 (Inedible fat).
	Section 144 (Registration of hawkers of food and their premises).



Part	Section and marginal note
Part VII (Public health) (cont.)	Section 102 (Penalty for damage to surface water drains etc.).
	Section 104 (Penalty for improper construction or repair of water-closet etc.).
	Section 105 (Sanitary conveniences for persons employed on construction work).
	Section 106 (Closet accommodation for separate dwellings).
	Section 108 (Provision of sanitary conveniences at places of amusement).
	Section 113 (Ruinous and dilapidated buildings and neglected sites).
	Section 114 (Recovery of expenses of watching etc. dangerous and dilapidated buildings).
	Section 115 (Demolition of buildings).
	Section 116 (Dealing with drains and sewers before demolition of premises).
	Section 117 (New building overreaching adjoining chimneys).
	Section 118 (Height of new chimneys).
	Section 119 (Power to order alteration of domestic chimneys).
	Section 120 (Cellars and rooms below subsoil water level).
	Section 121 (Provision of bathrooms).
	Section 122 (Food storage accommodation).
	Section 123 (Separate approach for separate tenements).
	Section 125 (Extension of powers under section 9 of Housing Act 1936).
	Section 126 (As to defective premises).
	Section 127 (Lighting ventilation and sanitation of stables).
	Section 128 (Power to require vacation of premises during fumigation).
	Section 129 (Prohibition of sale of verminous articles).
	Section 130 (Silencers for internal combustion engines).
	Section 131 (Noise nuisance).
	Section 133 (Discharge of steam and waste gas).
	Section 134 (Tipping of spoil and refuse).
	Section 135 (Cost of provision maintenance and renewal of dustbins).
	Section 137 (Information to be furnished by occupier in case of notifiable disease).
	Section 138 (Restriction on attendance at public places etc.).
	Section 139 (Exclusion of children from places of entertainment or assembly).
	Section 140 (Compensation for stopping employment to prevent spread of disease).

2ND SCH.  
—cont.

Part	Section and marginal note
Part VII (Public health) (cont.)	Section 141 (Entry into premises in case of notifiable disease).
	Section 142 (Prohibition of tuberculous persons from handling food).
	Section 144 (Registration of hawkers of food and their premises).
	Section 147 (Byelaws as to sale etc. of animal feeding meat and registration of premises).
	Section 148 (Hairdressers and barbers).
	Section 149 (As to water supply to occupied houses).
	Section 150 (For preventing obstruction to streams by culverts etc.).
	Section 151 (Cleansing of rivers and streams).
	Section 152 (Entry for purposes of last two foregoing sections).
	Section 153 (Medicated and other baths).
Part X (Finance) ...	Section 202 (Loans for erection etc. of buildings).

## PART II

## RESOLUTION OF ADOPTION

1. A resolution of adoption shall not be effective unless passed by a majority of the whole number of the members of the rural district council (hereafter in this schedule referred to as "the rural council") at a meeting thereof.

2. One month at least before the meeting of the rural council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the rural council and such notice shall also be inserted once at least in one or more of the newspapers circulating within the district in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the district and may also be published otherwise in such manner as the rural council think sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister and to the Secretary of State and to the Minister of Food.

5. The resolution of adoption shall come into operation at such time not being less than one month after the first publication of the advertisement as may be fixed by the rural council.



Part	Section and marginal note	
Part VII (Public health) ( <i>cont.</i> )	Section 145 (Slaughter of animals otherwise than for human consumption).	
	Section 146 (Acquisition of certain residuals etc. and disposal thereof).	
	Section 147 (Byelaws as to sale etc. of animal feeding meat and registration of premises).	
	<i>Miscellaneous</i>	
	Section 148 (Hairdressers and barbers).	
	Section 149 (As to water supply to occupied houses).	
	Section 150 (For preventing obstruction to streams by culverts etc.).	
	Section 151 (Cleansing of rivers and streams).	
	Section 152 (Entry for purposes of last two foregoing sections).	
	Section 153 (Medicated and other baths)	

1ST SCH.  
—*cont.*

## SECOND SCHEDULE

## PART I

SECTIONS OF THIS ACT WHICH MAY BE ADOPTED BY A RURAL DISTRICT  
COUNCIL IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part II (Land) ... ..	Section 11 (Power to reinstate owners or occupiers of property).
	Section 12 (Retention and disposal of land).
	Section 13 (Powers of leasing).
	Section 21 (Extension of power to acquire land by agreement).
Part III (Highways and streets).	Section 24 (Prohibition of building until street defined).
	Section 25 (Prohibition of building until street formed and sewered).
	Section 26 (Termination of new streets).
	Section 27 (Adjustment of boundaries of estates in connection with streets).
	Section 34 (Illumination of street names etc.).
	Section 37 (Application of building line to walls etc.).
	Section 38 (Retaining walls).
	Section 41 (Forecourts injurious to amenities of street).
	Section 42 (Awnings over footways).
	Section 43 (Restriction on buildings under footways).
Part IV (Parks and pleasure grounds etc.).	Section 54 (Decorations in streets).
	Section 61 (Boating pools).
Part V (Movable dwellings camping grounds and houseboats).	Section 65 (Court may prohibit movable dwellings in certain areas).
	Section 66 (Further provisions as to movable dwellings).
	Section 67 (Byelaws as to camping grounds).
	Section 68 (Savings from certain provisions of Part V).
	Section 70 (Registration of houseboats in districts).
	Section 71 (Byelaws with regard to houseboats).
	Section 72 (Extension of provisions of section 268 of Act of 1936 to houseboats).
Part VII (Public health)	Section 73 (Saving for canal boats etc.).
	Section 96 (Recovery of cost of maintaining public sewers).
	Section 97 (Separate sewers for foul water and surface water).
	Section 99 (Summary power to remedy stopped-up drains etc.).
	Section 100 (Power to repair drains and private sewers).
	Section 101 (Abandoned drains to be cut off).



## THIRD SCHEDULE

## PART I

SECTIONS OF THIS ACT WHICH MAY BE APPLIED TO A RURAL DISTRICT  
OR TO A PART THEREOF BY ORDER OF THE SECRETARY OF STATE

Part	Section and marginal note
Part VI (Public entertainments order and safety).	Section 75 (Music and dancing licences).
	Section 76 (Boxing and wrestling licences).
	Section 77 (Penalties).
	Section 78 (Cancellation of licences).
	Section 79 (Notice to be affixed).
	Section 80 (Powers of entry and inspection).
	Section 81 (Power to revoke licences).
	Section 82 (Initial appeals under Part VI).
	Section 83 (Devolution of certain entertainment licences in case of death of licensee).
Part XII (Miscellaneous)	Section 84 (Byelaws as to pleasure fairs and roller-skating rinks).
	Section 85 (Barriers in streets).
	Section 230 (Provisions as to motor vehicles let for hire).

## PART II

SECTIONS OF THIS ACT WHICH MAY BE APPLIED TO A RURAL DISTRICT  
OR TO A PART THEREOF BY ORDER OF THE MINISTER

Part	Section and marginal note
Part II (Land) ... ..	Section 18 (Development of land).
Part VI (Public entertainments order and safety).	Section 87 (Safety of stands).
Part VII (Public health)	Section 93 (Recovery of expenses of sewerage public highway).
	Section 94 (Recovery of expenses of sewerage prospective street).
	Section 95 (Prevention of evasion of liabilities under last two foregoing sections).
	Section 132 (Smoke and dust from industrial furnaces).
	Section 143 (Inedible fat).
	Section 145 (Slaughter of animals otherwise than for human consumption).
	Section 146 (Acquisition of certain residuals etc. and disposal thereof).

## FOURTH SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING  
SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor of the district to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in a district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the local authority not exceeding the sum so apportionable shall be apportioned by the local authority on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the local authority and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the local authority shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a court of summary jurisdiction and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(a) shall order the local authority to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval ; and

(b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the local authority subject to and in accordance with the following provisions:—

(a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:



Provided that where a sum has become payable under subparagraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land ;

(b) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal ;

the local authority may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

Provided that where the drains of the new building are at the time of its erection made to communicate with a sewer other than the sewer the expenses of the construction of which are apportioned no such demand shall be served in respect of the building unless and until the drains thereof are made to communicate with the last-mentioned sewer ;

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the local authority may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last foregoing paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the local authority may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the local authority with respect to any such remission may appeal to a court of summary jurisdiction.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be

4TH SCH.  
—cont.

deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provision of this schedule—

(a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;

(b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

(a) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date ;

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such an extent that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building) ;

(ii) the conversion into a house of any building not originally constructed for human habitation ;

(iii) the conversion of any premises into a factory shop or place of public resort ;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date ;

(c) the expression " the relevant date " means—

(i) in relation to an apportionment under section 93 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council of a local authority the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 94 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.



## FIFTH SCHEDULE

## PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the issuing authority may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the issuing authority may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the issuing authority.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the issuing authority on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer of the issuing authority shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The issuing authority shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the issuing authority on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the issuing authority on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

5TH SCH.  
—cont.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

Date.....

..... per centum ..... bond repayable  
at par on the ..... 19..... at .....

This is to certify that  
of  
is the registered holder of a ..... bond for  
pounds (£ ..... ) issued by the  
under the Cheshire County Council Act 1953 at

The seal of the  
was hereunto affixed in the presence of }  
Clerk (Town Clerk).

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the issuing authority shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

I  
in consideration of the sum of  
paid by  
(hereinafter called “ the transferee ”) do hereby assign and transfer to the transferee.....

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the said ..... subject to the conditions aforesaid.

As witness our hands and seals this ..... day of  
nineteen hundred and .....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the issuing authority.

(3) The deed of transfer shall be delivered to and retained by the issuing authority and the issuing authority shall enter a note thereof in a book to be called the “ Register of transfers of bonds ” and shall endorse on the deed of transfer a notice of that entry.



(4) The issuing authority shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the issuing authority as aforesaid the issuing authority shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The issuing authority before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The issuing authority may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the issuing authority during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the issuing authority may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the issuing authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the issuing authority they shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The issuing authority before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11.—(1) Unless the holder of a bond otherwise requests the issuing authority may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the issuing authority of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the issuing authority be equivalent to the delivery of the warrant to the holder himself.

12. The production to the issuing authority of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the issuing authority as sufficient evidence of the grant.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Lighting and Watching Act 1833 ... ..	2 & 3 Will. 4. c. 90.
Theatres Act 1843 ... ..	6 & 7 Vict. c. 68.
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Summary Jurisdiction Act 1879 ... ..	42 & 43 Vict. c. 49.
Stalybridge Extension and Improvement Act 1881	44 & 45 Vict. c. cxc.
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Merchant Shipping Act 1894 ... ..	57 & 58 Vict. c. 60.
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Finance Act 1899 ... ..	62 & 63 Vict. c. 9.
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Administration of Estates Act 1925 ... ..	15 & 16 Geo. 5. c. 23.
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Rating and Valuation Act 1925 ... ..	15 & 16 Geo. 5. c. 90.
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Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5. c. 11.
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Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5. c. 32.
Local Government Act 1929 ... ..	19 & 20 Geo. 5. c. 17.
Road Traffic Act 1930 ... ..	20 & 21 Geo. 5. c. 43.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
Road and Rail Traffic Act 1933 ... ..	23 & 24 Geo. 5. c. 53.
Hoylake Urban District Council Act 1935 ...	25 & 26 Geo. 5. c. cxx.



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Housing Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 51.
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Local Government Superannuation Act 1939 ...	2 & 3 Geo. 6. c. 18.
Macclesfield Corporation Act 1939 ... ..	2 & 3 Geo. 6. c. lxxxvii.
Pensions (Increase) Act 1944 ... ..	7 & 8 Geo. 6. c. 21.
Education Act 1944 ... ..	7 & 8 Geo. 6. c. 31.
Trunk Roads Act 1946 ... ..	9 & 10 Geo. 6. c. 30.
Acquisition of Land (Authorisation Procedure) Act 1946 ... ..	9 & 10 Geo. 6. c. 49.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6. c. 58.
National Insurance (Industrial Injuries) Act 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act 1946 ... ..	9 & 10 Geo. 6. c. 67.
Pensions (Increase) Act 1947 ... ..	10 & 11 Geo. 6. c. 7.
Probation Officers (Superannuation) Act 1947 ...	10 & 11 Geo. 6. c. 38.
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Cinematograph Act 1952 ... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 68.

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- 201. Expenses of public entertainment of local authorities.
- 202. Loans for erection etc. of buildings.
- 203. Service of demand notes.
- 204. Recovery of rate etc. from persons removing.
- 205. Recovery of rates from certain owners.
- 206. As to recovery of rates from tenants and lodgers.
- 207. Charges for special readings of water meters.
- 208. As to recovery summarily of sums due for fittings.
- 209. Application of certain provisions of Part X to local authorities.

## PART XI

## LECTURES CULTURAL ACTIVITIES RECORDS ETC.

## Section

- 210. Commemorative plaques.
- 211. Provision of lectures etc.
- 212. Power to publish bulletins etc.
- 213. Contributions to cultural bodies.
- 214. Subscriptions to scientific bodies and other expenses.
- 215. Acquisition of pictures etc.
- 216. Preservation and publication of records.

## PART XII

## MISCELLANEOUS

- 217. School agreements.
- 218. Prohibition of solicitation of school children to sell or exchange articles etc. at schools.
- 219. Delegation of powers to sub-committees.
- 220. Evidence of appointments authority etc.
- 221. Authorisation of appearance of Council's officers in legal proceedings.
- 222. As to minutes of Council meetings etc.
- 223. Additional powers to require information.
- 224. Power to use ladders etc. for entry or inspection.
- 225. Entry on land for certain purposes.
- 226. Power to require removal etc. of dangerous trees.
- 227. As to direction posts relating to rights of way.
- 228. Damage to apparatus in a street or public place.
- 229. False statements to obtain rent rebate etc.
- 230. Provisions as to motor vehicles let for hire.
- 231. Collection and delivery of washing.
- 232. Extension of power to maintain burial grounds.
- 233. Agreements to maintain graves and tombstones.
- 234. Depths of graves.
- 235. Application of certain provisions of Part XII to local authorities.
- 236. Application of section 225 to certain local authorities.

## PART XIII

## PROTECTIVE PROVISIONS

- 237. Crown rights.
- 238. For protection of Postmaster-General.
- 239. For protection of certain statutory undertakers.
- 240. For protection of Chester Corporation.
- 241. Provisions applicable to borough of Crewe.
- 242. Provisions applicable to borough of Hyde.
- 243. Provisions applicable to borough of Macclesfield.



## Section

- 244. Provisions applicable to borough of Stalybridge.
- 245. Provisions applicable to urban district of Ellesmere Port.
- 246. Provisions applicable to urban district of Hoylake.
- 247. Provisions applicable to urban district of Lymm.
- 248. Provisions applicable to urban district of Nantwich.
- 249. For protection of Manchester Ship Canal Company.
- 250. Saving for river boards.

## PART XIV

## GENERAL

- 251. Protection of Council and their officers from personal liability.
- 252. In executing works Council liable for negligence only.
- 253. Breach of conditions of consent.
- 254. Restriction on right to prosecute.
- 255. Confirming authority for byelaws.
- 256. Appeals.
- 257. Inquiries by Ministers.
- 258. Application of provisions of Act of 1936.
- 259. Application of Arbitration Act.
- 260. Saving for trusts etc.
- 261. Application of certain provisions of Part XIV to local authorities.
- 262. Saving for powers of Treasury.
- 263. Saving for town and country planning.
- 264. Costs of Act.

## SCHEDULES:

First Schedule—Sections of this Act in respect of which a poll may be demanded before powers operative in an urban district.

Second Schedule—

Part I—Sections of this Act which may be adopted by a rural district council in respect of their district or a part thereof.

Part II—Resolution of adoption.

Third Schedule—

Part I—Sections of this Act which may be applied to a rural district or to a part thereof by order of the Secretary of State.

Part II—Sections of this Act which may be applied to a rural district or to a part thereof by order of the Minister.

Fourth Schedule—Apportionment and recovery of expenses of constructing sewers.

Fifth Schedule—Provisions as to bonds.