



CHAPTER xii

An Act to make further provision for the improvement health local government and finances of the borough of Nuneaton and for other purposes. [27th July 1955.]

WHEREAS—

(1) The borough of Nuneaton (in this Act called “the borough”) in the county of Warwick is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called “the Corporation”):

(2) It is expedient to make further provision with reference to lands and the improvement health and local government of the borough:

(3) The Corporation own the Church of England chapel which is on consecrated ground in the Oaston Road Cemetery in the borough and it is expedient to provide for the site of the said chapel and of lands in the said cemetery adjacent thereto being freed from all restrictions which may affect the same by reason of the consecration thereof:

(4) It is expedient to make further provision in regard to the finances of the Corporation:

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

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

(7) 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 (that is to say):—

PART I

PRELIMINARY

- Short title.** 1. This Act may be cited as the Nuneaton Corporation Act 1955.
- Division of Act into Parts.** 2. This Act is divided into Parts as follows:—
- Part I.—Preliminary.
 - Part II.—Lands.
 - Part III.—Streets.
 - Part IV.—Sanitation and buildings.
 - Part V.—Nuisances etc.
 - Part VI.—Infectious diseases.
 - Part VII.—Food.
 - Part VIII.—Parks cemeteries and other municipal property.
 - Part IX.—Public order and public safety.
 - Part X.—Finance rating etc.
 - Part XI.—Miscellaneous.
 - Part XII.—General.
- Incorporation of Lands Clauses Acts.** 3. The Lands Clauses Acts except sections 127 to 132 (which relate to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes 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.
- Interpretation.** 4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.
- (2) In this Act unless the subject or context otherwise requires—
- “ the Act of 1933 ” means the Local Government Act 1933 ;
 - “ the Act of 1936 ” means the Public Health Act 1936 ;
 - “ the Act of 1947 ” means the Town and Country Planning Act 1947 ;

- “ apparatus ” has the same meaning as in section 133 (For protection of certain statutory undertakers) of this Act ;
- “ authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money ;
- “ the authority ” means the Central Electricity Authority ;
- “ the borough ” means the borough of Nuneaton ;
- “ the commission ” means the British Transport Commission ;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;
- “ the Corporation ” means the mayor aldermen and burgesses of the borough ;
- “ the council ” means the council of the borough ;
- “ the county ” means the administrative county of Warwick and “ the county council ” means the county council of the county ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction ;
- “ the electricity board ” means the East Midlands Electricity Board ;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the borough ;
- “ financial year ” means a period of twelve months ending on the thirty-first day of March ;
- “ food ” has the same meaning as in the Food and Drugs Amendment Act 1954 ;
- “ the gas board ” means the West Midlands Gas Board ;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;
- “ the 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 by the Town and Country Planning Act 1954 and by this Act ;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952 ;

PART I
—cont.

- “mine” and “quarry” have the same respective meanings as in the Mines and Quarries Act 1954 and include anything deemed to form part of a mine or quarry respectively for the purposes of that Act;
- “the Minister” means the Minister of Housing and Local Government;
- “open space” has the same meaning as in the Open Spaces Act 1906;
- “revenues” in relation to the Corporation has the meaning assigned to it by section 218 of the Act of 1933;
- “statutory borrowing power” includes a power of borrowing money conferred on the Corporation by or under any enactment except 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 or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery;
- “the town clerk” “the medical officer” “the treasurer” “the surveyor” and “the sanitary inspector” mean respectively the town clerk the medical officer of health the treasurer the surveyor and any sanitary inspector of the borough.

(3) Except where the context otherwise requires 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.

PART II

LANDS

Extension of power to acquire land by agreement and use disposal etc. thereof.

5.—(1) The Corporation may acquire by agreement (whether by way of purchase lease or exchange) any land whether situate within or without the borough for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough notwithstanding that the land is not immediately required.

(2) Subsections (1) and (2) of section 163 of the Act of 1933 shall apply to any land acquired by the Corporation under this section.

(3) The Corporation may sell lease exchange or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think

fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form) and may on any such exchange pay or receive money for equality of exchange:

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land for a consideration 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.

(4) Any land acquired under this section may until it is appropriated under section 163 of the Act of 1933 be used for the purpose of any of the functions of the Corporation and until it is so appropriated all expenses incurred by the Corporation in respect of the land shall be payable out of the general rate fund.

(5) (a) Subject to the provisions of paragraph (b) of this subsection section 166 of the Act of 1933 shall apply to capital money received by the Corporation in respect of the sale leasing exchange or other disposition of land under this section as it applies to capital money received in respect of a transaction under section 164 or section 165 of the Act of 1933.

(b) So much of subsection (1) of section 166 of the Act of 1933 as requires the approval of the Minister of the manner in which capital money may be applied towards the discharge of any debt of the Corporation shall not apply to capital money received in respect of the sale leasing exchange or other disposition of land under this section.

(6) Nothing in this section shall authorise the disposal of any land by the Corporation whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Corporation.

(7) (a) Section 158 of the Act of 1933 shall not apply to the acquisition of land or to land acquired by the Corporation and any land acquired by the Corporation under that section before the commencement of this Act shall be deemed to have been acquired under this section.

(b) Sections 164 and 165 of the Act of 1933 shall not apply to any land acquired by the Corporation under this section.

6.—(1) With respect to any land acquired under this Act the Corporation may if they think fit— Powers of leasing.

(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;

PART II
—cont.

- (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 Corporation think fit an option to purchase the fee simple in reversion or other the reversionary interest of the Corporation in all or any of the land leased or agreed to be leased.

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

Reservation of
easements etc.
by
Corporation.

7. On selling any land the Corporation—

- (a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly ;
- (b) may make the sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the deposit or discharge of manure sewage or other impure matter or otherwise as they think fit.

Development
of land.

8.—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands acquired by them under section 5 (Extension of power to acquire land by agreement and use disposal etc. thereof) of this Act and any other land 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 industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets :

Provided that nothing in this section shall apply to land acquired by the Corporation 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.

(2) The Corporation 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) In this section the expression "industrial building" includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes namely :—

- (a) the making of any article or of part of any article ; or

- (b) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine; being a process carried on in the course of trade or business and for the purposes of this definition the expression "article" means an article of any description including a ship or vessel.

9.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon: Loans for erection etc. of buildings.

Provided that any such 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 Corporation 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 Corporation 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 as amended by section 92 of the Housing Act 1935;
- (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 Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);

PART II
—cont.

(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 Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance ; or

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation 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 Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section the expression “ lessee ” includes a person to whom the Corporation have agreed to grant a lease and the expression “ lease ” shall be construed accordingly.

Undertakings
and
agreements
binding
successive
owners.

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

(a) given or made under seal 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 Corporation 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 as amended by the Law of Property (Amendment) Act 1926.

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

PART III

STREETS

General

11.—(1) In this Part of this Act the following expressions have the following meanings:—

Interpretation
of Part III.

“classified road” has the same meaning as in the Local Government Act 1929;

“street byelaws” means any byelaws for the time being in force in the borough with respect to the level width and construction of new streets and the provisions for the sewerage thereof;

“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.

(2) For the purposes of this Part 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.

New streets

12.—(1) Where a plan and sections of a new street deposited with the Corporation 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 Corporation 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.

(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 Corporation may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

PART III
—cont.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under the provisions of any enactment relating to private street works for the time being in force in the borough.

Termination of
new streets.

13.—(1) Where a plan and sections of a new street deposited with the Corporation 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 Corporation may remove the structure and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Rounding or
splaying off
corners at
street
junctions.

14.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purposes of safety by notice require that the corners formed at the junction of the new street with another street (whether existing or intended but not being a trunk road) shall be rounded or splayed off in such manner as may be specified in the notice.

(2) Any such notice—

(a) shall be given to the person by whom or on whose behalf the plan and sections were deposited; and

(b) shall be binding on successive owners of the land to which it relates.

(3) The Corporation shall pay compensation to any person injuriously affected by the exercise of powers conferred by this section and in default of agreement the amount thereof shall be

determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

PART III
—cont.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Improvement of streets

15.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Trees grass
verges and
gardens.

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs ;
- (b) to lay out grass verges or gardens ;
- (c) to attach baskets for plants to posts or standards provided by the Corporation or with the consent of the owner thereof to any other posts or standards ;
- (d) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens ;
- (e) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof ;
- (f) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

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

(3) 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.

PART III
—cont.

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section and anything done by the Corporation under that section with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

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

(6) Where the Corporation carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Variation of
width of
carriageways
and footways.

16.—(1) Subject to the provisions of this section the Corporation may vary the relative widths of the carriageway and footway or footways in any street in the borough being a highway repairable by the inhabitants at large.

(2) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport and Civil Aviation.

(3) At least twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or any footway of a classified road the Corporation shall send notice of the proposed work to the Minister of Transport and Civil Aviation.

(4) The Corporation shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway or canal or upon the approaches to any such bridge without the consent in writing of the railway or canal undertakers concerned:

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

17.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the borough not being a trunk road for the adjustment of the boundary of the street.

(2) For the purposes of this section the Corporation—

(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 borough.

(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 county road (whether the Corporation have claimed to exercise the functions of maintenance and repair of the street or not) the county 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 Corporation in any case in which the consent of that 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 borough entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

18.—(1) At any time after prescribing the improvement line of any street under section 33 of the Public Health Act 1925 the Corporation may by notice require the owner of any building which or any part of which was beyond or in front of the improvement line when it was prescribed to demolish set back or alter the said building within such reasonable period as may

Enforcement of
improvement
line.

PART III
—cont.

be prescribed by the notice not being less than six months from the service of the notice so that it shall not project beyond or in front of the improvement line.

(2) Where any building is demolished set back or altered in compliance with a notice under this section the Corporation shall pay compensation to any owner or tenant thereof for any damage or loss sustained by him in consequence of the compliance and the amount of such compensation shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation:

Provided that any such enhancement in value shall be estimated on the assumption that planning permission in respect of the land would be granted under the Act of 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

(4) If any person fails to comply with a notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(5) In this section the expression “building” includes a structure.

Protection and repair of streets

Crossings over
footways.

19.—(1) Where the owner or occupier of any premises in the borough 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 Corporation may give notice to the owner or occupier as the case may be either—

(a) that they propose to construct across the grass verge or footway a carriage-crossing of such materials and in such manner as they may specify in the notice; or

- (b) in the case of a footway that they propose to strengthen or adapt it in such manner as they may so specify ; or
 (c) imposing such reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as they may so specify :

Provided that the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport and Civil Aviation or otherwise than in accordance with any conditions attached by him to his consent.

(2) Any person aggrieved by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) The Corporation may execute such works as may have been specified in a notice served under paragraph (a) or paragraph (b) of subsection (1) of this section and recover the expenses of so doing from the owner or occupier.

(4) If the Corporation 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 shall cease to be in force in the borough and the following provisions of this subsection shall have effect in lieu thereof as respects streets in the borough which are repairable by the inhabitants at large :—

- (a) Any person may request the Corporation in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a grass verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing ;
 (b) The Corporation may approve the request either with or without modifications or propose alternative work or reject the application :

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport and Civil Aviation ;

- (c) The Corporation shall give the applicant notice of their decision under the foregoing paragraph and if they

PART III
—cont.

approve the work requested 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 Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them ;
- (e) As soon as practicable after such a deposit has been made the Corporation 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 Corporation by or to the applicant as the case may require.

Retaining
walls.

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

- (a) serves or is intended to serve as a support for earth or other material on one side only ; and
- (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 the borough ; 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 Corporation 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 Corporation to approve any plans sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a magistrates’ court.

(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 Corporation 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.

PART III
—cont.

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

- (a) a retaining wall erected on land belonging to any railway or canal undertakers so long as that land is used by those undertakers primarily for the purpose of their railway or canal undertaking ; or
- (b) a retaining wall which is erected on land belonging to the authority the electricity board or the gas board so long as that land is used primarily for the purposes of works in connection with the provision of a supply of electricity or gas ; or
- (c) any retaining wall erected by or under the jurisdiction or control of the Trent River Board or any internal drainage board so long as such wall is used primarily in connection with any of the functions of the said river board or such internal drainage board (as the case may be).

21.—(1) If the council by resolution determine that any stall or other erection on any forecourt in the borough is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner or occupier of the 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.

22.—(1) No part of any awning over the footway of a street in the borough being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than two feet from the outer edge of the footway.

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.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of

PART III
—cont.

the public the Corporation 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) In this section the expression “awning” includes a blind shade or other covering.

Verges etc. of
housing
estates.

23.—(1) Where in pursuance of the Housing Acts 1936 to 1952 any grass verge garden or space is provided by the Corporation and maintained in an ornamental condition or mown by them they may by notice prohibit persons from entering upon or causing or permitting vehicles to enter upon any such grass verge garden or space.

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

(3) The powers of this section shall not be exercisable in relation to any grass verge or garden which forms part of a highway repairable by the inhabitants at large.

Damage to
trees etc. on
highways and
in open spaces.

24.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the borough—

(a) remove or cut any turf ; or

(b) pluck any bud blossom flower fruit or leaf of any tree shrub or plant or remove cut or displace any plant if the tree shrub or plant has been planted by the person having control of the highway or open space for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed in the neighbourhood of the tree shrub or plant.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

(3) Nothing in this section shall apply to any open space vested in or under the control of the Corporation or the National Trust for Places of Historic Interest or Natural Beauty.

25. Where any tree or structure or any part thereof falls on or across any street in the borough the Corporation 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 situated from the occupier thereof.

PART III.

—cont.

Removal of trees etc. from streets.

26. Where in any street repairable by the inhabitants at large within the borough any danger or obstruction is caused or is likely to be caused to persons or vehicles using such street or the footpath thereof by reason of the deposit thereon or thereover of coal coke or wood (other than such deposit for the purpose of delivery through a coal-hole in such footpath) the supplier or if such supplier can show that the person supplied requested such deposit then the person supplied with such coal coke or wood shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Control of dumping of coal etc. in streets.

27.—(1) Where in any highway in the borough repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

Fencing and lighting of obstructions in highways.

(2) Any expenses reasonably incurred by the Corporation in erecting or removing any such board or fence or in lighting any such hoarding scaffolding board or fence shall be recoverable from the owner of the hoarding or scaffolding or of the defective fitting or structure or from the person or persons responsible for the erection of the hoarding or scaffolding on or over the highway or for the condition of the defective fitting or structure.

(3) The provisions of this section shall not apply in cases where there is a duty to secure the observance of the requirements of paragraphs (a) to (e) of subsection (1) of section 8 of the Public Utilities Street Works Act 1950.

28.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway in the borough so repairable and the use of such street involves passage across or interference with any part of such highway the Corporation 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.

PART III
—cont.

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

(3) If the Corporation make any requirement under 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 Corporation and not by any other person and the Corporation 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 the 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 town clerk or surveyor made before the date of the passing of this Act certified that the street had before that date been completed in accordance with plans and specifications required and approved by the Corporation as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at such last-mentioned date been taken over by the Corporation.

Urgent repairs
of private
streets.

29.—(1) In any street in the borough not being a highway repairable by the inhabitants at large the Corporation 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 general rate fund:

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds for each one hundred yards of the length of the street.

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

Evasion by
owners of
private street
works
expenses.

30.—(1) If—

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

- (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 Corporation 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 Corporation 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.

(2) In this section the following expressions have the following meanings :—

“ private street ” means a street within the meaning of the Private Street Works Act 1892 or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947 ;

“ private street works ” means works executed under the provisions of any enactment relating to private street works for the time being in force in the borough ;

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

Miscellaneous

31.—(1) Subject to the provisions of this section a magistrates' court—

Stopping up
and diversion
of highways.

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

PART III
—cont.

(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 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 electricity board the gas board 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 Civil Aviation ; 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 borough.

(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 Corporation the local planning authority 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 magistrates' court under this section may be brought to quarter sessions by any person (including the Corporation and the local planning authority) 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 as amended by the Summary Jurisdiction (Appeals) Act 1933 and of the provisions of the Magistrates' Courts Act 1952 with respect to appeals to quarter sessions 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.

(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 Corporation such sum as may be agreed between him and the Corporation 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.

(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 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 provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

PART III
—cont.Means of
access to
buildings.

32.—(1) Where the plans of any new building intended or adapted for use as a house have been deposited with the Corporation in pursuance of building byelaws 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 Corporation 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 Corporation may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Decorations
in streets.

33.—(1) The Corporation may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street.

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

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport and Civil Aviation.

34.—(1) Where pursuant to section 17 (Adjustment of boundaries of streets) of this Act the Corporation 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 ceases 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 Public Utilities Street Works Act 1950 shall have effect in relation to those powers:

PART III
—cont.

For protection
of Postmaster-
General.

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 Corporation and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Public Utilities Street Works Act 1950 or the rights of the Postmaster-General and the Corporation thereunder.

(3) Where any highway or part of a highway is stopped up in pursuance of an order made under section 31 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation 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 Corporation 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 Corporation 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;

PART III
—cont.

- (c) The Postmaster-General shall be entitled to recover from the Corporation 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 Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(4) As soon as the whole or any part of any highway has been stopped up the Corporation 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.

PART IV

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

35.—(1) Where the council—

- (a) resolve to construct a sewer in a street or part of a street in the borough 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 the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof ;

then the provisions of the First Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation 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 Corporation in a local newspaper circulating in the borough 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.

(3) Either—

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

(b) a photostatic or other reproduction certified by the town 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 the publication.

PART IV
cont.

36. Where land in the borough in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the First Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the length of sewer:

Recovery of expenses of sewerage of prospective street.

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.

37.—(1) If on a complaint by the Corporation to a magistrates' court it is proved to the satisfaction of the court—

Prevention of evasion of liabilities under last two foregoing sections.

(a) that by reason of any transfer of land any part of any premises (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 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 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 First 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.

PART IV
—cont.

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

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

Separate
sewers for foul
water and
surface water.

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

Delegation of
power to
examine and
test drains etc.

39.—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall if the council by resolution so determine have effect in the borough for such period as may be specified in the resolution either as respects the whole of the borough 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 cesspool 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 cesspool is found to be in proper condition the Corporation 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.

40.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the borough 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. Summary power to remedy stopped-up drains etc.

(2) If the notice is not complied with the Corporation may themselves carry out the work necessary to remedy the defect and may subject to the 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 Corporation may if they think fit remit the payment thereof.

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

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

(b) whether the expenses incurred by the Corporation 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.

PART IV
—cont.Power to repair
drains and
private sewers.**41.**—(1) If any drain or private sewer in the borough—

- (a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation ; and
- (b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds ;

the Corporation 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 Corporation 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 Corporation was reasonable ; and
- (b) whether any apportionment made by the surveyor was fair ;

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 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.

(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.

Power to
cleans
drains etc.

42. The Corporation may on the application of the owner or occupier of any premises in the borough undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make and recover from the person so applying such charge if any for so doing as they think fit.

Abandoned
drains to
be cut off.

43.—(1) Where after the passing of this Act any person shall—

- (a) reconstruct any drain which communicates with any sewer or other drain ;
- (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 sealed at each end.

(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.

44.—(1) The Corporation may by notice require a contractor engaged in or upon any building operations or the construction or reconstruction of any works in the borough 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 sanitary conveniences for the use of the workpeople employed thereon; and

(b) where persons of both sexes are employed in or in connection with the operations or works to provide sufficient and satisfactory sanitary conveniences 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—

(i) to which section 107 or section 108 of the Factories Act 1937 applies; or

(ii) at any mine or quarry.

(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.

45.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition performance amusement game or sport to which the public are or will be admitted is held given or provided or is about to be held given or provided to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition performance amusement game or sport 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.

Provision of sanitary conveniences at places of public exhibition etc.

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

(3) If any person fails to comply with a notice served on him under this section within such reasonable period after the date of the service of the notice as may be specified therein and the public are thereafter admitted to the premises or place for

PART IV
—cont.

any such exhibition performance amusement game or sport he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or as the case may be the owner of the premises; and
- (b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section if on the date when the public are admitted to the premises or place in respect of which the notice was served he has ceased to be the owner or occupier thereof.

(4) (a) Section 89 of the Act of 1936 shall in its application to the borough 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".

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

(5) The provisions of this section shall not apply to any premises or place to which the provisions of byelaws for preserving sanitary conditions made by the Corporation under section 81 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act apply.

Buildings and structures

Ruinous and dilapidated buildings and neglected sites.

46.—(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 in the borough and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

- (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 in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building 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 Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(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 and in their application to a notice given under subsection (2) of this section—

(a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material ; and

(b) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

(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 material removed by the Corporation under this section.

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

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

(a) the shoring up of adjacent buildings ; and

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

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

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.

PART IV
—cont.

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

(3) Where notice is given to the Corporation 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 Corporation 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.

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

(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 Corporation under this section.

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

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

(8) 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 and held by them for the purposes of their undertakings ; or
- (c) any building belonging to the National Coal Board and held and used by them for the purpose of the winning and getting of coal :

Provided that the exemption conferred by paragraphs (b) and (c) of this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

Height of new
chimneys.

48.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Corporation 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 Corporation 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 Corporation 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.

49.—(1) If a court of summary jurisdiction is satisfied upon a complaint by the Corporation 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 the borough is prejudicial to the health of any of the inhabitants of the borough 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—

Power to order alteration of domestic chimneys.

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

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.

50.—(1) No person shall in or in connection with any house shop or office in the borough construct without the consent of the Corporation 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.

PART IV
—cont.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under this section or by any conditions attached to such consent may appeal to a magistrates' court.

(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 Corporation 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 Corporation 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 amended by the Law of Property (Amendment) Act 1926 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.

Provision of
bathrooms.

51.—(1) Where plans of a house have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath.

(2) If the Corporation 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.

*Filthy or verminous premises or articles*Cleansing of
filthy or
verminous
premises.

52. Section 83 of the Act of 1936 shall in its application to the borough have effect as if the following subsection were substituted for subsection (1) thereof:—

“(1) Where the local authority upon consideration of a report from any of their officers or other information in their

possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937 or a mine or quarry—

PART IV
—cont.

(a) are in such a filthy or unwholesome condition as to be prejudicial to health ; or

(b) are verminous ;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them and by either—

(i) distempering or whitewashing the interior surface thereof ; or

(ii) in the case of premises used for human habitation or as shops or offices papering or painting the said interior surface ;

and the notice may require among other things the removal of wallpaper or other covering of the walls or in the case of verminous premises the taking of such steps as may be necessary for removing or destroying vermin.”

53.—(1) No dealer shall in the borough—

(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.

Prohibition of
sale of
verminous
articles.

(2) If any household article which is verminous is on any premises in the borough—

(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 Corporation 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 Corporation to enforce.

PART IV
—cont.

(5) For the purposes of this section—

- (a) the expression “dealer” means a person who trades or deals in any household article ;
- (b) the expression “household article” means an article of furniture bedding or clothing or any similar article ;
- (c) the expression “preparation for sale” shall not include disinfection.

PART V.

NUISANCES ETC.

Tipping of
spoil and
refuse.

54.—(1) The Corporation 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 by—

- (a) railway or canal undertakers for the purpose of constructing widening altering or maintaining any railway or canal ; or
- (b) the authority the electricity board or the gas board on any lands used by them in connection with their undertakings ; or
- (c) the Trent River Board or any internal drainage board for the purposes of any of the functions of the said river board or such internal drainage board.

Control of
Corporation's
refuse tips.

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

Smoke from
industrial
furnaces.

56.—(1) As from the appointed day no person shall instal in any premises in the borough any furnace for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(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 Corporation ;

uses the 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 uses it until it is so altered.

(3) If a person before installing a furnace to which this section applies submits to the Corporation a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the Corporation 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 as aforesaid the Corporation shall consult the Minister of Fuel and Power.

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

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

57.—(1) No person shall cause or permit to be discharged in the borough so as to be prejudicial to health or a nuisance—

Discharge of
steam and
waste gas.

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

PART V
—cont.

- (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 railway locomotive.

Silencers
for internal
combustion
engines.

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

(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 Corporation may give him notice that the engine is being or has been so used and if after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(3) An authorised officer of the Corporation 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 Corporation 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 in the exercise of the powers conferred by this section on any premises belonging to railway undertakers and used by them for the purposes of their railway undertaking such officer shall conform to such reasonable requirements of the undertakers as are necessary to prevent obstruction to or interference with the working of the traffic of the undertakers.

(4) Nothing in this section shall apply to any internal combustion engine used below ground in a mine.

59.—(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:

PART V
—cont.

Noise
nuisance.

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 undertakers of statutory powers conferred in relation to their railway undertaking.

(3) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

PART VI

INFECTIOUS DISEASES

60. In this Part of this Act the expression “notifiable disease” means—

Definition of
notifiable
disease.

(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 the borough by virtue of regulations made under section 143 thereof.

61.—(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 the borough 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

PART VI
—cont.

- (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.

Restriction on attendance at public places etc.

62. Section 148 of the Act of 1936 in its application to the borough shall have effect as if the following paragraph were substituted for paragraph (b) thereof:—

“ (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.

63.—(1) With a view to preventing the spread of a notifiable disease the Corporation 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 the borough 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 the Corporation 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.

64. If with a view to preventing the spread of—

(a) a notifiable disease ; or

(b) a disease to which subsection (1) of section 37 of the Food and Drugs Act 1938 applies ;

the medical officer requests in writing any person to discontinue his employment the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

PART VI
—cont.

Compensation for stopping employment to prevent spread of disease.

65.—(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 the cooking preparation or handling of food in the borough intended for consumption by persons other than himself or members of his household ; and

(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 Corporation may request him in writing to discontinue his occupation as aforesaid.

Prohibition of tuberculous persons from handling food.

(2) If any person requested as aforesaid complies with the request the Corporation 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 magistrates' court may on the application of the Corporation 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 Corporation.

(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.

PART VII

FOOD

66. If any person takes or causes to be taken any fat unfit for food into any premises in the borough 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

PART VII
—cont.

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.

67.—(1) As from the appointed day the following provisions shall have effect in the borough:—

- (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 Corporation;
- (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 Corporation:

Provided that nothing in this subsection shall apply—

(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 the market held by the Corporation in the borough where such person shall be entitled to trade by virtue of the payment by himself or by his employer of a toll stallage or rent.

(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.

(4) If it appears to the Corporation—

(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 of any regulations made under section 6 of the Food and Drugs Amendment Act 1954 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the Corporation 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 twenty-one days after the date of the service of the notice) at which it is proposed that a committee of the council 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 shew cause why the Corporation 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.

PART VII
—cont.

(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 Corporation 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 Corporation under the last foregoing subsection may appeal to a magistrates' court.

(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 Corporation 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.

Notification of premises for sale etc. of food.

68.—(1) As from the appointed day any person intending to use for any of the purposes set out in the next following subsection any premises in the borough which were not so used immediately before that day shall give not less than fourteen days' notice to the Corporation of his intention so to do.

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

- (a) the sale or offer or exposure for sale; or
- (b) the storage for the purposes of sale; or
- (c) the preparation for sale;

of any food (other than milk) intended for human consumption.

(3) Any person who shall use any premises in the borough for any of the purposes mentioned in subsection (2) of this section shall unless—

- (a) those premises were used for such purpose immediately before the appointed day; or
- (b) he has given notice to the Corporation in accordance with subsection (1) of this section;

be liable to a penalty not exceeding ten pounds.

(4) Nothing in this section shall apply to—

- (a) the sale or offer or exposure for sale or the storage for the purposes of sale in any premises used as a theatre music hall or cinematograph theatre of ice-cream or sugar confectionery;

- (b) premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises ;
- (c) premises used exclusively for agricultural purposes within the meaning of the Act of 1947 ;
- (d) premises required to be registered under section 14 of the Food and Drugs Act 1938 ;
- (e) any railway station or to any premises within the curtilage of such station.

PART VII
—cont.

PART VIII

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

69. When any part of a park or pleasure ground provided by or under the management and control of the Corporation 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 Corporation 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 Corporation think fit :

Provided that nothing in this section shall empower the Corporation 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.

70. For the purpose of providing a parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Corporation may 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:

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

PART VIII
—cont.
Boating pools.

71.—(1) The Corporation may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool.

(2) The Corporation 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 Corporation 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 powers of the Corporation under subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 with respect to a piece of water in a park or pleasure ground provided by them shall be extended so as to be exercisable with respect to any boating pool provided under this section.

Use of certain
lands for
sports games
etc.

72.—(1) The Corporation may exercise the following powers with respect to the lands in the borough referred to in the Second Schedule to this Act (in this section referred to as “the said lands”) and all buildings now or hereafter erected thereon (which buildings are in this section referred to as “the said buildings”) (that is to say):—

(a) they may fence and improve the said lands and repair improve and extend the said buildings and lay out form fence construct and maintain grounds for games sports entertainments amusements exhibitions displays recreation and other purposes and also gardens roads riding tracks footpaths ways walks fences plantations ornamental lakes and spaces for physical drill and exercise and may plant trees and shrubs for the purpose of shelter or ornament and erect and provide buildings shops enclosures pavilions stands lavatories kiosks and seats;

(b) they may close the said lands and buildings against the public and make and recover such reasonable charges as they may think fit for admission to and for the use of the whole or any part of the said lands and buildings and the enclosures pavilions stands lavatories and kiosks therein and for the use of chairs and for parking

motor vehicles and other vehicles in any part of the said lands and buildings other than any part of the said lands dedicated as a public highway or added to a highway under paragraph (h) of this subsection ;

- (c) (i) they may subject to the provisions of all enactments relating thereto sell and supply or enter into any agreement or arrangement with any person for the sale and supply or let any rights (exclusive or otherwise) of selling and supplying refreshments to the public resorting to and using any of the said lands and buildings to which the public have access and may erect or permit the erection for those purposes of such buildings and the enclosure and provision of such spaces and accommodation as may be requisite or necessary for adequate and proper catering ;
- (ii) they or any person appointed by them in that behalf may apply for and hold licences for the sale of beer or intoxicating liquors or of tobacco for the purposes of this paragraph :

Provided that a justices' licence for the sale of intoxicating liquor granted upon an application made in pursuance of this paragraph shall only authorise the sale of such liquor for consumption with a meal in the building in respect of which the application is made ;

- (d) they may let for such term not exceeding twenty-one years and subject to such covenants and conditions as they think fit the whole or any part or parts of the said lands and buildings ;
- (e) they may set apart and appropriate the whole or any portion of the said lands and buildings for such purposes of public utility instruction or benefit for such periods and on such terms and conditions as they may think fit ;
- (f) they may in any portion or portions of the said lands lay out and maintain golf courses bowling greens cricket hockey and football grounds tennis courts and croquet lawns and grounds for other games and recreation and provide the necessary proper and convenient houses pavilions works buildings garages equipment conveniences appliances and apparatus for use in connection therewith and may do all such acts and may make and recover such reasonable charges for admission to and use of such golf courses bowling greens cricket hockey and football grounds tennis courts and croquet lawns and grounds for other games and recreation and the houses pavilions works buildings garages equipment

PART VIII
—cont.

conveniences appliances and apparatus in connection therewith respectively and for the right of bathing and fishing as they from time to time prescribe:

Provided that the Corporation shall not in connection with any garages provided by them themselves undertake repairs to or the rendering of services for motor vehicles (other than vehicles belonging to the Corporation) or the supply of fuel or spare parts for use in or in connection with such vehicles;

- (g) (i) they may from time to time let to any club company or body of persons any portions of the said lands which may have been or which may be intended to be laid out and maintained as golf courses bowling greens cricket hockey and football grounds tennis courts and croquet lawns and grounds for other games and recreation together with the houses pavilions works buildings garages equipment conveniences appliances and apparatus (if any) provided in connection therewith;
- (ii) any lessee or tenant of the Corporation under this paragraph shall have the like powers of making and recovering reasonable charges for admission to and the use of the golf courses bowling greens cricket hockey and football grounds tennis courts croquet lawns and grounds for other games and recreation and the houses pavilions works buildings garages equipment conveniences appliances and apparatus as are conferred upon the Corporation by this subsection;
- (h) they may make construct and maintain streets roads sewers and drains on any part of the said lands and may if they think fit dedicate any such street or road to public use or utilise any part of the said lands for the widening and improvement of a highway; and
- (i) they may make and recover reasonable charges for the use of the said lands for the purposes of camping.

(2) The Corporation may employ officers and servants in connection with and for the purposes aforesaid.

(3) Nothing in this section shall empower the Corporation to close against the public at one and the same time—

- (a) more than one-half of the total area of the said lands; or
- (b) more than one-third of the total area of the said lands and of all other lands comprising parks pleasure grounds open spaces or playing fields for the time being held provided by or under the management and control of the Corporation under the Public Health Act 1875 the Public Health Act 1925 the Housing Act 1936 or the Physical Training and Recreation Act 1937;

whichever is the greater.

(4) Byelaws made by the Corporation under section 164 of the Public Health Act 1875 for the regulation of any of the said lands shall not apply to any part of the said lands while closed against the public.

(5) The powers which the Corporation have under section 76 of the Public Health Acts Amendment Act 1907 and under subsection (1) of section 4 of the Physical Training and Recreation Act 1937 (in so far as such powers correspond to the provisions of this section) shall cease to have effect with respect to any of the said lands.

73. No power conferred upon the Corporation by the foregoing sections of this Part of this Act shall be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation 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
- (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 Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

74.—(1) The Corporation 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 burial ground or crematorium provided by the Corporation 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;

PART VIII
—cont.

- (c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Corporation 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 Corporation relating to the burial ground or crematorium.

(2) In this section—

“ burial ground ” includes a cemetery ;

“ grave ” includes a grave space niche or urn ;

“ tombstone ” includes a monument or other memorial of a deceased person.

Extension
of power to
maintain
burial grounds.

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

(a) to put and keep in order any tombstone therein ;

(b) to level any grave therein or remove any tombstone or movable memorial on any grave therein or the railings surrounding any grave or tombstone therein.

(2) Before exercising the powers conferred by paragraph (b) of the foregoing subsection the Corporation shall give notice of their intention to do so—

(a) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the borough with an interval between each publication of not less than six clear days ; and

(b) by displaying the notice in a conspicuous position in the burial ground.

(3) The said notice shall—

(a) contain brief particulars of the Corporation's proposals and if necessary specify an address at which full particulars of the proposals can be obtained ;

(b) specify the date on which it is intended that the Corporation shall begin to carry out the proposals 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 ;

(c) state the effect of the next following subsection.

(4) If notice of objection to the proposals and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the proposals to which the objection relates shall not be carried out without the consent of the Minister.

(5) Unless within three months after the first publication of the notice required by paragraph (a) of subsection (2) of this section any tombstones memorials or railings removed under this section are claimed the Corporation may put them to such use as they think appropriate or destroy them.

(6) Where any tombstone is removed under this section the Corporation may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause to be made a record of each tombstone and memorial removed under this section and deposit a copy of the record with the Registrar-General.

(8) Nothing in this section shall limit the jurisdiction of the consistory court of the diocese of Coventry and where a licence or faculty of that court is obtained for any work subsections (2) to (4) of this section shall not apply to that work.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“tombstone” includes a kerb and any fixed memorial to the dead.

76.—(1) The chapel shall by virtue of this Act be free from the act or consequences of the consecration thereof and from all trusts uses obligations disabilities and restrictions whatsoever attributable to such consecration heretofore attaching thereto under ecclesiastical law.

Chapel freed from consequences of consecration.

(2) In this section “the chapel” means the Church of England chapel and ancillary buildings and adjacent lands in the Oaston Road Cemetery in the borough coloured pink on the map signed in triplicate by Sir Rhys Hopkin Morris the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which map has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office.

77.—(1) (a) Notwithstanding anything contained in any enactment and subject to the provisions of this section it shall be lawful for the Corporation to use any part of the closed burial ground in the borough known as the churchyard of St. Nicholas Parish Church (in this section referred to as “the burial ground”)

Use of part of churchyard for street improvements.

PART VIII
—cont.

when they shall have acquired such part for the purposes of widening opening enlarging or otherwise improving the streets in the borough known as Vicarage Street and Church Street or either of those streets.

(b) Any part of the burial ground acquired for the purposes aforesaid shall as from the date on which it vests in the Corporation be by virtue of this Act free from the act or consequences of the consecration thereof and from all trusts uses obligations disabilities and restrictions whatsoever attributable to such consecration heretofore attaching thereto under ecclesiastical law.

(c) If the Corporation acquire any part of the burial ground for the purposes aforesaid they shall not use or appropriate the part so acquired for any other purposes.

(2) Before using any part of the burial ground for the purposes of widening opening enlarging or otherwise improving any street the Corporation shall remove or cause to be removed therefrom the remains of all deceased persons interred in such part of the burial ground.

(3) Before proceeding to remove any such remains the Corporation shall publish notice of their intention so to do in a local newspaper circulating in the borough once in each of two successive weeks with an interval between each publication of not less than six clear days and display the notice in a conspicuous position in the burial ground and such notice shall have embodied in it the substance of subsections (4) (5) (6) (7) and (8) of this section.

(4) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person in respect of whose remains the Corporation have published a notice under subsection (3) of this section may give notice to the Corporation of his intention to undertake the removal of such remains and any tombstone relating thereto and thereupon he shall be at liberty to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the parish and to remove such tombstone.

(5) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the consistory court of the diocese of Coventry and such court shall have power to make an order specifying who shall remove the remains and any tombstone relating thereto.

(6) The expense of such removal and reinterment of such remains and such removal of such tombstone (not exceeding in

respect of remains removed from any one grave and any tombstone relating thereto the sum of twenty-five pounds) shall be defrayed by the Corporation such sum to be apportioned fairly according to the number of remains in the grave.

(7) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same or (as the case may be) the person specified in any order made under subsection (5) of this section shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be reinterred in a burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose but in the case of a churchyard only with the consent of the incumbent of the parish.

(8) The Corporation shall remove and dispose of all tombstones relating to the remains of any deceased person removed under this section except tombstones removed in pursuance of subsection (4) of this section and the Corporation shall cause to be made a record of such tombstones and of any tombstones removed in pursuance of the said subsection (4) showing the particulars respecting each tombstone as a separate entry and shall deposit a copy with the Registrar-General.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

PART IX

PUBLIC ORDER AND PUBLIC SAFETY

78.—(1) For the purpose of securing public order or public safety or preventing congestion of traffic the Corporation 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 the borough will be thronged or obstructed cause barriers to be erected in any street in the borough and kept in position for so long as may be necessary for that purpose: Barriers in streets.

Provided that the Corporation shall not exercise the powers of this subsection—

- (a) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation; or
- (b) as respects any street belonging to or repairable by any railway canal inland navigation or passenger road transport undertakers and forming the approach to any station wharf or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any station wharf or depot of those undertakers without the consent of those undertakers;

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—cont.

(c) 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 (b) to the foregoing subsection shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

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

79.—(1) No procession shall pass through the streets of the borough unless written notice stating the route by which and the time at which it will so pass has been delivered at the office of the town clerk and the principal police station in the borough at least thirty-six hours (exclusive of Sundays) before the time so stated.

(2) If any procession passes through the streets of the borough 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 or any circus procession or procession of wild animals:

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

Safety of
stands.

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

PART IX
—cont.

(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 Corporation 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 Corporation may allow.

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

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

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand 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 Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice ; or

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

(d) being the owner or occupier of such a stand 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.

PART IX
—cont.

(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 Corporation 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.

Byelaws as to
pleasure fairs
and roller-
skating rinks.

81.—(1) The Corporation 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—

- (a) the expression "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 ;
- (b) the expression "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—

PART IX
—cont.

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (c) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Corporation 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 Corporation 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.

(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 any byelaws made under this section shall be provisions which it is the duty of the Corporation to enforce.

82.—(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 borough 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 Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk 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 are the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

PART IX
—cont.

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he 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) In this section the expression "petroleum spirit" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Power to
require
removal etc.
of dangerous
trees.

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

(2) The provisions of section 276 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:

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

"(a) that the notice or requirement is unreasonable".

Provisions as to
motor vehicles
let for hire.

84. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation 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:

Provided that—

(1) this section shall not apply to any such vehicle which is kept by any person in connection with any business carried on by him as a funeral director or owner of funeral vehicles available for hire and used wholly or mainly 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 ;

PART IX
—cont.

- (2) nothing in this section shall empower the Corporation 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.

85. If in the borough any person exhibits or permits to be exhibited on any motor vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle as defined in the Road Traffic Acts 1930 to 1947) any sign (not being a sign required to be exhibited by virtue of section 18 of the Vehicles (Excise) Act 1949) or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire he shall be liable to a penalty not exceeding five pounds.

Misleading signs on motor vehicles.

86. Section 154 of the Act of 1936 shall in its application to the borough have effect as if after the words " or any article whatsoever " in subsection (1) of that section there were inserted the words " or any animal fish bird or other living thing ".

Amendment of section 154 of Act of 1936.

87.—(1) No person shall for the purpose of advertising any entertainment trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street in the borough:

Restrictions on use of loud-speakers in streets.

Provided that this subsection shall not apply to the operation of any loudspeaker on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice-cream) where—

- (a) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words) ; and
- (b) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public the commodity conveyed by the vehicle ; and
- (c) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this proviso " ice-cream " includes any similar commodity and the commodity known as " water ice ".

PART IX
—cont.

(2) No person shall between the hours of nine in the afternoon and eight in the forenoon operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the borough:

Provided that this subsection shall not apply to a loudspeaker forming part of a wireless receiving set inside a motor car so long as such loudspeaker is used only for the private purposes of the occupants of the said vehicle and is not used so as to be an annoyance or nuisance to persons in a street.

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

(4) This section shall not apply to—

- (a) the use of a loudspeaker by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency;
- (b) the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission;
- (c) the use of a loudspeaker by the electricity board or the gas board for the purpose of announcements in case of emergency to their customers or to the public generally;
- (d) the use of a loudspeaker by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or any of their stations or depots not forming part of a public highway or for communications between their staff.

(5) In this section the expression “loudspeaker” includes an amplifier or similar instrument.

PART X

FINANCE RATING ETC.

Power to borrow.

88.—(1) The Corporation 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 the sum requisite for the payment of the costs charges and expenses of this Act.

(2) The Corporation shall repay the moneys borrowed under paragraph (b) of the preceding subsection within such period as the Corporation may determine not exceeding five years from the date of borrowing.

(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 the said Part IX and the period fixed under this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

PART X
—cont.

89.—(1) In addition to any other form of borrowing the Corporation 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. Power to issue bonds.

(2) Where the Corporation 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 Third 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.

(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.

90.—(1) Notwithstanding anything in any other enactment relating to the Corporation on and after the thirty-first day of March nineteen hundred and fifty-six the Corporation may if they think fit establish a fund to be called “the consolidated loans fund” to which shall be paid—

(a) all moneys borrowed by the Corporation by the issue of authorised securities together with all moneys borrowed without or pending the issue of an authorised security in connection with the exercise of any statutory borrowing power;

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—cont.

- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are paid to a capital fund established by the Corporation under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or are applied by the Corporation with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each financial year out of other funds of the Corporation 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 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 Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys in the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation ; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation :

And the moneys in 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 fund and the moneys in 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 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 Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal repairs depreciation contingency insurance art superannuation or other similar fund (hereinafter 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 Corporation within the

meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

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—cont.

- (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 general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid to the lending fund at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid shall (subject to any prescribed limit on the amount of the lending fund) be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) The powers conferred by this section shall not be exercised by the Corporation except in accordance with a scheme to be made by the Corporation 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.

(7) Any scheme approved by the Minister under this section may from time to time be altered extended amended or revoked by a scheme made and approved in like manner as the original scheme.

91.—(1) The Corporation may if they think fit establish a fund to be called “the art fund” to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collections in the art galleries museums or other buildings of the Corporation and such fund shall be formed by paying thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth 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 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister: Art fund.

Provided that when the art fund shall amount to the sum of five thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced

PART X
—cont.

below the said sum of five thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to that sum.

(2) (a) Pending the application of the art fund to the purposes authorised by this section the moneys in the said 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 art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by the proviso to subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

Scheme for
equated
periods.

92.—(1) The Corporation may make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under any statutory borrowing power shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be altered extended amended or revoked by a scheme made and confirmed in like manner as the original scheme.

93.—(1) The Corporation 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”).

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—cont.

Insurance
fund.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation 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 financial year after the establishment of the insurance fund the Corporation 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 Corporation fully insured in some insurance office of good repute against the specified risks; or

(b) if the Corporation 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 Corporation 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 Corporation 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 Corporation shall provide the yearly payments aforesaid by contributions from the revenue moneys of the general rate fund and (if they think fit) from the housing revenue account 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 Corporation 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:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(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

PART X
—cont.

of the specified risks or any of them all moneys for the time being standing to the credit of the insurance 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 and form part of the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every financial year so long as the insurance fund is less than the prescribed amount carry to the credit of that fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation 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 Corporation 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 Corporation 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 borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(8) In this section—

“insurance office” includes an underwriter being a member of an association of underwriters; and

“the prescribed amount” means such sum as may from time to time be prescribed by the council.

94.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter consecutive period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable. PART X
—cont.
Closing of registers.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

95.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register : Dividend warrants by post.

Provided that if such person gives notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

96. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation. Receipts in case of minors.

97. The layout and development of any corporate land (as defined by section 305 of the Act of 1933) for the time being belonging to the Corporation and the alteration enlargement improvement extension reconstruction or rebuilding of any Power to borrow etc. for reconstruction of corporate land.

PART X
—cont.

building thereon shall be purposes for which the Corporation may borrow or may expend money out of the general rate fund.

Power to
advance money
in certain cases.

98.—(1) Where any person—

- (a) is by virtue of any enactment for the time being in force in the borough required by any local authority or any statutory undertakers to execute any works or to do any other thing; or
- (b) desires or proposes to execute any works or to do any other thing which by virtue of any such enactment any local authority or statutory undertakers could require him to do;

the Corporation may advance money to such person for the purpose of enabling or assisting him to execute such works or to do such thing.

(2) Before any advance is made under this section the repayment of the moneys proposed to be advanced shall be secured to the satisfaction of the Corporation and any instrument securing such repayment 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 as amended by section 92 of the Housing Act 1935; and
- (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.

(3) In this section the expression “local authority” has the meaning assigned to it by section 305 of the Act of 1933.

Recovery of
rates from
persons
removing.

99.—(1) If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water rent water rate or water charge which may be due from him to the Corporation and intends to evade payment of the same 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 and to detain them until the complaint is determined upon the return of the summons.

(2) In this section the expression “water charge” includes a meter rent.

100.—(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 Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments. The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

PART X
—cont.

Recovery of rates from certain owners.

(2) This section shall not apply to any hereditament to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

(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.

101. 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 the Corporation.

Service of demand notes.

102.—(1) Any water rent water rate or water charge payable to the Corporation may be demanded and collected together with the general rate and the same books may be used for the said rent rate or charge and the general rate.

Collection and recovery of water rates and charges.

(2) Notwithstanding the provisions of any other enactment any water rent water rate or water charge recoverable by the Corporation in a magistrates’ court may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of such recovery as the general rate.

(3) There may be included in one and the same complaint information summons or warrant or in any schedule thereto two or more sums payable to the Corporation by any one person in respect of the water rent water rate and water charge and general rate payable by him.

(4) In this section “water charge” includes a meter rent.

103. If any person for the purpose of obtaining for himself or any other person a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any other payment due to the Corporation under the Rating and Valuation Act 1925 or the Education Acts 1944 to 1953 or any regulations

False statements to obtain rebate etc.

PART X
—cont.

made thereunder or for the purpose of obtaining any advance from the Corporation 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 Corporation 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 Corporation 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.

Power to charge in respect of establishment expenses.

104. Whenever under any enactment (other than the Act of 1936) the Corporation 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 Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Expenses of public ceremonies etc.

105. The Corporation may pay reasonable expenses for or in connection with—

- (a) public entertainments provided by the Corporation on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough ;
- (b) official and courtesy visits by or on behalf of the Corporation including travelling expenses and expenses reasonably incurred by or on behalf of any member or officer of the Corporation in connection therewith ; and
- (c) the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

Subscriptions to local government and scientific bodies and other expenses.

106. The Corporation may pay reasonable subscriptions (whether annually or otherwise) to the funds of any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a corporation or of discussion of such matters or 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 Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation to attend conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

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—cont.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half 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.

PART XI

MISCELLANEOUS

107.—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work the Corporation may within the borough 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.

(2) The Corporation and any 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 Corporation of their powers in relation to culverts channels or other works; or
- (b) impose upon the Corporation any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the Corporation to execute any works in through or under or so as to affect 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.

(5) For the purposes of this section “river or stream” shall not include any such river or stream as is for the time being a main river of the Trent River Board.

108.—(1) If any river or stream or any part thereof within the borough is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation

Cleansing of rivers and streams.

PART XI
—cont.

may by notice require the owner or occupier of any lands in the borough abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act default or sufferance 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 Corporation to execute or require the commission to execute any works in through or under or so as to affect 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.

(4) For the purposes of this section "river or stream" shall not include any such river or stream as is for the time being a main river of the Trent River Board.

Entry for purposes of last two foregoing sections.

109.—(1) Any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises in the borough at all reasonable hours for the purpose of—

- (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 Corporation 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 Corporation :

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If any person who in compliance with the provisions of this section is admitted into a factory workshop or workplace discloses to any person any information obtained by him in the factory workshop or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(3) The provisions of this section shall not authorise any officer of the Corporation 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.

110.—(1) As from the appointed day no person shall carry Hairdressers on the business of a hairdresser's or barber's shop on any and barbers. premises in the borough unless he and those premises are registered by the Corporation.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation 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 Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation 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 carries on business in contravention of subsection (1) of this section or contravenes or fails to comply with 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 or failure to comply with 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 Corporation 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

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—cont.

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court 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 Corporation to enforce.

Information centres.

111. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the borough and its neighbourhood.

Prizes for garden and allotment competitions.

112. The Corporation may expend on the provision of prizes in connection with any competition which they may hold relating to their tenants' gardens or to allotments provided by the Corporation such sum as they may think fit not exceeding in any one year the sum of one hundred pounds.

Summary recovery of damages for negligence.

113. Any compensation recoverable by the Corporation for damage caused by negligence to any lamp or lamp-post belonging to them 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.

Liability of Corporation for work done in default or by request.

114.—(1) Where under any enactment—

(a) the Corporation require any person (in this section referred to as "the defaulter") to execute any work or take any action; and

(b) in default or at the request of the defaulter the Corporation or any of their officers execute the work or take the action;

then in the absence of negligence on the part of the Corporation or of any such officer or of any contractor employed by them or him—

(i) the Corporation shall not as between themselves and the defaulter be liable to pay any damages in respect of or consequent upon the execution of the work or the taking of the action; and

(ii) any such damages as aforesaid paid by the Corporation to any other person shall be deemed to be part of the expenses payable by the defaulter and shall be recoverable accordingly.

(2) In this section the expression "damages" includes penalties costs and charges.

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—cont.

115.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

Powers to use ladders etc. for entry or inspection.

(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 to such an officer all reasonable assistance in the exercise of the powers conferred by this section ;
or

(b) otherwise obstructs such an officer in the exercise of those powers ;

he shall be liable to a penalty not exceeding five pounds.

116. 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.

Appearance of officers in legal proceedings.

117. Notwithstanding anything 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 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 shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

As to minutes of council meetings etc.

118. Section 164 of the Housing Act 1936 shall in its application to the Corporation have effect as if at the end of subsection (2) of the said section there were inserted the following proviso:—

Amendment of section 164 of Housing Act 1936.

" Provided that for the purposes of this subsection a document shall be deemed to be signed by the clerk to a local authority or his lawful deputy if a facsimile of the signature of either of such officers by whatever process reproduced is affixed to such document."

119. The Corporation may enter into and carry into effect agreements with the owners of documents books or papers of historic or other interest for the custody and exhibition by the Corporation of such documents books or papers.

Custody of ancient documents.

PART XI

—cont.

Robes of
office.

120. The Corporation may provide and maintain robes of office and headdresses for the use of the mayor aldermen and councillors of the borough:

Provided that the robes and headdresses provided by the Corporation under the powers of this section shall remain the property of the Corporation.

Provision
of lectures
exhibitions etc.

121.—(1) It shall be lawful for the Corporation—

(a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures; 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 Corporation in any financial year on the provision of lectures; and

(ii) the sum to be expended by the Corporation in any 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 Corporation under the provisions of this section.

(2) The Corporation may use or allow to be used or let any part of any public library art gallery or museum provided by them and not at the time required for the purpose for which it is provided 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 Corporation may provide and sell or authorise the provision and sale of programmes of any lectures exhibitions or performances given or provided in pursuance of this section.

(4) 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 other public entertainment of the like kind or a cinematograph exhibition.

Recreational
and other
facilities for
employees.

122.—(1) The Corporation may within the borough provide and maintain recreational social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

PART XI
—cont.

(a) acquire buildings or acquire or appropriate land and erect buildings thereon;

(b) with the consent of the Minister adapt any premises or erect any buildings on any land belonging to them but not already appropriated for such purposes;

(c) make such charges as they think fit for the use of such premises; and

(d) make regulations for the management of such premises.

123. The Corporation 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. Provision of weighing-machines.

PART XII

GENERAL

124. 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 section 71 (Boating pools) section 81 (Byelaws as to pleasure fairs and roller-skating rinks) and section 84 (Provisions as to motor vehicles let for hire) the confirming authority shall be the Secretary of State. Confirming authority for byelaws.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

126. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application Arbitration.

PART XII
—cont.

of any party giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (8) of section 31 (Stopping up and diversion of highways).	The Minister of Transport and Civil Aviation.
Subsection (4) of section 107 (For preventing obstruction to streams by culverts etc.).	The Minister of Agriculture Fisheries and Food.
Subsection (3) of section 108 (Cleansing of rivers and streams).	The Minister of Agriculture Fisheries and Food.
Subsection (3) of section 109 (Entry for purposes of last two foregoing sections).	The Minister of Agriculture Fisheries and Food.
Paragraph (12) of section 133 (For protection of certain statutory undertakers).	The President of the Institution of Civil Engineers.
Paragraph (2) of section 134 (For protection of National Coal Board).	The President of the Institution of Civil Engineers.

Appointed day.

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

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

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

(a) of the passing of any such resolution and of the 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 town 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 the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the 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 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 129 (Appeals) of this Act.

128. Proceedings in respect of an offence created by or under this Act (except section 84 (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 Corporation. Restriction on right to prosecute.

129.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction 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 Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on 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 Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

130. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act. Protection of members and officers of Corporation from personal liability.

PART XII
—cont.
Application
of general
provisions of
Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act (that is to say) :—

- Part III (Streets) ;
- Part IV (Sanitation and buildings) ;
- Part V (Nuisances etc.) ;
- Part VI (Infectious diseases) ;
- Part VII (Food) ;

and to section 83 (Power to require removal etc. of dangerous trees) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to the following sections of this Act (that is to say) :—

- Section 80 (Safety of stands) ;
- Section 81 (Byelaws as to pleasure fairs and roller-skating rinks) ;
- Section 82 (Derelict petrol tanks) ;
- Section 110 (Hairdressers and barbers).

Repeal.

132. The following sections of the Nuneaton Corporation Act 1919 are hereby repealed :—

- Section 43 (Intersecting streets) ;
- Section 45 (Power to define future line of existing streets) ;
- Section 46 (Building line in new streets) ;
- Section 51 (Power to require taking down or repair of dilapidated buildings) ;
- Section 57 (Regulation dustbins).

For protection
of certain
statutory
undertakers.

133. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Corporation 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 authority and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by that authority or board ;

(b) in relation to the gas board mains pipes or other apparatus belonging to or maintained by that board ;

The expression “ apparatus ” includes any works constructed for the lodging therein of apparatus ;

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

“ position ” includes depth ;

“ undertakers ” means—

the authority ;

the electricity board ;

the gas board :

(2) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus :—

Section 15 (Trees grass verges and gardens) ;

Section 27 (Fencing and lighting of obstructions in highways) ;

Section 33 (Decorations in streets) ;

Section 78 (Barriers in streets) :

(3) Nothing in section 12 (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 substation 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 byelaws :

(4) Nothing in section 15 (Trees grass verges and gardens) of this Act shall affect the rights of any undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden and nothing in section 23 (Verges etc. of housing estates) of this Act shall affect such rights with respect to any such verge garden or space as is referred to in that section :

Provided that in exercising such rights the undertakers shall not cause or permit except in case of necessity horses or vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown or any garden :

PART XII
—cont.

- (5) Whenever the Corporation in the exercise of the powers of section 17 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land and there is in such first-mentioned land any apparatus the Corporation shall give notice in writing 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 shall notwithstanding any agreement entered into under the said section 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 or the undertakers may and if reasonably so required by the Corporation shall alter the position of such apparatus to such other position in the street as altered under the said powers as may be reasonable :
- (6) Nothing in section 18 (Enforcement of improvement line) of this Act shall apply to any building used for the generation transmission or distribution of electricity or for the manufacture distribution or storage of gas except with the consent of the undertakers which consent shall not be unreasonably withheld :
- (7) Whenever by virtue of the provisions of section 31 (Stopping up and diversion of highways) of this Act any highway or part of a highway in which any apparatus is situate is stopped up or diverted the undertakers shall notwithstanding such stopping up and diversion continue to have the same powers and rights in respect of any apparatus remaining in the highway or part of a highway so stopped up and diverted as if it had remained a highway or may and if reasonably so required by the Corporation shall—
- (i) remove the apparatus and relay or replace it 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 :
- (8) The Corporation 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 (5) 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 (7) 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 Public Utilities Street Works Act 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 Corporation under 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 133 (For protection of certain statutory undertakers) of the Nuneaton Corporation Act 1955 " :

- (9) Nothing in section 57 (Discharge of steam and waste gas) of this Act shall extend to the necessary discharge of steam or gas on any lands used in connection with the manufacture or storage of gas :
- (10) Before entering in exercise of the powers of section 58 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the undertakers in connection with the manufacture generation or storage or supply of gas or electricity (as the case may be) an authorised officer of the Corporation 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 or electricity :
- (11) Nothing in the following sections of this Act :—
- Section 41 (Power to repair drains and private sewers) ;
- Section 107 (For preventing obstruction to streams by culverts etc.) ;
- Section 108 (Cleansing of rivers and streams) ;

PART. XII
—cont.

Section 109 (Entry for purposes of last two foregoing sections);

shall authorise the Corporation 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 concerned but such consent shall not be unreasonably withheld:

- (12) (a) Any difference which may arise between the Corporation 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 Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection
of National
Coal Board.

134. For the protection of the National Coal Board (hereafter in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

- (1) Before entering in the exercise of the powers of the following sections of this Act (namely):—

Section 58 (Silencers for internal combustion engines);

Section 82 (Derelict petrol tanks);

Section 109 (Entry for purposes of last two foregoing sections);

upon any mine of the board an authorised officer of the Corporation shall give reasonable notice of his intended entry and in the exercise of such powers shall observe any precautions reasonably required by the board in the interests of safety:

- (2) Any difference which may arise between the Corporation and the board under this section shall be referred to arbitration.

Saving for
town and
country
planning.

135. 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.

136. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

SCHEDULES

FIRST SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor 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 the borough 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 Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation 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 Corporation 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 Corporation 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 magistrates' court 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 Corporation 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 it thinks 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 Corporation 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 sub-paragraph (c) of this paragraph in respect of the

1ST SCH.
—cont.

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 Corporation 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 Corporation 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 Corporation 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 Corporation with respect to any such remission may appeal to a magistrates' court.

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 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—

1ST SCH.
—cont.

- (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 35 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council the date when the resolution became operative; and
 - (ii) in relation to an apportionment under section 36 (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.

SECOND SCHEDULE

LANDS REFERRED TO IN SECTION 72 (USE OF CERTAIN LANDS FOR SPORTS GAMES ETC.)

1. Land known as Bar Pool Playing Fields comprising an area of approximately 34 acres.
2. Land known as Pingle Fields Playing Fields comprising an area of approximately 28.04 acres.
3. Land known as Caldwell Playing Fields comprising an area of approximately 25 acres.
4. Land known as Camp Hill Playing Fields comprising an area of approximately 12.5 acres.
5. Land known as Haunchwood Road Playing Fields comprising an area of approximately 28.6 acres.
6. Land known as Lutterworth Road Playing Fields comprising an area of approximately 30.7 acres.
7. Land known as Manor Park Sports Ground comprising an area of approximately 4.9 acres.
8. Land known as Sandon Park and Weddington Meadows comprising an area of approximately 43.82 acres.

THIRD SCHEDULE

PROVISIONS AS TO CORPORATION 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 Corporation may determine.
2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation 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 Corporation.
(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 Corporation 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 date 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 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 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 Corporation 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 Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may issue a new certificate in lieu of the certificate lost or destroyed.

(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

BOROUGH OF NUNEATON

NUNEATON CORPORATION BONDS

..... per centum Nuneaton Corporation Bond repayable at par on the 19..... at the

This is to certify that.....
of
is the registered holder of a Corporation bond for
pounds (£.....) issued by the mayor aldermen and
burgesses of the borough of Nuneaton under the Nuneaton
Corporation Act 1955 at

The common seal of the mayor
aldermen and burgesses of the
borough of Nuneaton was
hereunto affixed in the presence
of }

3RD SCH.
—cont.

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 Corporation 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

NUNEATON CORPORATION BONDS

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 Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of Transfers of Nuneaton Corporation Bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation 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 Corporation as aforesaid the Corporation 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 Corporation 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 Corporation 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 Corporation 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 Corporation 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 Corporation shall issue a certificate accordingly.

3RD SCH.
—cont.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation 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 Corporation 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 Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

12. The production to the Corporation 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 Corporation as sufficient evidence of the grant.

FOURTH SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing ; forms of notices etc.
284	Authentication of documents.
285	Service of notices etc.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

4TH SCH.
—cont.

PART II

SECTIONS APPLIED TO PARTS III IV V VI AND VII AND
SECTION 83 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises : power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses etc.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint etc.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTION APPLIED TO PARTS III IV V VI AND VII AND
SECTIONS 80 81 82 AND 110 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879	42 & 43 Vict. c. 49.
Electric Lighting Act 1882... ..	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
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Open Spaces Act 1906	6 Edw. 7 c. 25.
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Nuneaton Corporation Act 1919	9 & 10 Geo. 5 c. xliii.
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Law of Property (Amendment) Act 1926	16 & 17 Geo. 5 c. 11.
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Local Government (Miscellaneous Provisions) Act 1953.	1 & 2 Eliz. 2 c. 26.
Food and Drugs Amendment Act 1954	2 & 3 Eliz. 2 c. 67.
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