



CHAPTER xix

An Act to authorise the mayor aldermen and citizens of the city of Salford to execute a street work in the city and to acquire lands therefor and for other purposes to confer further powers on the Corporation and to make further and better provision for the health local government improvement and finances of the city and for other purposes. [27th July 1955.]

WHEREAS the city of Salford (hereinafter referred to as "the city") is a county borough under the government of the mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council of the city:

And whereas the Corporation are the owners of a recreation ground in the city known as "the Edge Place Recreation Ground" and to facilitate the development of the adjoining land for housing purposes it is expedient that the Corporation should be empowered to use the said recreation ground as part of the said development:

And whereas the Corporation are authorised to appropriate and use part of a public park in the city known as Peel Park in connection with the Royal Technical College Salford and it is expedient that the Corporation should be authorised to appropriate and use a further part of the said park for the purpose of providing a car park in connection with the said college:

And whereas it is expedient that further and better provision should be made for the health local government improvement and finance of the city:

And whereas it is expedient that further powers as by this Act provided should be conferred upon the Corporation:

And whereas it is expedient that the further provisions contained in this Act should be enacted:

And whereas a plan and section showing the line and levels of the work by this Act authorised and a plan showing the lands which may be acquired or used compulsorily for or in connection with the said work under the powers of this Act together with a book of reference to the said plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands and describing the same have been deposited with the town clerk of the city and are in this Act respectively referred to as the deposited plan section and book of reference:

And whereas 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 Salford Corporation Act 1955.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street work etc.

Part IV.—Sanitation and buildings.

Part V.—Nuisances.

Part VI.—Weights and measures.

Part VII.—Finance.

Part VIII.—Miscellaneous.

Part IX.—General.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exceptions and modification:—

(a) Sections 127 to 133 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860 are not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

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

(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 1948 ” means the Salford Corporation Act 1948 ;

“ the city ” means the city and county borough of Salford ;

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

“ contravention ” in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “ contravene ” shall be construed accordingly ;

“ the Corporation ” means the mayor aldermen and citizens of the city acting by the council ;

“ the council ” means the council of the city ;

“ daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction therefor ;

“ 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 city ;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 the Town and Country Planning Act 1947 the Lands Tribunal Act 1949 and the Town and Country Planning Act 1954 ;

“ Minister ” means the Minister of Housing and Local Government ;

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

PART I
—cont.

“ the town clerk ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the medical officer of health and any sanitary inspector of the city ;

“ the tribunal ” means the Lands Tribunal.

(3) 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

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the city delineated on the deposited plan and described in the deposited book of reference as may be required for or in connection with the street work authorised by this Act.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-five.

Correction
of errors in
deposited plan
and book of
reference.

6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the city for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and to execute the street work authorised by this Act in accordance with the certificate.

(4) Any certificate deposited under this section with the town clerk shall be kept by him with the other documents to which it relates.

7. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

PART II
—cont.

Power to enter
for survey or
valuation.

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

8. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard of
recent
improvements
and interests.

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-four; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

9.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

Extinction of
private rights
of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

10.—(1) The Corporation may appropriate and use for the purposes of the Housing Acts 1936 to 1952 the lands in the city coloured pink on the signed plan containing 1024 square yards or thereabouts and comprising the recreation ground or open space known as Edge Place Recreation Ground.

Edge Place
Recreation
Ground.

(2) In this section "the signed plan" means the plan 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 of which plan one copy has been deposited at the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk.

11.—(1) In addition to the portion of Peel Park which the Corporation are authorised by section 171 (Appropriation of portions of Peel Park for certain educational purposes) of the Salford Corporation Act 1920 as amended by section 2 (Amendment of section 171 of Salford Corporation Act 1920) of the

Further
appropriation
of portion of
Peel Park.

PART II
—cont.

Salford Corporation Act 1949 to appropriate and use in connection with the Royal Technical College Salford or other educational purposes the Corporation may appropriate a further portion of the said park not exceeding two acres in extent and may use the whole or any part of such portion for the provision of a car park in connection with the said college.

(2) The use of any such further portion for the purposes aforesaid shall not be deemed to be a breach of any trust covenant or condition now applicable to the said park.

Extension of
Corporation's
powers to
redeem
ground rents.

12.—(1) Where a ground rent is payable either in respect of any land to be acquired by the Corporation or in respect of any land part only of which has been acquired under an enactment to which section 180 of the Salford Corporation Act 1920 (as extended by section 31 (Amendment of section 180 of Salford Corporation Act 1920) of the Salford Corporation Act 1933) applies the powers conferred on the Corporation by the said section 180 (as so amended) shall extend to authorise them to acquire—

- (a) a ground rent payable in respect of land to be acquired by the Corporation ;
- (b) the ground rent payable in respect of the whole of the land including the part not so acquired.

(2) In this section “ ground rent ” includes a rentcharge chief rent or quit rent.

PART III

STREET WORK ETC.

Power to
construct
street work.

13. Subject to the provisions of this Act the Corporation may within the city make and maintain in the line or situation shown on the deposited plan and according to the levels shown on the deposited section the street work hereinafter described together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

A widening and improvement of Broad Street on the north-easterly side thereof between Police Street and Gardner Street.

Limits of
deviation.

14. In the construction of the street work authorised by this Act the Corporation may deviate from the line thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and from the levels thereof as shown on the deposited section to any extent not exceeding five feet either upwards or downwards.

15. Within the limits of deviation shown on the deposited plan the Corporation in connection with and for the purposes of this Act and as part of the street work authorised by this Act may execute or do any of the following works or things:—

PART III
—cont.
Power to make subsidiary works.

- (a) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or repairable by the inhabitants at large) intersected or interfered with by or contiguous to the said work and divert widen or alter the line or alter the level of any such existing street for the purpose of connecting the same with the said work ;
- (b) execute any works for the protection of any adjoining land or buildings ;
- (c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ;
- (d) alter or remove any lamp-post refuge railings or other structure erected upon any street or land ; and
- (e) raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit ;

and shall make compensation for any damage done by them in exercise of the powers of this section.

16. All lands acquired by the Corporation under this Act and laid into or appropriated as part of Broad Street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Land laid into street to form part thereof.

17. Any paving metalling or like materials excavated by the Corporation in the construction of the street work authorised by this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of street work.

18.—(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 city being a highway repairable by the inhabitants at large.

Variation of width of carriageways and footways.

(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.

PART III
—cont.

(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 canal or inland navigation or upon the approaches to any such bridge without the consent in writing of the railway canal or inland navigation 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.

PART IV

SANITATION AND BUILDINGS

Recovery of
cost of
maintaining
public sewers.

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

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

Delegation of
power to
examine and
test drains etc.

20.—(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 city for such period as may be specified in the resolution either as respects the whole of the city or as respects such part or parts thereof as may be so specified.

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

(a) that a sanitary convenience drain private sewer or cess-pool is in such a condition as to be prejudicial to health or a nuisance; or

(b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water ;

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

(3) If on examination the convenience drain sewer or 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.

21.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the city 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.

22.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the city without first giving notice to the Corporation Demolition of buildings.

PART IV
—cont.

of his intention so to do 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 material or rubbish 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.

(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 of the terms and conditions with which they require him to comply.

(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) 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.

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

(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 the British Transport Commission the Manchester Ship Canal Company or the National Coal Board and held by them for the purposes of their undertakings:

Provided that the exemption conferred by paragraph (b) 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.

(9) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 11 or section 26 respectively of the Housing Act 1936 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in the demolition order or clearance order (as the case may be) and the provisions of this section (except subsection (3)) shall apply accordingly.

23.—(1) Where the Corporation are satisfied that—

As to defective premises.

(a) any house in the city or the roof of any building in the city is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance; and

(b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or roof (in this section referred to as “the premises”) the procedure prescribed in sections 93 to 95 of the Act of 1936;

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

(2) Not later than the end of the seventh day after the Corporation have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the Corporation stating that he intends to remedy the defective state of the premises and if such person having duly served such counter-notice commences within such time thereafter as the Corporation consider reasonable to execute such works and take such steps as the Corporation may consider

PART IV
—cont.

necessary to remedy such defective state and so long as he progresses to the satisfaction of the Corporation with the execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such premises.

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

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

- (i) the alleged defective state did not exist at the time of the service of the notice ; or
- (ii) the need to abate the defective state was not so urgent as to justify the Corporation themselves executing such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936 ; or
- (iii) the person upon whom the notice was served having duly served a counter-notice under subsection (2) of this section commenced within a reasonable time and progressed reasonably with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the premises.

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

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

Provided that the court shall not have power to make any such order or apportionment as aforesaid :

in respect of any such other person in any case where the defective state of the premises arose or continued either wholly or in part by reason of or in connection with withdrawal of support from the premises by that other person in the course of mining operations.

(c) Where the original defendant seeks to avail himself of the provisions of paragraph (b) of this subsection—

(i) the Corporation as well as the person to whose default or unlawful act or sufferance the original defendant alleges that the defective state of the premises is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

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

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

24.—(1) If it appears to the Corporation that any party or boundary walls of any court or courtyard attached to or forming part of any dwelling-house in the city or the fences or doors of any such court or courtyard have collapsed or been pulled down or are in danger of collapsing or are otherwise in such a state of disrepair as to be seriously detrimental to the amenities of the inhabitants of or in the neighbourhood of such dwelling-house the Corporation may by notice require the owner or occupier of the dwelling-house to carry out such works (including the rebuilding reinstatement or repair of any such wall fence or door) as are reasonably necessary to restore or preserve such amenities as aforesaid. Repair of walls etc. of yards.

(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.

PART V

NUISANCES

As to deposit
of rubbish.

25.—(1) If it appears to the Corporation that there is on any vacant site in the city an accumulation of rubbish which is unsightly or otherwise detrimental to the amenities of the neighbourhood and ought to be removed the Corporation may do what they consider necessary to remove the accumulation and to prevent recurrence thereof and may recover the expenses incurred by them in so doing from the person by whose act or default the accumulation of rubbish was caused.

(2) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied to this Act that section shall apply to all rubbish removed by the Corporation under this section.

(3) This section shall not apply to rubbish accumulated—

(a) on any land in the city in the course of building operations or a work of demolition so long as the operations are or the work is proceeding and for a reasonable period thereafter ;

(b) on any land coloured pink on the plan signed in duplicate by Robert Ribblesdale Thornton on behalf of the Corporation and by Charles Ernest Lucette on behalf of the Manchester Ship Canal Company one copy of which has been deposited with the town clerk and the other with the secretary of the said company.

(4) In this section “ rubbish ” means any rubble metal wood glass china earthenware tin cardboard paper flock rags or other refuse and any organic matter (whether waste or dead animal) but does not include any such materials or things which have been accumulated for and are reasonably required for the carrying on of any business.

Noise
nuisance.

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

Provided that—

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

(b) a justice shall not entertain a complaint under section 99 of the Act of 1936 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 affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

PART V
—cont.

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

PART VI

WEIGHTS AND MEASURES

27. In their application within the city the provisions of sections 20 to 22 24 to 26 27 (as amended by section 31 (Amendment of section 27 of Weights and Measures Act 1889 in its application to city) of the Act of 1948) and 29 of the Weights and Measures Act 1889 shall extend to wood fuel and peat fuel subject to and in accordance with the following provisions:—

Application of
Weights and
Measures Act
1889.

(a) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweight shall include references to any quantity of wood fuel or peat fuel exceeding two hundredweight;

(b) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference to wood fuel or peat fuel in any quantity of fourteen pounds or over but not exceeding two hundredweight;

(c) Any other reference to coal in the said sections 20 to 22 24 to 26 27 (as amended by the said section 31 of the Act of 1948) and 29 shall include a reference to any quantity of wood fuel or peat fuel of fourteen pounds or over.

28. The Corporation may make byelaws—

Byelaws
relating to
wood fuel etc.

(a) regulating for the purposes of this Part of this Act and the Weights and Measures Act 1889 the sale of wood fuel and peat fuel in quantities of fourteen pounds or over but not exceeding two hundredweight;

(b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which wood fuel or peat fuel is carried for sale or delivery to a purchaser;

PART VI
—cont.

(c) prescribing the distance beyond which wood fuel or peat fuel is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of section 27 of the Weights and Measures Act 1889 as applied by this Part of this Act.

Penalty for fraud.

29. If any person wilfully makes any false statement as to the weight of any wood fuel or peat fuel which is being sold or delivered or offered or exposed for sale in the city or as to the tare weight of a vehicle used for the delivery of wood fuel or peat fuel in the city or wilfully increases the weight of any such wood fuel or peat fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of the wood fuel or peat fuel is or may be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds and the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding two months.

Application of certain provisions of Act of 1948 to wood fuel etc.

30.—(1) The provisions of the sections of the Act of 1948 hereinafter mentioned shall extend and apply to the sale within the city of wood fuel and peat fuel and those sections shall accordingly be read and have effect as if the references therein to coal or coke included references to wood fuel and peat fuel.

(2) The sections of the Act of 1948 referred to in subsection (1) of this section are the following:—

Section 30 (Requirements as to vehicles carrying coal or coke for sale or delivery on sale) ;

Section 32 (As to sale of coal or coke otherwise than in sacks from a vehicle) ;

Section 33 (As to sale in sacks of coal or coke in quantities exceeding two hundredweight).

Deficient weight measure or number.

31.—(1) If any person in the city—

(a) sells or delivers or makes up or exposes for sale or delivery by weight or measure ; or

(b) sells or delivers or sets apart keeps or exposes for sale or delivery in numbers ;

any article or articles of which the weight measure or number (as the case may be) when ascertained by an inspector of weights and measures of the Corporation under the following provisions of this section is less than the weight measure or number thereof which has been represented by such person he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and for any subsequent offence to a penalty not exceeding ten pounds.

(2) Any inspector of weights and measures of the Corporation on production if required of his authority under the Weights and Measures Acts 1878 to 1936 may at all reasonable times—

(a) enter any building or other place in the city in which he has reasonable cause to believe that any article is sold or is made up or exposed for sale by weight or measure or that any articles are sold or set apart or kept or exposed for sale in numbers ; or

(b) inspect any vehicle which he has reasonable cause to believe is carrying articles for sale or delivery by weight or measure or in numbers in the city ; or

(c) stop any person whom he has reasonable cause to believe is carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery in the city ;

and weigh measure or number any such article or articles or require any such article or articles to be weighed measured or numbered in his presence.

(3) If the inspector of weights and measures has reasonable cause to believe that the weight measure or number of any such article or articles when so ascertained is less than the weight measure or number thereof which has been represented by the person who has sold delivered or made up set apart kept or exposed the same for sale or delivery he may for the purposes of proceedings under subsection (1) of this section seize impound and convey such article or articles to an office provided for the purpose by the Corporation.

(4) For the purposes of section 288 of the Act of 1936 as applied by this Act action wilfully taken by the driver or person in charge of any vehicle to avoid inspection of the vehicle by an inspector of weights and measures under this section by driving away or increasing speed when approached by such inspector shall be deemed to be obstruction.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any pre-packed article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be

PART VI
—cont.

a defence for the defendant to prove to the satisfaction of the court either—

- (a) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency ; or
- (b) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency ; or
- (c) in case of a pre-packed article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being contravened.

(7) A person against whom proceedings are brought in respect of an offence against this section (hereafter in this section referred to as “the original defendant”) shall upon information duly laid by him and on giving to the prosecution not less than three clear days’ notice of his intention be entitled to have any person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(8) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

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

(9) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and

nature of the alleged offence has been served on or sent by registered post to the defendant nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

(10) A prosecution under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions or the Corporation.

(11) In this section the expression "pre-packed article" means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be pre-packed unless the contrary is proved.

(12) The provisions of this section shall not apply to the sale of coal coke or wood fuel nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

32.—(1) (a) All weighing-machines in the city shall be registered with the Corporation in accordance with the provisions of this section and any person who shall keep a weighing-machine which shall not have been so registered before being made available for the use of the public shall be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

Registration of
weighing-
machines.

(b) There shall be paid to the Corporation the sum of five shillings in respect of the registration of each weighing-machine.

(c) The registration of a weighing-machine shall continue in force until the thirty-first day of December next after the date on which it was granted or renewed but may be from time to time renewed in the ensuing month of January without fee on the application of the owner of such weighing-machine.

(d) The registration shall be subject to such conditions as to the siting and construction of the weighing-machine as may be attached thereto by the Corporation who may refuse to register or to renew the registration of a weighing-machine in respect of which there is a failure to comply with any such condition:

Provided that no conditions attached to the construction of a weighing-machine shall conflict with—

- (a) the principles of construction of a weighing-machine made in accordance with a pattern for which a certificate has been issued by the Board of Trade under section 6 of the Weights and Measures Act 1904; or

PART VI
—cont.

(b) the requirements of any regulations made by the Board of Trade under the Weights and Measures Acts 1878 to 1936.

(2) In this section the expression “weighing-machine” means a weighing-machine which is constructed or used for ascertaining the weight of any vehicle or the loading thereof and for the use of which by the public for that purpose a charge is made.

(3) Any person aggrieved by the refusal of the Corporation to grant or renew the registration of a weighing-machine under this section or by any conditions attached to such registration under subsection (1) may appeal to a magistrates’ court.

Commencement of certain provisions of Part VI.

33.—The foregoing provisions of this Part of this Act shall come into operation on the appointed day.

Power to charge for use of weighbridge testing unit.

34.—(1) The Corporation may if they think fit hire out any weighbridge testing unit or any other appliance provided by them for testing of weighbridges or weighing instruments to any local authority or person on such terms and conditions as the Corporation may from time to time prescribe.

(2) Nothing in this section shall affect or modify the requirements of the Weights and Measures Acts 1878 to 1936 in relation to the custody and use of local standards or working standards of weight or of measure.

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

Application of section 4 of Weights and Measures Act 1889.

35. Section 4 of the Weights and Measures Act 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under—

(a) sections 20 to 22 and 24 to 27 and 29 of the Act of 1889 as extended by—

(i) Section 28 (Application to sale of coke of Weights and Measures Act 1889) of the Act of 1948 to coke;

(ii) Section 34 (Application of Part V of Act) of the Act of 1948 to any solid fuel derived from coal or of which coal or coke is a constituent;

(iii) Section 27 (Application of Weights and Measures Act 1889) of this Act to wood fuel and peat fuel; and

PART VI
—cont.

(b) the following sections of the Act of 1948:—

Section 29 (Penalty on fraudulent sale);

Section 30 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);

Section 32 (As to sale of coal etc. otherwise than in sacks from a vehicle);

Section 33 (As to sale in sacks of coal etc. in quantities exceeding two hundred-weight);

(c) Section 31 (Deficient weight measure or number) of this Act.

36. The sections of the Salford Improvement Act 1862 the numbers and marginal notes of which are set out in the first and second columns respectively of the First Schedule to this Act shall have effect subject to the amendments thereof respectively which are specified in the third column of the said schedule For the purposes of the said sections as so amended "vehicle" does not include a railway truck or waggon.

Amendments of certain provisions of Salford Improvement Act 1862.

PART VII

FINANCE

37.—(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 without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

Power to borrow.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART VII
—cont.
Modification
of mortgages.

38.—(1) Notwithstanding anything contained in section 34 (Mortgages to be charged on all funds etc. of Corporation) of the Salford Corporation Act 1900 or in the Fifth Schedule to that Act or in any other enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and the person for the time being entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and for the time being not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an agreement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative and as from the date of any such agreement the provisions of the deed by which such mortgage was originally granted shall operate and take effect as modified by such agreement.

(2) Section 40 (As to extensions of time for repayment of and alteration of rates of interest on mortgages of Corporation) of the Act of 1948 shall be and is hereby repealed.

PART VIII

MISCELLANEOUS

Byelaws as to
pleasure fairs.

39.—(1) The Corporation may make byelaws—

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

(2) In this section 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.

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

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;

- (c) merry-go-rounds roundabouts swings switchback railways ;
 - (d) coconut shies hoop-las shooting galleries ;
 - (e) dodgems or other mechanical riding or driving contrivances ;
 - (f) automatic or other machines intended for entertainment or amusement ;
 - (g) anything similar to any of the foregoing.
- (4) Nothing in this section or the byelaws made thereunder shall apply to—
- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
 - (b) any place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place ; or
 - (c) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
 - (d) any entertainment the profits whereof are devoted to a religious or charitable purpose.
- (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 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.

40.—(1) As from the appointed day no person shall carry on Hairdressers the business of a hairdresser's or barber's shop on any premises and barbers. in the city 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

PART VIII

—cont.

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 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 paragraph (b) of the last preceding 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

(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.

41.—(1) The Corporation may collect and carry to any public washhouse provided by them clothes and other articles intended to be washed there and may carry from any such washhouse and deliver clothes and other articles which have been washed there.

PART VIII
—cont.

Collection and
delivery of
washing.

(2) The Corporation shall make such charges for the service provided by them under this section as will taking one year with another produce a revenue sufficient to meet the expenses of providing it.

(3) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

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

Extension of
power to
maintain burial
grounds.

(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 city 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.

PART VIII
—cont.

(5) Unless within three months after the first publication of the notice as 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 Manchester 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.

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

43.—(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.

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

PART VIII
—cont.

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.

PART IX

GENERAL

45. 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 28 (Byelaws relating to wood fuel etc.) of this Act the confirming authority shall be the Board of Trade and in the case of byelaws made under section 39 (Byelaws as to pleasure fairs) the Secretary of State.

Confirming authority for byelaws.

46.—(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.

47.—(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.

Appointed day.

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

PART IX
—cont.

(3) The Corporation shall cause to be published in a local newspaper circulating in the city 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 licensing or registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

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

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

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 49 (Appeals) of this Act.

Restriction on
right to
prosecute.

48. Proceedings in respect of an offence created by or under this Act (except Part VI (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

49.—(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 such appeals under any enactment in that Act and sections 301 and 302 of the Act of 1936 shall apply accordingly.

(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 within which any such appeal may be brought 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.

50. 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.

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

Application of general provisions of Act of 1936.

(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 IV (Sanitation and buildings) ;

Part V (Nuisances).

(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 Part IV (Sanitation and buildings) of this Act.

(4) The section of the Act of 1936 mentioned in Part IV 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 section 32 (Registration of weighing-machines) section 39 (Byelaws as to pleasure fairs) and section 40 (Hairdressers and barbers).

PART IX

—cont.

Saving for
Duchy of
Lancaster.

52. Nothing in this Act contained shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said Chancellor shall deem necessary or appropriate) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by Her Majesty Her Heirs and successors in right of Her said Duchy.

Saving for
town and
country
planning.

53. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

54. All costs charges and expenses of and incidental to the preparation of and application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund of the city or out of moneys to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

AMENDMENTS OF CERTAIN SECTIONS OF THE SALFORD
IMPROVEMENT ACT 1862

Number of section 1	Marginal note 2	Amendments 3
122	Corporation may erect Weighing-Machines.	For the word "Carts" in both places where that word occurs there shall be substituted the word "vehicles".
123	Drivers of Carts etc. to go to Weighing-Machines at Request of Buyers.	For the word "Cart" wherever that word occurs there shall be substituted the word "vehicle" after the words "their respective Agents" there shall be inserted the words "or of an inspector of weights and measures"; the words "provided by the Corporation" and the words from "for every Horse drawing the same" to "the purpose aforesaid" shall be omitted for the words "a Quarter of a Mile" there shall be substituted the words "half a mile" for the word "Twopence" there shall be substituted the word "sixpence".
124	Penalty on Drivers refusing to go to Weighing-Machines.	For the word "Cart" there shall be substituted the word "vehicle" for the words "Forty Shillings" there shall be substituted the words "five pounds".
125	Penalties on Owners or Drivers of Carts committing Frauds as to Weight.	For the word "Cart" wherever that word occurs there shall be substituted the word "vehicle" for the words "Five Pounds" there shall be substituted the words "ten pounds".
126	Penalty on Purchaser committing Fraud in weighing.	For the word "Cart" wherever that word occurs there shall be substituted the word "vehicle".
127	Penalties for Frauds committed by the Machine Keeper.	For the word "Cart" wherever that word occurs there shall be substituted the word "vehicle".
130	Tolls to be paid to Persons authorised before the same are weighed etc.	For the word "Carts" in both places where that word occurs there shall be substituted the word "vehicles".

SECOND SCHEDULE
SECTIONS OF ACT OF 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.
286	Proof of resolutions 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.

PART II
SECTIONS APPLIED TO PARTS IV AND V OF THIS ACT

Section	Marginal note
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.
293	Recovery of expenses etc.
294	Limitation of liability to 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 PART IV OF THIS ACT

2ND SCH.
—cont.

Section	Marginal note
275	Power of local authority to execute work on behalf of owners or occupiers.

PART IV

SECTION APPLIED TO PARTS IV AND V AND
SECTIONS 32 39 AND 40 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.
Lands Clauses Consolidation Acts Amendment Act 1860.	23 & 24 Vict. c. 106.
Salford Improvement Act 1862	25 & 26 Vict. c. ccv.
Public Health Act 1875	38 & 39 Vict. c. 55.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Salford Corporation Act 1900	63 & 64 Vict. c. ccxx.
Weights and Measures Act 1904	4 Edw. 7 c. 28.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5 c. 57.
Salford Corporation Act 1920	10 & 11 Geo. 5 c. cxlviii.
Sale of Food (Weights and Measures) Act 1926	16 & 17 Geo. 5 c. 63.
Local Government Act 1929	19 & 20 Geo. 5 c. 7.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Road and Rail Traffic Act 1933	23 & 24 Geo. 5 c. 53.
Salford Corporation Act 1933	23 & 24 Geo. 5 c. lxxxix.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Trade Marks Act 1938	1 & 2 Geo. 6 c. 22.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6. c. 31.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Salford Corporation Act 1948	11 & 12 Geo. 6 c. xxxv.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Salford Corporation Act 1949	12 & 13 Geo. 6 c. xlvi.

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